

ORDINANCE NO. 800

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF RESIDENTIAL AND COMMERCIAL TENANTS FOR NONPAYMENT OF RENT DUE TO A LOSS OF INCOME CAUSED BY THE COVID-19 PANDEMIC AND DECLARING THE ORDINANCE TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, Government Code section 36937 and Article VII, § 1 of the Grass Valley City Charter authorize the City Council by a four-fifths vote to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California as a result of the threat of Coronavirus Disease 2019 (COVID-19) and the Nevada County Board of Supervisors and Department of Public Health declared a public health emergency in Nevada County due to COVID-19; and

WHEREAS, on March 5, 2020, the City of Grass Valley's Disaster Council proclaimed a local emergency within the City of Grass Valley with regard to COVID-19, which the City Council ratified by Resolution No. 2020-09 on March 10, 2020; and

WHEREAS, on March 16, 2020, to further control the spread and mitigate the effects of COVID-19, the Governor issued Executive Order N-28-20, suspending any state law that would preempt or otherwise restrict the exercise of a local government's police power to impose regulate residential and commercial evictions for tenants who have suffered a substantial loss of income caused by the COVID-19 pandemic; and

WHEREAS, prohibiting residential evictions protects public health by allowing those most vulnerable to COVID-19, such as those 65 years and older and those with underlying health issues, to self-quarantine, self-isolate, or otherwise remain in their homes to reduce COVID-19 transmission; and

WHEREAS, prohibiting evictions of commercial tenants effected by COVID-19 promotes stability among commercial tenancies within the City and promotes public health by allowing commercial establishments to decide whether and how long to remain open based on public health concerns rather than economic pressures and lessens the economic cost of emergency measures imposed by federal, state and local governments to mitigate the pandemic; and

WHEREAS, the significant health and economic effects of the COVID-19 pandemic present a current and immediate threat to the stability of the City's residential and commercial tenancies and to the health, safety, and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Grass Valley:

SECTION 1. Prohibition on Evictions for Non-Payment of Rent during COVID-19 State of Emergency.

A. **Residential Landlords.** Residential landlords are hereby prohibited from evicting for non-payment of rent, or without other good and substantial cause, tenants whose income is reduced as a result of efforts to prevent or reduce the spread of COVID-19 and which tenants demonstrate resulting lost income and inability to pay rent.

1. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this Section if the tenant, within 10 days after the date rent is due, notifies the landlord in writing of the lost income and resulting inability to pay rent, with supporting documents. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share that corresponds to the income generated during the period of loss. "In writing" includes, without limitation, email or text communications to a landlord or landlord's agent with whom the tenant has previously corresponded by email or text. All financial information provided to a landlord shall be kept in confidence and used only to evaluate a tenant's claim or to enforce this provision.

B. **Commercial Landlords.** Commercial landlords are hereby prohibited from evicting for non-payment of rent or without other good and substantial cause tenants whose businesses are limited or closed (voluntarily or by mandate) as a result of efforts to prevent or reduce the spread of COVID-19 and which tenants demonstrate resulting lost income and inability to pay rent.

1. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this Section if the tenant, within 10 days after the date rent is due, notifies the landlord in writing of the lost income and resulting inability to pay rent, with supporting documents. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share that corresponds to the income generated during the period of loss. "In writing" includes, without limitation, email or text communications to a landlord or landlord's agent with whom the tenant has previously corresponded by email or text. All financial information provided to a landlord shall be kept in confidence and used only to evaluate a tenant's claim or to enforce this provision.

- C. If a tenant complies with the notice requirements of this Section, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict the tenant for nonpayment of rent, and this Ordinance shall be an affirmative defense to any such eviction action.

- D. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent; it abates means to enforce rent obligations only until May 31, 2020 and only as to those who can demonstrate their inability to pay rent arises from the emergency.

SECTION 2. The City Council of the City of Grass Valley hereby finds that there is a current and immediate threat to, and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated in the recitals above, in the proclamation of local emergency by the Disaster Council dated March 5, 2020, in the City Council's Proclamation of Local Emergency dated March 10, 2020, and in the Governor's March 4, 2020 proclamation of the State COVID-19 emergency.

SECTION 3. This Ordinance is an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those facts set forth and referenced in this Ordinance.

SECTION 4. CEQA Findings. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. If this Ordinance is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and CEQA Guideline 15269 as an emergency action.

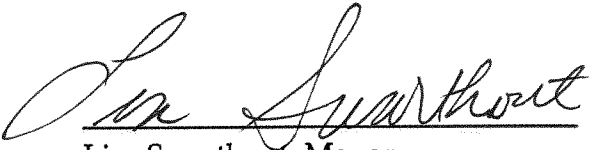
SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional and, to that end, the provisions hereof are declared to be severable.

SECTION 6. Effective Date. This Ordinance shall become effective immediately because its passage is required for the immediate preservation of the public peace, health and safety. This Ordinance shall remain in effect until May 31, 2020.

SECTION 7. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the 24th day of March 2020, by the following vote:

AYES: Swarthout, Aguilar, Arbuckle, Hodge, Levine
NOES:
ABSENT:
ABSTAINING:



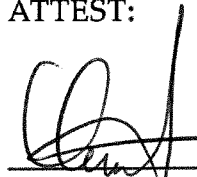
Lisa Swarthout, Mayor

APPROVED AS TO FORM:



Michael G. Colantuono, City Attorney

ATTEST:



Andy Heath, Interim City Clerk