



Special Meeting Agenda

March 24, 2020

Placentia City Council

SPECIAL PROCEDURES NOTICE DURING COVID-19 EMERGENCY

On March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the threat of the COVID-19 virus.

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which temporarily suspends requirements of the Brown Act allowing City Council Members to hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the City Council.

Given the health risks associated with COVID-19, please be advised that the City Council Chambers are closed to the public and some, or all, of the Placentia City Council Members may attend this meeting telephonically.

How to Observe the Meeting

To maximize public safety while maintaining transparency and public access, all City Council meetings are available to view live on AT&T Universe (Channel 99), Spectrum (Channel 3), and online at www.placentia.org/pctv.

How to Submit Public Comment

Members of the public may provide public comment by sending comments for City Council consideration by email to the City Clerk at cityclerk@placentia.org. Please limit to 200 words or less. Comments received before or during a Council meeting, until the close of the **Oral Communications** portion of the agenda, will be read into the public record, subject to the regular time limitations per speaker. Longer submittals will be included in the public record. If you are unable to provide your comments in writing, please contact the City Clerk's office for assistance at (714) 993-8231.

Americans with Disabilities Act Accommodation

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at cityclerk@placentia.org or by calling (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility while maintaining public safety. (28 CFR 35.102.35.104 ADA Title II)

Until further notice the City will implement the guidelines of the California Department of Public Health in regards to social distancing.

The city of Placentia thanks you in advance for taking all precautions to prevent the spread of the COVID-19 virus.

The City will return to normal City Council meeting procedures as soon as the emergency has ended.



Special Meeting Agenda March 24, 2020 Placentia City Council

Ward L. Smith
Mayor

Jeremy B. Yamaguchi
Mayor Pro Tem

Craig S. Green
Councilmember

Rhonda Shader
Councilmember

Chad P. Wanke
Councilmember

Robert S. McKinnell
City Clerk

Kevin A. Larson
City Treasurer

Damien R. Arrula
City Administrator

Christian L. Bettenhausen
City Attorney

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8117
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administration@placentia.org
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Mission Statement

The City Council is committed to keeping Placentia a pleasant place by providing a safe family atmosphere, superior public services and policies that promote the highest standards of community life.

Vision Statement

The City of Placentia will maintain an open, honest, responsive and innovative government that delivers quality services in a fair and equitable manner while optimizing available resources.

Copies of all agenda materials are available for public review in the Office of the City Clerk, online at www.placentia.org, and at the Placentia Library Reference Desk. Persons who have questions concerning any agenda item may call the City Clerk's Office, (714) 993-8231, to make inquiry concerning the nature of the item described on the agenda.

Procedures for Addressing the Council/Board Members

Any person who wishes to speak regarding an item on the agenda or on a subject within the City's jurisdiction during the "Oral Communications" portion of the agenda should fill out a "Speaker Request Form" and give it to the City Clerk BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should fill out a "Speaker Request Form" and give it to the City Clerk BEFORE the item is called.

The Council and Board members encourage free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, the Council and Board discourage clapping, booing or shouts of approval or disagreement from the audience.

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL AND BOARD MEMBERS ARE IN SESSION.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility.
(28 CFR 35.102.35.104 ADA Title II)

In compliance with California Government Code § 54957.5, any writings or documents provided to a majority of the City Council regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

Study Sessions are open to the public and held in the City Council Chambers or City Hall Community Room. Executive Sessions are held in the Council Caucus Room. While the public may be in attendance during oral announcements preceding Executive Sessions, Executive Sessions are not open to the public.

**PLACENTIA CITY COUNCIL
SPECIAL MEETING AGENDA - CLOSED SESSION
March 24, 2020
6:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Councilmember/Board Member Green
Councilmember/Board Member Shader
Councilmember/Board Member Wanke
Mayor Pro Tem/Board Vice Chair Yamaguchi
Mayor/Board Chair Smith

ORAL COMMUNICATIONS: (PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISIS)

At this time the public may address the City Council and Boards of Directors concerning any items on the Closed Session Agenda only. There is a five (5) minute time limit for each individual addressing the City Council and Boards of Directors.

The City Council and Boards of Directors will recess to the City Council Caucus Room for the purpose of conducting their Closed Session proceedings.

1. Pursuant to Government Code Section 54956.9 (d)(2):
CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Significant exposure to litigation: (1 Case)

**PLACENTIA CITY COUNCIL
SPECIAL MEETING AGENDA
March 24, 2020
7:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

PRIOR TO ROLL CALL:

ROLL CALL: Councilmember/Board Member Green
Councilmember/Board Member Shader
Councilmember/Board Member Wanke
Mayor Pro Tem/Board Vice Chair Yamaguchi
Mayor/Board Chair Smith

INVOCATION: Sterling Bennett

PLEDGE OF ALLEGIANCE:

PRESENTATION: None

CLOSED SESSION REPORT:

CITY ADMINISTRATOR REPORT:

ORAL COMMUNICATIONS: (PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISIS)

At this time the public may address the City Council concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the City Council and Boards of Directors. There is a five (5) minute time limit for each individual addressing the City Council.

CITY COUNCIL/BOARD MEMBER COMMENTS:

1. CONSENT CALENDAR (Item 1.a.):

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any Member of the City Council and Boards of Directors or City Administrator may request an item be removed from the Consent Calendar for discussion. All items removed shall be considered immediately following action on the remaining items.

1.a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**

Fiscal Impact: None

Recommended Action: Approve

2. PUBLIC HEARING: None

3. REGULAR AGENDA:

3.a. **Urgency Moratorium on Evictions, Utility Cancellations**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Introduce and adopt Urgency Ordinance No. O-2020-03, An Urgency Ordinance of the City Council of the City Of Placentia, California relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption; and
- 2) Approve Resolution No. R-2020-12, A Resolution Of the City Council of the City of Placentia ratifying Proclamation No. P-2020-02, the first supplement to the Executive Order of the Mayor of the City of Placentia, California to order a moratorium on residential and commercial evictions, to halt City water and sewer service disconnections.

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Council/Board Members may make requests or ask questions of Staff. If a Council/Board Member would like to have formal action taken on a requested matter, it will be placed on a future Council or Board Agenda.

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors will adjourn to Tuesday, April 7, 2020 at 5:30 p.m.

CERTIFICATION OF POSTING

I, Rosanna Ramirez, Acting Deputy City Administrator/Director of Administrative Services of the City of Placentia and Assistant Secretary of the Industrial Commercial Development Authority and Successor Agency, hereby certify that the Agenda for the March 24, 2020 meetings of the City Council, Successor Agency, and Industrial Commercial Development Authority was posted on March 23, 2020.

Rosanna Ramirez
Acting Deputy City Administrator/Director of Administrative Services



Placentia City Council

AGENDA REPORT

TO: CITY COUNCIL

VIA: CITY ADMINISTRATOR

FROM: CITY ATTORNEY

DATE: MARCH 24, 2020

SUBJECT: **URGENCY MORATORIUM ON EVICTIONS, UTILITY CANCELLATIONS**

FISCAL
IMPACT: NONE

SUMMARY:

To respond to the COVID-19 crisis, the governor authorized cities to enact prohibitions on evictions when the tenant has lost income due to the COVID-19 pandemic. This Urgency Ordinance places a temporary moratorium on all commercial and residential evictions during the current state of emergency, and also recommends that water utility shutoffs cease during the emergency. The Urgency Ordinance also suspends penalties for nonpayment of sewer fees during the emergency.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Introduce and adopt Urgency Ordinance No. O-2020-XX, An Urgency Ordinance of the City Council of the City Of Placentia, California relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption (Attachment 1); and
2. Approve Resolution No. R-2020-XX, A Resolution Of the City Council of the City of Placentia ratifying Proclamation No. P-2020-02, the first supplement to the Executive Order of the Mayor of the City of Placentia, California to order a moratorium on residential and commercial evictions, to halt City water and sewer service disconnections.

DISCUSSION:

On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19"). On March 17, 2020, the City of Placentia City Council ratified the Director of Emergency Services' March 16, 2020 proclamation declaring the existence of a local emergency due to COVID-19 in order to seek Federal and State resources and to provide emergency authority to the City Administrator. Furthermore, on March 19, 2020, the Governor established a statewide "Stay at Home" Executive Order thereby closing all non-essential services and businesses in order to prevent the spread of COVID-19 throughout the state.

3. a.
March 24, 2020

Because of directives from Federal, State and local health officials, most events have been cancelled, schools have been closed, and residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease. Restaurant and retail business has significantly declined, and parents have missed work to care for homebound school-age children, resulting in workers being impacted by lost wages and layoffs. In Placentia countless businesses across the City have temporarily closed and suspended or severely restricted operations. As a result, workers are experiencing loss of wages due to business closures, loss of working hours, layoffs, or out-of-pocket medical costs caused by COVID-19. All of these factors will undoubtedly impact tenants – both residential and commercial - and their ability to pay rent, leaving them vulnerable to eviction.

Providing tenants with a short-term protection from eviction due to the inability to pay rent will help stabilize the rental housing market by reducing displacement. 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. To that end, prohibiting evictions on a temporary basis is important until the spread of the virus can be minimized, and the emergency restrictions lifted.

If approved, the proposed Urgency Ordinance would prohibit a landlord from initiating proceedings or otherwise taking steps to evict a tenant for nonpayment of rent from any residential dwelling (including single family and multi-family homes, mobile homes or other structures lawfully used as a residential dwelling) if the tenant demonstrates that the inability to pay rent is due to COVID-19. The Ordinance would also apply to commercial tenants, such as a business or commercial enterprise renting or leasing a structure used for business purposes.

In order to take advantage of the protections provided in the ordinance, both residential and commercial tenants would be required to, within 30 days after the rent is due: (1) notify the landlord "in writing" of the substantial COVID-19-Related Financial Impacts, and (2) provide documentation "in writing" establishing such substantial COVID-19-Related Financial Impacts. Nothing in the proposed Urgency Ordinance is intended to waive a tenant's obligation to pay back rent owed once this ordinance is no longer effective.

The ordinance provides that a tenant will have up to one-hundred and twenty (120) days after the expiration of this Ordinance to pay its landlord unpaid rent. No late fees, costs or other penalties shall be assessed or due from the tenant based on the delay in paying rent as provided for in this ordinance. The Moratorium on residential and commercial eviction would remain in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions.

Prepared by:


Christian Bettenhausen
City Attorney

Reviewed and approved:


Damien R. Arrula
City Administrator

Attachments:

1. Ordinance O-2020-XX - Urgency Ordinance Relating to Eviction Restriction
2. Resolution R-2020-XX - Ratifying Proclamation P-2020-02

ORDINANCE NO. 2020-03

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA RELATING TO A TEMPORARY MORATORIUM ON EVICTING TENANTS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a public health emergency in Orange County due to COVID-19. On March 16, 2020, the City's Mayor, acting as the Chairman of the Disaster Council of the City of Placentia declared a local emergency due to COVID-19, which was ratified by the City Council at its March 17, 2020 City Council meeting. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

WHEREAS, 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.

WHEREAS, 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. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

WHEREAS, many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

WHEREAS, providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing market by reducing displacement.

WHEREAS, 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.

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

WHEREAS, loss of income as a result of COVID-19 may inhibit City residents and business from fulfilling their financial obligations, including public utility payments such as water and sewage charges; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that if people regularly wash their hands it will help to prevent the further spread of COVID-19; and

WHEREAS, the City Council has the authority to adopt this ordinance under Government Code Section 8630, and also its authority under California Constitution Art XI, section 7, and pursuant to the Governor's Order N-28-20.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

- A. Term. This Section 1 remains in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions (the "Term").
- B. Scope. This ordinance applies to all residential and commercial tenants within the City. This moratorium shall not be applicable to any nonpayment of rent due prior to the Governor's March 4, 2020 declaration of an emergency.
- C. Evictions. No landlord shall seek to evict a residential or commercial tenant if both of the following are true:
 - 1. Decreased Income, or Increased Medical Expenses. The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in operating hours or consumer demand), or substantial out-of-pocket medical expenses (collectively, the "COVID-19-Related Financial Impacts"); and
 - 2. Cause is COVID-19. The decrease in household or business income or the out-of-pocket medical expenses described in subsection (1), above, was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and the income loss and the increased expenses are documented.
- D. Tenant to Notify Landlord. To qualify, the tenant must, within 30 days after the rent is due: (1) notify the landlord "in writing" of the substantial COVID-

19-Related Financial Impacts, and (2) provide documentation “in writing” establishing such substantial COVID-19-Related Financial Impacts.

- E. When Landlord Shall Not Evict. The landlord shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a notice to pay rent or quit, or otherwise seek to evict for nonpayment of rent during the period during the Term if either: (1) rent is overdue for a period of 30 days or less and the tenant notified the landlord as required in subsection (1), of subsection (D), above; or (2) rent is overdue for a period of 31 days or more and the tenant complied with both requirements of subsection (D), above.
- F. Definition of “In Writing.” For purposes of this Ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text.
- G. Repayment of Rent Required. Nothing in this ordinance shall relieve the tenant of liability for any unpaid rent. The landlord may seek the unpaid rent after the expiration of the Term, and the tenant must pay it as soon as possible, but in no event later than 120 days from the expiration of the Term. A landlord may not charge or collect penalties or a late fee for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord, during the period the local emergency is in effect, seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

SECTION 2. Water and Sewer Service . As a result of this local emergency, for a period of 60 days from the date of this Order, the City hereby strongly encourages both of its local water suppliers: (a) to not discontinue or shut-off of water services for residents and businesses in the City for non-payment of water and sewer bills; and (b) to not impose late payment penalties or fees for delinquent water and/or sewer bills. Also as a result of this local emergency, for a period of 60 days from the date of this Order, for any City controlled sewer service, the City shall not impose late payment penalties or fees for delinquent sewer bills.

SECTION 3. Emergency Declaration/Effective Date. The City council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934. The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in 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 wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 4. Future Governor’s Order. If the Governor issues an executive order which prohibits residential and commercial evictions throughout the state relating due to COVID-19 related impacts, then that order shall control, and this ordinance shall no longer be in effect. Otherwise, this ordinance shall remain in full effect, and landlords shall meet the

requirements of both this Ordinance and the Governor's order.

SECTION 5. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 24th day of March 2020.

Ward L. Smith, Mayor

ATTEST:

Robert S. McKinnell, City Clerk

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Placentia, held on the 24th day of March 2020 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney

RESOLUTION NO. R-2020-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACENTIA RATIFYING PROCLAMATION NO. P-2020-02, THE FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF PLACENTIA, CALIFORNIA TO ORDER A MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS, TO HALT CITY WATER AND SEWER SERVICE DISCONNECTIONS

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of the respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on March 4, 2020 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 16, 2020, the Mayor of the City of Placentia, acting as the Chairman of the Disaster Council of the City of Placentia under the authority in Placentia Municipal Code Section 11.12.020(a)(1) proclaimed a local emergency because of COVID-19, which was ratified by the City Council at the March 17, 2020, City Council meeting; and

WHEREAS, on March 19, 2020, the Director of Emergency Services, acting under the authority of Placentia Municipal Code Section 11.12.020(a)(6)(A), issued Proclamation NO. P-2020-02 a first supplement to the executive order of the Mayor of the City of Placentia, California, acting as the chairman of the disaster council of the City of Placentia, declaring the existence of a local emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency "beginning March 1, 2020", 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; and

WHEREAS, on March 16, 2020, the Governor of California issued Executive Order No. N-28-20 that suspended, for the duration of the statewide emergency, any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to imposed substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code section 1940 et seq. or 1954.25 et seq. The order only applies to the imposition of limitations on evictions when both:

(i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction on the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in the opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

(ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19, and is documented.

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health and the Orange County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, 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. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Placentia have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, 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; and

WHEREAS, loss of income as a result of COVID-19 may inhibit City residents and business from fulfilling their financial obligations, including public utility payments such as water and sewage charges; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that if people regularly wash their hands it will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to close certain non-essential public facilities; and

WHEREAS, the City Council does hereby find the aforesaid conditions of extreme peril did warrant and necessitate the orders issued by the Director of Emergency Services on March 19, 2020, in **Proclamation NO. P-2020-02** the "FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF PLACENTIA, CALIFORNIA, ACTING AS THE CHAIRMAN OF THE DISASTER COUNCIL OF THE CITY OF PLACENTIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY".

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that the Director of Emergency Services **Proclamation NO. P-2020-02** FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF PLACENTIA, CALIFORNIA, ACTING AS THE CHAIRMAN OF THE DISASTER COUNCIL OF THE CITY OF PLACENTIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY, as issued by the Director of Emergency Services on March 19, 2020, is hereby ratified and confirmed; and

IT IS FURTHER ORDERED, that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED AND ADOPTED by the City Council of the City of Placentia at a regular meeting of the City Council held the 24th day of March 2020 by the following vote:

Ward Smith, Mayor

ATTEST:

Robert McKinnell, City Clerk

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Placentia, held on the 24th day of March 2020 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

Exhibit "A"

PROCLAMATION NO. P-2020-02

FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF PLACENTIA, CALIFORNIA, ACTING AS THE CHAIRMAN OF THE DISASTER COUNCIL OF THE CITY OF PLACENTIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of the respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on March 4, 2020, to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 16, 2020, the Mayor of the City of Placentia, acting as the Chairman of the Disaster Council of the City of Placentia under the authority in Placentia Municipal Code Section 11.12.020(a)(1) proclaimed a local emergency because of COVID-19, which was ratified by the City Council at the March 17, 2020, City Council meeting; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency “beginning March 1, 2020”, 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; and

WHEREAS, on March 16, 2020, the Governor of California issued Executive Order No. N-28-20 that suspended, for the duration of the statewide emergency, any provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to imposed substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code section 1940 *et seq.* or 1954.25 *et seq.* The order only applies to the imposition of limitations on evictions when both:

- (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction on the number of compensable hours of work, or a substantial decrease in business income cause by a reduction in the opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

- (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health and the Orange County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, 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. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in the City of Placentia have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, 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; and

WHEREAS, loss of income as a result of COVID-19 may inhibit City residents and business from fulfilling their financial obligations, including public utility payments such as water and sewage charges; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that if people regularly wash their hands it will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it has become necessary to close certain non-essential public facilities; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, and as authorized by Placentia Municipal Code Section 11.12.020(a)(6)(A), it is necessary to exercise my authority as Director of Emergency Services to issue this regulation related to protection of life and property.

NOW THEREFORE, I, Damien Arrula, the Director of Emergency Services for the City of Placentia, do hereby issue the following order to become effective immediately, subject to ratification as soon as is practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. Moratorium on Residential and Commercial Evictions. A temporary moratorium on evictions of residential and commercial tenants impacted by the COVID-19 crisis is imposed as follows:

(A) Until May 31, 2020, or until the expiration of any extension by Governor Newsom of his Executive Order No. N-28-20, whichever is later to occur, no landlord shall seek to evict a **residential** or **commercial** tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent as a direct result of financial impacts related to COVID-19, where the financial impacts involve a substantial decrease in household or business income, or a substantial increase in expenses, caused by any of the following (which are collectively referred to as "COVID-Related Financial Impacts"):

- layoffs or a reduction in the number of compensable hours of work;
- a substantial decrease in business income cause by a reduction in the opening hours or consumer demand;
- being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- compliance with a recommendation or order from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- out-of-pocket medical expenses due to COVID-19; or
- child care needs arising from school closures related to COVID-19.

To qualify the tenant must notify the landlord in writing within 30 days after the date rent is due of the substantial COVID-Related Financial Impacts, and provide documentation in writing establishing such substantial COVID-Related Financial Impacts.

(B) Stay on Landlord's Commencement of Eviction Procedures During the Local Emergency. If either: (1) rent is overdue for a period of 30 days or less and the landlord has been notified of the substantial COVID-Related Financial Impacts, or (2) rent is overdue for a period of 31 days or more and the landlord has been timely notified of the substantial COVID-Related Financial Impacts, and the landlord

was timely provided the documentation required by this Order of a tenant's temporary inability pay some or all of the rent because of substantial COVID-Related Financial Impacts; then the landlord shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent during the period during which a local emergency has been declared. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text.

(C) Obligation of Tenant to Pay Rent. Nothing in this Order shall relieve the tenant of liability for any unpaid rent. The landlord may seek the unpaid rent after the expiration of the local emergency, and the tenant must pay it as soon as possible, but in no event later than 120 days from the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord, during the period the local emergency is in effect, seek rent that is delayed for the reasons stated in this Order through the eviction process.

(D) Effective Date. This Order applies to nonpayment eviction notices, unlawful detainer actions based on such notices, served or filed on or after March 20, 2020.

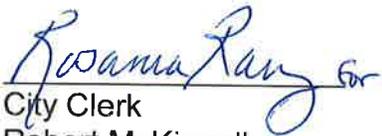
2. Private Water Providers. As a result of this local emergency, for a period of 60 days from the date of this Order, the City hereby strongly encourages both of its local water suppliers: (a) to not discontinue or shut-off of water services for residents and businesses in the City for non-payment of water and sewer bills; and (b) to not impose late payment penalties or fees for delinquent water and/or sewer bills.
3. City Controlled Sewer Service. As a result of this local emergency, for a period of 60 days from the date of this Order, for any city controlled sewer service, the city shall not impose late payment penalties or fees for delinquent sewer bills.
4. Effective Date. This Order shall become effective immediately.

PROCLAIMED this 19th day of March 2020.



Damien R. Arrula, City Administrator
Director of Emergency Services

ATTEST:



City Clerk
Robert McKinnell

APPROVED AS TO FORM:



Christian L. Bettenhausen
City Attorney