



Town Council Agenda Report

Date: July 14, 2020 Item No. 16

To: Honorable Mayor and Town Council

Subject: CONSIDER THE ADOPTION OF RESOLUTION EXTENDING THE TEMPORARY MORATORIA ON EVICTIONS DUE TO NON-PAYMENT OF RENT BY RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19) DURING A PERIOD OF LOCAL EMERGENCY TO SEPTEMBER 30, 2020

From: Douglas Robertson, Town Manager

Submitted by: Douglas Robertson, Town Manager

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Staff recommends that the Town Council consider the adoption of a resolution extending the temporary moratoria on evictions due to non-payment of rent by residential and commercial tenants impacted by the novel coronavirus (COVID-19) during a period of local emergency to September 30, 2020.

BACKGROUND:

On March 21, 2020, the Town Manager, in accordance with Section 2.40.060.A(1) of the Apple Valley Municipal Code, issued Proclamation No. 2020-01 proclaiming the existence of a local emergency relating to the worldwide spread of respiratory illness due to the novel coronavirus known as COVID-19. On March 24, 2020, the Town Council adopted Resolution No. 2020-10, ratifying Proclamation No. 2020-01 and declaring a local emergency.

During the pendency of the emergency, the Town Manager as the Director of Emergency Services has the power to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

Pursuant to that authority and in accordance with Executive Order N-28-20, issued by the Governor of the State of California on March 16, 2020, the Town Manager issued Executive Order No. 2020-01, dated March 24, 2020, which in part enacted temporary moratoria on evictions for non-payment of rent by residential and commercial tenants impacted by COVID-19. The Town Council confirmed Executive Order 2020-01 on April 14, 2020.

The Governor has now extended authorization for local governments to halt evictions for tenants impacted by the COVID-19 crisis twice. First, under Executive Order N-66-20, issued on May 29, 2020, the Governor extended such authorization to July 28, 2020. Most recently, under Executive Order N-71-20, issued on June 30, 2020, the Governor extended such authorization to September 30, 2020.

DISCUSSION:

The Town Council should consider extending the temporary moratoria on evictions due to non-payment of rent by residential and commercial tenants impacted by the novel coronavirus (COVID-19) during a period of local emergency. Pursuant to Executive Order N-71-20, the Town Council may extend the temporary moratoria that were imposed under Executive Order 2020-01 on March 24, 2020 and ratified by the Town Council on April 14, 2020 until September 30, 2020.

FISCAL IMPACT:

None.

CONCLUSION:

Staff recommends the Town Council consider the adoption of a resolution extending the temporary moratoria on evictions due to non-payment of rent by residential and commercial tenants impacted by the novel coronavirus (COVID-19) during a period of local emergency to September 30, 2020.

ATTACHMENTS:

Resolution No. 2020-41

RESOLUTION NO. 2020-41

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, EXTENDING THE TEMPORARY MORATORIA ON EVICTIONS DUE TO NON-PAYMENT OF RENT BY RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19) DURING A PERIOD OF LOCAL EMERGENCY TO SEPTEMBER 30, 2020

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, authorizing local governments' through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants financially impacted by COVID-19 through May 31, 2020; and

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

WHEREAS, on March 20, 2020, the Town Manager/Director of Emergency Services proclaimed the existence of a local emergency in the Town of Apple Valley in connection with the global pandemic caused by the spread of a novel coronavirus, COVID-19 ("Proclamation 2020-01"); and

WHEREAS, on March 24, 2020, the Town Council ratified Proclamation 2020-01 through the adoption of a resolution proclaiming the existence of a local emergency and expressly authorizing the Town Manager/Director of Emergency Services to establish a temporary moratorium on evictions and enact other protections in accordance with Executive Order N-28-20 issued by the Governor on March 16, 2020 ("Resolution No. 2020-51"); and

WHEREAS, on March 24, 2020, the Town Manager/Director of Emergency Services issued Executive Order 2020-01, in part imposing temporary moratoria on evictions for non-payment of rent by residential and commercial tenants impacted by the COVID-19 crisis; and

WHEREAS, on April 14, 2020, the Town Council confirmed Executive Order 2020-01; and

WHEREAS, on May 29, 2020, the Governor of the State of California issued Executive Order N-66-20, in part extending authorization for local governments to halt evictions for tenants impacted by the COVID-19 crisis through July 28, 2020; and

WHEREAS, on June 30, 2020, the Governor of the State of California issued Executive Order N-71-20, in part extending authorization for local governments to halt evictions for tenants impacted by the COVID-19 crisis through September 30, 2020; and

WHEREAS, many businesses have imposed work from home policies; meetings, events and social gatherings are cancelled and in some cases prohibited as people remain at home; customers are not patronizing restaurants, hotels, and retail establishments or hiring domestic help or travelling; and

WHEREAS, the above actions are severely impacting hourly workers, through employee terminations and the cutting back of hours; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many commercial and residential tenants in the Town of Apple Valley have experienced or expect soon to experience sudden and unexpected income loss or an increase in out-of-pocket medical expenses; 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, most, if not all, local schools are likely to remain closed or on reduced schedules to prevent further spread of COVID-19, and these closures 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, and further economic impacts are anticipated, which leaves tenants vulnerable to eviction; and

WHEREAS, 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 lack of moving services and supplies as stores and businesses close; and

WHEREAS, 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; 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; and

WHEREAS, 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; and

WHEREAS, 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 would cause people to be in violation the Governor's Executive order to stay home; and

WHEREAS, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

WHEREAS, the Town desires to prohibit evictions due to nonpayment of rent for residential and commercial tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19); 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 order related to the protection of life and property, to ensure renters can remain in their homes and prevent proliferation of homelessness and further spread of COVID-19; and

WHEREAS, this Resolution is temporary in nature and only intended to promote stability and fairness within the residential and commercial rental market in the Town during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the Town whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, this Resolution is adopted pursuant to the Town's police powers and powers afforded to the Town 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 the Chapter 2.40 of the Apple Valley Municipal Code to protect the peace, health, and safety of the public; and

WHEREAS, this Resolution is necessary for the preservation of the public peace, health, and safety of residents living within the Town and, under Government Code Section 8634, this Resolution is necessary to provide for the protection of life and property.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference. The recitals and findings in Proclamation 2020-01, Resolution 2020-10, and Executive Order 2020-01 are also incorporated herein by this reference.

SECTION 2. Extension of the Temporary Moratoria on Evictions for Non-Payment of Rent by Residential and Commercial Tenants Impacted by the COVID-19 Crisis.

The temporary moratoria on evictions for non-payment of rent by residential and commercial tenants impacted by the COVID-19 crisis that were imposed under Executive Order 2020-01 on March 24, 2020 and ratified by the Town Council on April 14, 2020 are hereby extended up to and including September 30, 2020 in accordance with Executive Order N-71-20.

SECTION 3. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Proclamation are declared to be severable.

SECTION 4. Effective Date and Termination. This Resolution shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) September 30, 2020; or (3) it is duly terminated by the Town Council. This Resolution may also be superseded by a duly enacted ordinance of the Town Council expressly superseding this Resolution.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution and the above findings are based are located at the Town's offices at 14955 Dale Evans Parkway, Apple Valley, CA 92307, and the custodian of records for these documents is the Town Clerk.

SECTION 6. Certification. The Mayor shall sign this Resolution and the Town Clerk shall attest and certify to the passage and adoption thereof.

APPROVED and ADOPTED by the Town Council of the Town of Apple Valley this 14th day of July, 2020.

ATTEST:

Mayor Scott Nassif

La Vonda M-Pearson, Town Clerk