

COVID EVICTION MORATORIUM UPDATES:

CDC EVICTION MORATORIUM AND SEATTLE LANDLORD LAWSUIT

CDC Residential Eviction Moratorium Through 2020

The Centers for Disease Control and Prevention has issued a federal residential eviction moratorium under Section 361 of the Public Health Service Act, preventing certain evictions in the United States through the end of 2020. But the CDC moratorium only applies in states or local jurisdictions that do not have their own eviction moratorium providing at least as much tenant protection as the CDC moratorium. The CDC moratorium also allows states and local jurisdictions to issue future eviction moratoria that can supersede the CDC moratorium.

Accordingly, the CDC moratorium seems to apply to Washington state generally if the state's moratorium expires on October 15 as scheduled. If Washington's moratorium is extended until year-end 2020, the CDC moratorium will likely continue to be superseded by state law. The CDC moratorium appears to not apply in Seattle, where the moratorium currently lasts through year-end 2020.

Summary of Tenant Protections

- Tenants, lessees, or residents of residential properties are protected from eviction through the end of 2020 if they each provide their landlord with a signed Declaration provided by the CDC, or a similar form, which states under penalty of perjury that:
 1. The individual has used best efforts to obtain all available government assistance for rent or housing;
 2. The individual either (i) expects to earn no more than \$99,000 in income for 2020 (or \$198,000 if filing a joint tax return), (ii) was not required to report any income to the IRS in 2019, or (iii) received a stimulus check as part of the CARES Act;
 3. The individual is unable to pay the full rent due to substantial loss of household income, loss of hours or wages, a lay-off, or extraordinary out-of-pocket medical expenses;
 4. The individual is using best efforts to make timely partial payments that are as close to full payments as possible under the circumstances; and
 5. The individual would likely become homeless if evicted, or would be forced to live in close quarters in a new shared living situation.
- The CDC moratorium does not provide rent forgiveness of past-due amounts.
- Landlords may still pursue evictions against those that do not meet the criteria outlined above.

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Seattle Landlord Lawsuit Challenging Washington and Seattle Moratoria

A group of Seattle landlords have filed a complaint in U.S. District Court challenging the constitutionality of the eviction moratoria issued by Governor Inslee and Mayor Durkan. It's uncertain how the federal court will receive this lawsuit, but a similar challenge was recently dismissed by the federal court in New York.

RESOURCE: Prior Summaries of Washington and Seattle Moratoria

[HCMP Update: Seattle Eviction Moratorium Extended to 1/1/21](#)

published 8/3/20

[HCMP Update: Residential Eviction Moratorium Extended to 10/15/20](#)

published 7/27/20

[HCMP Update: CB 119829 Suspension of Personal Guarantees](#)

published 7/22/20

[HCMP Update: King County Ordinance 2020-0191](#)

published 6/25/20

[HCMP Update: Washington State Rent Changes](#)

published 6/3/20

[HCMP Eviction Moratorium Update: Seattle City Council Bills 119784, 119787 & 119788](#)

published 5/12/20

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

Best regards,



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