



Special Meeting City Council Update COVID-19 Emergency Response



City of Monrovia

March 31st, 2020



Presentation Overview

- Review of Recent Events, Updates, Health Orders & Executive Orders
- Council Discussion on Policy Matters –
 - Eviction Moratorium
 - Rent Deferral
 - Legal Issues of Measure K Postponement
- Review of City Operations
- Review of Certain Measures to assist businesses



Issued March 20th

Los Angeles County Board of Supervisors issued Executive Order for Temporary Moratorium on Residential and Commercial Evictions

- March 4th thru May 31st
- No residential or commercial property owner shall evict a residential or commercial tenant in the unincorporated County for
 1. Nonpayment of rent, late charges or any other fees accrued if Tenant demonstrates an inability to pay... related to COVID-19
 2. Defines “financial Impact” as substantial loss of household income, loss of compensable hours or work or wages, layoffs or extraordinary out-of-pocket medical expenses.
 3. Tenants shall have 6 months following termination of this Executive Order to pay the Landlord any amounts due



Issued March 25th

Los Angeles County Health Officer HOME QUARANTINE Order for the Control of COVID-19

- A person is considered to be a close contact of a person with or likely to have COVID-19 if they: (a) were within six (6) feet for more than 10 minutes OR (b) had unprotected direct contact to secretions or excretions (e.g. sneeze or cough) of a person diagnosed with or likely to have COVID-19.
- Those in contact are required to:
 - Be quarantined in their home or another residence until 14 days from the last date they came in contact



Issued March 25th

Los Angeles County Health Officer HOME ISOLATION Order for the Control of COVID-19

- All individuals who have been diagnosed with or are likely to have COVID-19 must immediately take the following actions:
 - Isolate themselves in their home or another residence until: (a) at least 3 days (72 hours) have passed since recovery, ...AND (b) at least 7 days since symptoms first appeared.
 - Carefully review and closely follow all requirements listed in the “Home Isolation Instructions for People with Coronavirus-2019 (COVID-19) Infection”
 - Tell others who live in their residence, intimate partners, caregivers,... they need to quarantine themselves.



Issued March 20th

Governor Newsom Executive Order N-34-20

- Extends by 21 days all deadlines related to completing and reporting for March 3 elections
- Suspends hearings required for switch from at-large to district-based voting
- No effect on November 2020 election



Issued March 21st

Governor Newsom Executive Order N-35-20

- It is not a “meeting” for Brown Act purposes if members of a local legislative body receive updates (including group updates) from and ask questions of federal, state, and local officials relating to the impacts of COVID-19, the government response to COVID-19, and other aspects related to the declared emergency.
- Suspended many of the CalPERS requirements that restrict the rehiring of retired annuitants for state agencies.
- Any ordinance that restricts, delays or otherwise inhibits the delivery of food products, pharmaceuticals, or other emergency necessities distributed from grocery, other retail stores, or institutional uses (hospitals, jails, restaurants, schools, etc.) is suspended.



Issued March 21st (cont.)

Governor Newsom Executive Order N-35-20

- The time for presenting a government claim is extended by 60 days, but the 45-day deadline for local public agencies to act on a claim is unchanged.
- Penal Code Section 4750 provides limited circumstances under which a city or county can seek state reimbursement of reasonable and necessary costs for various events connected with state prisons and prisoners, such as crimes committed at a state prison, crimes committed by a prisoner in the course of escape, extradition, and transportation of prisoners.



Announced March 25th

Governor Newsom Announces Major Mortgage Relief

- Some major financial institutions will offer, consistent with applicable guidelines, mortgage payment forbearances of up to 90 days to borrowers economically impacted by COVID-19. In addition, those institutions will:
- Provide borrowers a streamlined process to request a forbearance for COVID-19-related reasons, supported with available documentation;
- Confirm approval of and terms of forbearance program; and
- Provide borrowers the opportunity to request additional relief, as practicable, upon continued showing of hardship due to COVID-19.
- For at least 60 days, those financial institutions will not initiate foreclosure sales or evictions, consistent with applicable guidelines.



Issued March 27th

Governor Newsom Executive Order N-37-20

- The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies the following requirements –
 - Prior to the date of this Order, the tenant paid rent due to the landlord
 - The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount for reasons not limited to the following -
 - Tenant was unavailable to work because tenant was sick or caring for a household or family member
 - Tenant experienced a layoff, loss of hours or other income reduction
 - Tenant missed work to care for a child whose school was closed



Discussion Regarding Eviction Moratorium & Rent Deferral

- At 3/17 Council Meeting, Council Member Blackburn requested the City consider the following proposal –
 - Residential & Commercial Eviction Moratorium
 - Imposes Temporary Eviction Moratorium
 - Unpaid rent is due within 6 months following termination of local emergency
 - Tenant must demonstrate inability to pay
 - Determine “financial impact” and its meaning



City	Residential	Commercial	Note
Alhambra	Yes	Yes	Adopted
Arcadia	Yes	Yes	Adopted
Baldwin Park	Yes	Yes	Adopted by Executive Order
Claremont	TBD	TBD	Considering on April 14
Diamond Bar	No	No	
Duarte	Yes	Yes	
El Monte	Yes	No	
Glendora	No	No	Looking at utilizing some housing/low-income funds to assist people in need.
Irwindale	No	No	
La Canada Flintridge	No	No	
La Verne	Yes	Yes	
Pasadena	Yes	Yes	
Rosemead	Yes	Yes	
San Gabriel	Maybe	Maybe	
San Marino	Maybe/Yes	Maybe/Yes	Still researching
Sierra Madre	Yes	Yes	
South El Monte	Maybe/Yes	Maybe/Yes	Planned for April 14 Council meeting
South Pasadena	Yes	Yes	Adopted



Discussion Regarding Eviction Moratorium & Rent Deferral

- An Urgency Ordinance has been drafted for your review which includes residential eviction moratorium language and provisions generally consistent with other cities
- Language for commercial evictions also available
- Options
 - Council could consider a residential ordinance similar to that of Los Angeles County
 - Council could adopt residential and commercial eviction bans
 - Council could provide input and direction to staff/counsel
 - Council could strategically take no action now, as Los Angeles County courts are not currently hearing evictions AND Governor Newsom issued a statewide order that delays residential eviction proceedings for 60 days



Legal Issues regarding Measure K Postponement

Can the City suspend collection of recently enacted additional sales tax during the State of Emergency?

- Earliest a suspension could take effect under State law is October 1st
- An ordinance providing for a temporary suspension likely requires further voter approval
 - Elections Code Section 9217 provides that when an ordinance is adopted by the voters, the ordinance shall not be repealed or amended except by a vote of the people unless the ordinance provides otherwise
 - Amendment language in Measure K is for technical changes, not changing the rate.



Penalties for Violations of Emergency Orders

- MMC Section 2.44.100 makes any violation of local emergency orders and regulations a misdemeanor, punishable by fine and/or potential jail time. Misdemeanor penalties are the strictest penalty a city can impose.
- The Monrovia Police Department is authorized to enforce all local and County health and safety orders pursuant to Health & Safety Code § 101029 and Government Code §41601.1. Most violations are misdemeanors under Health & Safety Code §120295.



Review of City Operations

- City facilities
- City staff
- City boards and commissions



City Facilities

- All facilities remain closed to the public. Exception is MPD Lobby and some City parks (Lucinda Garcia, Julian Fisher, Rec)
- Closures currently run through March 31st
- Request closures continue **through April 30th**



City Staff

- All staff are working from City facilities or from home
 - Implemented remote work policy to reduce risk of community spread
 - Allocating PT staff to assist with various needs in the City
 - Coordinating with Volunteer Center to address community needs
- Some part-time employees are on paid admin leave
 - No benefits, vacation leave
- City is reviewing YES Intern Program
- Requesting PT staff to continue of paid admin leave **through April 30th**



City boards and commissions

- All board and commission meetings in March were postponed through March 31st
- Requesting postponements continue **through April 30th**
- May meetings will recommence and be done remotely



Possible Council Considerations

Suspension of certain Municipal Code Title 17 Zoning provisions for “Business Regulations” -

- *Temporary window signs* shall be permitted by right without, review, permit or fee, subject to the size requirements in MMC §17.28.100(D)(2) (25% of window area).
- *Sidewalk signs* shall be permitted by right without review or fee. The regulations pursuant to MMC 17.28.100(E)(2) shall be suspended pursuant to the following:
 - An encroachment permit shall be required, including the provision of a Certificate of Insurance naming the City as additional insured.
 - A 48” pedestrian path of travel shall be maintained.
 - The sign shall only be permitted on the sidewalk during the hours of operation for the business.
- *Temporary display signs* shall be permitted by right, without review or fee subject to the requirements in MMC 17.28.100(E)(3)



Possible Council Considerations

Suspension of other Municipal Code Title 17 Zoning provisions –

- *Conditional Use Permits (CUP) and Minor Conditional Use Permits* that restrict the hours of operation shall be temporarily modified to allow all businesses to operate between the hours of 6 AM and 12 AM (midnight). This does not affect businesses that are governed by use permits or by right that are permitted to operate during “late night hours” (12 midnight and 6 AM).
- Automatically extend any entitlements or permits set to expire during the emergency for a period of 60 days, with further extensions available at the discretion of the Director of Emergency Services.

Historic Preservation

- *Certificate of Appropriateness* – The Director of Community Development is delegated the authority to approve a Certificate of Appropriateness subject to the findings in MMC §17.40.090(D).



Questions

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