



Agenda

Special City Council Meeting March 25, 2020– 5:00 P.M.

City Council and Staff Will Attend Via Teleconference

Members:

Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli · Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto · Councilmember Gabriel Quinto

Pursuant to Executive Order N-25-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

Members of the public will not be able to participate directly through the teleconference platform but can watch or listen to the meeting in the following ways:

1. Cable T.V. Broadcast on KCRT Channel 8 or AT&T Uverse Channel 99
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online At www.el-cerrito.org/CouncilMeetingMaterials

Public comments may be submitted one of two ways:

1. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **public comments – not on the agenda or public comments – agenda item #**.
2. Via voicemail at (510) 306-2558. The caller must start the message by stating **public comments – not on the agenda or public comments – agenda item #** followed by their name and place of residence, followed by their comments.

Comments received up until **one hour prior to the start of the meeting** will be provided in writing to the city council, included transcribed voicemails.

Comments received **during the meeting and up until the public comment period on the relevant agenda item is closed**, will be read into the record and will be limited to a maximum of 3 minutes. Comments that do not conform to the city council's rules of decorum may be summarized rather than read verbatim.

All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record.

The city cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the city council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

5:00 ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

2. COUNCIL/STAFF COMMUNICATIONS

3. POLICY MATTERS

A. Urgency Ordinance Enacting a Temporary Eviction Moratorium

Requires a 4/5 vote of the City Council (G.C. 36937)

Action Proposed: Staff recommends the City Council introduce by title, waive further reading and adopt an Urgency Ordinance (Attachment 1) enacting a temporary moratorium on evictions for residential and commercial tenants financially impacted by the Novel Coronavirus (COVID-19). A four-fifths vote of the City Council is required for approval.

Contact: Sky Woodruff, City Attorney, City Management; Melanie Mintz, Community Development Director; Aissia Ashoori, Housing Analyst, Community Development Department

4. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Sky Woodruff, City Attorney; Alexandra Orologas, Assistant City Manager; and Kristen Cunningham, Human Resources Manager.

Employee Organizations: Service Employees International Union (SEIU) Local 1021.

Contact: Sky Woodruff, City Attorney, City Management

5. ADJOURN SPECIAL CITY COUNCIL MEETING

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305 Fax: 510-215-4379, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



INSTRUCTIONS FOR PUBLIC COMMENT

**Special City Council Meeting
March 25, 2020– 5:00 P.M.**

City Council and Staff Will Attend Via Teleconference

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AGENDA BILL

Agenda Item No. 3.A.

Date: March 25, 2020
To: El Cerrito City Council
From: Sky Woodruff, City Attorney, City Management; Melanie Mintz, Community Development Director; Aissia Ashoori, Housing Analyst, Community Development Department
Subject: Urgency Ordinance Enacting a Temporary Eviction Moratorium

ACTION PROPOSED

Staff recommends the City Council introduce by title, waive further reading and adopt an Urgency Ordinance (Attachment 1) enacting a temporary moratorium on evictions for residential and commercial tenants financially impacted by the Novel Coronavirus (COVID-19). A four-fifths vote of the City Council is required for approval.

BACKGROUND

International, federal, state, and local health and government authorities are responding to an outbreak of respiratory disease known as Novel Coronavirus - COVID-19. On March 10, 2020, the Contra Costa County Board of Supervisors adopted a resolution for proclamation of a state of emergency in the County to deal with the potential spread of COVID-19. On March 13, 2020, the City Council of El Cerrito proclaimed a local emergency related to COVID-19. In order to protect public health through social distancing, self-isolation, and self-quarantine, on March 16, 2020 six Bay Area Counties, including Contra Costa County, issued a legal order directing their respective residents to Shelter in Place (Attachment 4). On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 (Attachment 3) ordering all individuals living in the state of California to stay at home except as needed to maintain continuity of operation of critical infrastructure sectors, critical government services, schools, and construction. The Contra Costa County Shelter in Place Order went into effect on Tuesday, March 17, 2020 and is currently set to last through April 7, 2020, but may be extended. The Governor's Stay at Home Order does not have an end date.

The orders related to COVID-19 have immediately impacted the abilities of individuals statewide to perform day-to-day life and work. Many people have been required to work remotely if possible, and some have already experienced reduced hours or have even been laid off. Many commercial businesses have been forced to close due to the Shelter in Place Order or operate with reduced services and hours, resulting in the need for less staff. The drastic changes in the economy since these orders have been in place have also prevented many businesses from remaining open since employees in sectors deemed "non-essential" are prevented from leaving their home. These impacts will continue through the duration of the Shelter in Place Order and likely beyond.

As a result, there are reports of both residents and businesses having trouble meeting rent or mortgage payments. Some action has been taken at the federal level for relief. Fannie Mae, Freddie Mac, and the Federal Home Loan Banks are taking steps to help people who have been impacted by the coronavirus by allowing eligible homeowners to delay making monthly mortgage payments for a temporary period, the Federal Housing Administration (FHA) has implemented an immediate foreclosure and eviction moratorium for single family homeowners with FHA-insured mortgages for the next 60 days, and many banks are following suit. Freddie Mac also recently announced a relief plan for multifamily apartment owners and renters affected by COVID-19 that will allow a 90 day mortgage deferment with the stipulation that tenants cannot be evicted. In Contra Costa County, the Superior Courts are closed and the Sheriff has suspended eviction processes for the duration of the County Order.

Executive Order N-28-20 (Attachment 2) issued by Governor Newsom on March 16, 2020 suspends “any provision of 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...” as further defined in the order, until May 31, 2020. This allows individual local governments to consider a moratorium on evictions for residential or commercial properties. Several Bay Area cities have enacted such moratoriums, including San Francisco, Oakland, San Jose, Alameda, Richmond, Emeryville, and are under consideration in many other cities. On March 23, 2020, the California Apartment Association advised its member landlords they should freeze rents, stop evictions “absent extraordinary circumstances,” waive late-payment fees for impacted residents and offer flexible repayment options for those late rents through May 31.

City staff is proposing an Urgency Ordinance that would provide a moratorium on evictions within the City of El Cerrito. As the City Council continues to prioritize stability for its residents and businesses, reducing impacts to both groups during this public health emergency is essential to prevent homelessness and the permanent closure of businesses in the City due to economic hardships created by COVID-19.

ANALYSIS

The proposed Ordinance establishes a moratorium period for residential and commercial evictions due to non-payment of rent during the COVID-19 pandemic and is consistent with the authority provided in Executive Order N-28-20 (Attachment 2) issued by Governor Newsom. The Ordinance aims to provide a multi-pronged approach by halting evictions through the following defined temporary measures:

1. During the term of this Ordinance, no landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent, if able to demonstrate both of the following:
 - a. Substantial decrease in household or business income, including medical expenses; and

- b. The decrease in income is a result of the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented in writing.
2. Substantial decrease in household income includes but is not limited to income loss caused by:
 - a. COVID-19 illness or caring for a household or family member with COVID-19 illness;
 - b. Work closures, layoffs, job loss, a reduction in the number of compensable hours or other economic or employer impacts of COVID-19;
 - c. Missing work due to a minor child's school closure; and
 - d. Compliance with government health authority orders, or other similarly-caused reason resulting in loss of household income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of same.
3. Substantial decrease in business income includes, but is not limited to, income loss caused by:
 - a. Work closures;
 - b. Reduction in staff reporting to work;
 - c. Reduction in opening hours, or reduction in consumer demand; and
 - d. Compliance with government health authority orders, or other similarly-caused reason resulting in loss of business income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of same.
4. A landlord that knows that a tenant cannot pay some or all of the rent temporarily for the reasons listed above shall not serve a notice pursuant to Civil Code of Procedure section 1161, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.
5. The City encourages tenants to inform landlords in writing of their inability to pay full rent as soon as practicable after they become aware of a substantial decrease in household income or business income or out-of-pocket medical expenses that would prevent them from paying full rent. A landlord that knows of a tenant's inability to pay rent within the meaning of the Ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of the tenant's inability to pay the full rent because a substantial decrease in household or business income or the need to pay out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and provides documentation to support the claim. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.
6. The Ordinance temporarily relieves the tenant of liability for the unpaid rent, which the landlord may seek after the expiration of this Ordinance, and the tenant must

pay within six (6) months of the date of expiration of the Ordinance, unless a state law or order is amended or adopted providing for a longer repayment period, in which case the repayment period provided by the state law or order shall apply under this Ordinance.

7. A landlord may not charge or collect a late fee for rent that is delayed for the reasons identified above, nor may a landlord seek rent that is delayed for the reasons defined in the Ordinance through the eviction process.

Residential

The composition of households in El Cerrito are 40% renter-occupied. To ensure that El Cerrito residential rental tenants can maintain housing security, stay healthy to prevent further spread of the virus, and remain safe during this already stressful time, staff recommends that City Council temporarily pause displacement actions for residential tenants that are at-risk due to loss of income or other factors relating to the COVID-19 emergency.

Commercial

The City's businesses contribute to the community and the City's overall economic well being. As of January 2020, there are 252 business licenses in the fixed-place (premises where business is located) category. This includes both long-established and new businesses. Most businesses do not own the property where they operate. Some businesses have been required to close consistent with the County Order. Others that are open, such as restaurants and dry cleaners, have reported an 80% - 90% decline in revenues in March alone. Staff anticipates that many commercial tenants will continue to lose revenue during the Shelter in Place period through April 7th, or longer if the Order is extended. Additionally, many businesses will take time to rebound once allowed to reopen. Staff therefore recommends that the Ordinance include commercial tenants as well.

Term/Timeline

This Ordinance applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after March 16, 2020 and until the expiration of this Ordinance. At this time, the Ordinance is set to expire on May 31, 2020, or the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later. The City Council can take further action at a later date if it determines that the moratorium needs to be extended. As a reminder, the Ordinance does not establish rent forgiveness, but does provide temporary forbearance to those who qualify, by providing six-months to catch up on unpaid rent and forbidding late fees from being charged for qualified tenants, e.g. those that can demonstrate loss of income or revenue.

Resources

As the pandemic evolves daily, there are many resources available as needs vary from household to household and business to business. With the flurry of information and constant updates, staff is actively compiling information to make available to the public

on the City's website. Some relief measures that have already been announced by the U.S. Small Business Administration as a result of the disaster declaration include low-interest federal loans for businesses that are suffering economic injury due to COVID-19. We continue to partner with the El Cerrito Chamber of Commerce and ECHO Housing to support residents. The proposed Ordinance is a local action that can be taken right away, and staff is optimistic that federal and state relief will continue to evolve in the days, weeks, and months to come.

STRATEGIC PLAN CONSIDERATIONS

The proposed action supports several Strategic Plan goals, including:

Goal B: Achieve long-term financial sustainability by maximizing opportunities for existing and expanding businesses.

Goal C: Deepen a sense of place and community identity by promoting strong neighborhoods.

ENVIRONMENTAL CONSIDERATIONS

The proposed Ordinance is exempt under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under Section 15061(b)(3) of the CEQA Guidelines.

FINANCIAL CONSIDERATIONS

The adoption of this Ordinance will be primarily administered by Community Development staff and may require some City Attorney time. Please note that City staff does not enforce the Ordinance as it set up to provide residential and commercial tenants a defense to an unlawful detainer (noticed eviction).

LEGAL CONSIDERATIONS

The Ordinance is consistent with the authority provided in Executive Order N-28-20 (Attachment 2) issued by Governor Newsom on March 16, 2020. The Executive Order suspends "any provision of 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..." as further defined in the order, until May 31, 2020. The Ordinance shall remain in effect until May 31, 2020 or the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later.

Reviewed by:



Attachments:

1. Ordinance
2. 3.16.20-Executive-Order-N-28-20

3. 3.19.20-Executive-Order-N-33-20
4. 3.16.20-County Shelter in Place Order

URGENCY ORDINANCE NO. 2020-03

AN URGENCY ORDINANCE OF THE CITY OF EL CERRITO ENACTING A TEMPORARY MORATORIUM ON 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)

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 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

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors adopted a resolution for proclamation of a state of emergency in the County of Contra Costa to deal with the potential spread of novel coronavirus or COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom 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 a broader spread of COVID-19. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death; and

WHEREAS, on March 14, 2020, Contra Costa County Health Officer issued an order prohibiting mass gatherings of 100 or more persons and as defined in the order; and

WHEREAS, on March 13, 2020, due to an escalating increase in the number of cases in Contra Costa County, under El Cerrito Municipal Code Section 2.28.030, the City Council of the City of El Cerrito adopted a resolution proclaiming a local emergency related to the Novel Coronavirus 2019 (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, 2020, seven health officers within six Bay Area counties, including Contra Costa County, took a unified step to slow the spread of novel coronavirus (COVID-19) and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home for three weeks beginning March 17, 2020. The order limits activity, travel and business functions to only the most essential needs. The guidance comes after substantial input from the U.S. Centers for Disease Control and Prevention (CDC) and best practices from other health officials around the world; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom issued Executive Order N-28-20 ordering waiver of time limitations set forth in Penal Code section 396(f) concerning protections against residential evictions, and suspending any provision of 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 related to COVID-19. The order further suspended statutory causes of action for judicial foreclosure, including Code of Civil Procedure section 725a *et seq.*; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 *et seq.*; and any other statutory cause of action that could be used to evict or otherwise eject a residential tenant or occupant of residential real property after foreclosure; and

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, and construction, including housing construction.

WHEREAS, both large and smaller events across the Bay Area and in El Cerrito are cancelling or being postponed due to the County's and State's Orders and recommendations at all levels of government to cancel large gatherings amid concerns over spread of the virus. These cancellations and postponements cause loss in revenue for the event, as well as surrounding local businesses that rely on such events to bring in patrons to their businesses; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, and general welfare, of their citizens; and

WHEREAS, California Government Code Section 36937 authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least four-fifths affirmative votes; and

WHEREAS, this Ordinance is a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness and evictions 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

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of El Cerrito residents and businesses by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, and 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, housing instability threatens the public peace, health, and safety as eviction from one's home can lead to prolonged homelessness; strain on household finances due to the necessity of paying rental application fees and security deposits; stress and anxiety experienced by those displaced; interruption of the education of children in the home; and increased exposure to, and spreading of COVID-19, in contradiction to the Health Officer's orders; and

WHEREAS, 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

WHEREAS, the City Council finds and determines that regulating the relations between residential and commercial landlords and tenants is essential to preventing the spread of COVID-19 in the City and thereby serve the public peace, health, and safety; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance would result in the avoidable displacement or exposure to COVID-19 of the City's residents and community members and to the amplification of the factors that lead to the spread of the virus, as described in these Recitals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The City Council of the City of El Cerrito finds that all Recitals are true and correct and incorporated herein by reference. The provisions of the Governor's issued Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.

Section 2. Urgency Findings. The City Council of the City of El Cerrito 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 in the Recitals above, and in the staff report dated March 25, 2020, as well any oral and written testimony at the March 25, 2020 City Council meeting.

This 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 Ordinance and the entirety of the record before the City Council.

Section 3. Moratorium on Eviction for Nonpayment of Rent during the COVID-19 Emergency.

A. During the term of this Ordinance, no landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent, including but not limited to any such action under Civil Code sections 1940 *et. seq.* or 1954.25 *et. seq.*, if the tenant demonstrates that the inability to pay rent is:

1. Due to, or arising out of, a substantial decrease in household or business income (including but not limited to the circumstances described in subsections B or C) or substantial out-of-pocket medical expenses; and

2. The decrease in household income, or out-of-pocket medical expenses, was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented in writing.

B. “Substantial decrease in household income” includes but is not limited to income loss caused by COVID-19 illness or caring for a household or family member with COVID-19 illness, work closures, layoffs, job loss, a reduction in the number of compensable hours or other economic or employer impacts of COVID-19, missing work due to a minor child’s school closure, compliance with government health authority orders, or other similarly-caused reason resulting in loss of household income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of same.

C. “Substantial decrease in business income” includes, but is not limited to, income loss caused by work closures, reduction in staff reporting to work, reduction in opening hours, or reduction in consumer demand, compliance with government health authority orders, or other similarly-caused reason resulting in loss of business income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of same.

D. A landlord that 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 Civil Code of Procedure section 1161, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.

E. The City encourages tenants to inform landlords in writing of their inability to pay full rent as soon as practicable after they become aware of a substantial decrease in household income or business income or out-of-pocket medical expenses that would prevent them from paying full rent. A landlord that knows of a tenant’s inability to pay rent within the meaning of this Ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of the tenant’s inability to pay the full rent because a substantial decrease in household or business income or the need to pay out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and provides documentation to support the claim. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim. For purposes of this Ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text.

F. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent, which the landlord may seek after the expiration of this Ordinance, and the tenant must pay within six (6) months of the date of expiration of this Ordinance, unless a state law or order is amended or adopted providing for a longer repayment period, in which case the repayment period provided by the state law or order shall apply under this Ordinance.

G. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance, nor may a landlord seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

H. This Ordinance may be asserted as an affirmative defense in any unlawful detainer action or other action brought by an owner or landlord to recover possession. A tenant may bring a civil suit seeking owner or landlord compliance with any provisions of this Ordinance.

I. This Ordinance applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after March 16, 2020 and until the expiration of this Ordinance, as set forth in Section 7, below.

J. Courts shall have the sole discretion to determine in an unlawful detainer action or other eviction action whether the tenant's written notice and documentation are sufficient to show a "substantial decrease in household" or "substantial out-of-pocket medical expenses."

Section 4. Moratorium on Judicial Foreclosures during the COVID-19 Emergency. As provided for in Executive Order N-28-20 and consistent with the other provisions in this Ordinance, the statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a *et seq.*; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 *et seq.*; and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is hereby suspended as applied to any tenancy, or residential real property and any occupation thereof, to which a limitation on eviction is imposed pursuant to this Ordinance.

Section 5. Compliance with the California Environmental Quality Act. The City Council hereby finds approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines") under Section 15061(b)(3) of the CEQA Guidelines.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 7. Effective Date and Publication. This Urgency Ordinance shall become effectively immediate upon its adoption pursuant to California Government Code Section 36937 and shall remain in effect until May 31, 2020 or the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law.

THE FOREGOING URGENCY ORDINANCE was INTRODUCED, ADOPTED AND ORDERED published at a special meeting of the City Council held on March 25, 2020 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2020-03 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 25th Day of March, 2020; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ____ day of March, 2020.

Holly M. Charl  ty, City Clerk

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of 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 as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

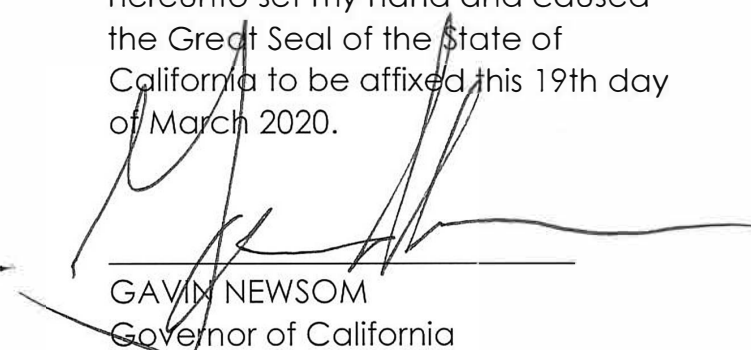
The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



**ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF CONTRA COSTA DIRECTING
ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR
PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;
EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM
THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND
SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT;
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN
THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL**

DATE OF ORDER: MARCH 16, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA ("HEALTH OFFICER") ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. All individuals currently living within Contra Costa County (the "County") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may





leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.
4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus.





Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 29 cases of COVID-19 in the County, as well as at least 258 confirmed cases and at least three deaths in the seven Bay Area jurisdictions jointly issuing this Order, as of 5 p.m. on March 15, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available.
8. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 10, 2020 Resolution of the Contra Costa County Board of Supervisors declaring the existence of a Local Emergency in Contra Costa County.
9. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.
10. Definitions and Exemptions.
 - a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a





- health care professional, or obtaining supplies they need to work from home.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - v. To care for a family member or pet in another household.
- b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically





exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” means:
 - i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Newspapers, television, radio, and other media services;
 - vi. Gas stations and auto-supply, auto-repair, and related facilities;
 - vii. Banks and related financial institutions;
 - viii. Hardware stores;
 - ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
 - x. Businesses providing mailing and shipping services, including post office boxes;
 - xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - xii. Laundromats, drycleaners, and laundry service providers;





- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
 - xiv. Businesses that supply products needed for people to work from home;
 - xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
 - xvi. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xviii. Home-based care for seniors, adults, or children;
 - xix. Residential facilities and shelters for seniors, adults, and children;
 - xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - xxi. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 4. Childcare providers shall remain solely with one group of children.
- g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.





- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to or return from a place of residence outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
 - i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
 - j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
11. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat to public health.
12. This Order shall become effective at 12:01 a.m. on March 17, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
13. Copies of this Order shall promptly be: (1) made available at Office of the Director of Health of Contra Costa County, 1220 Morello Ave, Martinez CA 94553; (2) posted on the County Public Health Department website www.cchealth.org; and (3) provided to any member of the public requesting a copy of this Order.





14. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
15. Questions or comments regarding this order may be directed to Contra Costa Health Services at 1-844-729-8410.

IT IS SO ORDERED:

Chris Farnitano, MD
Health Officer of the County of Contra Costa County

Dated: March 16, 2020

Ori Tzvieli, MD, Deputy Health Officer





SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING March 25, 2020

AGENDA ITEM 2 – COUNCIL/STAFF COMMUNICATIONS Mayor's Comments

AGENDA ITEM 3A – Urgency Ordinance Enacting a Temporary Eviction Moratorium 1. Public Comments

Mayor's Remarks March 25, 2020

I want to take a few minutes to address the ongoing concerns of our residents regarding the El Cerrito budget. This will include a summary of what we have done, what are plans were, and what I think the future holds. In some ways, this is similar to my words from December 17, 2019, which are available as an attachment to the January 21, 2020 meeting.

Summary of actions taken

In October of 2019, the State Auditor published a website listing the fiscal health of California's cities and El Cerrito was indicated as the 7th worst in the State.

At the December 17 meeting, I summarized the questions the State Auditor asked and called for the Council to seriously act on the budget in the forthcoming budget cycle.

At the January 21 meeting, we outlined the steps we anticipated for the budget cycle, including a townhall meeting on February 1, a budget discussion at the February 4 meeting and mid-year budget adjustments at the February 18 meeting.

At the February 1 townhall we provided a presentation about the City Budget and the General Fund. The presentation is available online. The purpose was to provide common language and understanding. The attending residents ranged in understanding and we answered many questions about the fiscal health of the city. The public called for us to take bold action to stimulate business development and the revenue it can spark. This sparked the interest in a Business development workshop, held March 9th.

At the February 4th meeting we discussed the long term financial forecasts for the City. These discussions set the groundwork for our guidance to staff to cut \$2M in annual costs. Staff asked us to provide guidance on the Fourth of July and other upcoming events.

Starting February 5th, City staff began to evaluate both 5% cuts and much more drastic cuts. These cuts in expenditures are scheduled to be presented to us at the April 7th meeting.

At the February 18th meeting we discussed 2019-2020 fiscal year budget updates. We recognized increased spending in overtime and made adjustments to save almost \$600,000 in expenditures over the remaining budget this year. We began the painful discussion of cutting services when we discussed the cancelling of City events.

At the March 9th Economic Development Workshop we heard about all of the development proposed along the Avenue and the constraints developers have expressed specifically for El Cerrito.

What was planned before COVID19

We were supposed to be moving forward on this schedule:

March 14 a Strategic Plan workshop

March 17 City Council meeting to discuss Council's budget

April 7 City Auditor to present and Staff to introduce proposed \$2M and Maximum cuts

April 21 Provide guidance on cuts to be reflected in Budget

May – finalize Strategic Plan, Set Master Fees Schedule, Landscape Lighting and Assessment District and Storm Drain assessments

June – Review and set the budget

That is all in flux now.

My thoughts now

The residents of El Cerrito and Bay Area led the Nation in shelter in place. California's infection rates have slowed. Flattening the curve may or may not reduce the total number of infections – but it does reduce the number of deaths. Flattening the curve does not eliminate the virus quickly – it matches the infection rate to hospital and medical system capacity, saving lives. Flattening the Curve – or Reducing the

Spike – converts this fight from one intense and deadly battle against COVID 19 into a protracted war. We need to adjust our plans for our City's budget accordingly.

We have not funded our Emergency Disaster Reserve Fund. This fund created in the Summer of 2019 is targeted at \$6M. We don't have any funds in our General Fund reserve. The reserve is targeted at 10%, or about \$4M. We do not have the resources to ease into this fiscal crisis. No way to delay these fiscal troubles overwhelming our resources. No way to flatten our curve of fiscal troubles. We need to face this issue, and quickly.

We have lost, at a minimum, several months of the annual Recreation Department revenue, by my estimates approximately \$1M. We have lost, at a minimum, 10% of the annual Sales Tax revenue, by my estimates approximately \$1M. Home sales have all but stopped – a deferral of Real Property Transfer Tax that I estimate at \$0.5M. This represents \$2.5M, more than 6% of our annual General Fund revenue.

The February 4 guidance of cutting \$2M, or 5%, of our General Fund expenditures is not enough. We will see what staff has identified as the maximum cuts next week and it will probably not be enough. Staff and Residents, alike, need to think about what is important as THIS time. We have made the decision around COVID19 to save lives as a community. We need to carry that sentiment into our Strategic Plan and Budget decisions. We need to think how we will save livelihoods – not just livelihoods of our residents, our small businesses, landlords, renters, homeowners aging in place but our employee's livelihoods; plan checkers, lifeguards, custodians, truckdrivers, laborers, police, fire and managers.

Each of us will have to decide what is the minimum service I can live with: longer police and fire response times, less hours at the pool and

library; slower permit issuance times and inspections; longer waits for service. Each of us will have to decide what is the minimum income my family needs to survive, so that we, as a community of residents, employers and employees can save livelihoods – that house people, feed people and power our economy. Deep, swift, painful cuts that keep us on our feet; maintain our critical services at minimum levels; protects our residents, businesses and employees.

Balancing reduced services and reduced cost of services while maintaining as many livelihoods as possible will be a painful process and we will look like butchers making sausage at times. We will have to evaluate this budget line-by-line.

Review of expenditures can start immediately and we will get Staff's recommendations of expenditure reductions before the April 7 meeting. However, it will take time to adopt a budget because of revenue uncertainty. We need to see the economy begin to recover so we can better predict our revenue. Will house prices drop? Will the County Assessor, who is up for reelection, lower assessed values and reduce our Property Tax revenue like he did before his 2010 election? Therefore, I propose we take the appropriate steps to have our budget process moved to September. This will allow 1) revenues to stabilize, 2) the State Auditor to complete their work and 3) the City Council to deeply analyze our priorities through the Strategic Plan and our budget.

Actions we are taking at this time include:

Discussions with all of our bargaining units.

Review of expenditures at both of the April meetings.

Continued close examination of changes in our revenue.

We will continue to have budget related items on all future agendas and will provide information in conjunction with those meetings.

From: [John Stashik](#)
To: [City Clerk](#)
Subject: Public Comments Agenda Item 3
Date: Tuesday, March 24, 2020 4:06:37 PM

I support this temporary eviction moratorium and urge City Council to adopt same. Pleased to see that it will include commercial property. Extraordinary times require this type of action. Residents and business owners have too much else on their plates to deal with at this time and this will provide a bit of stability.

John C. Stashik

[REDACTED]

EC

From: [Howdy Goudey](#)
To: [City Clerk](#)
Subject: public comments – agenda item 3A
Date: Tuesday, March 24, 2020 10:04:39 PM

Dear Mayor Lyman and Council members,

Thank you for bringing forth and considering an urgency ordinance to suspend evictions during the COVID-19 emergency. I support this action and I encourage you to pass it.

Please consider the following options to potentially strengthen the action further.

It is stated that the six month repayment period starts after May 31, or after the Governor's emergency declaration is lifted, but I'm not sure how long a statewide emergency declaration like this typically lasts, or what criteria will be used to lift it. It would be helpful to have a better understanding of the threshold (and associated conditions in the community) that will determine the end of the moratorium.

Also, 6 months is a short time period for someone who has just experienced acute financial (and potentially medical) stress to require repayment of what might end up being several months of deferred rent. Please consider extending the repayment period in this ordinance to 12 months, with a condition of some demonstrated repayment progress within 6 months.

While focusing on financial and medical related impacts of COVID-19 is well intended, the burden on the tenant to document the linkage inadvertently adds to their hardship and there are other circumstances that should be included during this emergency to support the public health of all concerned. I encourage you to consider a simple and comprehensive criteria such as a moratorium on all evictions, except in cases in which the tenant is jeopardizing the health and safety of themselves and/or others.

Thank you for your attention to this issue and your action to stabilize our community under this extreme hardship.

Howdy Goudey
El Cerrito

From: [T. Nagai-Rothe](#)
To: [City Clerk](#)
Subject: Public Comments - Agenda Item 3A (3/25/2020)
Date: Tuesday, March 24, 2020 10:09:41 PM

Dear Mayor Lyman and City Council Members,
Thank you for convening to address the threat of Covid-19 in our community.

I strongly support your urgency ordinance to suspend evictions and ask that you consider strengthening it even further by extending the repayment period to 12 months. Those at risk for eviction are among the most financially stressed and will need more than six months to recover.

Please include coverage for evictions of ALL kinds (unless there is an imminent health and safety threat) in order to protect as many tenants as possible. We all need to shelter-in-place and "shelter" is the important operative word. Residents cannot protect themselves from the pandemic without proper shelter.

Thank you for your work to protect our community in a time of turmoil

Sincerely,

Tomi Nagai-Rothe

Holly Charléty

Subject: Comment on Eviction Moratorium

From: Sherry Drobner

Sent: Wednesday, March 25, 2020 1:29 PM

To: Greg Lyman <GLyman@ci.el-cerrito.ca.us>; Rochelle Pardue-Okimoto <RPardueOkimoto@ci.el-cerrito.ca.us>; Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>; Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>; Janet Abelson <jabelson@ci.el-cerrito.ca.us>; Karen Pinkos <KPinkos@ci.el-cerrito.ca.us>

Subject: Comment on Eviction Moratorium

Dear Mayor Lyman and City Council Members,
Thank you for convening to address the threat of Covid-19 in our community.

I strongly support your urgency ordinance to suspend evictions and ask that you consider strengthening it even further by extending the repayment period to 12 months. Those at risk for eviction are among the most financially stressed and will need more than six months to recover.

Please include coverage for evictions of ALL kinds (unless there is an imminent health and safety threat) in order to protect as many tenants as possible. We all need to shelter-in-place and "shelter" is the important operative word. Residents cannot protect themselves from the pandemic without proper shelter.

Furthermore, please be sure that landlords understand this ordinance applies to all properties, including single family homes and duplexes as well as building built after 1995.

Thank you for your work to protect our community in a time of turmoil.

Sincerely,
Sherry Drobner

From: [Ed Crowley](#)
To: [City Clerk](#)
Subject: Special Meeting 25 March
Date: Wednesday, March 25, 2020 3:35:44 PM

Dear El Cerrito City Council,

I am concerned the short notice for this meeting doesn't provide necessary time for preparation.

What does your extravagantly expensive rent registry database tell you about the necessity for eviction protections? Why do you assume that property owners are going to evict tenants en masse?

What benefit would property owners gain by initiating the eviction process for a tenant that is down on their luck from the Trump Pandemic? The answer is none. First, the courts aren't going to be hearing eviction cases for a while. Second, the market isn't exactly abuzz right now with better qualified tenants looking for rentals. And if the thought is that a property owner would evict a tenant because they don't like them, they don't need a pandemic to do that since there aren't any eviction controls in El Cerrito anyway.

How's the city reserves looking? Shouldn't that be your major point of focus right now? How many resources and how much money has the city expended on persecuting property owners, anyway? Why are you wasting everyone's time to solve a problem that doesn't exist?

Ed Crowley
El Cerrito Resident for 33 years

From: [Jeffrey Levin](#)
To: [City Clerk](#)
Cc: [Greg Lyman](#); [Rochelle Pardue-Okimoto](#); [Paul Fadelli](#); [Gabe Quinto](#); [Janet Abelson](#)
Subject: public comments – agenda item 3A
Date: Wednesday, March 25, 2020 3:48:57 PM

Dear Mayor Lyman and City Councilmembers:

On behalf of East Bay Housing Organizations, and also as a long-time resident of El Cerrito, I strongly urge you to pass the proposed moratorium on evictions. It is impossible for people to shelter in place when they have no place to shelter.

We ask that you also enact the following changes:

1. **Extend the repayment period from 6 months to 12 months.** We do not know how long it will take after the state of emergency is lifted before everyone is able to get back to work and regain their incomes. And for lower income tenants who were already paying 40%, 50% or more of their income for rent, it may not be possible to make full repayment in just 6 months. Providing for an extended period, with provisions for some kind of payment plan, will ensure that we aren't simply deferring a wave of evictions and increase in homelessness.
2. **Clarify and simplify the requirements for documentation.** We want to ensure that this requirement doesn't pose a barrier for tenants, especially under conditions of a shelter-in-place order where documentation may be harder to obtain.
3. **Extend coverage to more situations.** While the immediate focus has been on the financial and medical related impacts of COVID-19, there are other circumstances that should be included during this emergency to support the public health of all concerned. We urge you to consider simple and comprehensive criteria such as a moratorium on all evictions, except in cases in which the tenant is jeopardizing the health and safety of others. In particular, no fault evictions for such causes as owner move-ins or Ellis Act withdrawals of rental properties from the market, should be suspended. **Evictions and potential homelessness are not just a problem for the tenants themselves - in the current situation this would also exacerbate the threats to public health and safety.** This could easily be accomplished by an emergency ban on no-fault evictions covering all rental properties.

In addition, the **CIty will need to take aggressive action to make sure that all tenants and landlords are fully informed of these provisions and requirements.** This needs to go beyond simply posting information on the City's website and in community newsletters and include direct contact with residents to then extent possible..

I will also note that we are actively advocating at the State and Federal level for rent and mortgage relief for tenants, homeowners, and rental property owners to make sure that our housing system is not disrupted during this critical and extraordinary period.

Thanks you for your response to this unprecedented crisis and your efforts to ensure that all El Cerrito residents remain safe and healthy.

Jeff Levin, Policy Director
East Bay Housing Organizations (EBHO)
538 Ninth Street, Suite 200 | Oakland, CA 94607
510-663-3830 ext. 316 | jeff@ebho.org

NOTE: I am generally in the office only on Monday afternoons and all day on Tuesday and Thursday, so I may not be able to reply to your e-mail right away.

[Join us or renew](#) your membership for 2020! Thank you for supporting our efforts to protect, preserve and create affordable housing for all!

Visit us at www.EBHO.org and follow us on [Facebook](#) and [Twitter](#)

From: [Elizabeth Thorsnes](#)
To: [City Clerk](#)
Subject: Fw: Public Comments, Agenda Item #3A
Date: Wednesday, March 25, 2020 4:42:11 PM

Address was incorrect for the first sending.

----- Forwarded Message -----

From: [REDACTED]
To: Cityclerk@Ci.El-Cerrito.Org <cityclerk@ci.el-cerrito.org>
Cc: jabelson@ci.el-cerrito.ca.us <jabelson@ci.el-cerrito.ca.us>; gquinto@ci.el-cerrito.ca.us <gquinto@ci.el-cerrito.ca.us>; pfadelli@ci.el-cerrito.ca.us <pfadelli@ci.el-cerrito.ca.us>; glyman@ci.el-cerrito.ca.us <glyman@ci.el-cerrito.ca.us>; rpardueokimoto@ci.el-cerrito.ca.us <rpardueokimoto@ci.el-cerrito.ca.us>
Sent: Wednesday, March 25, 2020, 4:37:10 PM PDT
Subject: Public Comments, Agenda Item #3A

Hello Council Members.

As a landlord, I support implementing an anti-eviction policy for tenants who incur financial difficulties due to the coronavirus. As usual, I wish that we could trust all landlords and tenants to do the right thing, because there are many good landlords and tenants, but bad seeds wreck things for everybody so we must have laws and ordinances. I am trusting that the ordinance you will be voting on protects landlords as well as tenants. I read much of the ordinance, but as I am not a lawyer, I must trust the city council and city staff on this.

On the subject of trust, I feel compelled to say that I do not have a lot of trust in either our council or our staff at this time. State of California Executive Orders # N-28-20 and N-33-20, on which the ordinance you will vote on later today rests, refers to the current emergency "threatening to undermine Californians' housing security and the stability of California businesses." I not only personally ensure the housing security of my tenants, but I run a California business. Nonetheless, I (and other small-time landlords) am regarded as "only" a landlord, something not quite the same as a business person, though the city doesn't hesitate to bill me for a business license. There are so many ways the city ignores landlords and caters to tenant activist groups, right down to forming a Tenant Protection Task Force rather than something like a Fair Housing Protection Task Force. Even this anti-eviction action is solely concerned with tenants, not with landlords with mortgages and taxes and insurance whose tenants cannot afford to pay the rent. And yet many El Cerrito landlords are taking good care of many El Cerrito tenants this very day.

As a landlord, I am currently very afraid. Right now activists in Oakland and likely Berkeley too, by now, plan to stop paying rent starting April 1. A good old-fashioned rent strike like I haven't seen since the seventies. This could spread everywhere, and I do not trust El Cerrito to protect the city from that kind of rancorous activity. I am also completely discouraged by the status of the Tenant Protection Task Force for a number of reasons that I won't go into now, though I can at least say that I am hugely dismayed by the fact that the rent registry form landlords were asked to complete last year (and to pay for as well) was so badly designed that the data regarding rents and

evictions that could inform the task force have *still* not been gathered. In fact, though I filled out the form shortly after July 17, 2019, today, nearly nine months later, I received an email notice from someone in the Community Development Department that my submission was incomplete! The worst of it was that I could NOT see why this person could not see that the information she was requesting was actually there, right in the information she sent. I requested my original submission to try to understand why she was confused and was told it was not available!

I love my old building and I love my tenants (though one of them just sinned by putting paper towels, tampons, and wipes down the toilet, stopping up the whole place) (something she will never in her life do again . . .). I know the status of every tenant with respect to the coronus virus and its effect on their finances (so far only one affected seriously). I am sure that my tenants feel secure with respect to their housing no matter what happens. I would be so happy just doing my job as a landlord and taking care of plumbing and bathroom fans and screen doors, etc., if it weren't for the constant threat of rent control and things like TOPA and rent strikes and all those things that fall only on landlords' shoulders, not on yours, not on anybody's but landlords. I wish I could say that I feel safe to continue my work in El Cerrito, but I don't. I look every single day for something that I could do other than being a landlord. Every single day, I go on Loopnet and hunt, though it would break my heart to quit what I am doing right now.

In the meantime, as we all go through whatever this virus is going to put us through, I hope that you will not forget that landlords need consideration, too. I have long felt that good landlords are an important housing resource in El Cerrito. I hope you consider that to be the case, too.

I know that I got off track here, but I woke up depressed about things and could not shake it, so I guess it had to come out here. No need for any of you to respond to this—it is enough if you just “heard” me. You have enough to think about right now.

Thank you all for your work.

Elizabeth/BJ Thorsnes

From: [Greg Lyman](#)
To: [Holly Charléty](#)
Subject: Fwd: Emergency Ordinance 3A - Comment
Date: Wednesday, March 25, 2020 4:42:26 PM

Another one

Sent from my iPad

Begin forwarded message:

From: Eclectic Electric [REDACTED] >
Date: March 25, 2020 at 2:41:37 PM PDT
To: <jabelson@ci.el-cerrito.ca.us>, <gquinto@ci.el-cerrito.ca.us>, <glyman@ci.el-cerrito.ca.us>, <pfadelli@ci.el-cerrito.ca.us>, <rpardueokimoto@ci.el-cerrito.ca.us>
Subject: Re: Emergency Ordinance 3A - Comment

Addendum to my previous email:

The Council should always keep in mind that the last thing we need is more unsheltered folks who can't shelter in place and can't do social distancing.

On 3/25/20 2:39 PM, Jeffrey Bloomfield wrote:

Dear Councilpersons,

The Draft Ordinance/Resolution 3A is a good start!

In my opinion the Ordinance/Resolution needs the addition of a few more key provisions:

1. Non-payment of rent and COVID-19 proof. Either define what constitutes proof (is it really possible?) or remove this requirement entirely.
2. Ellis Act move-ins should be prohibited.
3. The Ordinance also needs to specify enforcement provisions, whether by the City and/or Court actions.
4. Other communities are enacting rent moratoriums and rent freezes with criteria for paying back property owners over at least a year. Such criteria should be added to this ordinance. At the very least a rent freeze should be enacted, while respecting AB1482's provision that

On January 1st, the rent in these cases must be LOWERED back to the base rent price from before the increase, PLUS the allowable increase of 5% + the Consumer Price Index % in the

tenant's region. The landlord does not have to
repay the tenant for rent paid above the allowable
increase between 3/15/19 and 1/1/2020.

Thank you for your careful attention to these matters in these difficult
times.

Jeff Bloomfield

--

Jeff Bloomfield

[REDACTED]

El Cerrito, CA 94530

[REDACTED]

Jeff

--

Jeff Bloomfield

Eclectic Electric

[REDACTED]

[REDACTED]

[REDACTED]

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From: [Karina Ioffee](#)
To: [City Clerk](#)
Subject: public comment - Item #3
Date: Wednesday, March 25, 2020 5:03:26 PM

It goes without saying that we are in a moment of crisis and I applaud the City for taking proactive measures to halt all evictions for the duration of the shelter in place order.

However, I urge the City to extend the repayment deadline to 12 months to give low-income tenants more of a chance to catch up on back rent. While 6 months appears generous for people who have continued to work remotely during this crisis, it is nearly impossible for people who work in the service industry such as restaurants, cafes, bars or childcare. These are already some of the lowest paid employees in our society and they will have lost 2 or more months of wages by the time the shelter in place is over. These are the people who will be most impacted by this crisis and it will take them a long time to recover financially, likely more than 6 months.

Furthermore, I ask that the council also consider a rent freeze for people who lost their jobs due to the Covid 19 outbreak or did not work because their place of employment was closed. We need this measure to give unemployed renters and homeowners peace of mind.

Thank you for your consideration.
Karina Ioffee





CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
925.746-7131

March 25, 2020

Mayor Greg Lyman and City Council
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: Residential Eviction Moratorium

Dear Mayor Lyman and City Council,

The COVID-19 outbreak presents a health and financial crisis to all Californians. Renters facing financial turmoil because of the COVID-19 outbreak should not have to worry about keeping a roof over their heads and the government has a role to play in helping to protect all citizens. The California Apartment Association appreciates the City of El Cerrito's intent to assist the residents of El Cerrito and requests that you consider key, important points to achieve equity, consistency and sustainability.

Any proposal should be carefully crafted to mitigate a chain reaction that will make the situation worse. Any local action must consider that when rent is not paid, there's a domino effect. Without sustained and reliable rent payments, owners and operators, especially family-owned properties may be unable to pay their mortgages and other bills related to operations. When those bills go unpaid, more workers, are out of jobs and face stress.

A ban on evicting renters unable to pay the rent because of COVID-19 financial impacts must be carefully and narrowly crafted. We encourage the city to watch State actions closely as this is a statewide concern. CAA appreciates the city for following Governor Newsom's Executive Order N-28-20 on residential evictions that makes it clear that:

- The moratorium should not be viewed as a rent waiver or rent forgiveness. It is a rent deferral, and a repayment plan must be clear upon completion of the moratorium.
- The basis of the eviction moratorium is for non-payment of rent due to COVID-19 financial impact.
- The moratorium is a temporary, emergency measure that sunsets on May 31, 2020.

Adopting this ordinance requires a new responsibility of the City of El Cerrito. The City of El Cerrito has an obligation to assist housing providers so they are not extending indefinite lines of credit to affected tenants as this causes a chain reaction which may limit the housing provider's ability to pay their financial obligations (mortgage, property taxes, insurance, utility bills).

To help mitigate the negative domino effect of this ordinance, CAA asks the City to consider the following:

- The City should set aside funding to provide short term rental assistance to tenants AND relief to landlords who suffer a loss of income if their tenants cannot pay the rent they're obligated to pay each month.



CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
925.746-7131

- Amend Section 3E and require that the tenant must provide a notice to the property owner/manager of their intention to participate in the moratorium before the rent is due to allow the housing provider time to prepare for the loss of rent.
- Additionally, Section 3E should include a 14 day deadline for tenant proof of loss of income documentation, not 30 days.
- Amend Section 3H and limit to “any unlawful detainer action or other action brought by an owner or landlord to recover possession **due to non-payment of rent.**”
- Amend Section 3B’s definition of “substantial decrease in household income” to include a definite 20-25% threshold.
- The City of El Cerrito send a strong message to utility providers, financial institutions, and State legislature that they give ample latitude to housing providers who have residents unable to pay rent because of the emergency.
- Send a letter to financial institutions of the newly adopted eviction moratorium to help avoid rental housing providers avoid bad credit, late fees, and penalties because of the loss of tenants’ delayed rent.
- Support efforts to delay property tax payment and offer mortgage relief so rental housing owners can use the funds to offset the loss of rent payments.

The COVID-19 pandemic is everyone’s problem. Let’s find a consistent, equitable approach that will help the entire community, including small businesses and housing providers get through this difficult time while maintaining the health, safety, and housing stability of renters and owners. Thank you for your consideration during these uncertain times.

Sincerely,

Rhovy Lyn Antonio
Vice President of Public Affairs
California Apartment Association