

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

**3:00 PM – Special Meeting
David B. Roberts Council Chambers**

****In response to the Governor’s Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of Rancho Cordova, this meeting will also be available to the public via the Internet using ZOOM Video Conferencing or Telephone. Due to the high volume of agencies using this mode of conferencing, you may experience trouble connecting. If this happens, please try logging in again or calling one of the different numbers provided below. Please note that if you are attending the meeting via Zoom or Telephone and you would like to speak under Public Comment, we will only be accepting public comment via email. Please submit your public comment to CityClerk@cityofranchocordova.org by 1:00 P.M. to ensure that the email is received by the Clerk’s Office. ****

Friday, March 27, 2020

**City Hall
2729 Prospect Park Drive, Rancho Cordova
Zoom Meeting Link: <https://zoom.us/j/875045944> or
Call in Numbers: 1(669)900-9128
1(253)215-8782
1(301)715-8592**

Meeting ID: 875 045 944

AGENDA

- 1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL**
Council Members Budge, Gatewood, McGarvey, Terry and Mayor Sander.
- 2. PUBLIC COMMENT**

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEMS

- 3.1. **Subject:** Ordinances Adding Chapters 16.21 and 4.56 of the Rancho Cordova Municipal Code Enacting a Temporary Moratorium on the Eviction of Residential and Commercial Tenants Due to Financial Loss from COVID-19.

Recommendation: Introduce and adopt urgency ordinances and waive first reading and introduce the non-urgency ordinances.

- 3.2. **Subject:** Discussion and Possible Direction Regarding COVID-19 and Related Measures.

Recommendation: Receive information and provide direction.

4. ADJOURNMENT

ADDITIONAL INFORMATION

SPECIAL MEETINGS LISTED BELOW ARE SUBJECT TO CHANGE/CANCELLATION WITHOUT FURTHER NOTICE.

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11:00 PM WILL BE CONTINUED TO THE NEXT DAY AT 5:30 PM OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 24 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranhocordova.org 24 hours before the special meeting.

UPCOMING MEETINGS

April 6, 2020	5:30 PM Regular Meeting
April 14, 2020	5:30 PM Special Meeting/Work Session
April 20, 2020	5:30 PM Regular Meeting
May 4, 2020	4:00 PM Special Meeting/Regular Meeting
May 12, 2020	5:30 PM Special Meeting/Work Session
May 18, 2020	5:30 PM Regular Meeting
June 1, 2020	4:00 PM Special Meeting/Regular Meeting
June 15, 2020	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 24 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the March 27, 2020 Special Meeting of the Rancho Cordova City Council was posted and available for review on March 26, 2020 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranhocordova.org.

Signed March 26, 2020 at Rancho Cordova, California.

A handwritten signature in blue ink that reads "Stacy Leitner".

Stacy Leitner, CMC
City Clerk

MEMORANDUM



DATE: March 27, 2020
TO: Honorable Mayor and Council Members
FROM: Frank Splendorio, Asst City Attorney
SUBJECT: **ORDINANCES ADDING CHAPTERS 16.21 AND 4.56 OF THE RANCHO CORDOVA MUNICIPAL CODE ENACTING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL AND COMMERCIAL TENANTS DUE TO FINANCIAL LOSS FROM COVID-19**

RECOMMENDATION

Introduce and adopt urgency ordinances and waive first reading and introduce the non-urgency ordinances.

RESULT OF RECOMMENDED ACTION

The Urgency Ordinances, if adopted, would immediately go into effect, which would be a temporary moratorium on the eviction of both residential and commercial tenants. The regular, non-urgency Ordinances are virtually identical "back-up" ordinances that would come back for a second reading and adoption at the next regular City Council meeting. Approval of these ordinances would add chapters to Title 4 Business Regulation and Title 16 Building and Construction, of the Rancho Cordova Municipal Code, as summarized below.

BACKGROUND

On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County from COVID-19.

On March 18, 2020, the City of Rancho Cordova adopted a resolution proclaiming a local emergency stemming from COVID-19. On March 19, 2020, the Sacramento County Public Health Officer issued an order, which directed all individuals within Sacramento County to stay at home or at their place of residence, except to provide or receive essential services or to engage in limited essential services, which subsequently followed by Governor Newsom's Executive Order N-33-20 on the same day which issued a state-wide stay home order; and

The city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, and plays, and conferences have been cancelled. School closures have occurred and

may continue. All non-essential employees have been ordered to work at home. As a result, restaurant and retail business have significantly declined and workers and businesses have been impacted by lost wages, lost revenues, and layoffs. Parents have had to miss work to care for homebound school-age children. As the virus spreads, workers and businesses may suffer losses for extended periods.

ANALYSIS

Due to orders from federal, state and county health officials, events have been cancelled, schools have been closed, and residents have been ordered to avoid public gatherings and stay and work at home to prevent the spread of this disease.

Many residential and commercial tenants have experienced sudden income or revenue loss, and further income impacts are anticipated. The financial losses caused by the effects of COVID-19 may impact a tenant's ability to pay rent when due, leaving tenants vulnerable to eviction. Providing commercial and residential tenants with a short-term protection from eviction due to the inability to pay rent will help stabilize the rental housing market and local economy by reducing displacement.

Restaurant and retail business has significantly declined and parents have missed work to care for home-bound school-age children, resulting in workers being impacted by lost wages and layoffs. The loss of wages and revenues caused by the effects of COVID-19 will impact a residential and commercial tenant's ability to pay rent when due, leaving tenants vulnerable to eviction.

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.

Therefore, companion commercial and residential tenancy ordinances are needed to establish a temporary moratorium to prohibit landlords from evicting both residential and commercial tenants who are unable to pay the full amount of rent due to lost wages or revenues caused by the effects of COVID-19.

The tenant will have to notify the landlord that their inability to pay rent was due to wage losses caused by the COVID-19 before the rent payment is due, and provide documentation to support the claim. Landlords who fail to comply would face penalties.

At the expiration of the Governor's Executive Order N-28-20, including any extensions, these protections would only remain in place for 120 days after. A tenant would then have to make arrangements with the landlord to pay the back rent owed, but no late fees could be imposed.

ENVIRONMENTAL ANALYSIS

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected at State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed Ordinances are not a “project” within the meaning of CEQA because the actions seek to regulate rental housing that are already present in the City and would not cause the expansion of uses or activities. No possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinances is not subject to the requirements of CEQA. The ordinance regulates eviction of tenants from existing commercial and residential rental units and its adoption is an administrative activity that does not result in a direct or indirect physical change to the environment. Therefore, this action is exempt from environmental review under CEQA per the CEQA Guidelines section 15378(b)(5).

FISCAL IMPACT AND FUNDING SOURCE

Commercial and residential landlords would still be entitled to collect back-rent owed within 120 days after the local emergency is repealed by the Sacramento County Public Health Officer, but not through an eviction process.

ATTACHMENT(S)

1. Urgency Ordinance Residential Tenant Eviction Protections
2. Regular Ordinance Residential Tenant Eviction Protections
3. Urgency Ordinance Commercial Tenant Eviction Protections
4. Regular Ordinance Commercial Tenant Eviction Protections

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2020

AN URGENCY ORDINANCE OF THE RANCHO CORDOVA CITY COUNCIL ADDING CHAPTER 16.21 TO THE RANCHO CORDOVA MUNICIPAL CODE, ENACTING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This urgency ordinance is adopted pursuant to the following findings:

1. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and
2. On January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and
3. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of COVID-19, and on March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Directives from federal, state, and local health officials, have advised all residents to avoid public gatherings and stay at home to prevent the spread of this disease; and
4. On March 18, 2020, the City Council of the City of Rancho Cordova adopted a resolution proclaiming a local emergency stemming from COVID-19; and
5. On March 19, 2020, the Sacramento County Public Health Officer issued an order, which directed all individuals within Sacramento County to stay at home or at their place of residence, except to provide or receive essential services or to engage in limited essential services, which subsequently followed by Governor Newsom’s Executive Order N-33-20 on the same day which issued a state-wide stay home order; and
6. The City has been greatly impacted by this global health pandemic, forcing all schools within the City to close, and causing a significant decrease in the amount of business being conducted within the City, due to all public events

being cancelled, and state and county orders only allowing essential activities and travel to occur; and

7. The COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent, and result in substantial medical expenses for City residents that may become infected with COVID-19; and
8. Regardless of the type of home residential tenants reside in, many residential tenants have experienced, and many more will experience sudden income loss, as this public health crises continues. This sudden decrease and/or loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants extremely vulnerable to eviction during this public health pandemic; and
9. Displacement through eviction creates undue hardship for residential tenants through additional relocation costs, and during the COVID-19 pandemic, affected residential tenants who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and
10. Ensuring residential tenants have the foregoing short-term protection from eviction due to their inability to pay rent caused in part by COVID-19, will help avoid increasing the homeless population and stabilize the residential rental housing market by reducing displacement; and
11. During this state of emergency, and in the interests of protecting the public health and safety, and preventing the transmission of COVID-19, it is essential to temporarily avoid the unnecessary displacement of residential tenants. Prohibiting residential evictions on a temporary basis is needed until the spread of COVID-19 can be minimized and the emergency restrictions are lifted; and
12. Nothing in this Urgency Ordinance waives or otherwise eliminates a tenant's obligations to pay back rent owed once this Urgency Ordinance is no longer in effect.

Section 2. Urgency Findings. The City Council of the City of Ranch Cordova 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 that warrants this urgency measure, which finding is based upon the facts stated herein, and in the staff report dated March 27, 2020, as well any oral and written testimony at the March 27, 2020 City Council meeting.

This Urgency Ordinance and any moratorium that may be established thereunder is declared by the City Council to be an urgency measure necessary for the immediate

preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Urgency Ordinance and the entirety of the record before the City Council.

Section 3. Amendment of Code. Chapter 16.21 “Temporary Moratorium on Residential Rental Housing Evictions” is hereby added to Title 16 of the Rancho Cordova Municipal Code, to read as follows:

Chapter 16.21

TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL TENANTS
WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH
CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

16.21.005 Duration.

This Chapter shall remain in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions, or until this Chapter is otherwise repealed or this section is otherwise amended by the City.

16.21.010 Definitions.

A. “Covered Reason for Delayed Payment” means a tenant’s loss of income due to any of the following:

(1) Tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19;

(2) Tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency;

(3) Tenant’s compliance with an order from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; or

(4) Tenant’s need to miss work to care for a home-bound school-age child.

B. “Mobilehome” means those structures defined in California Civil Code Section 798, *et. seq.*, and other forms of vehicles designed or used for human habitation, including camping trailers, recreational vehicles, motorhomes, slide-in campers, or travel trailers, that occupy a site in a mobilehome park as defined in Civil Code sections 798.4 and 798.6.

C. “Mobilehome Park” means any manufactured home park as defined in Civil Code sections 798.4 and 798.6

D. “Owner” means any person, acting as principal or through an agent, providing Residential Real Property for rent.

E. "Residential Real Property" means any dwelling, Mobilehome, or unit that is intended or used for human habitation in the City of Rancho Cordova.

F. "Tenancy" means the lawful occupation of Residential Real Property, including in mobilehomes and mobilehome parks and includes a lease or sublease.

G. "Tenant" means a residential tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of Residential Real Property.

16.21.015 Moratorium.

A. No Owner shall endeavor to evict a Tenant from Residential Real Property, for nonpayment of rent if the Tenant, in accordance with this Chapter, demonstrates that the inability to pay rent is due to a Covered Reason for Delayed Payment.

B. To utilize the protections afforded under this Chapter, a Tenant must do all of the following:

(1) Notify the Owner in writing before the day rent is due that the Tenant has a Covered Reason for Delayed Payment;

(2) Provide the Owner with verifiable documentation to support the assertion of a Covered Reason for Delayed Payment; and

(3) Pay a portion of the rent that the Tenant is able to pay.

C. If a Tenant complies with the requirements of subsection B, an Owner 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.

D. A Tenant who is afforded eviction protection under this Chapter shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay Owners all unpaid rent without any related late fees. During that 120 day period, the protections of this Chapter shall apply for such tenants.

E. Nothing in this Chapter relieves a Tenant of liability for unpaid rent after expiration of this Chapter, nor restrict an Owner's ability to recover rent due for other lawful reasons.

16.21.020 Remedies.

In addition to any other remedy under state law, any person who violates a provision of this Chapter is subject to the penalties set forth in RCMC Sections 1.01.190E and 1.01.190F.

Section 4. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality

ATTACHMENT 1

Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 5. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Effective Date. This Urgency Ordinance shall become effective immediately upon its adoption with four-fifths vote of the City Council and findings made pursuant to California Government Code section 36937. Within 15 days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC, City Clerk

ATTACHMENT 1

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2020

AN ORDINANCE OF THE RANCHO CORDOVA CITY COUNCIL ADDING CHAPTER 16.21 TO THE RANCHO CORDOVA MUNICIPAL CODE, ENACTING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This ordinance is adopted pursuant to the following findings:

1. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and
2. On January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and
3. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of COVID-19, and on March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Directives from federal, state, and local health officials, have advised all residents to avoid public gatherings and stay at home to prevent the spread of this disease; and
4. On March 18, 2020, the City Council of the City of Rancho Cordova adopted a resolution proclaiming a local emergency stemming from COVID-19; and
5. On March 19, 2020, the Sacramento County Public Health Officer issued an order, which directed all individuals within Sacramento County to stay at home or at their place of residence, except to provide or receive essential services or to engage in limited essential services, which subsequently followed by Governor Newsom’s Executive Order N-33-20 on the same day which issued a state-wide stay home order; and
6. The City has been greatly impacted by this global health pandemic, forcing all schools within the City to close, and causing a significant decrease in the amount of business being conducted within the City, due to all public events being cancelled, and state and county orders only allowing essential activities and travel to occur; and

7. The COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent, and result in substantial medical expenses for City residents that may become infected with COVID-19; and
8. Regardless of the type of home residential tenants reside in, many residential tenants have experienced, and many more will experience sudden income loss, as this public health crises continues. This sudden decrease and/or loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants extremely vulnerable to eviction during this public health pandemic; and
9. Displacement through eviction creates undue hardship for residential tenants through additional relocation costs, and during the COVID-19 pandemic, affected residential tenants who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and
10. Ensuring residential tenants have the foregoing short-term protection from eviction due to their inability to pay rent caused in part by COVID-19, will help avoid increasing the homeless population and stabilize the residential rental housing market by reducing displacement; and
11. During this state of emergency, and in the interests of protecting the public health and safety, and preventing the transmission of COVID-19, it is essential to temporarily avoid the unnecessary displacement of residential tenants. Prohibiting residential evictions on a temporary basis is needed until the spread of COVID-19 can be minimized and the emergency restrictions are lifted; and
12. Nothing in this Ordinance waives or otherwise eliminates a tenant's obligations to pay back rent owed once this Ordinance is no longer in effect.

Section 2. Findings. The City Council of the City of Ranch Cordova 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 that warrants this measure, which finding is based upon the facts stated herein, and in the staff report dated March 27, 2020, as well any oral and written testimony at the March 27, 2020 City Council meeting.

Section 3. Amendment of Code. Chapter 16.21 “Temporary Moratorium on Residential Rental Housing Evictions” is hereby added to Title 16 of the Rancho Cordova Municipal Code, to read as follows:

Chapter 16.21
TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL TENANTS
WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH
CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

16.21.005 Duration.

This Chapter shall remain in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions, or until this Chapter is otherwise repealed or this section is otherwise amended by the City.

16.21.010 Definitions.

A. “Covered Reason for Delayed Payment” means a tenant’s loss of income due to any of the following:

(1) Tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19;

(2) Tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency;

(3) Tenant’s compliance with an order from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; or

(4) Tenant’s need to miss work to care for a home-bound school-age child.

B. “Mobilehome” means those structures defined in California Civil Code Section 798, *et. seq.*, and other forms of vehicles designed or used for human habitation, including camping trailers, recreational vehicles, motorhomes, slide-in campers, or travel trailers, that occupy a site in a mobilehome park as defined in Civil Code sections 798.4 and 798.6.

C. “Mobilehome Park” means any manufactured home park as defined in Civil Code sections 798.4 and 798.6

D. “Owner” means any person, acting as principal or through an agent, providing Residential Real Property for rent.

E. “Residential Real Property” means any dwelling, Mobilehome, or unit that is intended or used for human habitation in the City of Rancho Cordova.

F. “Tenancy” means the lawful occupation of Residential Real Property, including in mobilehomes and mobilehome parks and includes a lease or sublease.

G. "Tenant" means a residential tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of Residential Real Property.

16.21.015 Moratorium.

A. No Owner shall endeavor to evict a Tenant from Residential Real Property, for nonpayment of rent if the Tenant, in accordance with this Chapter, demonstrates that the inability to pay rent is due to a Covered Reason for Delayed Payment.

B. To utilize the protections afforded under this Chapter, a Tenant must do all of the following:

(1) Notify the Owner in writing before the day rent is due that the Tenant has a Covered Reason for Delayed Payment;

(2) Provide the Owner with verifiable documentation to support the assertion of a Covered Reason for Delayed Payment; and

(3) Pay a portion of the rent that the Tenant is able to pay.

C. If a Tenant complies with the requirements of subsection B, an Owner 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.

D. A Tenant who is afforded eviction protection under this Chapter shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay Owners all unpaid rent without any related late fees. During that 120 day period, the protections of this Chapter shall apply for such tenants.

E. Nothing in this Chapter relieves a Tenant of liability for unpaid rent after expiration of this Chapter, nor restrict an Owner's ability to recover rent due for other lawful reasons.

16.21.020 Remedies.

In addition to any other remedy under state law, any person who violates a provision of this Chapter is subject to the penalties set forth in RCMC Sections 1.01.190E and 1.01.190F.

Section 4. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

ATTACHMENT 2

Section 5. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Effective Date. Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2020

AN URGENCY ORDINANCE OF THE RANCHO CORDOVA CITY COUNCIL ADDING CHAPTER 4.56 TO THE RANCHO CORDOVA MUNICIPAL CODE, ENACTING A TEMPORARY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This urgency ordinance is adopted pursuant to the following findings:

1. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and
2. On January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and
3. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of COVID-19, and on March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Directives from federal, state, and local health officials, have advised all residents to avoid public gatherings and stay at home to prevent the spread of this disease; and
4. On March 18, 2020, the City Council of the City of Rancho Cordova adopted a resolution proclaiming a local emergency stemming from COVID-19; and
5. On March 19, 2020, the Sacramento County Public Health Officer issued an order, which directed all individuals within Sacramento County to stay at home or at their place of residence, except to provide or receive essential services or to engage in limited essential services, which subsequently followed by Governor Newsom’s Executive Order N-33-20 on the same day which issued a state-wide stay home order; and
6. The City has been greatly impacted by this global health pandemic, forcing all schools within the City to close, and causing a significant decrease in the amount of business being conducted within the City, due to all public events being cancelled, and state and county orders only allowing essential activities and travel to occur; and

7. The COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent, and result in substantial medical expenses for City residents that may become infected with COVID-19; and
8. Businesses are also affected by COVID-19 and may be unable to pay rent and if businesses are unable to pay rent, they may be evicted and negatively impact the local economy by laying off employees and ceasing to provide services to residents of the City, and negatively impacting local health by forcing persons out of their shelter-in-place locations to prepare for business eviction, increasing potential COVID-19 exposure, and reducing the number of retail and commercial spaces available to provide essential services, also increasing potential COVID-19 exposure as a result of less retail and commercial spaces available for residents and thus less space available for social distancing; and
9. Ensuring businesses have the foregoing short-term protection from eviction due to their inability to pay rent caused in part by COVID-19, will help stabilize the commercial rental market by reducing displacement and ensuring businesses are able to remain open and/or reopen once this pandemic subsides; and
10. During this state of emergency, and in the interests of protecting the public health and safety, and preventing the transmission of COVID-19, it is essential to temporarily avoid the unnecessary displacement of commercial tenants. Prohibiting commercial evictions on a temporary basis is needed until the spread of COVID-19 can be minimized and the emergency restrictions are lifted; and
11. Nothing in this Urgency Ordinance waives or otherwise eliminates a tenant's obligations to pay back rent owed once this Urgency Ordinance is no longer in effect.

Section 2. Urgency Findings. The City Council of the City of Ranch Cordova 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 that warrants this urgency measure, which finding is based upon the facts stated herein, and in the staff report dated March 27, 2020, as well any oral and written testimony at the March 27, 2020 City Council meeting.

This Urgency Ordinance and any moratorium that may be established thereunder is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Urgency Ordinance and the entirety of the record before the City Council.

Section 3. Amendment of Code. Chapter 4.56 “Temporary Moratorium on the Eviction of Commercial Tenants Where the Failure to Pay Rent Is Due to Income Loss Or Health Care Costs from the Novel Coronavirus (COVID-19)” is hereby added to Title 4 of the Rancho Cordova Municipal Code, to read as follows:

Chapter 4.56
TEMPORARY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS
WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH
CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

4.56.005 Duration.

This Chapter shall remain in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions, or until this Chapter is otherwise repealed or this section is otherwise amended by the City.

4.56.010 Definitions.

A. “Covered Reason for Delayed Payment” means a Tenant’s loss of income due to the Tenant’s closure of, operating restrictions placed upon or other loss of the patronage of the tenant’s business directly resulting from:

(1) The state-declared emergency, City-declared emergency, or Sacramento County Public Health Officer’s Stay At Home Order dated March 19, 2020; or

(2) Any other emergency declarations or orders related to the COVID-19 pandemic.

B. “Owner” means any person, acting as principal or through an agent, providing Commercial Real Property for rent.

C. “Commercial Real Property” means any commercial property, structure, or unit that is intended or used for commercial purposes in the City of Rancho Cordova.

D. “Tenancy” means the lawful occupation of Commercial Real Property, and includes a lease or sublease.

E. “Tenant” means a commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of Commercial Real Property.

4.56.015 Moratorium.

A. No Owner shall endeavor to evict a Tenant from Commercial Real Property, for nonpayment of rent if the Tenant, in accordance with this Chapter, demonstrates that the inability to pay rent is due to a Covered Reason for Delayed Payment.

B. To utilize the protections afforded under this Chapter, a Tenant must do all of the following:

(1) Notify the Owner in writing before the day rent is due that the Tenant has a Covered Reason for Delayed Payment;

(2) Provide the Owner with verifiable documentation to support the assertion of a Covered Reason for Delayed Payment; and

(3) Pay a portion of the rent that the Tenant is able to pay.

C. If a Tenant complies with the requirements of subsection B, an Owner 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.

D. A Tenant who is afforded eviction protection under this Chapter shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay Owners all unpaid rent without any related late fees. During that 120 day period, the protections of this Chapter shall apply for such tenants.

E. Nothing in this Chapter relieves a Tenant of liability for unpaid rent after expiration of this Chapter, nor restrict an Owner's ability to recover rent due for other lawful reasons.

4.56.020 Remedies.

In addition to any other remedy under state law, any person who violates a provision of this Chapter is subject to the penalties set forth in RCMC Sections 1.01.190E and 1.01.190F.

Section 4. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 5. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

ATTACHMENT 3

Section 6. Effective Date. This Urgency Ordinance shall become effective immediately upon its adoption with four-fifths vote of the City Council and findings made pursuant to California Government Code section 36937. Within 15 days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2020

AN ORDINANCE OF THE RANCHO CORDOVA CITY COUNCIL ADDING CHAPTER 4.56 TO THE RANCHO CORDOVA MUNICIPAL CODE, ENACTING A TEMPORARY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This ordinance is adopted pursuant to the following findings:

1. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and
2. On January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and
3. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of COVID-19, and on March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Directives from federal, state, and local health officials, have advised all residents to avoid public gatherings and stay at home to prevent the spread of this disease; and
4. On March 18, 2020, the City Council of the City of Rancho Cordova adopted a resolution proclaiming a local emergency stemming from COVID-19; and
5. On March 19, 2020, the Sacramento County Public Health Officer issued an order, which directed all individuals within Sacramento County to stay at home or at their place of residence, except to provide or receive essential services or to engage in limited essential services, which subsequently followed by Governor Newsom’s Executive Order N-33-20 on the same day which issued a state-wide stay home order; and
6. The City has been greatly impacted by this global health pandemic, forcing all schools within the City to close, and causing a significant decrease in the amount of business being conducted within the City, due to all public events being cancelled, and state and county orders only allowing essential activities and travel to occur; and

7. The COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent, and result in substantial medical expenses for City residents that may become infected with COVID-19; and
8. Businesses are also affected by COVID-19 and may be unable to pay rent and if businesses are unable to pay rent, they may be evicted and negatively impact the local economy by laying off employees and ceasing to provide services to residents of the City, and negatively impacting local health by forcing persons out of their shelter-in-place locations to prepare for business eviction, increasing potential COVID-19 exposure, and reducing the number of retail and commercial spaces available to provide essential services, also increasing potential COVID-19 exposure as a result of less retail and commercial spaces available for residents and thus less space available for social distancing; and
9. Ensuring businesses have the foregoing short-term protection from eviction due to their inability to pay rent caused in part by COVID-19, will help stabilize the commercial rental market by reducing displacement and ensuring businesses are able to reopen once this pandemic subsides; and
10. During this state of emergency, and in the interests of protecting the public health and safety, and preventing the transmission of COVID-19, it is essential to temporarily avoid the unnecessary displacement of commercial tenants. Prohibiting commercial evictions on a temporary basis is needed until the spread of COVID-19 can be minimized and the emergency restrictions are lifted; and
11. Nothing in this Ordinance waives or otherwise eliminates a commercial tenant's obligations to pay back rent owed once this Ordinance is no longer in effect.

Section 2. Findings. The City Council of the City of Ranch Cordova 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 that warrants this measure, which finding is based upon the facts stated herein, and in the staff report dated March 27, 2020, as well any oral and written testimony at the March 27, 2020 City Council meeting.

Section 3. Amendment of Code. Chapter 4.56 "Temporary Moratorium on the Eviction of Commercial Tenants Where the Failure to Pay Rent Is Due to Income Loss Or Health Care Costs from the Novel Coronavirus (COVID-19)" is hereby added to Title 4 of the Rancho Cordova Municipal Code, to read as follows:

Chapter 4.56
TEMPORARY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS

WHERE THE FAILURE TO PAY RENT IS DUE TO INCOME LOSS OR HEALTH CARE COSTS FROM THE NOVEL CORONAVIRUS (COVID-19)

4.56.005 Duration.

This Chapter shall remain in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions, or until this Chapter is otherwise repealed or this section is otherwise amended by the City.

4.56.010 Definitions.

A. "Covered Reason for Delayed Payment" means a Tenant's loss of income due to the Tenant's closure of, operating restrictions placed upon or other loss of the patronage of the tenant's business directly resulting from:

(1) The state-declared emergency, City-declared emergency, or Sacramento County Public Health Officer's Stay At Home Order dated March 19, 2020; or

(2) Any other emergency declarations or orders related to the COVID-19 pandemic.

B. "Owner" means any person, acting as principal or through an agent, providing Commercial Real Property for rent.

C. "Commercial Real Property" means any commercial property, structure, or unit that is intended or used for commercial purposes in the City of Rancho Cordova.

D. "Tenancy" means the lawful occupation of Commercial Real Property, and includes a lease or sublease.

E. "Tenant" means a commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of Commercial Real Property.

4.56.015 Moratorium.

A. No Owner shall endeavor to evict a Tenant from Commercial Real Property, for nonpayment of rent if the Tenant, in accordance with this Chapter, demonstrates that the inability to pay rent is due to a Covered Reason for Delayed Payment.

B. To utilize the protections afforded under this Chapter, a Tenant must do all of the following:

(1) Notify the Owner in writing before the day rent is due that the Tenant has a Covered Reason for Delayed Payment;

(2) Provide the Owner with verifiable documentation to support the assertion of a Covered Reason for Delayed Payment; and

(3) Pay a portion of the rent that the Tenant is able to pay.

C. If a Tenant complies with the requirements of subsection B, an Owner 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.

D. A Tenant who is afforded eviction protection under this Chapter shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay Owners all unpaid rent without any related late fees. During that 120 day period, the protections of this Chapter shall apply for such tenants.

E. Nothing in this Chapter relieves a Tenant of liability for unpaid rent after expiration of this Chapter, nor restrict an Owner's ability to recover rent due for other lawful reasons.

4.56.020 Remedies.

In addition to any other remedy under state law, any person who violates a provision of this Chapter is subject to the penalties set forth in RCMC Sections 1.01.190E and 1.01.190F.

Section 4. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 5. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Effective Date. Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

ATTACHMENT 4

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk