

URGENCY ORDINANCE NO. 1165

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, 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PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160 AND EXTENDED BY CITY COUNCIL URGENCY ORDINANCE NO. 1163.

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS - CoV-2” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020 the Governor of the State of California issued Executive Order N-28-20 temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

WHEREAS, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

WHEREAS, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

WHEREAS, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City's Director of Emergency Services; and

WHEREAS, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

WHEREAS, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, on April 8, 2020 the City Council has found it necessary to exercise authority to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Urgency Ordinance No. 1160 was adopted with the intent that it be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

WHEREAS, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

WHEREAS, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

WHEREAS, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

WHEREAS, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

WHEREAS, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City’s Director of Emergency Services; and

WHEREAS, on May 28, 2020, the Director of Emergency Services issued an Order extending the protections in Urgency Ordinance No. 1160 through June 30, 2020 and this Order was ratified and adopted when the City Council adopted Urgency Ordinance 1163, also extending the eviction protections through June 30, 2020; and

WHEREAS, on May 29, 2020, the Governor of the State of California issued Executive Order N-66-20 which extended the eviction moratorium set forth in Executive Order N-28-20 Section 1 by an additional sixty (60) days through July 28, 2020; and

WHEREAS, the City Manager acting in his capacity as Director of Emergency Services issued an Emergency Executive Order on May 28, 2020 extending the eviction moratorium described in Urgency Ordinance No. 1160 through June 30, 2020, unless modified, superseded,

or rescinded by the City Council or by himself as City's Director of Emergency Service. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment "2"**; and

WHEREAS, the City Council adopted Urgency Ordinance No. 1163 on June 10, 2020 which ratified the May 28, 2020 Executive Order and extended the temporary moratorium on evictions through June 30, 2020. Urgency Ordinance No. 1163 is attached hereto and incorporated herewith as **Attachment "3"**; and

WHEREAS, 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. The Recitals above continue to describe the current situation and the support 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; and

WHEREAS, the City has authority to adopt this Ordinance under the City's police power and the powers afforded to the city in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and the City's Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals and Attachments. The recitals and Attachments "1" (Urgency Ordinance No. 1160), "2" (May 28, 2020 Executive Order), and "3" (Urgency Ordinance No. 1163) to this Urgency Ordinance are true and correct and this City Council so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Urgency Ordinance. Urgency Ordinance No. 1160 shall remain in full force and effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Urgency Ordinance, below.

SECTION 2. Extension of 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. The City Council hereby extends the temporary moratorium on evictions described herein to **July 28, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Urgency Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

SECTION 4. Environmental Review. The City Council finds that adoption and implementation of this Urgency Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Urgency Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

SECTION 5. Urgency Declaration; Effective Date. The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Urgency Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City’s Municipal Code, this Urgency Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Urgency Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Urgency Ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.

PASSED, APPROVED and ADOPTED this 24th day of June 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Urgency Ordinance No. 1165 is a full, true, and correct copy, and was adopted at a regular meeting of the Coachella City Council on June 24, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 24th day of June 2020.

Andrea J. Carranza, MMC
Deputy City Clerk