

1 RESOLUTION NO. 23558

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 RIVERSIDE, CALIFORNIA, ESTABLISHING A TEMPORARY  
4 MORATORIUM ON THE EVICTION FOR NON-PAYMENT OF  
5 RENT FOR RESIDENTIAL AND COMMERCIAL TENANTS  
6 DURING THE DECLARED LOCAL EMERGENCY, FOR 60  
7 DAYS.

8 WHEREAS, the California Emergency Services Act (Government Code § 8550, *et seq.*)  
9 empowers the City Council of the City of Riverside to declare a Local Emergency when there exist  
10 conditions of disaster or of extreme peril to the safety of persons and property within the territorial  
11 limits of the City of Riverside ("City") which are or are likely to be beyond the control of the  
12 services, personnel, equipment, and facilities of the City; and

13 WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of  
14 Emergency due to the threat of the Coronavirus (COVID-19); and

15 WHEREAS, on March 8, 2020, the Riverside County Public Health Officer declared a local  
16 health emergency based on the imminent threat to public health from COVID-19 in Riverside  
17 County; and

18 WHEREAS, on March 10, 2020, the County of Riverside proclaimed a local emergency; and

19 WHEREAS, on March 13, 2020, the Director of Emergency Services of the City, proclaimed  
20 a Local Emergency and said proclamation was ratified by the City Council on March 17, 2020; and

21 WHEREAS, on March 16, 2020, the Riverside County Public Health Officer ordered the  
22 cancellation of gatherings with an expected presence of 10 people or more, thereby effectively  
23 closing most small businesses; and

24 WHEREAS, both the Riverside Unified School District and the Alvord Unified School  
25 District have closed their schools until at least April 30, 2020, as well as most universities and  
26 colleges locally and around the country have closed and/or have converted to on-line programs, all  
27 of which creates a mass exodus of home-bound students to unexpected working parents; and

28 WHEREAS, with all of the closing of many businesses around the City, County and State  
due to the various orders of the City, County Public Health Officer and the Governor, many sectors  
of our local economy have been affected, especially the low-income rental tenants and the small  
business owners; and

1           WHEREAS, with the closing of business and the reduction in staff in many others, many  
2 low-income renters have either lost their jobs or are working less hours, thereby either completely  
3 eliminating or reducing their wages; and

4           WHEREAS, even for those individuals that are still working, there is also a reduction in  
5 hours worked in order to provide child care for the school-aged children now at home; and

6           WHEREAS, many of these individuals are already living paycheck to paycheck and with the  
7 loss of income, impact's their ability to pay monthly rent, thereby leaving them vulnerable to  
8 eviction and subsequently possible homelessness; and

9           WHEREAS, commercial tenants face the same issue in that social distancing and other  
10 orders have effectively eliminated revenue flow for many businesses; forcing them to make the  
11 decision of paying payroll or paying monthly rent; and

12           WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20,  
13 authorizing local governments to exercise their police powers to adopt limitations on residential and  
14 commercial evictions, including the adoption of a temporary moratorium; and

15           WHEREAS, on March 18, 2020, President Trump ordered the Federal Housing Finance  
16 Authority to suspend foreclosures and evictions of homeowners with an enterprise-backed single-  
17 family mortgage and additionally ordered the Department of Housing and Development to suspend  
18 evictions of public housing units; and

19           WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20  
20 establishing a moratorium on residential evictions for nonpayment of rent due to COCID-19 until  
21 May 31, 2020; and

22           WHEREAS, a temporary moratorium for non-payment evictions will provide much needed  
23 relief to some of the City's most vulnerable, rent-burdened families and small businesses during this  
24 Local Emergency.

25           NOW, THEREFORE, the City Council of the City of Riverside hereby declares and orders as  
26 follows:

27       ///

28       ///

1           1.       A temporary moratorium on the eviction of residential and commercial tenants due to  
2 non-payment of rent in relation to the COVID-19 crisis is hereby imposed for sixty (60) days,  
3 subject to the following requirements:

4           a.       The tenant is to notify their landlord in writing within seven (7) days from  
5 when the rent is due, with the circumstances surrounding their inability to pay the entire rent.  
6 Notification and justifications procedures set forth in Governor Newsom's Executive Order N-37-20,  
7 which order is attached hereto as Exhibit "A" and incorporated herein by reference.

8           b.       If able, the tenant should make an effort to pay a portion of their monthly rent.

9           c.       The tenant and the landlord should work out a payment plan with a minimum  
10 of six (6) months after the repeal of the Local Emergency in which to pay back the rent owed. No  
11 late fees are to be imposed on the late rent.

12          d.       The landlord is entitled to collect full monthly rent owed after the termination  
13 of the Local Emergency.

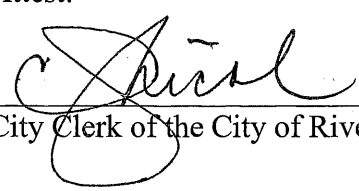
14          2.       The temporary moratorium will not relieve the tenant from their obligation to pay rent  
15 nor will it restrict the landlord's ability to recover rent that is due after the termination of the  
16 moratorium. The landlord's ability to evict a tenant for non-payment of rent due to the COVID-19  
17 emergency, is suspended until the Local Emergency is repealed.

18          3.       This Resolution shall go into effect immediately upon adoption and shall terminate  
19 and be of no further force and effect upon the repeal of the Local Emergency. This Resolution,  
20 unless the Local Emergency has been repealed, shall be reviewed by the City Council in 60 days.

21  
22                   ADOPTED by the City Council this 31st day of March, 2020.

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25                   \_\_\_\_\_  
26                   Mayor of the City of Riverside

27           Attest:

28             
29           \_\_\_\_\_  
30           City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council  
3 of said City at its meeting held on the 31<sup>st</sup> day of March, 2020, by the following vote, to wit:

4 Ayes: Councilmembers Edwards, Melendrez, Fierro, Perry, and Hemenway and  
5 Councilwoman Plascencia

6 Noes: Councilmember Conder

7 Absent: None

8 Abstain: None

9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
10 City of Riverside, California, this 2nd day of April, 2020.

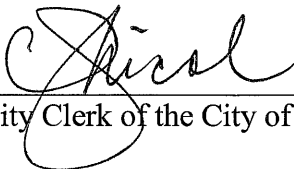
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14 City Clerk of the City of Riverside  
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EXHIBIT A  
EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

**EXECUTIVE ORDER N-37-20**

**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 stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

**WHEREAS** on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

**WHEREAS** on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

**WHEREAS** many Californians are experiencing or will experience 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 rent, and leaving them vulnerable to eviction; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

**WHEREAS** Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

**WHEREAS** on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

**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 deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
  - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
    - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
    - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
    - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
  - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
  - 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

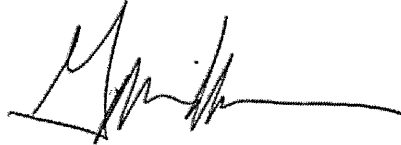
Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

**IT IS FURTHER ORDERED** that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that 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.

**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 27th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State