



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

August 13, 2020

AL TSA: AFH #2020-039
AL TSA: ALF #2020-039
AL TSA: ESF #2020-030
AL TSA: NH #2020-058
AL TSA: ICF/IID #2020-031
AL TSA: CCRSS #2020-029

EVICT ION MORATOR IUM DURING COVID-19 OUTBREAK

Dear Provider / Administrator / Superintendent:

On July 24, 2020, Governor Inslee extended his moratorium on evictions by issuing Proclamation [20-19.3](#). The moratorium applies to Long Term Care Facilities and temporarily prohibits the following activities:

- Serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling.
- Seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling.
- Assessing, or threatening to assess, late fees for the non-payment or late payment of rent.
- 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.
- 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.
- Increasing, or threatening to increase, the rate of rent for any dwelling, parcel of land occupied as a dwelling.
- Retaliating against individuals for invoking their rights or protections under previous eviction moratorium proclamations, or any other state or federal law providing rights or protections for residential dwellings.

The Proclamation allows operators of long-term care facility to discharge or transfer a resident for health or safety reasons in accordance with the current requirements in the laws and rules applicable to their setting, including but not limited to [RCW 70.129.110 Disclosure, transfer, and discharge requirements](#) and [RCW 74.42.450 Reasonable Accommodation](#). However, the Proclamation prohibits discharge or transfer of a resident for failure to pay rent.

The prohibitions on taking action to have a resident vacate a dwelling do not apply where there is a significant and immediate risk to the health, safety, or property of others created by the resident. However, the fact that a resident has been exposed to COVID-19 or has contracted COVID-19 is not sufficient, by itself, to meet this exception.

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The Department's expectation is that providers will abide by the Proclamation's prohibitions. Allegations of violations may result in an investigation by Residential Care Services or a referral to the Civil Rights Unit of the Attorney General's Office. Violation of any of the Proclamation's prohibitions may result in criminal penalties under [RCW 43.06.220\(5\) State of Emergency](#). Providers are encouraged to seek independent legal counsel for advice if they are considering relying on the "significant or immediate risk" exception or if they have questions about the application of any of the Proclamations' requirements to their business operations.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact your local RCS Field Manager.

Sincerely,



Candace Goehring, Director
Residential Care Services

DSHS: "Transforming Lives"