

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
RATIFYING THE CITY MANAGER'S SECOND SUPPLEMENT TO THE
DECLARATION OF A LOCAL EMERGENCY AND ESTABLISHING A
MORATORIUM ON EVICTIONS FOR NON-PAYMENT OF RENT
BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC**

WHEREAS, on March 17, 2020, if directed by the City Council, the City Manager will issue a Declaration of Local Emergency and Establishing a Moratorium on Evictions for Non-Payment of Rent by Tenants Impacted by the COVID-19 Pandemic;

WHEREAS, Pasadena Municipal Code Section 2.370.080 requires the City Council to ratify the proclamation within seven days thereafter, or the proclamation shall have no further force or effect; and

WHEREAS, a copy of the draft Declaration of Local Emergency (and if issued, shall be replaced by a signed version) is attached to this resolution as Exhibit A, and the City Council has received a report on the conditions described therein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

1. That the Declaration of Local Emergency and Establishing a Moratorium on Evictions for Non-Payment of Rent by Tenants Impacted by the COVID-19 Pandemic is hereby ratified and confirmed by the City Council; and
2. That said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Pasadena.

Adopted at the regular meeting of the City Council on the ___ day of
March, 2020, by the following vote:

AYES:

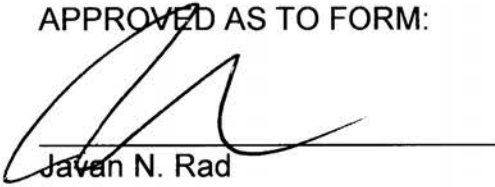
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Javan N. Rad
Chief Assistant City Attorney

0000160611C031

Exhibit A

SECOND SUPPLEMENT TO DECLARATION OF LOCAL EMERGENCY
AND ESTABLISHING A MORATORIUM ON EVICTIONS FOR NON-PAYMENT
OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC
CITY OF PASADENA, CALIFORNIA

By virtue of the authority vested in me as Director of Disaster Emergency Services, and pursuant to Chapter 2.370 of the Pasadena Municipal Code, specifically Section 2.370.080, I hereby find that:

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”);

On March 4, 2020, the Health Officer declared the existence of a local health emergency in Pasadena, and on May 9, 2020, the City Council adopted a resolution ratifying the Health Officer’s declaration;

On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19;

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

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;

On March 16, 2020, the City Manager, as Director of Disaster Emergency Services pursuant to Chapter 2.370 of the Pasadena Municipal Code, declared the existence of a local emergency and a first supplement to the declaration of local emergency to allow the City of Pasadena to address the COVID-19 pandemic;

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, 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 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, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness;

Loss of income as a result of COVID-19 may inhibit Pasadena residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties;

In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property;

NOW THEREFORE, I HEREBY DECLARE the existence of a local emergency within the City of Pasadena, and issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council.

IT IS HEREBY ORDERED THAT:

1. A moratorium on eviction for non-payment of rent by tenants impacted by the COVID-19 pandemic is imposed as set forth herein.

2. During the period of local public health emergency and/or local emergency declared in response to COVID-19:

A. For residential properties, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for non-payment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP Section 1161(2), file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict for non-payment of rent.

B. For commercial properties, no landlord shall endeavor to evict a commercial tenant for non-payment of rent if a commercial tenant is unable to pay rent due to financial impacts related to COVID-19.

3. A landlord knows of a tenant's inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, 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.

4. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed or the reasons stated in this Order through the eviction process.

3. For purposes of this order:

A. "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.

B. "Financial impacts related to COVID-19" include, but are not limited to, (1) for residential tenants, lost household income as a result of any of the following: (a) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (b) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (c) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) extraordinary out-of-pocket medical expenses; or (e) child care needs arising from school closures related to COVID-19; and (2) for commercial tenants, lost business income from full or partial closure of the business (voluntarily or by mandate) to prevent or reduce the spread of COVID-19.

C. "No-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the residential tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure Sections 1161(1), 1161(5), or 1161c.

4. This order may be asserted as an affirmative defense in an unlawful detainer action. Any failure to comply with this order does not constitute a criminal offense.

5. This order shall not be read in any way to (a) adversely affect and/or abrogate the rights of tenants under Chapter 9.75 of the Pasadena Municipal Code (Tenant Protection); and/or (b) prohibit any terminations of tenancy for just cause, or other terminations of tenancy where this order does not apply.

6. As applied to notices of termination issued prior to the effective date of this order, this order shall apply to tenancies where, as of the effective date of this order,

said tenant remains in possession and/or any eviction lawsuit has not reached a final judgment or issuance of a final order, after all appeals have been exhausted.

7. This order shall be superseded by a duly enacted ordinance of the City Council or a further order by the Director of Disaster Emergency Services adopted during the local emergency that expressly supersedes this order.

8. This order shall remain in effect until the termination of the later of any local emergency or local health emergency in Pasadena that relates to the COVID-19 pandemic.

9. If any provision of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions, and to this end, the provisions of this chapter are declared to be severable. The City Council hereby declares that it would have adopted this order and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

10. This supplements and does not supersede any prior local emergencies or local public health emergencies related to COVID-19.

I FURTHER DIRECT that this declaration of local emergency shall take effect immediately and that widespread publicity and notice shall be given of said declaration through the most feasible and adequate means of disseminating such notice throughout the City.

Dated: March 17, 2020, at Pasadena, California.

By: _____
Steve Mermell
City Manager
Director of Disaster Emergency Services