

ORDINANCE NO. 20-OR0125-1

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OCEANSIDE PROVIDING A TEMPORARY
MORATORIUM ON THE EVICTION OF RESIDENTIAL AND
COMMERCIAL TENANTS ARISING FROM THE COVID-19-
PANDEMIC

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors voted to ratify the County Health Officer's February 14, 2020 declaration of a local health emergency to address the novel coronavirus, or COVID-19; and

WHEREAS, on March 4, 2020, the Governor proclaimed a statewide emergency regarding the COVID-19 virus which is incorporated herein by reference and since that time, conditions have continued to worsen; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 virus; and

WHEREAS, on March 16, 2020, the Director of Emergency Services for the City of Oceanside proclaimed the existence of a Local Emergency due to conditions and threatened conditions of extreme peril to the safety of persons within the City of Oceanside caused by the expanding threat of the novel COVID-19 virus; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 wherein he found as follows:

- A. The economic impacts of COVID-19 have been significant, and could threaten to undermine Californian's housing security and the stability of California businesses.
- B. Many Californians are experiencing substantial losses of income related to COVID-19, hindering their ability to pay rent, mortgages, and utility bills.
- C. Californians who are most vulnerable to COVID-19, those over 65 years of age and older, and those with underlying health conditions, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce transmission of COVID-19.
- D. Because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security to protect public health.

1 WHEREAS, with the issuance of Executive Order N-28-20, the Governor ordered “any
2 provision of state law that would preempt or otherwise restrict a local government’s exercise of
3 its police power to impose substantive limitations on residential or commercial evictions as
4 described in subparagraphs (i) and (ii) below-including but not limited to, any such provision of
5 Civil Code sections 1940 et seq. or 1954.25 et seq.-is hereby suspended to the extent it would
6 preempt or otherwise restrict such exercise.”

7 WHEREAS, on March 18, 2020, the Oceanside City Council adopted a resolution
8 declaring a local emergency due to the COVID-19 virus; and

9 WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 ordering
10 all residents to follow the state Public Health Officer directives including the order that all
11 individuals living in the State of California stay home or at their place of residence except as
12 needed to maintain continuity of operations of the federal critical infrastructure sectors;

13 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

14 SECTION 1. The purposes of this Ordinance are to promote housing stability during the
15 COVID-19 pandemic and to prevent avoidable homelessness. This ordinance is necessary for
16 the immediate preservation of the public health and safety because the COVID-19 pandemic has
17 the potential for destabilizing the residential and commercial rental market for all the reasons
18 set forth in the Governor’s Executive Order N-28-20 and the San Diego County Health
19 Officer’s Public Health Orders which are incorporated herein by reference. All commercial
20 establishments not providing essential services have been forced to close, resulting in the layoff
21 of substantial portions of the workforce and the loss of household and business income. This
22 ordinance is intended to enable residential and commercial tenants whose income have been
23 affected by the COVID-19 pandemic to be temporarily exempt from eviction and thereby
24 reduce the risk of homelessness and the long-term increase in unemployment caused by the
25 eviction of residential and commercial tenants.

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1 SECTION 2. No property owner or landlord shall evict a residential or commercial
2 tenant in the City of Oceanside if:

3 A. The basis for the eviction is nonpayment of rent arising out of substantial decrease in
4 household or business income including, but not limited to, (i): a substantial decrease
5 in household income caused by layoffs or a reduction in the number of compensable
6 hours worked; (ii) a substantial decrease in business income caused by a reduction in
7 operating hours or consumer demand; or (iii) substantial medical expenses; and

8 B. The substantial decrease in household or business income or the substantial out of
9 pocket medical expenses was caused by the COVID-19 pandemic, or by any local,
10 state or federal government response to the COVID-19 pandemic, and is documented;
11 and

12 C. The tenant has: 1. notified the landlord in writing prior to the rent due date that the
13 tenant has suffered a substantial decrease in household or business income or
14 substantial out of pocket medical expense caused by the COVID-19 pandemic; 2.
15 provided the landlord with objectively verifiable written documentation to support
16 the claim within one week of providing notice as provided in this section 2.C(1); and
17 3. paid the portion of rent that the tenant is able to pay.

18 D. For purposes of Section 2.C, objectively verifiable written documentation includes,
19 where applicable, a letter from an employer citing COVID-19 as the reason for
20 reduced work hours or layoff, paycheck stubs before and after the County of San
21 Diego's February 14, 2020 emergency proclamation, and/or bank statements before
22 and after the emergency proclamation.

23 SECTION 3. This ordinance applies to nonpayment eviction notices and unlawful
24 detainer actions served or filed after the date on which the City Council ratified the Emergency
25 Services Director's Local Emergency Proclamation (March 18, 2020).

26 SECTION 4. Tenants may use the protections afforded in this ordinance as an
27 affirmative defense in an unlawful detainer action. This ordinance shall be punishable as set
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1 forth in applicable sections of the Oceanside City Code, including but not limited to, Section
2 1.7.

3 SECTION 5. Nothing in this ordinance shall relieve a tenant of the obligation to pay
4 rent, nor restrict a landlord's ability to recover rent due, including applicable late fees, as set
5 forth in a written lease agreement. If a tenant elects to move while the Ordinance is effective, all
6 owed rent is due upon move out unless the lease dictates otherwise.

7 SECTION 6. Unless extended by the City Council, this ordinance shall remain effective
8 until May 31, 2020.

9 SECTION 7. The City Clerk of the City of Oceanside is hereby directed to publish this
10 ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)
11 days after its passage in a newspaper of general circulation published in the City of Oceanside.

12 SECTION 8. This ordinance shall not be codified in the Oceanside City Code.

13 SECTION 9. Pursuant to Government Code section 36934 and Oceanside City Code
14 section 2.1.49(f), this urgency ordinance shall be effective immediately upon its introduction.

15 SECTION 9. Severability.

16 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
17 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
18 shall not affect the validity of the remaining portions of this Ordinance. The City Council
19 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
20 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,
21 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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1 INTRODUCED AND ADOPTED at a special meeting of the City Council of the City of
2 Oceanside, California, held on the 26th day of March, 2020, by the following vote:

3 AYES: WEISS, FELLER, KEIM, RODRIGUEZ, SANCHEZ

4 NAYS: NONE


5 ABSENT: NONE

6 ABSTAIN: NONE

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8 MAYOR OF THE CITY OF OCEANSIDE

9 ATTEST:

APPROVED AS TO FORM:

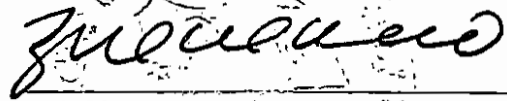
10 
11 CITY CLERK

12 
13 CITY ATTORNEY

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STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF OCEANSIDE }

I, Zeb Navarro, City Clerk of the City of Oceanside, do hereby certify that the foregoing is a true and correct copy of *Urgency Ordinance No. 20-OR0125-1 providing a temporary moratorium on the eviction of residential and commercial tenants arising from the COVID-19 pandemic*, as duly introduced and adopted on March 26, 2020, a special meeting, by the City Council of Oceanside. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office (GC 40806).



Zeb Navarro, City Clerk
City of Oceanside, California

Date: 3-30-2020