



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney

Date: June 10, 2020

Subject: RESOLUTION RATIFYING CITY MANAGER EMERGENCY DIRECTIVE RELATED TO EXTENSION OF MORATORIUM ON SMALL BUSINESS TENANT EVICTIONS AND THE COVID-19 VIRUS

RECOMMENDATION:

City Council pass the attached Resolution ratifying the City Manager's emergency directive extension dated June 10, 2020, extending a moratorium on small business and nonprofit organization evictions in Kirkland due to nonpayment of rent or the expiration of leases during the pendency of the COVID-19 and civil unrest proclamations of emergency. The initial emergency eviction moratorium directive expired at the end of May. The City Manager's extension would last until the proclamations have been rescinded or for 60 days, whichever occurs sooner.

BACKGROUND DISCUSSION:

Through a series of actions taken by the Washington Governor to help slow the spread of the COVID-19 virus throughout the state, most notably including the order to close all non-essential businesses and projects, numerous businesses and residents of the state and Kirkland have suffered and will continue to suffer significant financial damages, including loss of business income, layoffs and reduced hours for a significant percentage of the workforce.

Jurisdictions across the nation, including the City of Seattle, have implemented eviction prevention measures to provide small business and nonprofit organization stabilization support during this unprecedented public health emergency. The extension of the City's temporary moratorium on small business and nonprofit tenant evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by providing small businesses with stable locations from which to operate during and immediately after the public health emergency, thus reducing the number of small businesses declaring bankruptcy and closing during the economic downturn caused by the public health emergency. The City Manager's initial eviction moratorium dated March 31, 2020 was ratified by the City Council through Resolution R-5414 on that same date.

In addition, on June 1, 2020 the City Manager proclaimed an emergency to exist in Kirkland due to civil unrest related to the death of George Floyd while in police custody in Minneapolis and subsequent nation-wide protests related to systemic racism and injustice in this country. These demonstrations have been peaceful in Kirkland but have impacted the ability of small

businesses in Kirkland to operate normally from time to time.

Article XI, Section 11 of the Washington State Constitution grants the City broad police powers to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," including during public health emergencies and disasters. The Resolution ratifying the City Manager's emergency directive extension will confirm City Council's agreement that such directive represents an appropriate, interim exercise of the City's police power authority.

Attachments: Resolution
Emergency Directive Extension