

**ORDINANCE NO. CCO-20-03**

**URGENCY ORDINANCE ADDING CHAPTER 7.70 TO THE MT. SHASTA MUNICIPAL CODE TO PROHIBIT EVICTIONS ARISING FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE COVID-19 PANDEMIC**

The City Council of the City of Mt. Shasta hereby finds and declares the following:

WHEREAS, states of emergency have recently been proclaimed at the local, state, and federal government levels related to the novel coronavirus (“COVID-19”) pandemic; and

WHEREAS, the COVID-19 pandemic and associated public health orders are expected to result in the closure of many local businesses and result in extreme restrictions on other local businesses; and

WHEREAS, the COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and result in substantial medical expenses for certain City residents; and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of rent, or through foreclosure, if the eviction is a result of the COVID-19 pandemic; and

WHEREAS, without local protection, eviction notices are likely to surge as residents and businesses are unable to earn income due to the pandemic, or are forced to pay substantial medical expenses associated with the pandemic; and

WHEREAS, the Council has determined that it is appropriate to temporarily prohibit evictions, through May 31, 2020, for any tenant (residential or commercial) who can demonstrate that they are being evicted for the failure to pay rent or make other required payments, and that such failure is a direct impact of the COVID-19 pandemic; and

WHEREAS, the Council has determined that urgent action must be taken to protect the health, safety, and welfare of tenants in the City of Mt. Shasta.

NOW THEREFORE the City Council of the City of Mt. Shasta hereby ordains as follows:

**SECTION I**

Chapter 7.70 is hereby added to the City of Mt. Shasta Municipal Code, to read as follows:

**Chapter 7.70**  
**PROHIBITION ON EVICTIONS ARISING FROM SUBSTANTIAL INCOME LOSS OR**  
**MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC**

Sections:

**7.70.010 Purpose.**

**7.70.020 Definitions.**

**7.70.030 Prohibition on evictions stemming from coronavirus pandemic losses.**

**7.70.040 Severability.**

**7.70.010 Purpose.**

This chapter prohibits evictions through May 31, 2020, in the City of Mt. Shasta for any tenant who can demonstrate that they have received a notice of eviction for failure to pay rent or make other required payments, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic.

**7.70.020 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

(A) “Commercial real property” means any real property that is used for business or income-producing purposes.

(B) “Owner” means any person or entity, acting as principal or through an agent, providing residential or commercial real property for rent, and includes a predecessor in interest to the owner. The term “owner” shall also include, for purposes of this chapter, any holder of a mortgage, deed of trust, or other security interest in real property.

(C) “Residential real property” means any dwelling or unit that is intended or used for human habitation.

(D) “Tenant” means a person or entity occupying lawfully residential or commercial real property and includes a lease or sublease. The term “tenant,” for purposes of this chapter, shall also include a mortgagor, payor, or any other person or entity responsible for making payments on a note secured by real property.

**7.70.030 Prohibition on evictions stemming from coronavirus pandemic losses.**

(A) Through May 31, 2020 or such later date as the Governor may provide by Executive Order, an owner of residential or commercial real property shall not evict a tenant for failure to pay rent or evict a tenant through foreclosure if the tenant demonstrates that the failure to make required payments is directly related to a substantial loss of income or substantial out-of-pocket medical

expenses associated with the coronavirus pandemic or any local, state, or federal government response to the pandemic.

(B) In order for this section to apply, a tenant must demonstrate through documentation or other objectively verifiable means:

(1) Substantial loss of income from (a) job loss; (b) layoffs; (c) a reduction in the number of compensable hours of work; (d) a store, restaurant, office, or business closure; (e) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (f) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (g) other similarly-caused loss of income that resulted from the pandemic; or

(2) substantial out-of-pocket medical expenses related to the pandemic.

(C) This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this chapter shall render any notice of termination of tenancy void. This section may be asserted as an affirmative defense in any statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant. Terminations that are required to comply with an order issued by a government agency or court requiring that the real property be vacated are excepted from this prohibition. An owner's failure to comply with this Chapter does not constitute a criminal offense but will subject an owner to civil fines and penalties as set forth in this Code.

(D) Nothing in this chapter shall relieve a tenant of the obligation to pay rent or otherwise make required payments, nor restrict an owner's ability to recover such payments.

(E) This chapter shall be liberally construed to provide the broadest possible protection for tenants in the City of Mt. Shasta.

#### **7.70.040 Severability/Conflicting Laws.**

(A). If any provision of this chapter 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 ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

(B) To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

## **SECTION II**

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.)

### **SECTION III**

Effective Date. This ordinance shall take effect immediately as an urgency ordinance. This is based on the City Council's finding that this ordinance is adopted in compliance with Government Code Section 36937, that it is necessary for the protection of the public peace, health and safety for the reasons contained in the findings set forth at the beginning of this ordinance, which are incorporated by reference herein, and that it is necessary to prevent the City of Mt. Shasta from suffering potentially irreversible displacement of tenants resulting from the evictions that this ordinance is designed to prevent. The clerk shall cause this ordinance to be published as required by law.

**DULY PASSED AND ADOPTED** this 31<sup>st</sup> day of March 2020, by the City Council of the City of Mt. Shasta, State of California, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
John Stackfleth, Mayor

ATTEST:

By: \_\_\_\_\_  
Kathy Joyce, Deputy City Clerk