



STAFF REPORT
8/7/2020

TO: Honorable Mayor and City Council Members

FROM: Best Best & Krieger LLP, City Attorney

SUBJECT: Urgency Ordinance No. 1167 Ratifying the Executive Order Dated July 28, 2020 and Extending the Temporary Moratorium on Evictions due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) that was Originally Enacted by City Council Urgency Ordinance No. 1160 and Extended by Urgency Ordinance Nos. 1163 and 1165.

STAFF RECOMMENDATION:

Consideration of Urgency Ordinance No. 1167 of the City of Coachella, California, Ratifying the Executive Order Dated July 28, 2020 and Extending a Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (Covid-19) **through September 30, 2020.**

DISCUSSION/ANALYSIS:

On March 16, 2020, the Governor of the State of California adopted Executive Order No. N-28-20, that among other things, authorized cities to enact tenant protections.

On March 25, 2020, the City Council adopted Urgency Ordinance No. 1160 (“Urgency Ordinance”), which placed a moratorium on evictions for failure to pay rent between March 25th and May 31st 2020, if the tenant can demonstrate that the tenant is unable to pay rent due to financial impacts related to COVID-19. The Urgency Ordinance includes notification and verification obligations of the tenant to the landlord and defines “financial impacts related to COVID-19.” If the tenant qualifies for relief, the tenant must still pay unpaid rent within six months after the expiration of the local emergency.

On May 28, 2020 the City Manager acting as the Director of Emergency Services issued an Executive Order extending the temporary moratorium on evictions through June 30, 2020, which was ratified and further adopted by City Council Urgency Ordinance No. 1163 on June 10, 2020. In addition, the Governor issued Executive Order N-66-20, which, in part, extended the City’s ability enact tenant protections through July 28, 2020. Acting in line with the Governor’s Order, the City Council further extended the temporary moratorium through July 28, 2020 by adopting Urgency Ordinance 1165. Urgency Ordinance Nos. 1160, 1163, and 1165 allow the City Council

to further extend the temporary moratorium on evictions beyond July 28, 2020. The State's eviction moratorium has now further been extended to September 30, 2020.

Staff requests that the City Council find that the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella, supporting the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160.

The proposed Urgency Ordinance would extend the temporary moratorium on evictions **through September 30, 2020, consistent with the authority granted by the State.**

From now until the extension lapses on September 30, the City Council and Director of Emergency Services will continue to monitor the situation and may rescinded, modify, or further extend the temporary moratorium on evictions as necessary.

Alternatives:

1. Do not adopt Urgency Ordinance No. 1167.
2. Provide additional direction.

Fiscal Impact:

None anticipated.

Attachment:

1. Urgency Ordinance No. 1167 (Urgency Ordinance No. 1160, May 28, 2020 Executive Order, Urgency Ordinance No. 1163, Urgency Ordinance No. 1165, and July 28, 2020 Executive Order are attached.)