

ORDINANCE NO. 2020-014

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
AMENDING SECTION 6.1020.020,
“TEMPORARY EVICTION MORATORIUM,”
OF THE SAN BUENAVENTURA MUNICIPAL
CODE AND DECLARING THE URGENCY
THEREOF**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

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 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 12, 2020, the Ventura County Board of Supervisors and Public Health Department declared a local public health emergency to aid the regional healthcare and governmental community in responding to 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 15, 2020, the City Manager, acting as the Director of Disaster Services under Chapter 2.370 of the San Buenaventura Municipal Code, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response to COVID-19 and this declaration was confirmed by Resolution of the City Council on March 17, 2020; and,

WHEREAS, On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 reconfirming the State of Emergency in California as a result of the threat of COVID-19, the additional economic impact the virus is causing to businesses and housing matters, and the need for local jurisdictions to determine, based on their particular needs, additional measures to promote housing security as well as assist commercial tenancies; and,

WHEREAS, The Governor's Executive Order N-29-20 suspends any state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions in circumstances where the basis for the eviction is nonpayment of rent or a foreclosure arising out of a substantial decrease in household or business income caused by the COVID-19 pandemic or by any federal, state, or local government response to COVID-19; and,

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and,

WHEREAS, As a result of the public health emergency and Executive Order N-33-20, many residential and commercial tenants in the City have experienced or expect soon to experience sudden and unexpected income and/or revenue 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, Further economic impacts are anticipated, leaving tenants vulnerable to eviction; and,

WHEREAS, 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; and,

WHEREAS, During this local emergency, and in the interest of protecting the public peace and safety, it is essential to protect small business owners from losing commercial spaces along with the business itself and to avoid unnecessary displacement of commercial businesses; and,

WHEREAS, In light of this local emergency, on March 30, 2020, the City Council adopted Chapter 6.1020, "Temporary Eviction Moratorium," of the San Buenaventura Municipal Code; and

WHEREAS, The City Council found that the documentation and notification requirements established Chapter 6.1020 were impracticable given the difficulty in obtaining certain documents from employers that are closed due to COVID-19; and

WHEREAS, Additional time is required to allow tenants to gather documentation to provide financial impacts related to COVID-19; and

WHEREAS, Without emergency action by the City Council, residential and commercial tenants will not be able to satisfy the documentation requirements, placing tenants at further risk of eviction; and

WHEREAS, The City Council finds that this Emergency Ordinance is necessary to protect the public peace, health and safety of the City during the emergency caused by the spread of COVID-19.

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1. AMENDMENT TO CODE. Section 6.1020.020, "Temporary Eviction Moratorium" of Chapter 6.1020, "Temporary Eviction Moratorium," of the San Buenaventura Municipal Code is hereby amended as follows:

Sec. 6.1020.020. Temporary Eviction Moratorium.

A. Eviction Prohibited. During the period of the Local Emergency, no Landlord shall endeavor to evict a Tenant from any Rental Unit in either of the following situations: (1) for nonpayment of Rent during the Local Emergency if the Tenant demonstrates that the Tenant is unable to pay Rent due to Financial Impacts Related to COVID-19 or (2) for a No-Fault Eviction unless necessary for the health and safety of Tenants, neighbors, or the Landlord.

A Landlord who knows that a Tenant cannot pay some or all of the Rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of Rent.

B. Tenant's Obligations to Notify Landlord. A Landlord knows of a Tenant's inability to pay Rent within the meaning of this Chapter if

the Tenant, within seven days after the date rent is due, notifies the Landlord In Writing of lost income and inability to pay full Rent due to Financial Impacts Related to COVID-19. Tenant shall provide documentation to support the claim within 30 days after the date rent is due. Documentation may include an employer's letter, doctor's note, paystubs, bank statements or any other documentation the landlord deems sufficient. Any medical or financial information provided to the Landlord shall be held in confidence, and only used for evaluating the Tenant's claim.

C. **Obligation to Pay Rent.** The Tenant shall pay partial rent to the extent the Tenant is able. Nothing in this Chapter shall relieve the Tenant of liability for the unpaid Rent, which the Landlord may seek after expiration of the Local Emergency, and the Tenant must pay within six months of the expiration of the Local Emergency.

D. **Late Fees Prohibited.** A Landlord may not charge or collect a late fee for Rent that is delayed for the reasons stated in this Chapter; nor may a Landlord seek Rent that is delayed or the reasons stated in this Chapter through the eviction process."

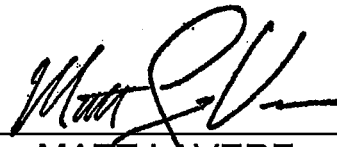
SECTION 2. EFFECTIVE DATE. This Ordinance is an Emergency Ordinance pursuant to City Charter Section 706(c) shall be in full force and effect immediately upon its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Emergency Ordinance, is for any reason 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 Emergency

Ordinance. The City Council hereby declares that it would have adopted this Emergency Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.


SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

PASSED and ADOPTED this 7th day of April, 2020.



MATT LAVERE
Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 
Megan Lorenzen
Assistant City Attorney

4/5/20

Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2020-014 that was introduced and adopted by said City Council at a special meeting held April 7, 2020, by the following vote:

AYES: Councilmembers Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: Councilmember Nasarenko

I further certify that said Ordinance No. 2020-014 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette Mann

Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

April 7, 2020

Date Attested

