



CITY OF RANCHO CUCAMONGA

DATE: March 18, 2020
TO: Mayor and Members of the City Council
FROM: John R. Gillison, City Manager
INITIATED BY: Fabian Villenas, Principal Management Analyst

SUBJECT: CONSIDERATION OF URGENCY ORDINANCE NO. 967, ADOPTING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND/OR COMMERCIAL TENANT EVICTIONS.

RECOMMENDATION:

Staff recommends that the City Council:

Provide direction regarding whether to include commercial tenants in a proposed urgency ordinance to temporarily prohibit evictions due to financial hardships arising out of the COVID-19 pandemic. Based on that direction, adopt one of the following motions:

- 1) Read by title only and adopt 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.;" or
- 2) Read by title only and adopt Urgency Ordinance No. 967, "An Urgency Ordinance of the City Council of the City of Rancho Cucamonga Adopting Emergency Regulations Related to Residential Tenant Evictions and Declaring the Urgency Thereof."

Whichever Urgency Ordinance is selected, it will require a four-fifths vote for adoption whereupon it will take effect immediately.

BACKGROUND:

In response to a global outbreak of a novel coronavirus, also known as COVID-19, city, county, state and federal officials have taken decisive actions in the last several weeks in order to minimize the spread of COVID-19. These actions include:

- March 4, 2020: California Governor Newsom declared a state of emergency in order to address the spread of COVID-19.
- March 12, 2020: San Bernardino County Health Officer temporarily prohibited large gatherings of 250 people or more.
- March 13, 2020: United States President Trump declared a national emergency.
- March 18, 2020: Rancho Cucamonga City Council is scheduled to consider Resolution No. 2020-14 declaring a local emergency.

In order to minimize the spread of COVID-19, the Centers for Disease Control and Prevention, the California Department of Public Health and the San Bernardino County Health Officer have all issued recommendations encouraging social distancing and avoiding public locations where exposure to COVID-19 may occur such as retail stores, restaurants, bars, theatres, and group events.

As such, the economic impacts from COVID-19 are significant and threaten the housing security for many in California. Even further economic impacts are anticipated, leaving tenants vulnerable to eviction.

On the evening of March 16, 2020, Governor Newsom issued Executive Order N-28-20 which includes the suspension of any provision of state law that would preempt or otherwise restrict the City's exercise of its police powers to impose 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.

ANALYSIS:

As the public is being asked to practice social distancing and avoid public places in order to reduce the spread of COVID-19, the economy has taken a tremendous and sudden downturn as businesses close their doors per guidance and/or orders given by various governmental officials and entities. Businesses are suffering tremendous losses and reducing work hours and/or laying off employees. Furthermore, many schools nationwide, including all schools in Rancho Cucamonga, have closed for an extended time period, leaving many working parents without daycare options and forced to stay home from work, often unpaid. With certain businesses temporarily closed, and their workers displaced, there is a concern that the sudden reduction in household income could affect the ability of renters to meet their ongoing rent obligations. Similarly, those businesses suffering from closures or significantly reduced operating hours, may find it difficult to meet their own commercial rent obligations. This could result in a sudden and unanticipated waive of eviction notices and, potentially, unlawfully detainer actions.

The attached urgency ordinance establishes a temporary moratorium on the eviction of residential and commercial tenants impacted by COVID-19 pandemic. The moratorium applies to evictions based on the nonpayment of rent due to a financial hardship related to

COVID-19. Tenant must notify landlord in writing within 30 days after the rent is due of lost income and inability to pay full rent due to circumstances related to COVID-19 and provides supporting documentation. Upon adoption of Ordinance No. 967, the moratorium would go into effect immediately and through May 31, 2020, unless the City's emergency declaration is ended sooner.

As currently drafted, the urgency ordinance would temporarily prohibit evictions for both residential and commercial tenants, as authorized by the Governor's order. Staff is seeking direction on whether the City Council would want to implement the moratorium for both residential and commercial evictions or implement the moratorium for residential evictions only. Draft urgency ordinances to address both residential and commercial tenants and residential tenants only are attached to this staff report. Once direction is received, the appropriate ordinance will be presented for adoption.

FISCAL IMPACT:

Fiscal impact is minimal.

ATTACHMENTS:

Description

[Attachment 1 - Ordinance No. 967 - Residential & Commercial](#)

[Attachment 2 - Ordinance No. 967 - Residential](#)