

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF MOUNTAIN VIEW TEMPORARILY
SUSPENDING EVICTIONS FOR NONPAYMENT OF RENT BY RESIDENTIAL
TENANTS IMPACTED BY THE COVID-19 EMERGENCY

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Findings and Declarations. The City Council finds and declares as follows:

(a) Mountain View City Charter Section 514 authorizes the City Council, with a four-fifths (4/5) vote to adopt as an urgency measure, for the immediate protection of the public health or safety without following the procedures otherwise required to adopt an ordinance.

(b) Government Code Section 36394 and 36937 allows a city, including a charter city, to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health, or safety upon a finding of facts constituting the urgency thereof.

(c) International, national, State, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named COVID-19.

(d) On March 4, 2020, the Governor of the State of California proclaimed a state of emergency to make additional resources available, formalize emergency actions already under way across multiple State agencies and departments, and help the State prepare for the broader spread of COVID-19.

(e) On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic.

(f) 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.

(g) On March 12, 2020, the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Section 11.6, Article 1,

Chapter 11 of the Mountain View Municipal Code to ensure an effective response by the City to the COVID-19 pandemic.

(h) On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 recognizing that the economic impacts of COVID-19 have been significant and could threaten to undermine the housing security for California residents and the continued viability of California commercial enterprises and suspending any provision of State law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions through May 31, 2020.

(i) On March 17, 2020, the City Manager's/Director of Emergency Services' March 12, 2020 Proclamation was ratified by the City Council. The local emergency was deemed by the City Council to continue to exist until its termination is proclaimed by the City Manager/Director of Emergency Services.

(j) On March 16, 2020, the Health Officer of the County of Santa Clara issued an Order directing all individuals living in the County to shelter in their place of residence, except that they may leave to provide or receive certain essential services or engage in certain essential activities, and work for essential businesses and governmental services; exempting individuals experiencing homelessness from the shelter-in-place Order but urging them to find shelter and government agencies to provide it; directing all businesses and governmental agencies to cease nonessential operations at physical locations in the County; prohibiting all nonessential gatherings of any number of individuals; and ordering cessation of all nonessential travel.

(k) As a result of the public health emergency and the precautions recommended by health authorities, many tenants and commercial enterprises in Mountain View have experienced or expect soon to experience sudden and unexpected income loss, layoffs, and business closure, thereby placing increased demands on already strained regional and local health and safety resources.

(l) 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.

(m) School closures require parents to adjust work schedules leading to time off work, whether paid or unpaid, and an inability to work will economically strain families.

(n) Due to the Order for County residents to shelter in their places of residence and the Governor's call for certain businesses to close, businesses that rely on customer

patronage will experience a significant loss of business opportunity, loss of indirect spending, an impact on their operations, and a loss of revenue for those that cannot continue to operate.

(o) In light of the numerous concerns noted herein, including, but not limited to, the current and immediate threat to the health, safety, and welfare of the City's residents and the adverse impacts that would result from evictions due to a resident's loss of substantial income, the City Council determines it is in the interest of immediately preserving the public health, safety, and general welfare to adopt this urgency ordinance.

(p) The City Council finds and determines that, if a temporary suspension on evictions from residential units due to a resident's loss of substantial income arising out of the consequences of the COVID-19 pandemic were not imposed now, the public health, safety, and welfare will be immediately threatened because landlords could initiate action to evict tenants who were unable to pay rent due to a substantial loss of income.

(q) For the reasons set forth above, this ordinance is declared by the City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate, and direct threat to the health, safety, or welfare of the community and the findings and declaration contained herein constitute the City Council's statements of the reasons constituting such necessity and urgency.

Section 2. From the effective date of this urgency ordinance and continuing until May 31, 2020, unless extended by the City Council, a suspension of evictions for nonpayment of rent by residential tenants impacted by the COVID-19 pandemic is imposed as follows:

(a) Pursuant to the general police power of the City to protect the health, safety, and welfare of its citizens, no landlord of any residential rental property, including mobile homes and mobile home lots, shall commence evictions on any residential tenants within the City of Mountain View for nonpayment of rent if the landlord has notice that the tenant has suffered a substantial decrease in household income or a substantial increase in medical bills due to COVID-19 or the Federal, State, or local response to the COVID-19 pandemic.

(b) A landlord shall have notice of the tenant's inability to pay rent because of a substantial decrease in household income resulting from the COVID-19 pandemic if the tenant provides the landlord with written notice of the inability to pay rent within thirty (30) days after the rent being due and provides documentation evidencing the loss of income. Any documentation provided by the tenant to the landlord shall be kept in confidence and shall only be used for purposes of determining eligibility for the

protections of this ordinance. Written notice includes notice given by e-mail, text, or in writing to the landlord or the landlord's agent or representative with whom the tenant has previously communicated regarding the property.

(c) A substantial decrease in household income may be caused by layoffs or a reduction in the number of compensable hours of work, a substantial decrease in business income caused by a reduction in opening hours or consumer demand, the need to care for homebound children or sick household members or substantial out-of-pocket medical expenses; all of which are caused by the COVID-19 pandemic, or by any local, State, or Federal government response to COVID-19, and is documented.

(d) Documentation for the purposes of a substantial decrease in household income may include, but is not limited to, letters from employers citing the COVID-19 pandemic or related government action as the basis for termination of employment or reduced work hours, paycheck stubs, bank statements, or letters or notifications from schools in which the tenant has a dependent enrolled regarding COVID-19-related closures.

(e) Nothing in this ordinance shall relieve the tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due. A tenant benefiting from this ordinance shall pay the outstanding rent due within 180 days of the expiration of this ordinance. Nothing herein prevents landlords and tenants from negotiating a longer repayment period for past due rent.

(f) A landlord may not charge or collect a late fee for rent that is delayed pursuant to this ordinance and for 180 days after the expiration of this ordinance.

(g) This ordinance applies to nonpayment eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date written below. This ordinance shall be liberally construed to provide the broadest possible protection.

(h) This ordinance may be asserted as an affirmative defense in any unlawful detainer action.

(i) Landlords and tenants may request mediation services through the Mountain View mediation program to facilitate discussions or to address any disputes that may arise from the implementation of this ordinance, including, but not limited to, assistance in structuring timely and manageable rent repayment plans.

(j) Violations of this ordinance may also be subject to administrative penalties and enforcement in accordance with Sections 1.7 (Code Enforcement – Violations) and Sections 1.17-1.29 (Administrative Penalties) of the Mountain View City Code.

Section 3. Pursuant to Mountain View City Charter Section 514, and Government Code Sections 36934 and 36973, the provisions of this ordinance shall be effective immediately upon adoption.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Guidelines Sections 15060(c)(2) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment); and 15060(c)(3) because the activity is not a project as defined in Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

KC/5/ORD
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