

ORDINANCE 20-05

AN UNCODIFIED ORDINANCE ENACTING A TEMPORARY MORATORIUM ON EVICTING RESIDENTIAL AND COMMERCIAL TENANTS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

The City Council of the City of West Sacramento does ordain as follows:

Section 1. Purpose and Authority. The purpose of this Ordinance is to enact a temporary moratorium on evicting residential tenants. As such, the City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 10, 2020, the Board of Supervisors of Yolo County ratified and extended the County's Director of Emergency Services' March 6, 2020 declaration and proclamation of a local health emergency. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease. On March 16, 2020, the West Sacramento Director of Emergency Operations issued a Declaration of Local Emergency related to COVID-19. On March 18, 2020, the Yolo County Public Health Officer issued a countywide health order directing individuals in Yolo County to shelter in place in response to the COVID-19 outbreak.

B. On March 16, 2020, the Governor issued Executive Order N-28-20, suspended state statutes that restrict the authority of cities to adopt local measures limiting residential and commercial evictions.

C. The city and its residents and businesses has been impacted by the health crisis of this global pandemic. Events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Many employees have been advised to work at home. Bars and restaurants have largely closed due to guidance from the state government. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

D. Many residential tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact residential tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

E. Many commercial tenants have experienced sudden loss of business, or in some case closure, and further negative economic impacts are anticipated. The loss of business caused by the effects of COVID-19 may impact commercial tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

F. Providing residential and commercial tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless

population, support our local economy, and stabilize the rental housing market by reducing displacement.

G. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of residential tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

H. Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

Section 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

1. No landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent if the tenant, in accordance with this Ordinance, demonstrates that the tenant's inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.

2. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:

- a. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment;
- b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment; and,
- c. Pay the portion of rent that the tenant is able to pay.

3. As used in this Ordinance, "covered reason for delayed payment" means a residential or commercial tenant's substantial loss of income due to any of the following: (a) residential tenant or commercial business owner was sick with COVID-19 or caring for a household or family member who was sick with COVID-19; (b) residential tenant experienced a lay-off, loss of hours, or other substantial income reduction resulting from COVID-19 or the state of emergency; (c) residential tenant's compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) residential tenant's need to miss work to care for a home-bound school-age child; (e) commercial tenant's business was required to close in compliance with a recommendation from a government agency; or, (f) commercial tenant experienced a substantial loss of business resulting from COVID-19 or the state of emergency.

4. If a tenant complies with the requirements of section 2, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent.

5. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent after expiration of this Ordinance.

SECTION 3. Effective Date and Term.

1. This Ordinance takes effect immediately upon enactment.

2. This Ordinance remains in effect until the Governor's Executive Order N-28-20 is no longer in effect, unless earlier terminated by the City Council.

SECTION 4. Emergency Declaration.

The City Council declares this ordinance to be an emergency measure that is needed for the immediate preservation of the public peace, health and safety, pursuant to the authority granted to general law cities under Government Code Section 36937(b) and Government Code Section 8634. The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act immediately to prevent eviction of tenants who are unable to pay rent due to wage losses or loss of business caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 5. Publication.

Within fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation published and circulated within the City of West Sacramento.

PASSED AND ADOPTED by the City Council of the City of West Sacramento this eighteenth day of March, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Christopher L. Cabaldon, Mayor

ATTEST:

Approved as to form:

Kryss Rankin, City Clerk

Jeffrey Mitchell, City Attorney

CODIFY _____ UNCODIFY _____