

RESOLUTION NO. 20-036 N.C.

RATIFYING AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO ORDERING A LIMITATION ON RESIDENTIAL AND COMMERCIAL EVICTIONS ARISING FROM A SUBSTANTIAL DECREASE IN HOUSEHOLD OR BUSINESS INCOME RELATED TO COVID-19

WHEREAS, COVID-19, commonly known as the novel Coronavirus, has spread throughout the United States and sometimes causes severe illness and death among the elderly and those with pre-existing conditions; and

WHEREAS, the President of the United States has declared a national emergency as a result of the Coronavirus; and

WHEREAS, the Governor of the State of California has declared a state emergency as a result of the Coronavirus; and

WHEREAS, the County of Solano has declared a county-wide emergency as a result of the Coronavirus; and

WHEREAS, the City of Vallejo has declared a City-wide emergency as a result of the Coronavirus on March 16, 2020 by Resolution No.20-026; and

WHEREAS, conditions of potentially extreme peril to the safety of persons and property have arisen within the City of Vallejo because of the novel coronavirus; and

WHEREAS, the extreme peril commenced on or about March 13, 2020; and,

WHEREAS, the conditions of extreme peril warrant and necessitate certain orders by the Director of Emergency services; and,

WHEREAS, the County of Solano, and City of Vallejo recommend the citizens of Vallejo follow the United States Government's recommendation to restrict all public and private gatherings to no more than ten individuals to prevent the spread of the Coronavirus; and

WHEREAS, Section 2.50.070(D)(1) of the City of Vallejo Municipal Code empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and,

WHEREAS, on March 17, 2020, the Director of Emergency Services executed An Order Of The Director Of Emergency Services For The City Of Vallejo Ordering A Limitation On Residential And Commercial Evictions Arising From A Substantial Decrease In Household Or Business Income Related To Covid-19, a copy of which is attached hereto as **Exhibit A**.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the City Council has reviewed **Exhibit A** and finds it to be a reasonable exercise of the emergency powers of the Director of Emergency Services.
2. That the City Council hereby ratifies the **Exhibit A**, which shall remain in force until the City Council determines that the current emergency no longer exists.

Adopted by the City Council of the City of Vallejo at a regular meeting held on March 24, 2020 with the following vote:

AYES:	Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, Miessner, and Verder-Aliga
NOES:	None
ABSENT:	None
ABSTAIN DUE TO CONFLICT OF INTEREST:	Councilmember McConnell

DocuSigned by:

Mayor Bob Sampayan

6719C80318DF454

BOB SAMPAYAN, MAYOR

DocuSigned by:

DAWN ABRAHAMSON

1488DF16695D425

DAWN G. ABRAHAMSON, CITY CLERK

ATTEST:

EXHIBIT A

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO ORDERING A LIMITATION ON RESIDENTIAL AND COMMERCIAL EVICTIONS ARISING FROM A SUBSTANTIAL DECREASE IN HOUSEHOLD OR BUSINESS INCOME RELATED TO COVID-19

WHEREAS, COVID-19, commonly known as the novel Coronavirus, has spread throughout the United States and sometimes causes severe illness and death among the elderly and those with pre-existing conditions; and

WHEREAS, the President of the United States has declared a national emergency as a result of the Coronavirus; and

WHEREAS, the Governor of the State of California has declared a state emergency as a result of the Coronavirus; and

WHEREAS, the County of Solano has declared a county-wide emergency as a result of the Coronavirus; and

WHEREAS, the City of Vallejo has declared a City-wide emergency as a result of the Coronavirus on March 16, 2020 by Resolution No.20-026; and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20 allowing local jurisdictions to restrict evictions in response to loss of income caused by or related to COVID-19; and

WHEREAS, residents of the state and of the City of Vallejo (“City”) have been dramatically impacted by COVID-19 and federal, state and local government responses thereto; and

WHEREAS, businesses in the state and in the City of Vallejo have lost business income as well as employees as a result of COVID-19 and federal, state and local government responses thereto; and

WHEREAS, in many cases, loss of income from a job or a business has and will create undue hardship on the employee or business owner; and

WHEREAS, such undue hardship will require an employee or business owner to decide whether to provide for family or to pay the rent for a residence or business premises; and

WHEREAS, the City has an important governmental interest in maintaining a vibrant and thriving residential and business community by limiting and restricting evictions so that employees and businesses owners have an opportunity to recover from the governmental actions resulting COVID-19.

WHEREAS, Section 2.50.070(D)(1) of the City of Vallejo Municipal Code empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any emergency proclaimed by the Director of Emergency Services or by the City Council.

NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that all residential and commercial evictions in the City of Vallejo based upon the following are hereby prohibited:

1. Any eviction proceeding based upon the nonpayment of rent or 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 the preceding paragraph was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

IT IS FURTHER ORDERED that no landlord or property owner may evict or otherwise eject a tenant or occupant of residential or commercial real property by using the judicial foreclosure provisions of Code of Civil Procedure section 725a et seq. or the statutory cause of action for unlawful detainer set forth in Code of Civil Procedure section 1161 et seq. or any other statutory cause of action that is intended to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure.

IT IS FURTHER ORDERED that the City shall not disconnect or otherwise restrict access to the City's water system by any residential or business customer for failure to timely pay for such services arising out of an inability to pay caused by any of the reasons set forth in the paragraphs numbered 1 and 2 above. This section shall not apply to any water customer whose service was disconnected or otherwise terminated prior to March 1, 2020.

IT IS FURTHER ORDERED that this order does not relieve any tenant of the obligation to pay rent nor does it deprive any landlord the right to collect rent.

IT IS FURTHER ORDERED that this order shall remain in effect until the proclamation of emergency adopted by the City Council in Resolution No. 20-026 is terminated by the City Council.

IT IS FURTHER ORDERED that this order shall be presented to the City Council for ratification at the earliest possible time.

DATED: March 17, 2020

By: _____
Greg Nyhoff, Director of
Emergency Services

Approved as to Form:

Dated: March 17, 2020

By: _____
Randy J. Risner, Interim
City Attorney