

RESIDENTIAL EVICTION MORATORIUM **EXTENDED TO 10/15/20**

BACKGROUND

On February 29, 2020, Governor Inslee proclaimed a state of emergency in the State of Washington in response to the emerging COVID-19 pandemic. On March 18, 2020, Governor Inslee issued Proclamation 20-19, an eviction moratorium that prohibited residential evictions until April 17, 2020. Governor Inslee later extended the eviction moratorium until June 4, 2020, with an expanded scope to include commercial tenants, and later extended it again until August 1, 2020. On July 24, 2020, Governor Inslee extended the eviction moratorium until October 15, 2020, with Proclamation 20-19.3, clarifying law enforcement service of eviction orders allowed during the eviction moratorium.

SUMMARY OF PROCLAMATION 20-19.3

(i) Residential Tenant Eviction Moratorium Extension

Washington's residential eviction moratorium is extended until October 15, 2020.

(ii) Prohibition on Residential Tenant Evictions and Costs

- Landlords are prohibited from serving, enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate, regardless of whether the lease has expired or will expire during the eviction moratorium
- Landlords are prohibited from seeking, enforcing, or threatening to seek or enforce, judicial eviction orders or agreements to vacate tenants
- Local law enforcement is prohibited from serving, threatening to serve, or otherwise acting on eviction orders relating to tenants, unless the eviction order clearly states it was issued based on the court's finding that the eviction is based on the following exceptions to the above-referenced prohibitions:
 - (1) the eviction is necessary because the tenant poses a significant and immediate risk to the health or safety of others (excluding issues related to COVID-19 exposure), or
 - (2) the landlord provides at least 60 days' written notice to the tenant that it is the landlord's intent to either sell the property or personally move into the property as a primary residence.
- Landlords are prohibited from assessing, or threatening to assess, late fees for non-payment or late payment of rent or other charges against tenants that first occurred on or after February 29, 2020
- Landlords are prohibited from assessing, or threatening to assess, rent or other charges against a tenant during any period in which the tenant could not access or occupy the dwelling as a result of COVID-19
- Landlords are prohibited from increasing, or threatening to increase, rent or the amount of any deposit of any tenant

- Landlords are prohibited from retaliating against tenants invoking their rights under the eviction moratorium or any other state or federal law providing rights or protections for tenants
 - Landlords are prohibited from treating any unpaid rent or other charges from a tenant as an enforceable debt or obligation if the nonpayment was the result of COVID-19
 - This includes attempts to collect, threats to collect, use of collection agency, filing of unlawful detainer, withholding security deposit, reporting to credit bureaus, and more
 - But this prohibition does not apply to landlords that provide evidence that the tenant refused or failed to comply with a reasonable re-payment plan
 - Failure by the landlord to offer a reasonable re-payment plan will provide the tenant a defense to any lawsuit or other attempts to collect
- * These prohibitions apply if a tenant has stayed in temporary housing, such as hotels, Airbnbs, RVs, etc., for at least 14 days

(iii) Prohibition on Commercial Tenant Costs

- Landlords are prohibited from increasing, or threatening to increase, rent or the amount of any deposit of any commercial tenant materially impacted by COVID-19
 - This prohibition does not apply to prearranged contractual rent increases with commercial tenants entered into prior to February 29, 2020

Please do not hesitate to contact us with any questions or concerns you may have.

Best regards,



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