

Bond Case Briefs

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MUNICIPAL ORDINANCE - WASHINGTON

City of Seattle v. Long

Supreme Court of Washington - August 12, 2021 - P.3d - 2021 WL 3556950

Truck owner sought review of municipal court order requiring him to reimburse city \$547.12 for impoundment costs via payment plan of \$50 per month, for truck that served as owner's home and that was impounded for violation of city's 72-hour parking ordinance.

The Superior Court affirmed in part and reversed part. City petitioned for discretionary review, and owner cross-petitioned. The Court of Appeals affirmed in part and reversed in part. Parties sought further review.

In a case of first impression, the Supreme Court held that:

- Truck automatically qualified as a homestead;
- Homestead claim was premature;
- Impoundment did not violate state constitutional provision protecting against unwarranted government intrusions into private affairs;
- Impoundment and associated costs were partially punitive and thus constituted fines;
- A court considering whether a fine is constitutionally excessive should consider a person's ability to pay; and
- Payment plan as imposed violated excessive fines clause.

Truck that served as owner's home and that was impounded by city for parking infraction automatically qualified as a homestead without need for owner to file a declaration.

Truck owner's homestead claim seeking shield against attachment, execution, or forced sale of his truck that served as his home and that was impounded by city for parking infraction was premature, where city did not seek to collect on owner's debt in the form of impoundment costs for which magistrate set up payment plan to reimburse city.

City's impoundment of truck for parking infraction and \$547.12 payment plan of \$50 per month for impoundment costs were unconstitutionally excessive for truck owner who used truck as residence, where nature of offense was a civil parking infraction that carried a \$44 fine, city suspended enforcement of the 72-hour parking violation during COVID-19 pandemic signaling that city viewed violation as a relatively minor offense, there was no evidence that the infraction was related to any other criminal activity, truck was not parked in residential area or area of hot demand for city vehicles, owner made at most \$700 per month, owner was attempting to save for apartment to move himself out of homelessness, and owner could not access his tools for work as general tradesman during impoundment.

Impoundment of truck for parking infraction after city posted notice of violation of 72-hour parking ordinance did not violate state constitutional provision protecting against unwarranted government intrusions into private affairs, where truck owner told officers his truck was in need of repairs and could not be driven, even though owner used truck as his home and did not have access to it for 21

days.

Impoundment and associated costs for truck that had a parking infraction were partially punitive and thus constituted fines under excessive fines clause, even though owner retrieved truck and costs were intended to reimburse city for towing and storage fees, where costs were imposed only as a result of the impoundment, which city code characterized as a penalty.