ORDINANCE NO. 2029

AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING A TEMPORARY MORATORIUM ON EVICTIONS RESULTING FROM NONPAYMENT OF RENT WHEN SUCH NONPAYMENT WAS CAUSED BY THE COVID-19 PANDEMIC, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

City Attorney's Summary

This is an urgency ordinance of the City of Palm Springs, California, extending the protections provided under a temporary moratorium on evictions due to nonpayment of rent from tenants where the failure to pay rent results from income loss resulting from the novel Coronavirus (COVID-19) and setting forth the facts constituting the urgency.

WHEREAS, 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

WHEREAS, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments' ability to impose their own "substantive limitations on residential or commercial evictions" through May 31, 2020; and

WHEREAS, on March 13, 2020, the City Manager, as the City's Emergency Services Director, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City's response to the novel coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 17, 2020, the City Manager, as the City's Emergency Services Director, issued a shelter in place order, ordering that individuals living in the City of Palm Springs to shelter at their place of residence, excluding activities necessary to provide or receive certain essential services or engage in certain essential activities and work for essential business and government service; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Palm Springs have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, this Ordinance is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes and places of business; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this ordinance related to the protection of life and property, to ensure that residential renters can remain in their homes and that tenants of non-residential properties can

remain in their places of business and prevent proliferation of homelessness and further spread of COVID-19. Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing and employment and lack of moving services and supplies as stores and businesses close. During the COVID-19 pandemic outbreak, affected 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. Businesses and other tenants of non-residential properties will be similarly harmed, with significant consequences for the public health, safety, and welfare; and

WHEREAS, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

WHEREAS, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties where the failure to pay rent results from income loss resulting from COVID-19; and

WHEREAS, on April 2, 2020, the City Council adopted Ordinance No. 2022, an urgency ordinance enacting a temporary moratorium on evictions resulting from non-payment of rent when such non-payment was caused by COVID-19 reasons, which ordinance provided that it would expire on June 4, 2020, unless extended; and

WHEREAS, on May 26, 2020, the City Council extended Ordinance No. 2022 to June 30, 2020, unless extended or terminated by either the City Council or the City Manager/Director of Emergency Services; and

WHEREAS, on June 30, 2020, the City Council extended the protections of Ordinance No. 2022 through July 31, 2020, unless extended or terminated by either the City Council or the City Manager/Director of Emergency Services; and

WHEREAS, On June 30, 2020, Governor Newsom issued Executive Order N-71-20, which extended the authorization for local governments to halt evictions of renters impacted by the COVID-19 pandemic through September 30, 2020; and

WHEREAS, the City has authority to adopt this Ordinance under the City's police power and the powers afforded to the city in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and Sections 312 and 315 of the Palm Springs Charter to protect the peace, health, and safety of the public. The Palm Springs City Council finds

that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. Extension of Temporary Moratorium on Evictions for Non-Payment of Rent by Tenants Impacted by the COVID-19 Crisis.

A. Subdivision (H) of Section 1 of Ordinance No. 2022 is hereby amended to read as follows:

> "H. This ordinance shall remain in effect through September 30, 2020, unless extended or terminated by either the City Council or the City Manager/Director of Emergency Services. For purposes of the protections provided in Sections 1(A) and 1(E) of this ordinance, the local emergency shall be deemed to end on that date. Notwithstanding the foregoing, and in order to prevent inconsistencies, the Director of Emergency Services may suspend the effectiveness of this ordinance in the event that the President of the United States, Congress, Governor of the State of California, or California State Legislature adopts an order or legislation to the extent that such order or legislation pre-empts this ordinance."

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

SECTION 3. Environmental Review.

The City Council finds that adoption and implementation of this ordinance is not a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Palm Springs, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

SECTION 4. Urgency Declaration; Effective Date.

The City Council finds and declares that the adoption and implementation of this ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and Palm Springs Municipal Code Chapter 2.20, this ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 23RD DAY OF JULY 2020.

GEOFF KORS
MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 2029 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on July 23, 2020, and adopted at a regular meeting of the City Council held on July 23, 2020, by the following vote:

AYES: Councilmembers Garner, Middleton, Woods, Mayor Pro Tem Holstege and Mayor Kors
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 29th day of July, 2020.

ANTHONY J. MEJIA, MMC
CITY CLERK