

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - WASHINGTON**

### **Rental Housing Association v. City of Seattle**

**Court of Appeals of Washington, Division 1 - March 21, 2022 - P.3d - 2022 WL 831450**

Landlords brought action against city, challenging ordinance limiting landlord's ability to evict tenant for nonpayment of rent during three winter months, ordinance prohibiting landlord from evicting tenant for nonpayment of rent for six months after end of COVID-19 civil emergency, and ordinance requiring landlord to accept installment payments of unpaid rent for certain period of time after end of civil emergency.

On cross-motions for summary judgment, the Superior Court upheld ordinances' provisions except for provision banning accrual of interest on unpaid rent during civil emergency and for one year thereafter. Landlords appealed, and city cross-appealed.

The Court of Appeals held that:

- Ordinances imposing eviction bans did not irreconcilably conflict with Residential Landlord Tenant Act (RLTA), unlawful-detainer statute, or ejectment statute and thus were not preempted;
- Ordinance requiring landlords to accept installment payments did not on its face conflict with statutory payment plan structure for renters experiencing financial hardship due to COVID-19 pandemic, and thus ordinance was not preempted;
- Prejudgment-interest statute preempted ordinance banning accrual of interest on unpaid rent during COVID-19 civil emergency and for one year thereafter;
- Neither ordinance imposing eviction ban constituted per se physical taking in violation of state constitution's takings clause;
- Landlords had property rights that were protected by right to procedural due process under state constitution;
- Ordinance prohibiting eviction for nonpayment of rent for six months after end of civil emergency violated landlords' right to procedural due process under state constitution; and
- Ordinances did not implicate fundamental rights of landlords and thus did not violate state constitution's privileges and immunities clause.