

ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SAND CITY IMPOSING SUBSTANTIVE LIMITS ON RESIDENTIAL AND COMMERCIAL EVICTIONS

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 has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California (Governor) 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 a broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States 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 City Manager of Sand City issued a Proclamation of Local Emergency, pursuant to California Government Code §8630 and the Sand City Municipal Code Chapter 2.12, which enables him to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; and

WHEREAS, on March 6, 2020, the County of Monterey's County Administrative Officer issued a proclamation of local emergency as a precautionary measure to help the County mobilize and coordinate resources to be prepared to address the threat of COVID-19 and the County Board of Supervisors ratified the Proclamation of Local Emergency related to COVID-19; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued an executive order (Executive Order N-28-20) suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, a copy of the Governor's Executive Order is attached hereto; and

WHEREAS, on March 17, 2020, the City Council of Sand City ratified the Proclamation of Local Emergency and authorized the Director of Emergency Services to take action to mitigate the effects of the local emergency; and

WHEREAS, during this state of emergency, and in the interest of protecting the public health and preventing continued 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, loss of income as a result of impacts from COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent, thereby directly affecting their ability to stay housed during the spread of the COVID-19 pandemic; and

WHEREAS, consistent with the Monterey County Health Officer's March 17, 2020 Order for residents of Monterey County to shelter in place, with limited exceptions to provide or to receive essential services or to engage in certain essential activities, on March 17, 2020, the City of Sand City closed all City facilities to general public access, except to provide essential services; and

WHEREAS, on March 19, 2020, the Governor issued a statewide stay at home order (Executive Order N-33-20); and

WHEREAS, commercial activity and businesses are essential to a vibrant and healthy community and this Order provides stability and fairness as businesses have been and will continue to be substantially impacted by orders to shelter in place and limitations on operations and hours; and

WHEREAS, without the immediate effectiveness of this Order there is an increased risk of residential tenants becoming homeless and a substantial impact to local businesses; and

WHEREAS, there is an urgent need for the City of Sand City to impose substantive limitations to protect the health, safety, and welfare of its citizens in light of the emergency declaration regarding the COVID-19 pandemic.

NOW, THEREFORE, I, Aaron Blair, the Director of the Office of Emergency Services for the City of Sand City, do hereby issue the following order to become effective immediately, subject to confirmation at the earliest practicable time by the City Council of Sand City as required by Sand City Municipal Code Chapter 2.12:

IT IS HEREBY ORDERED THAT:

1. The provisions of Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.

2. The above recitals and the recitals in the Governor's declaration are true and correct.

3. Pursuant to the general police power of the City to protect the health, safety, and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the corporate boundaries of the City of Sand City for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:

- a. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
- b. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

4. Nothing in this Order shall relieve a tenant (residential or commercial) of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

5. This Order applies to non-payment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which the local emergency was proclaimed.

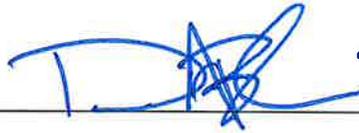
6. This Order shall be liberally construed to provide the broadest possible protection for the citizens of the City.

7. The City Manager (Director of Office of Emergency Services) is authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and the purposes of this Order.

8. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

9. This Order shall become effective immediately.

ADOPTED this 20th day of March 2020.



Aaron Blair, City Manager/Director of Office of
Emergency Services

ATTEST:

Connie Horca, City Clerk

APPROVED AS TO FORM:

Vibeke Norgaard, City Attorney