

ORDINANCE NO. 2020-0017

Adopted by the Sacramento City Council

March 24, 2020

An Ordinance Amending the Temporary Moratorium on Evicting Tenants to Include Commercial Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19, and on March 19, 2020, issued an Order of the County Health Officer to Stay at Home or Place of Residence, which imposes strong restrictions on the activities of persons and the operation of businesses throughout the county.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

C. On March 17, 2020, the city council adopted Sacramento City Ordinance No. 2020-0015, establishing a moratorium on residential evictions due to nonpayment of rent during the COVID-19 emergency.

D. The city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. Bars and restaurants have been ordered to only serve food for delivery or pick-up; many other businesses have been determined to be non-essential, and thus ordered to effectively cease operations.

E. The loss of income caused by the effects of COVID-19 and the public health orders have, and will, impact commercial tenants’ ability to pay rent when due, leaving them vulnerable to eviction.

F. Providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid further business closures and job losses.

F. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

G. Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

SECTION 2. Moratorium on tenant evictions due to nonpayment of rent during the COVID-19 emergency.

A. Sacramento City Ordinance No. 2020-0015 is amended as follows:

1. Subsection 2.B is amended to read as follows:

B. This ordinance applies to all residential and commercial tenants.

2. Subsection 2.D is amended to read as follows:

D. As used in this Section 2:

1. For residential tenants, "covered reason for delayed payment" means a tenant's loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant's compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; and (d) tenant's need to miss work to care for a home-bound school-age child.

2. For commercial tenants, "covered reason for delayed payment" means a tenant's loss of income due to the tenant's closure of, operating restrictions placed upon, or other loss of patronage of the tenant's business directly resulting from (i) the state-declared emergency, locally-declared emergency, or county stay-at-home order described in Section 1 of this ordinance; or (ii) any other emergency declarations or orders related to COVID-19.

3. Section 4 of Ordinance 2020-0015 is amended to read as follows:

Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent without any related late fees. During that 120-day period, the protections against eviction found in Section 2 of this ordinance apply for such tenants.

- B. Except as amended by subsection A above, all provisions of Sacramento City Ordinance No. 2020-0015 remain unchanged and in full effect.

SECTION 3. Effective Date.

This ordinance takes effect immediately upon adoption.

SECTION 4. Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

The directives and orders from health officials to contain the spread of COVID-19 has resulted in involuntary restrictions and closures, loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to business interruption and income losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

Adopted by the City of Sacramento City Council on March 24, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, and Mayor Steinberg

Noes: Member Warren

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2020.03.27 16:40:53
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Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

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