



# Agenda Report

March 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Housing Department

**SUBJECT:** ADOPT A RESOLUTION OF THE CITY COUNCIL ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC AND CONDUCT FIRST READING OF "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA ENACTING A MORATORIUM ON EVICTIONS FOR NON-PAYMENT OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC"

## **RECOMMENDATION:**

It is recommended that the City Council:

- 1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- 2) Adopt a resolution of the City Council relating to a moratorium on eviction for non-payment of rent by tenants impacted by the COVID-19 Pandemic; and
- 3) Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC".

## **BACKGROUND:**

On March 16, 2020, the City Manager, proclaimed the existence of a local emergency to ensure the availability of mutual aid and effectuate the City's response to the novel coronavirus ("COVID-19").

The Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick,

# MORATORIUM ON EVICTIONS FOR NON-PAYMENT OF RENT – COVID-19

March 17, 2020

Page 2 of 3

canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. As a result of the public health emergency and the precautions recommended by health authorities, many tenants in Pasadena have experienced or expect soon to experience sudden and unexpected income loss.

The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks. Further economic impacts are anticipated, leaving residential and commercial tenants vulnerable to eviction. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, and to prevent housed individuals from falling into homelessness.

For these reasons, it is recommended that City Council adopt a resolution and conduct first reading of an uncodified ordinance relating to a moratorium on evictions for non-payment of rent by residential and commercial tenants impacted by the COVID-19 Pandemic. The proposed ordinance would include the following provisions to prevent evictions of residential and commercial tenants if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. Such circumstances for residential tenants include:

- loss of income due to a COVID-19 related workplace closure
- child care expenditures due to school closures
- health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19
- reasonable expenditures that stem from government-ordered emergency measures

For commercial tenants, circumstances include loss of business income from full or partial closure of the business (voluntarily or by mandate) to prevent or reduce the spread of COVID-19.

If adopted, the ordinance would require tenants repay any back due rent within six (6) months following the expiration of the local emergency period. The ordinance would also prohibit no-fault evictions of residential tenants unless necessary for health and safety purposes. Additionally, tenants could use the ordinance as an affirmative defense in an unlawful detainer action. The ordinance, if adopted, would remain in effect during the pendency of any local emergency and/or local health emergency that is a response to the COVID-19 crisis.

Finally, as to the resolution on this eviction moratorium item, it is a resolution ratifying a proposed declaration of local emergency (related to an eviction moratorium) that the City Manager could declare. Staff requests that the Council direct the City Manager to

issue the declaration; assuming that were to occur, the Council could then adopt the resolution ratifying the declaration of local emergency.

**COUNCIL CONSIDERATION**

This proposed action supports the City Council Strategic Planning Three-Year Goals in the areas of promoting the quality of life and the local economy.

**ENVIRONMENTAL ANALYSIS**

The actions proposed herein is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061 (b)(3), the "General Rule" provision of CEQA which applies to projects which may have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed actions will not have a significant effect on the environment and, hence, is not subject to CEQA.

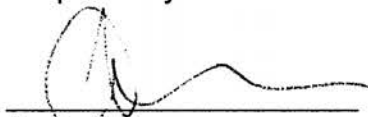
**FISCAL IMPACT**

Approval of the staff recommendations will have no direct fiscal impact on the City's General Fund.

Respectfully submitted,

  
WILLIAM K. HUANG  
Director of Housing

Prepared by:

  
James Wong  
Senior Project Manager

Approved by:

  
STEVE MERMELL  
City Manager

Attachment: Resolution