

ORDINANCE NO. 2020-04U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, ADOPTING EMERGENCY REGULATIONS PROHIBITING RESIDENTIAL EVICTIONS FOR NON-PAYMENT OF RENT AND “NO-FAULT” RESIDENTIAL EVICTIONS AND DECLARING THE URGENCY THEREOF

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, which 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 January 26, 2020, the first case of COVID-19 in Los Angeles County was confirmed and as of March 27, 2020 at least four cases have been confirmed in the City of Monrovia; 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 to prevent the spread of and otherwise address the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, which suspended “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions” of certain tenants affected by the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council ratified the City Manager’s proclamation of the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 19, 2020, the Los Angeles County Public Health Officer issued a countywide health order for residents to remain “safer at home” until further notice; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Health Officer 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 tenants in Monrovia 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, the federal government has adopted programs to assist small businesses in this time of emergency; and

WHEREAS, the City Council urges commercial landlords in the City to work with commercial tenants during the state of emergency to defer actions to collect rent or evict commercial tenants for temporary non-payment of rent, giving full consideration to new programs available to both commercial tenants and property owners for relief; and

WHEREAS, 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; and

WHEREAS, the Governor's Executive Orders No. N-28-20 and N-37-20, and the Los Angeles County ban on residential evictions dated March 19, 2020 do not adequately and completely protect residents and businesses in the City of Monrovia from the public health and safety impacts that residential evictions during this state of emergency could cause; and

WHEREAS, in the interest of public peace, health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to exercise its authority to issue these regulations related to the protection of the public peace, health or safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council finds that each fact set forth in the preceding recitals is true and correct and incorporated by reference.

Section 2. Residential Eviction Moratorium. A temporary moratorium on eviction of residential and tenants impacted by the COVID-19 pandemic is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no residential property owner or agent (collectively, "landlord") landlord shall take any action, or threaten, to evict a tenant or lessee (collectively "tenant") in either of the following situations: (1) for nonpayment of rent, late fees, or other fees or charges, if the landlord knows that the tenant is unable to pay the same due to financial impacts related to COVID-19, or (2) for a no-fault eviction unless immediately necessary for the health and safety of tenants, neighbors, or the landlord, other than based on illness of the tenant or any other occupant of the residential rental unit, which shall be confirmed by the City's Building Official prior to any such eviction. A landlord who knows that a tenant cannot pay some or all of the rent temporarily

for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to, or threaten to, evict the tenant for nonpayment of rent.

b. A landlord knows of a tenant's inability to pay rent within the meaning of this Ordinance if the tenant, within seven (7) days after the date that rent is due, notifies the landlord in writing that the tenant has incurred financial impacts as defined in this Ordinance or incurred extraordinary expenses related to COVID-19, and is unable to pay full rent, late charges, or other fees or charges, due to those financial impacts related to COVID-19, and within 30 days after the date the rent is due, provides written documentation to the landlord to support the tenant's inability to pay all or part of the rent due. Tenants shall also supply to the landlord within 30 days after the rent is due documentation to show that the tenant has applied for unemployment payments and other applicable state and federal aid programs. No landlord shall take action to evict a tenant solely because the tenant is unable to provide adequate documentation of financial impacts related to COVID-19 within the time provided by this Ordinance if the tenant is unable to contact the tenant's employer or other source of income and continues to make good faith efforts to do so.

c. For purposes of this Ordinance, "financial impacts" means a substantial loss of the tenant's monthly household income due to business closure, loss of compensable hours of work or wages, or extraordinary out-of-pocket medical expenses. A financial impact is "related to COVID-19" if it was the result of any of the following: (1) the tenant's own diagnosis with COVID-19 or the tenant's need to care for a household or immediate family member who is diagnosed with COVID-19; (2) a layoff, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation or order from the County Health Officer to stay at home, isolate, self-quarantine, or avoid congregating with others during the COVID-19 state of emergency; (4) extraordinary out-of-pocket expenses related to diagnosis and testing for and/or treatment of COVID-19; or (5) additional child care costs arising from school closures related to COVID-19.

d. For purposes of this Ordinance, a tenant's notification "in writing" to the landlord includes email or text communications from the tenant to a landlord or the landlord's representative if that is the method of written communication that has been used previously, or correspondence by regular mail, if that is the method of written communication that has been used previously and the parties have not agreed to use email or text messaging.

e. For purposes of this Ordinance, "written documentation" of a substantial financial impact shall include, without limitation, written notifications from employers, written documents from doctors or local or County health care providers and officials, multiple pay stubs showing comparisons of income, time cards, medical or childcare bills, and bank statements or deposit records. Any medical or financial information provided to the landlord by the tenant shall be held in confidence, and shall be used only for evaluating the tenant's claim.

f. During the period of local emergency declared in response to COVID-19, a residential tenant shall timely pay that portion of the rent that the tenant is able to pay. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency, and which the tenant must pay in full within six

(6) months following the expiration or termination of the local emergency. Tenants and landlords are encouraged to agree to a payment plan for payments due during the emergency period, and for back amounts thereafter. Six (6) months following the end of the local emergency, if the rent is unpaid, a landlord may charge or collect a late fee for rent that is further delayed for the reasons stated in this Ordinance; or a landlord may seek rent that is delayed for the reasons stated in this Ordinance through the eviction or other appropriate legal process. No fee for the late payment of rent shall be charged by a landlord during the period of the local emergency or for six (6) months after the end of the emergency.

g. For purposes of this Ordinance, “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161b.

h. This Ordinance prevents the enforcement of nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed on March 13, 2020 and shall constitute a defense to any such action by a landlord in violation of this Ordinance.

Section 3. Urgency. The City Council finds that the COVID-19 pandemic has increased the risk of housing displacement, loss of income, and homelessness for many people in the City of Monrovia and surrounding areas, as more fully described in the recitals of this Ordinance. The City Council further finds that, unless this Ordinance is effective and its regulations are immediately put in place, the public health, safety and welfare will be at risk. Therefore, the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code section 36934, and its urgency is hereby declared.

Section 4. Violations. Violations of this Ordinance shall be punishable as set forth in Chapter 1.16 of the Monrovia Municipal Code. In addition, this Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Ordinance.

Section 5. Duration. This Ordinance shall remain in effect for the duration of the local emergency unless amended or repealed earlier by the City Council.

Section 6. Uncodified. This Ordinance shall not be codified.


Section 7. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

Section 8. Effective Date. Based upon the findings in Section 3 of this Ordinance, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 9. Certification. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as


required by law. The City Manager is directed to widely publicize the adoption of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of Monrovia on this 31st day of March, 2020.



Tom Adams, Mayor

ATTEST:



Alice D. Atkins, MMC, City Clerk

APPROVED AS TO FORM



Craig Steele, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONROVIA)

I, ALICE D. ATKINS, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2020-04U; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 31st day of March, 2020, by the following vote:

AYES: Councilmembers Blackburn, Crudgington, Shevlin, Mayor Pro Tem Spicer, Mayor Adams

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Alice D. Atkins, MMC, City Clerk
City of Monrovia