

**CITY OF SPOKANE
SPOKANE COUNTY, WASHINGTON**

**AMENDED EXECUTIVE DECLARATION OF CIVIL EMERGENCY OR DISASTER
IN THE CITY OF SPOKANE, WASHINGTON**

WHEREAS, the City of Spokane of Spokane County is presently faced with an emergency due to COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, on January 21, 2020, the Washington State Department of Health (DOH) has confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State's general public and creating an extreme public health risk that may spread quickly; and

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee issued a proclamation declaring a State of Emergency in all counties of the state of Washington in response to new cases of COVID-19 and has subsequently amended his proclamations to prohibit social gathering of over fifty people, closing all public and private schools state-wide, closing restaurants and others social gatherings; and

WHEREAS, the City is following the state Department of Health non-pharmaceutical interventions matrix in characterizing its level of response, and at the direction of the Spokane Regional Health District, are operating under voluntary isolation and quarantine for those who are exhibiting cold or flu-like systems; and

WHEREAS, based on guidance from federal, state, and local public health experts we are urging everyone in the Spokane community to take immediate steps to practice social distancing, including maximizing telecommuting options, embedding social distancing into organizations by postponing non-time-sensitive meetings or conducting them virtually, and minimizing the chances of exposure to anyone with weakened or compromised immune systems; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace; and

WHEREAS, Section 02.04.030 of the Spokane Municipal Code authorizes the Mayor to issue a declaration of civil emergency when there is a threat of death or injury of persons or the destruction of or damage to property requiring extraordinary and immediate measures to protect the public peace, safety and welfare; and

WHEREAS, an emergency that necessitates utilization of the emergency powers granted pursuant to RCW 38.52 and/or 35A.33; and

WHEREAS, the City is currently under a declared civil emergency which was declared by the Mayor on March 16, 2020 and ratified as amended by the City Council, pursuant to SMC 02.04.100; and

WHEREAS, the state of civil emergency continues to create negative impacts to our community, which necessitates this amended declaration.

NOW THEREFORE, AS THE MAYOR OF THE CITY OF SPOKANE WASHINGTON, I DECLARE AS FOLLOWS:

Section 1. Prior Declaration to Continue as Amended.

All the provisions of the Mayor's Declaration of Civil Emergency or Disaster, dated March 16, 2020 as amended and ratified by Council resolution, remain in effect, to the extent they do not conflict with this amended declaration. To the extent of any conflict, the terms of this Amended Declaration shall control.

Section 2. Eviction Moratorium.

- A. Effective immediately, a moratorium on residential and commercial evictions is hereby ordered to help mitigate the economic and public health disruption caused to workers, businesses and residents in Spokane by the COVID-19 pandemic and to protect the public health, safety and welfare.
- B. While this moratorium is in effect, a lessor of residential or commercial real property in the city of Spokane shall not initiate an unlawful detainer action, issue a notice of termination, or otherwise act on any termination notice, including any action or notice related to a residential or commercial rental agreement that has expired or will expire during the effective date of this moratorium, unless the unlawful detainer action or action on a termination notice is due to actions by the tenant constituting an imminent threat of damage to the property or to the health or safety of neighbors, the landlord, commercial lessor, or the tenant's or landlord's household members. Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium.
- C. Nothing in this ordinance prohibits a commercial lessor or landlord from seeking a no contact and/or exclusion order against any person who presents a significant threat to the health and safety of others or is likely to damage the property.
- D. During this moratorium, no late fees, interest or other charges due to late payment of rent shall be charged to tenants of residential housing units located within the city of Spokane.

- E. It shall be a defense in any pending eviction or commercial lease termination action that the eviction or termination would occur during the moratorium and is not justified by proven threats to the safety of others or the protection of the property unless the eviction or termination action is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, the commercial lessor, or the tenant's or landlord's household members. Given the public health emergency and public safety issues presented by this civil emergency, a court may grant a continuance of a hearing date to allow the eviction or lease termination action to be heard after the moratorium.
- F. The moratorium imposed by this Amended Declaration shall be in effect until the end of the Civil Emergency or until April 30, 2020, whichever occurs first.

Section 3. Moratorium on Foreclosure Actions.

- A. From the effective date of this amended declaration until April 30, 2020 or such date as the City Council, by resolution, has extended it, whichever occurs first, a moratorium on all foreclosure actions, including notices of default, for properties located in the City of Spokane is imposed, except for those foreclosures based on a financial instrument entered into after the signing of this Amended Declaration of Emergency, to help mitigate the economic impact of the COVID-19 pandemic and the resulting widespread business closures and job losses.
- B. Nothing in this declaration prevents any mortgage holder from enforcing any contractual obligations, including without limitation late fees, after the conclusion of this moratorium.
- C. It shall be a defense in any pending foreclosure action that the foreclosure would occur during the moratorium and is not justified by proven threats to the safety of others or the protection of the property. Given the public health emergency and public safety issues presented by this civil emergency, a court may grant a continuance of a hearing date to allow a foreclosure action to be heard after the moratorium.

Section 4. Protections for Vulnerable Community Members.

Local stores are encouraged to create and enforce, to the best of their ability and within the constraints of existing law, designated shopping hours for elderly and immunocompromised individuals in an attempt to mitigate these community members' risk of exposure to COVID-19.

Section 5. Effective Date.

This Amended Declaration and the initial Declaration shall be in full force and effect upon signature and shall continue until terminated.

Section 6. Ratification.

This amended emergency declaration shall be submitted to the City Council for ratification pursuant to SMC 02.04.060.

DATED this day 23rd of March, 2020.

Nadine Woodward
Mayor Nadine Woodward

Attest:

Approved as to form:

Jeni Roberts
City Clerk

Michael J. Pirolo
Assistant City Attorney

Date of Publication: _____

Effective Date: March 23, 2020

