

URGENCY ORDINANCE NUMBER 1391

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ENACTING ADDITIONAL EMERGENCY EVICTION PROTECTIONS RELATED TO THE COVID-19 PANDEMIC BY PROHIBITING EVICTIONS DURING THE FOUR MONTH PERIOD AFTER THE EXPIRATION OF URGENCY ORDINANCE NO. 1390, OR APPLICABLE ORDER OF THE GOVERNOR, AND PROVIDING A PROCESS BY WHICH LAWFULLY CHARGED UNPAID RENT MAY BE PAID

WHEREAS, pursuant to Government Code Section 36937(b), any ordinance “For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council”, shall take effect immediately upon its adoption; and

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, the Center for Disease Control and Prevention (CDC) considers COVID-19 to be a very serious public health threat with outcomes ranging from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, according to the CDC, there is no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern over the global spread of COVID-19; and

WHEREAS, on January 31, 2020, Health and Human Services declared a Public Health Emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, the California Department of Public Health (CDPH) has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a “pandemic”; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 regarding COVID-19; and

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer of the County of Riverside issued an order cancelling all gatherings with an expected attendance of greater than 10 due to COVID-19; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, in response to the COVID-19 pandemic, which permits, but does not require, cities and counties to adopt measures against price-gouging and evictions; and

WHEREAS, on March 18, 2020, President Trump ordered the Federal Housing Finance Authority to suspend foreclosures and evictions of homeowners with an enterprise-backed single-family mortgage and additionally ordered the Department of Housing and Development to suspend evictions of public housing units; and

WHEREAS, on March 19, 2020, in response to the COVID-19 pandemic, the Superior Court of California, County of Riverside has announced temporary closures of courts throughout the county with closures effective through April 3, 2020, except for limited emergency matters to be heard by certain courts; and

WHEREAS, on March 19, 2020, Governor Newsom issued Order N-33-20 requiring all individuals, except those performing essential services as defined by the order, living in California to stay home or at their place of residence in order to combat the COVID-19; and

WHEREAS, on March 23, 2020, the Chief Justice of the Supreme Court of California issued an order generally suspending and continuing all jury trials for a period of 60 days; extending the time period for holding a criminal trial by 60 days from the date of the order; extending the time period for the holding of a civil trial by 60 days; and further allow affected courts to enact rule amendments to address the impacts of COVID-19; and

WHEREAS, on March 24, 2020, the City Manager, as the Director of Emergency Services, proclaimed a Local Emergency related to COVID-19 and which was ratified by the City Council on March 31, 2020; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20, which effectively enacted a moratorium on residential evictions by giving renters 60 days to respond to an eviction complaint filed in court and by banning enforcement of evictions orders through May 31, 2020 if residential renters complied with certain procedural requirements (“Executive Order N-37-20”); and

WHEREAS, on April 6, 2020, the California Judicial Council adopted Emergency Rule 1, which prohibits courts from issuing a summons on a complaint for unlawful detainer (except for public health & safety reasons); prohibits courts from entering a default or default judgment for restitution in an unlawful detainer action for failure of a defendant to appear (unless the action is necessary for public health & safety reasons and the defendant has not appeared in the action within the time provided by law, including any applicable executive order); and, if a defendant has appeared in the action, a court may not set a trial date earlier than 60 days after a request for trial

is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial; and

WHEREAS, Executive Order N-37-20 does not provide a period in which residential renters may avoid eviction upon expiration of Executive Order N-37-20 by paying lawfully charged rent to their landlords; and

WHEREAS, there are currently no similar eviction protections for businesses renting commercial property provided by Executive Order N-37-20 even though such businesses may have suffered a decrease in business income due to COVID-19, including impacts that reduce operational hours and reduce customer demand for a business' services; and

WHEREAS, a temporary moratorium for non-payment evictions will provide much needed relief to some of the City's most vulnerable, rent-burdened families and small businesses during this Local Emergency; and

WHEREAS, the City Council seeks and intends to protect the residents and businesses of the City of Perris by enacting protections against evictions during the current declared state of emergency and Local Emergency related to the COVID-19 pandemic.

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

SECTION 1. **Recitals.** The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. **Urgency and Emergency Findings.** The City Council finds that there is a current, immediate, and continued threat to public health, safety, and welfare posed by COVID-19, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City as follows:

A. With the closure of many businesses around the City, County of Riverside and California due to the various orders of the City, Riverside County Public Health Officer and the Governor, many sectors of the City's local economy have been affected, especially the low-income residential tenants and the small business owners.

B. Residential tenants may not be able to earn enough wages to pay their rent, and can unfortunately lead to evictions.

C. With the closing of business and the reduction in staff in many others, many low-income residential tenants have either lost their jobs or are working less hours, thereby either completely eliminating or reducing their wages.

D. Even for those individuals that are still working, there is also a reduction in hours worked in order to provide child care for the school-aged children now at home.

E. Many of these individuals are already living paycheck to paycheck and with the loss of income, impact's their ability to pay monthly rent, thereby leaving them vulnerable to eviction and subsequently possible homelessness.

F. The City's businesses face the same issue in that social distancing and other orders relating to COVID-19 have effectively eliminated revenue flow for many businesses, forcing them to make the decision of paying payroll or paying monthly rent. For example, reductions in operational hours and sudden reduction in customer demand due to COVID-19 can substantially affect a business's revenue.

G. A sudden loss of these businesses can potentially affect the provision of critical services and income to the City's community such that it jeopardizes public health, safety, and welfare. This is of particular concern during the COVID-19 pandemic as the City's businesses provide critical services and supplies to the City's residents.

H. Executive Order N-37-20 currently does not provide residential renters and commercial tenants in the City with protections from evictions that include the opportunity for residential tenants to pay lawfully charged rent after its expiration. Without these protections, the public health, safety, and welfare is jeopardized in that there may be a sudden increase in evictions after Executive Order N-37-20 expires and the COVID-19 pandemic is over, which can result in a sudden increase in homelessness in the City and could lead to the re-establishment of COVID-19 in the City.

I. These concerns are especially pertinent in the context of the instant COVID-19 pandemic, in light of the direction from all levels of government and health authorities regarding maintaining social distancing, avoiding large gatherings, and self-quarantining, much of which is not possible without a home and without support from the City's businesses.

SECTION 3. Payback Period.

A. Payback Period

(1) A residential tenant or commercial tenant afforded eviction protection under Urgency Ordinance Number 1390, or any executive order of the Governor, shall have up to four months (4) months after expiration thereof to pay its landlord lawfully charged unpaid rent. The terms of the repayment plan should be agreed upon between the landlord and such tenant, as applicable, provided that, if no agreement is reached between the landlord and such tenant, the back/past rent due shall be repaid in four (4) equal installments to be paid in monthly intervals beginning thirty (30) days after the date of expiration of Urgency Ordinance Number 1390, or the expiration of any applicable executive order of the Governor providing eviction protections to such tenant. No late fees, costs or other penalties shall be assessed or due from such tenant based on the delay in paying rent as provided for in Urgency Ordinance Number 1390 or any applicable executive order of the Governor providing eviction protections to such tenant. During this four-month period, the protections against eviction set forth in Urgency Ordinance Number 1390 and any applicable executive order of the Governor providing eviction protections to such tenant, shall continue to apply to such tenants.

(2) The date upon which a delayed payment comes due for the purposes of Code of Civil Procedure Section 1161(2) shall be the date agreed upon by the landlord and such tenant in a repayment plan, or, if no agreement is reached, as specified above.

B. Penalties for Violations.

(1) Any person violating the provisions of this Ordinance shall be subject to a penalty of \$1,000 for a first-time violation, and thereafter \$1,000 for each additional violation of such provisions.

(2) A violation of this Ordinance is also punishable as a misdemeanor.

SECTION 4. **Adoption.** Pursuant to Government Code Section 36937, this ordinance shall take effective immediately upon approval of the same by a four-fifths (4/5) affirmative vote of the City Council. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent price gouging during declared states of emergency.

SECTION 5. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Ordinance, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The Perris City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 6. **Effective Date.** This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code Section 36937, upon its adoption by a four-fifths (4/5) vote of the City Council as if, and to the same extent that, such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 7. **Certification.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ***ADOPTED*** by a four-fifths (4/5) vote at a regular meeting of the Perris City Council on this 28th day of April, 2020.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF Riverside) §
CITY OF Perris)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Urgency Ordinance Number 1391 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 28th day of April, 2020, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, MAGAÑA, CORONA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Nancy Salazar, City Clerk