



CITY OF ABERDEEN
200 East Market Street, Aberdeen, Washington 98520

NOTICE: RCW 42.30 Open Public Meetings Act compliance during the COVID-19 public health crisis has been altered as long as the Governor’s “Stay Home, Stay Safe” Order is in place. In compliance with that Order, and under the guidance of the Washington State Attorney General, supplemented on March 26, 2020, the City Council meeting will be held using telephone audio conferencing. This will allow the public to listen into the meeting.

To listen to this meeting:

DAY/DATE: Wednesday April 29, 2020
TIME: 7:00 PM (Meeting will be called to order at 7:15 PM)
DIAL-IN NUMBER: (425) 585-6257
ACCESS CODE: 618-313-093 # (you must include the # symbol)

For the immediate future under the Order and associated Guidance, the City Council meeting will not include public comment periods. **If you wish to submit any comments in advance, please email your comments to Cliff Frederickson, cfrederickson@aberdeenwa.gov and they will be shared with City Council.** Please be sure to put “CITY COUNCIL PUBLIC COMMENT” in the subject line.

The City of Aberdeen requests that you provide your full name. If you reside in Aberdeen, please also include your Ward Number; if you do not reside in Aberdeen please let us know where you live.



****AMENDED****

ABERDEEN CITY COUNCIL

April 29, 2020

COUNCIL MEETING AGENDA

7:15 PM - TELEPHONIC MEETING

COMMITTEE OF THE WHOLE

- A. Guest Speakers
- B. Department Heads
- C. Mayor's Report
- D. Non-Standing Committee Reports

COUNCIL MEETING

I. ROLL CALL

II. APPROVAL OF MINUTES

III. ADDITIONS / DELETIONS

IV. PUBLIC COMMENTS – READ INTO RECORD

V. FINANCE COMMITTEE

- A. Committee Chair Report
- B. Approval of expenditures
- C. Public Hearings
- D. Reports & Communications
 - 1. (AI) Report and recommendation from the Finance Committee and Parks Director that the City Council authorize the Mayor to direct Alex N. Sill Company to follow a preferred option to settle the City's insurance claim arising from the June 9, 2018 fire.
- E. Resolutions
- F. Ordinances

VI. PUBLIC WORKS

- A. Committee Chair Report
- B. Reports & Communication
 - 1. (AI) Report and Recommendation from the Public Works Committee and Public Works Director that the City Council shall authorize the Public Works Department to submit an application for a Public Works Board loan for up to \$1,000,000.00 to fund reconstruction of the portion of Basich Boulevard damaged by landslide over the winter of 2019-2020, and the Public Works Director shall be authorized to sign the Applicant Certification for the application.
- C. Resolutions
- D. Ordinances

VII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Hearings
- C. Reports & Communications

- 1. (AI) Report from Ad Hoc Committee of Homeless response and Corporation Counsel recommending that the City Council rescind the March 11, 2020, and the April 8, 2020, authorizations to close the Temporary Alternative Shelter Location (“TASL”), and extend the Temporary Use Permit and authorize the budget required to maintain TASL operations in compliance with the Governors Proclamations 20-19 and 20-19.1 as they may be amended, and provide such notice to current TASL participants.

- D. Resolutions
- E. Ordinances

VIII. SPECIAL AGENDA ITEMS

- A. Reports & Communication
- B. Proclamations
- C. Resolutions
- D. Ordinances
- E. Appointments

IX. CITY COUNCIL COMMENT PERIOD

X. EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Human Resources Department at 360-537-3207, 48 hours in advance of the meeting.
Thank you.

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**CITY OF ABERDEEN
LEGISLATIVE DEPARTMENT**

Mr. Mayor: Hon. Pete Schave

**The Members of
Your Committee On:** **Finance Committee and the Parks Director**

In Reference To: **June 9, 2018 Armory Fire: *Insurance Settlement***

Reports and recommendations as follows:

As approved at the October 24, 2018 City Council meeting, the City of Aberdeen hired Alex N. Sill Company (“Sill Co.”) as their Public Adjuster representing the City’s interest in the insurance claim related to the Armory Fire on June 9, 2018. Sill Co. has been in negotiations with the City’s Insurance Companies since January 2019. An executive session to discuss on-going settlement negotiations is anticipated, and which will include updated information from the Sill Co. adjuster.

Recommend as follows:

It is recommended that the City Council authorize the Mayor to direct Alex N Sill Company to follow a preferred option to settle the City’s insurance claim arising from the June 9, 2018 fire.

Stacie Barnum, Parks Director

Debbie Ross, Chair

Kati Kachman, Vice Chair

Reported: April 29, 2020

John Maki

Adopted: _____

Dee Anne Shaw

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**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

MAYOR: Pete Schave

**THE MEMBERS OF
YOUR COMMITTEE ON:** Public Works and the Public Works Director

TO WHOM IT WAS REFERRED: Authorization to Apply for Public Works Board
Emergency Loan

REPORTS AS FOLLOWS: The Public Works Department has identified emergency loan funding from the Washington State Public Works Board for reconstructing and repairing the destroyed roadway and utilities on Basich Boulevard. The initial rough construction cost estimate is \$500,000 to \$750,000 plus approximately \$120,000 in engineering and consultant fees. To account for contingencies and unknowns, the Public Works Director and City Engineer recommend applying for \$1,000,000 in loan funds. The loan terms that the City qualifies for will be determined based upon the City's submitted application.

IT IS RECOMMENDED: The City Council shall authorize the Public Works Department to submit an application for a Public Works Board loan for up to \$1,000,000 to fund reconstruction of the portion of Basich Boulevard damaged by landslide over the winter of 2019-2020, and the Public Works Director shall be authorized to sign the Applicant Certification for the application.

Rick Sangder
Public Works Director

Tim Alstrom, Chair

Nathan Kennedy, Vice-Chair

Reported _____, 2020

Joshua Francy, Member

Adopted _____, 2020

Attachment - Applicant Certification

WHEREAS, City of Aberdeen is applying to the Washington State Public Works Assistance Account program for a low-interest loan for eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCA, and must have adopted development regulations in conformance with requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70.95 requires a comprehensive Solid Waste Management Plan to be adopted by the city or county; and

WHEREAS, RCW 70.235 requires Greenhouse Gas Emission Reduction requirement; and

WHEREAS, RCW 43.155.070(8) requires that solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

WHEREAS, the applicant certifies that it has a currently adopted plan for each and every one of the systems it owns and operates and that these plans fully conform to the specifics within this application; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in chapter 82.46 RCW; and

WHEREAS, the local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

WHEREAS, the applicant states that their Capital Facility Plan is consistent with the Comprehensive Land Use Plan of the jurisdiction in which they provide service; and

WHEREAS, the local governing body has approved submission of this application for a Public Works Assistance Account; and

WHEREAS, the applicant certifies that if they have permitting authority (Counties and Cities) that they have developed and are adhering to guidelines regarding their permitting process for those applying for development permits consistent with section 1(2) of Chapter 31, 2007 laws.

WHEREAS, the applicant certifies that, there is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the applicant from repaying the Public Works Assistance Account loan extended by the Public Works Board with respect to such project. The applicant is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.

WHEREAS, the applicant recognizes and acknowledges that the information in the application forms is the only information, which will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness to all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060 requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed the maximum amount allowed by the Board of eligible costs incurred for the project; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and Aberdeen Public Works Director Rick Sangder has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement(s); and

NOW THEREFORE, City of Aberdeen certifies that it meets these requirements, and further that it intends to enter into a loan agreement with the Public Works Board, provided that the terms and conditions for a Public Works Assistance Account Loan are satisfactory to both parties.

Signed:

Name:

Rick Sangder

Title:

Aberdeen Public Works Director

Phone Number:

360 537-3228

Date:

April 29, 2020

Attest:

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

Mr. Mayor:

Hon. Pete Schave

The Members of:

Ad Hoc Committee of Homeless Response and Corporation
Counsel through Public Safety Committee

To whom was Referred:

**RESCIND Closure of the Temporary Alternative
Shelter Location (“TASL”) at the City Hall Parking
Lot; EXTEND Temporary Use Permit and
AUTHORIZE Budget to operate TASL**

REPORT AND RECOMMEND AS FOLLOWS:

On March 11, 2020, the City Council extended the Temporary Use Permit and budget for the Temporary Alternative Shelter Location (“TASL”) in the City Hall Parking lot in anticipation of financial assistance in its operation; in the event such funding was not forthcoming May 15, 2020, was to be the final date of TASL operations.

On March 18, 2020, Governor Inslee issued Proclamation 20-19, which placed a moratorium on evictions through May 4, 2020.

On April 8, 2020, in a restatement of the March 11, 2020, action City Council approved closing the TASL at the City Hall Parking Lot on May 15, 2020. Despite numerous requests and conversations, no County, State, Federal or private organizations committed resources to support its on-going operations.

On April 16, 2020, Governor Inslee issued Proclamation 20-19.1, which placed a moratorium on evictions through June 4, 2020, unless otherwise extended.

On Friday April 24, 2020, the City of Aberdeen was informed by the Office of the Washington State Attorney General that the state interprets Proclamations 20-19 and 20-19.1 to be applicable to the TASL and therefore the planned closure is prohibited under the Proclamations.

Therefore, it is recommended that the City Council rescind the March 11, 2020, and April 8, 2020, authorizations to close the TASL, and extend the Temporary Use Permit and authorize budget required to maintain TASL operations in compliance with Proclamations 20-19 and 20-19.1 as they may be amended, and provide such Notice to current TASL participants.

/s/ Patrice Kent
Patrice Kent, Corporation Counsel

Member: Tawni Andrews

Reported April 26, 2020

Member: Karen Rowe

Adopted: _____

Member: Dee Anne Shaw



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-19
Evictions**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, and 20-18, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce expect to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health, and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer) and RCW 59.18 (Residential Landlord Tenant Act) tenants seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in Chapter 43.185 RCW pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs"; and

WHEREAS, a temporary moratorium on evictions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to temporarily prohibit residential evictions statewide until April 17, 2020, as provide herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until April 17, 2020, I hereby prohibit the following activities related to residential evictions by all residential landlords operating residential rental property in Washington State:

1. Residential landlords are prohibited from serving a notice of unlawful detainer for default payment of rent related to such property under RCW 59.12.030(3).
2. Residential landlords are prohibited from issuing a 20-day notice for unlawful detainer related to such property under RCW 59.12.030(2), unless the landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-19**

**20-19.1
Evictions**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-50 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on March 20, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-607, and ordered that all non-emergency civil matters shall be continued until after April 24, 2020, except such motions, actions on agreed orders, conferences or other proceedings as can appropriately be conducted without requiring in-person attendance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;” and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who lawfully occupy or reside in less traditional dwelling situations that may or may not be documented in a lease, including, but not limited to, roommates who share a home; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; and camping areas; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities or employment in essential business services, and promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19 are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until June 4, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until June 4, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.

- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders or agreements to vacate involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that the individual(s) named in the eviction order is creating a significant and immediate risk to the health or safety of others.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident.**
- Landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent or the amount of any deposit for any dwelling or parcel of land occupied as a dwelling. This prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was not deemed essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health or safety of others created by the resident” (a) is one that is described with particularity, and cannot be established on the basis of the resident’s own health condition or disability; and (b) excludes residents who may have been exposed to, or may have contracted, the COVID-19, or who are following Department of Health guidelines regarding isolation or quarantine.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude for the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I strongly encourage every tenant to pay what they can, as soon as they can, to help support the landlords, property owners, and property managers who are supporting them through this crisis.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/_____
Secretary of State

Marquez, Patricio A
(ATG) <patricio.marquez@atg.wa.gov>

Fri, Apr 24, 4:52 PM

Dear Ms. Kent,

Thank you for speaking with me this afternoon concerning the City of Aberdeen's April 10, 2020, Notice of TASL (temporary alternative shelter location) Closure. As you know, on March 18, 2020, Governor Jay Inslee issued Proclamation 20-19 prohibiting "residential evictions by all residential landlords operating residential property in Washington State," revised and extended on April 16, 2020, by Proclamation 20-19.1. As stated in the Governor's Proclamation, the COVID-19 disease poses a high risk to our most vulnerable populations. The Governor issued the Proclamation after finding, among other things, that it was critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who lawfully occupy or reside in less traditional dwelling situations that may or may not be documented in a lease, including, but not limited to, roommates who share a home; transient housing in hotels and motels; "Airbnbs;" motor homes; RVs; and camping areas.

In response to the health and safety risks identified above, the Proclamation declares a moratorium not only on *evictions, but also on serving notices or taking other actions that are part of the process of evicting a resident—including serving or enforcing any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling—unless the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.* The Proclamation also prohibits local law enforcement from serving or enforcing judicial eviction orders unless the eviction order clearly states that it was issued based on a court's finding that the individual(s) named in the eviction order is creating a significant and immediate risk to the health or safety of others. Proclamation 20-19.1, which is currently in effect and runs through June 4 unless extended, is accessible online at <https://www.governor.wa.gov/sites/default/files/proclamations/20-19.1%20-%20COVID-19%20Moratorium%20on%20Evictions%20Extension%20%28tmp%29.pdf>.

During the COVID-19 emergency, Governor Inslee has directed the Office of the Attorney General to enforce Proclamations 20-19 and 20-19.1 and other laws that protect tenants, including the Residential Landlord-Tenant Act, RCW 59.18, the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20, the Consumer Protection Act, RCW 19.86, and the Washington Law Against Discrimination, RCW 49.60. These laws protect the security of Washingtonians in their places of residence generally, as well as during this unprecedented economic and health crisis. The Attorney General's Office will act vigorously to ensure compliance.

As I indicated during our conversation, our office received information that the City of Aberdeen has engaged in conduct that may violate Proclamation 20-19.1. Specifically, we received a copy of the City's April 10 Notice of TASL Closure, effective May 15 at noon. According to the Notice, the TASL is "wholly funded by the City of Aberdeen" and, by May 15, "will have operated for 10 months" providing "secure overnight shelter and stability to over 125 individuals" in a City Hall parking lot. The Notices further indicates that the City has provided tent shelters, perimeter fencing, and a security screen, as well as a potable water source, handwashing station, sanicans, sharps containers, trash bins, dumpsters, a security shack, and security staff at the TASL.

While the Proclamation does not prohibit serving a notice that would require residents to vacate where “necessary to respond to a significant and immediate risk to the health or safety of others created by the resident,” the Notice of TASL Closure states that the Aberdeen City Council voted to close the TASL because “there was no other group that committed to fund, or help fund, the location.” The Notice of Closure, issued for these express reasons, appears contrary to the terms of Proclamation 20-19.1. Additionally, the conduct described above may also violate the Washington Law Against Discrimination to the extent it has a discriminatory effect on residents who are members of a protected class (e.g. individuals with a mental or physical disability, families with children, honorably discharged veterans or military members). See RCW 49.60.030(1)(c), .222(1)(f), (i).

Accordingly, the Attorney General’s Office requests that the City of Aberdeen immediately rescind the Notice of TASL Closure.

I look forward to hearing from you within the next five (5) business days, confirming in writing the actions the City of Aberdeen has taken or will take to comply with Proclamation 20-19.1. You may reach me at (206) 475-3627 or patricio.marquez@atg.wa.gov.

Sincerely,

Patricio Marquez

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