

URGENCY ORDINANCE NO. 967

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA ADOPTING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND COMMERCIAL TENANT EVICTIONS AND DECLARING THE URGENCY THEREOF

I. Recitals.

A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

B. 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

C. On March 12, 2020, the Health Officer of the County of San Bernardino temporarily prohibited large gatherings of 250 people or more in responding to COVID-19; and

D. 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

E. On March 17, 2020, the Health Officer of the County of San Bernardino adopted a new order that places a prohibition on certain types of public gatherings until 11:59 p.m. on April 6, 2020. This order replaced the Health Officer’s March 12th Order; and

F. On March 18, 2020, the City Council adopted Resolution No. 2020-14 declaring the existence of a local emergency pursuant to Government Code Section 8630 to set forth applicable powers, functions and duties of the City’s Disaster Council and Emergency Management Division, request the availability of mutual aid, and to ensure an effective response to the novel coronavirus (“COVID-19”); and

G. The Centers for Disease Control and Prevention, the California Department of Public Health, and the San Bernardino County Health Officer have all issued recommendations and/or orders 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

H. As a result of the public health emergency and the precautions recommended by health authorities, tenants in Rancho Cucamonga have experienced or expect soon to experience sudden and unexpected income loss; and

I. 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

J. On March 16, 2020, the Governor issued an executive order, pursuant to his emergency powers under Government Code Sections 8567 and 8571, that suspended any provision of state law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on residential or commercial evictions based on nonpayment of rent arising out of a substantial decrease in household or business income caused by the COVID-19 pandemic; and

K. Further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

L. 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

M. 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, and safety.

II. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1. Temporary Moratorium on Evictions. A temporary moratorium on eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:

A. Until the period of local emergency declared in response to COVID-19 is concluded, or until May 31, 2020 with respect to residential tenants, and April 30, 2020 with respect to commercial tenants, whichever date is sooner, no landlord shall endeavor to evict a residential or commercial tenant under the following circumstances:

1. The basis for the eviction is nonpayment 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

2. The decrease in household or business income or the out-of-pocket medical expenses described in subsection (1) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not do any of the following:

1. Initiate a cause of action for judicial foreclosure pursuant to Code of Civil Procedure Section 725a *et seq.*;
2. Initiate a cause of action for unlawful detainer pursuant to Code of Civil Procedure Section 1161 *et seq.*;
3. Initiate any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property;
4. Serve a notice to terminate tenancy pursuant to Code of Civil Procedure Section 1161 *et seq.*, to evict for nonpayment of rent; or
5. Otherwise seek to evict for nonpayment of rent.

C. A landlord knows of a tenant's inability to pay rent within the meaning of this Urgency Ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to the circumstances set forth in Section 1.A., and provides documentation to support the claim.

D. For purposes of this Urgency Ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

E. Nothing in this Urgency Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. Six months after the end of the emergency if the rent is unpaid, a landlord may charge or collect a late fee for rent that is delayed for the reasons stated in this Urgency Ordinance; or a landlord may seek rent that is delayed for the reasons stated in this Urgency Ordinance through the eviction or other appropriate legal process.

F. This Urgency Ordinance applies to evictions and unlawful detainer actions served or filed on or after the date on which a local emergency was proclaimed to exist within the City of Rancho Cucamonga.

SECTION 2. Violations.

A. This Urgency Ordinance shall be punishable as set forth in Chapter 1.12 of the Rancho Cucamonga Municipal Code. Nothing in this Urgency Ordinance shall be construed to diminish or supersede the provisions of Penal Code Section 396.

B. This Urgency Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Urgency Ordinance.

SECTION 3. Term. This Urgency Ordinance shall remain in effect for the period of local emergency declared in response to COVID-19 within the City, or until May 31, 2020 with respect to residential tenants, and April 30, 2020 with respect to commercial tenants, whichever date is sooner.

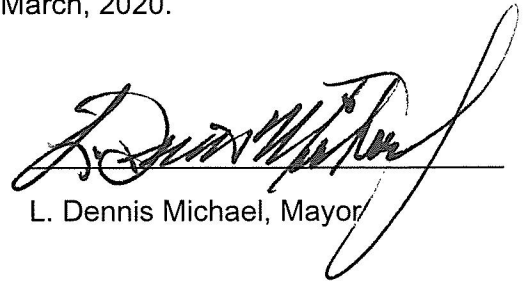
SECTION 4. Effective Date. This Ordinance is adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b), and therefore shall be passed immediately upon its introduction and shall become effective at midnight tonight, March 18, 2020 upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 5. Uncodified. This Urgency Ordinance shall not be codified.

SECTION 6. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Urgency Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Certification and Publication. The City Clerk shall certify to the adoption of this Urgency Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2020.



L. Dennis Michael, Mayor

ATTEST:



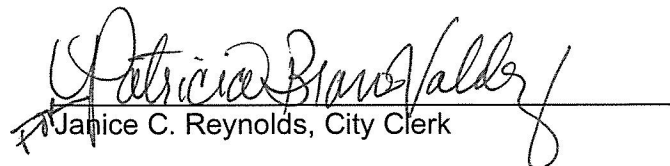
FOR Janice C. Reynolds, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

I, **Janice C. Reynolds**, City Clerk of the City of Rancho Cucamonga, do hereby certify that the foregoing Urgency Ordinance was passed and adopted by a 4/5 vote at a regular meeting of the City Council of the City of Rancho Cucamonga held on the 18th day of March, 2020, by the following vote:

AYES: Hutchison, Kennedy, Michael, Scott, Spagnolo
NOES: None
ABSENT: None
ABSTAINED: None

Executed this 19th day of March 2020, at Rancho Cucamonga, California.



FOR Janice C. Reynolds, City Clerk