

ORDINANCE NO. 1402-20 (CM)

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RESIDENTIAL AND COMMERCIAL RENT FOR TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID 19)

[Urgency Ordinance Requires 5 Affirmative Votes<sup>1</sup>]

EFFECTIVE IMMEDIATELY<sup>2</sup>

**WHEREAS**, on March 4, 2020, the Governor proclaimed a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”); and

**WHEREAS**, on March 10, 2020, the Council declared a public health emergency in the City of Watsonville due to COVID-19; and

**WHEREAS**, due to directives from federal, state, and local health officials, the public has been advised to avoid public gatherings and stay at home to prevent the spread of this disease; and

**WHEREAS**, the City has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and continue to be in effect. As of March 17, 2020, many employees have been restricted to their home by Santa Cruz County’s shelter in place directive. As a result, restaurant and retail business has significantly declined and many workers and businesses have been impacted by lost income, wages and layoffs. Parents must miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

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<sup>1</sup> Section 602 of Watsonville Municipal Code

<sup>2</sup> supra

**WHEREAS**, over fifty-eight percent (58%) of residential households in Watsonville are renters and many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction; and

**WHEREAS**, providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population, stabilize the rental housing market by reducing displacement, and help to protect the health and well-being of the whole community during this state of emergency; and

**WHEREAS**, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of commercial and residential tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

**THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. ENACTMENT.**

No landlord shall endeavor to evict a commercial or residential tenant from a single family unit, apartment, townhome, condominium, renting a room in a single family unit, or any dwelling in which rent is being charged, for nonpayment of rent if the tenant, in accordance with this ordinance, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions. A tenant's loss of income must be due to any one or more of the following:

- (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19;
- (b) tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency;
- (c) tenant's compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; or
- (d) tenant's need to miss work to care for a home-bound school-age child.
- (e) tenant's need to miss work to care for a family member that is deemed high risk of severe illness from COVID-19.

To qualify for such protections, a tenant must do all three of the following:

- (a) Notify the landlord in writing before rent is due that the tenant has a covered reason for delayed payment. For purposes of this Order, "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;
- (b) Demonstrate through documentation or other objectively verifiable means the assertion of a covered reason for delayed payment. Any financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim; and
- (c) Pay all that portion of rent that the tenant is able to pay.

If a tenant complies with the requirements of this ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or

otherwise endeavor to evict the tenant for nonpayment of rent, or engage in any form of retaliation or debt collection.

The tenant is not relieved of liability for the unpaid rent after expiration of this moratorium. Tenants who were afforded eviction protection under this ordinance shall have up to six (6) months after the City of Watsonville proclaims the termination of the local public health emergency to pay their landlord all unpaid rent.

This Order shall be punishable as set forth in Chapter 2 of Article 1 of the Watsonville Municipal Code. In addition, this Order grants a defense if an unlawful detainer action is commenced in violation of this Order.

**SECTION 2. PUBLICATION.**

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

**SECTION 3. EFFECTIVE DATE.**

The City Council of the City of Watsonville hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety. The directives from health officials to contain the spread of COVID-19 have resulted in loss of business, furloughs, loss of wages, and lack of work for employees. This emergency measure is warranted to protect tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19.

Because of its urgency, this ordinance shall be in force and take effect immediately. It shall remain in effect until May 31, 2020.

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The foregoing ordinance was introduced and adopted at a regular meeting of the Council of the City of Watsonville, held on the 23<sup>rd</sup> day of March, 2020, by Member Gonzalez, who moved its introduction and adoption, which motion being duly seconded by Mayor García, was upon roll call carried and ordinance adopted, ordered printed and published by the following vote:

AYES: COUNCIL MEMBERS: Estrada, Gonzalez, Hernandez, Hurst, García

NOES: COUNCIL MEMBERS: Coffman-Gomez, Parker

ABSENT: COUNCIL MEMBERS: None

Rebecca J. Garcia  
Rebecca J. García, Mayor

ATTEST:

[Signature]  
City Clerk

March 24, 2020  
Date

APPROVED AS TO FORM:

[Signature]  
City Attorney

EFFECTIVE DATE:

March 23, 2020

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CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, in the County of Santa Cruz, State of California, hereby certify that the attached Ordinance No. 1402-20 (CM) is a true and correct copy of the original of said ordinance as it appears upon the official records of said City of Watsonville.

[Signature]  
Beatriz Vázquez Flores, City Clerk

Date March 24, 2020