



City of Ferndale

P.O. Box 936, 2095 Main Street, Ferndale, WA 98248 - (360) 384-4006

April 23, 2020

Attn: City of Ferndale

Re: City of Ferndale: spoilage, spoliation, and allowable continuation of construction work

Governor Inslee's order 20-25 specifically allows construction to continue in limited circumstances:

"To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures."

"To that end, it is permissible for workers who are building, construction superintendents, tradesmen, or tradeswomen, or other trades including, but not limited to, plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, heavy equipment and crane operators, finishers, exterminators, pesticide applicators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC technicians, painting, moving and relocation services, forestry and arborists, and other service providers to provide services consistent with this guidance."

"All construction activity must meet social distancing and appropriate health and worker protection measures before proceeding."

The official governor's memo addressing this is attached to this City of Ferndale document. The City of Ferndale will not issue a determination on any project specifying it as essential.

The City of Ferndale has written this document to provide clarification and guidance for those contractors working in Ferndale. There are many residential homes and commercial structures that stopped immediately upon notice of the governor's order. As a result, there are a multitude of partially built structures that are exposed to the elements. Seismic activity, wind, rain, sunlight, and other elements are acting on these structures resulting in the deterioration and spoilage of those structures. In addition, these structures are an attractive nuisance for children and other people to explore and possibly set up camp in. The chance of someone starting a fire in one of these partially built houses is of real concern. A fire would put unnecessary stress on first responders and fire fighters and pull those resources away from other duties. With walls partially built and only supported temporarily they could collapse under adverse loads and conditions. There are people who look at these sites as an opportunity to steal materials. Without them being secured, there is a possibility of theft. The City of Ferndale recognizes theft, loss of life, structural damage, vandalism, and the degradation and spoilage of these construction sites unless action is taken to secure them from damage.

Where there is a conflict between this document and the governors order, the specific requirement of the governor's order shall apply. The provisions of this document shall not be deemed to nullify or overrule any provisions of local, state, or federal law. If at any time the

Federal Government, State of Washington or Governor implement restrictions or guidance that supersede this local document, the City of Ferndale will follow guidance from those authorities.

Spoilage = The action of construction materials spoiling, especially the deterioration and degradation of materials exposed to the elements.

Spoilation = The action of ruining or destroying something.

The following items below would be the level of work that would be allowed to continue:

1. All contractors working under the following guidelines will be subject to daily inspections by the City of Ferndale building department. Any contractor or job site not following these guidelines will be shut down immediately.
 - a. Contractors shall be wearing gloves at all times
 - b. Contractors shall be wearing face masks at all times
 - c. Hand washing and sanitizing supplies shall be provided at every job site
 - d. Social distancing and separation distances shall be maintained at all times
 - e. Ensure that health and safety measures are following those established by WISHA / OSHA, and the Centers for Disease Control
2. A contractor who holds a valid permit to do work in the City of Ferndale will be allowed to perform necessary procedures in order to comply with the governor's order as it relates to spoilage and spoilation. Spoilage is the action of construction materials spoiling, especially the deterioration and degradation of materials exposed to the elements. Spoilation is the action of ruining or destroying something. In order to comply with the governors order to prevent spoilage and or spoilation a construction project must be secured and completed to a point to prevent damage from seismic activity, wind, rain, sunlight, human factors of theft, trespass, vandalism, and to avoid the loss of property or life through environmental damage associated with adverse conditions.
3. Foundations will be allowed in very limited cases to be prepared, or have concrete placed when the work is determined to be essential. The City will require that a contractor who chooses to place a foundation shall first make request to the building official. Justifiable cause must be demonstrated to establish why it is necessary and essential for that foundation to be installed. A foundation that has had concrete placed will be allowed to install footing drains and be backfilled and then work shall stop.
4. A contractor may be allowed to complete framing and repairs necessary to secure a structure from potential hazards and adverse conditions or emergency situations. There are some cases where sheathable surfaces need to be covered. Only one (1) trades contractor is allowed on site for this portion of work. When sheathing installation is complete the contractor shall request the code official to perform a sheathing inspection to determine code compliance and once passed, the contractor will be allowed to move forward with installing roof materials, exterior weatherproofing, windows, and doors. Once this work is completed all subsequent work shall stop.

5. The City of Ferndale will conduct final home inspections upon request only as such inspections relate' to the governor's order specifically allowing construction and inspections to occur when there is a time-sensitive real estate transaction pending which requires completion by a date-certain.. The official governor's memo is attached to this City document.

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized surname.

Kyle Huebner, CBO
Building Official
City of Ferndale
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Ferndale WA 98248
kylehuebner@cityofferndale.org
360-815-5173



STATE OF WASHINGTON
Office of the Governor

MEMORANDUM

TO: Interested Stakeholders

FROM: Governor Jay Inslee

A handwritten signature in black ink, appearing to read "Jay Inslee".

DATE: March 25, 2020

SUBJECT: Construction Guidance – Stay Home, Stay Healthy Proclamation (20-25)

In general, commercial and residential construction is not authorized under the Proclamation because construction is not considered to be an essential activity.

However, an exception to the order allows for construction in the following limited circumstances:

- a) Construction related to essential activities as described in the order;
- b) To further a public purpose related to a public entity or governmental function or facility, including but not limited to publicly financed low-income housing; or
- c) To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures.

To that end, it is permissible for workers who are building, construction superintendents, tradesmen, or tradeswomen, or other trades including, but not limited to, plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, heavy equipment and crane operators, finishers, exterminators, pesticide applicators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC technicians, painting, moving and relocation services, forestry and arborists, and other service providers to provide services consistent with this guidance.

All construction activity must meet social distancing and appropriate health and worker protection measures before proceeding.





STATE OF WASHINGTON
Office of the Governor

MEMORANDUM

TO: Interested Stakeholders

FROM: Governor Jay Inslee

A handwritten signature in black ink, appearing to read "Jay Inslee".

DATE: March 27, 2020

SUBJECT: Real Estate and Mortgage Guidance – Stay Home, Stay Healthy Proclamation (20-25)

There are thousands of real estate and mortgage transactions currently pending in Washington State. Most transactions are for residential properties, with people already in transition out of/into new residences. Significant legal liability and displacement (if not homelessness), could occur if these transactions do not close. Pending/under contract sales should be allowed to close, using remote/electronic means whenever possible, and following social distancing guidelines if remote/electronic closing cannot occur. For homeowners in distress related to the COVID-19 event, it is important that they have the option to sell their home or pursue a refinance or residential mortgage loan modification.

While real estate activities along with mortgage lending activities have been approved as essential activities under the Proclamation, such activities shall only be permitted under the following restrictions and limitations:

- a) In-person meetings with customers are prohibited except when necessary for a customer to view a property or sign necessary documents;
- b) No real estate open houses shall be permitted;
- c) Property viewings, inspections, appraisals, and final walk-throughs shall be arranged by appointment and limited to no more than two people on site at any one time, exercising social distancing at all times; and
- d) Except for the limited exceptions authorized above, all new real estate listings shall be facilitated remotely.

To that end, it is permissible to engage in real estate sales, as appraisers, settlement agents and escrow officers, property inspectors, mortgage loan originators, processors, and underwriters, and other necessary office personnel including IT professionals, and back office staff necessary to maintain office operations, along with those government workers necessary to review real estate excise tax and record documents.

All real estate and mortgage activities must meet social distancing and appropriate health and worker protection measures before proceeding.

