



**AGENCY:** City Council  
**MEETING DATE:** March 24, 2020  
**DEPARTMENT:** Administration  
**PRESENTED BY:** T. Miller  
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## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of Urgency Ordinance No. 960-2020 Adding a Temporary Moratorium on Evictions Due to COVID-19**

**ISSUE:**

Due to the State of Emergency resulting from COVID-19, the Governor has authorized cities to enact moratoriums on residential and commercial evictions due to lost income stemming from COVID-19. The proposed Urgency Ordinance would suspend these evictions for the duration of the emergency and must be passed by a four-fifths vote of the entire City Council.

**ANALYSIS:**

As the global COVID-19 emergency persists, the economic impacts of the federal, state and local orders to prevent the spread of the virus such as social distancing, school closures, restaurant and bar closures, and Shelter-in-Place orders have left many Fort Bragg businesses and individuals unable to pay their rent.

On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

Under the proposed Urgency Ordinance, both commercial and residential tenants who notify their landlords before their rent is due, and provide documentation to their landlord within thirty (30) days of their rent due date that they are unable to pay all or a portion of their rent due to substantial financial hardships resulting from COVID-19, may not be evicted during the pendency of the Governor's Order N-28-20 or an extension thereof.

**Urgency Ordinances**

Urgency Ordinances that are necessary for the immediate preservation of the public peace, health or safety, must contain a declaration of the facts constituting the urgency, and must be passed by a four-fifths vote of the City Council per Government Code Section 36937. Urgency Ordinances go into effect immediately upon adoption per California Government Code Section 36934. The proposed Ordinance contains the required findings.

**Moratorium on Evictions and Deferral of Rent Payments**

The proposed Urgency Ordinance would apply to both commercial and residential tenants who are unable to pay rent during the term of the Ordinance due to financial impacts of COVID-19. To be protected from eviction by the Ordinance, tenants would need to notify their landlords and provide documentation evidencing their inability to pay all or a portion of

their rent during the effective dates of the Ordinance due to COVID-19 impacts. Tenants would also be required to pay whatever part of the rent they were able to pay.

Landlords would not be permitted to begin eviction proceedings against tenants who qualify during the term of the Ordinance, nor would landlords be able to charge late fees to eligible tenants. However, tenants will still be legally responsible for paying all rent due within six months after the expiration of the Ordinance.

**RECOMMENDED ACTION:**

Waive the reading of the ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

**ALTERNATIVE ACTION(S):**

The City Council may choose to decline to adopt the Urgency Ordinance and provide other direction to staff.

**FISCAL IMPACT:**

There will likely be fiscal impacts to both renters and landlords. The Ordinance protects tenants from eviction but it does not relieve or forgive a tenant of the liability for unpaid rent.

**GREENHOUSE GAS EMISSIONS IMPACT:**

There may be a small positive reduction in greenhouse gas emissions if tenants are not forced to relocate or transfer belongings by vehicle to another location.

**CONSISTENCY:**

The proposed urgency ordinance is consistent with all state laws, city ordinances, and emergency orders currently in effect.

**IMPLEMENTATION/TIMEFRAMES:**

If adopted by a four-fifths vote of the entire membership of the City Council, the proposed Urgency Ordinance will become effective immediately.

**ATTACHMENTS:**

1. Urgency Ordinance 960-2020
2. Governor's Order N-28-20

**NOTIFICATION:**

1. Affordable Housing, Notify Me subscriber list
2. Homeless, Notify Me subscriber list
3. Economic Development Planning, Notify Me subscriber list