

RESOLUTION NO. 2020-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA SUPPORTING, ENDORSING AND STRONGLY ENCOURAGING COMPLIANCE WITH GOVERNOR NEWSOM'S EXECUTIVE ORDERS N-28-20 AND N-37-20, AS WELL AS THE CALIFORNIA JUDICIAL COUNCIL'S EMERGENCY COURT RULE TO EFFECTIVELY HALT ALL EVICTIONS AND FORECLOSURES ON RESIDENTIAL AND COMMERCIAL PROPERTIES DURING THE PENDENCY OF THE COVID-19 EMERGENCY

WHEREAS, on March 4, 2020, the Governor of California ("Governor") proclaimed a State of Emergency to exist in California, as authorized by Government Code sections 8558(b) 8625(c), in response to an outbreak and spread of a respiratory disease caused by a novel coronavirus now known as COVID-19 throughout California; and

WHEREAS, on March 8, 2020, the Riverside County Public Health Officer ("County PHO") declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Riverside County; and

WHEREAS, on March 10, 2020, Riverside County ("County") proclaimed a local emergency due to the threat of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization ("W.H.O.") declared COVID-19 a pandemic based upon the alarming levels of spread and severity of COVID-19, and by the alarming levels of inaction; and

WHEREAS, on March 13, 2020, the President of the United States ("President") declared the COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to authority granted by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*); and

WHEREAS, on March 16, 2020, when the City Council was not in session, the Fire Chief for the City of Corona, in his capacity as the Director of Emergency Services and pursuant to authority granted by Corona Municipal Code Section 2.52.110, declared a local emergency in the City of Corona, which was ratified by the City Council on March 18, 2020 pursuant to Resolution No. 2020-010 ("City Declared Emergency"); and

WHEREAS, on or about March 16, 2020, the DWP General Manager announced that the City would be suspending service disconnections due to non-payment until at least April

15, 2020, with extensions planned on a monthly basis as needed, as well as waiving late fees for at least 30 days following the disconnection suspension period; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20 temporarily suspending, through May 31, 2020, any provision of state law that would preempt or otherwise restrict a local government's exercise of its police powers to impose substantive limitations on residential or commercial evictions when the basis for eviction is nonpayment of rent arising out of a documented substantial decrease in household or business income or substantial out-of-pocket medical expenses caused by COVID-19 or by any local, state, or federal government response to COVID-19; and

WHEREAS, on March 18, 2020, the President announced that the Department of Housing and Urban Development (HUD) and the Federal Housing Finance Authority was providing immediate relief to renters and homeowners by suspending all foreclosures and evictions until the end of April 2020, to provide relief during the COVID-19 outbreak; and

WHEREAS, on March 19, 2020, in a further effort to require the public to practice social distancing to help contain the spread of COVID-19, the Governor issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence, except to obtain essential services; and

WHEREAS, on March 27, 2020, the Governor issued Executive Order N-37-20 effectively establishing a statewide ban on residential evictions for nonpayment of rent due to COVID-19 until May 31, 2020, by extending the time period that a tenant would be required to respond to an unlawful detainer (eviction) complaint for failure to pay rent from 5 days to 60 days if the following 3 conditions are satisfied: (1) prior to March 27, 2020, the tenant paid rent otherwise due to the landlord; (2) the tenant notifies the landlord in writing within 7 days of the date rent is due that 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; and (3) the tenant retains verifiable documentation to support the tenant's assertion of an inability to pay.

WHEREAS, on April 6, 2020, the California Judicial Council, the rule-making arm of the California court system, adopted the following emergency court rules to effectively stops all evictions and foreclosures for the duration of the COVID-19 emergency: (1) courts may not issue a summons or enter a default or default judgment in an unlawful detainer (eviction) action, other than those necessary to protect public health and safety, until 90 days after the COVID-19 emergency is terminated by the Governor or the emergency court rules are amended or repealed by the Judicial Council; and (2) all actions for judicial foreclosures on mortgages and deeds of trust are stayed and all deadlines related to such actions are extended.

WHEREAS, COVID-19 is causing, and is expected to continue to cause, serious negative impacts on the local economy and significant financial impacts to local residents and businesses, including substantial loss of income due to the loss of compensable work hours or wages, layoffs, and school and business closures; and

WHEREAS, it is understood that homelessness can exacerbate vulnerability to COVID-19; and

WHEREAS, the City Council has determined that promoting housing security for residents is conducive to public health, in that it allows the public a better opportunity to maintain good health, protect life and practice social distancing to mitigate the impacts of COVID-19; and

WHEREAS, the City Council has also determined that promoting stability amongst commercial tenancies is also conducive to public health, in that it allows commercial establishments to decide whether and how to remain open based on public health concerns, rather than economic pressures, or to mitigate the impacts of COVID-19; and

WHEREAS, the City Council's utmost priority during this time of crisis is the protection of its residents and businesses while respecting the rights of its landowners; and

WHEREAS, the City seeks to uphold the provisions of Executive Orders N-28-20 and N-37-20, as well as the emergency court rules adopted by the California Judicial Council on April 6, 2020, and to honor their spirit and intent as applied to all residential and commercial landowners, tenants and landlords in the City of Corona.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of Corona, California, as follows:

SECTION 1. The City Council hereby recommends and strongly encourages all residential and commercial landowners and landlords in the City of Corona to abide by the provisions, spirit, and intent of the Governor's Executive Orders N-28-20 and N-37-20, as well as the emergency court rules adopted by the California Judicial Council on April 6, 2020, and to specifically refrain, during the period of the COVID-19 emergency, from issuing or serving any type of eviction or foreclosure notice or otherwise taking any action to evict or foreclose on a resident or business within the City of Corona where non-payment of rent is a result of loss of income or increase in expenses caused by COVID-19 and/or efforts to mitigate the effects of COVID-19.

SECTION 2. This Resolution shall go into effect immediately upon its adoption, and shall remain in effect until the City Declared Emergency is terminated.

PASSED AND ADOPTED this 9th day of April 2020.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a special meeting thereof held on the 9th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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

City Clerk of the City of Corona, California

(SEAL)