

**CITY OF SANTA MARIA
LOCAL EMERGENCY ORDER AND REGULATION
COVID-19**

**TEMPORARY MORATORIUM ON EVICTING
RESIDENTIAL AND COMMERCIAL TENANTS FOR
FAILURE TO PAY RENT DUE TO COVID-19**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, a Declaration of Local Health Emergency relating to COVID-19 was issued by the County Health Office and Public Health Director of the County of Santa Barbara; and

WHEREAS, on March 18, 2020 and renewed on March 25, 2020 and April 1, 2020, the City Manager of Santa Maria, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in light of COVID-19 in the City of Santa Maria; and

WHEREAS, on March 18, 2020, Governor Newsom issued an Executive Order N-33-20, requiring the shelter-in-place of all residents in California and the closure of all non-essential businesses; and

WHEREAS, on April 7, 2020, the Santa Maria City Council adopted a resolution proclaiming a local emergency regarding COVID-19 and ratifying the proclamations of local emergency by the City Manager acting as the Director of Emergency Services; and

WHEREAS, in light of the COVID-19 pandemic and the Governor's March 4, 2020 Proclamation of a State of Emergency, on March 16, 2020, the Governor issued Executive Order N-28-20, suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

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

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Santa Maria 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 the local emergency proclaimed by the City's Director of Emergency Services 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, to prevent housed individuals from falling into homelessness; and to avoid unnecessary displacement of commercial businesses; and

WHEREAS, loss of income as a result of COVID-19 may inhibit Santa Maria residents and businesses from fulfilling their financial obligations; and

WHEREAS, pursuant to Government Code Section 8634 and Title 2, Chapter 2.17, Section 2-17.06 of the Santa Maria Municipal Code, the Director of Emergency Services is empowered to make and issue orders and regulations on matters reasonably related to the protection of life and property; and

WHEREAS, there is an urgent need to issue limitations on landlords' authority to commence evictions in order to protect the health, safety and welfare of the City's residents and businesses in light of the proclaimed local emergency and the declared local health emergency regarding the COVID-19 pandemic.

NOW, THEREFORE, it is hereby ordered that:

SECTION 1.

The above recitals are true and correct and are incorporated herein.

SECTION 2.

A moratorium on evictions for non-payment of rent by residential and commercial tenants impacted by the COVID-19 pandemic is imposed as set forth herein.

- A. For residential properties, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for non-payment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts

related to COVID-19; or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure Section 1161(2), file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict for non-payment of rent.

- B. For commercial properties, no landlord shall endeavor to evict a commercial tenant for non-payment of rent if a commercial tenant is unable to pay rent due to financial impacts related to COVI-19.

SECTION 3.

A landlord knows of a tenant's inability to pay rent within the meaning of this order if the tenant, within thirty days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

SECTION 4.

Nothing in this order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of 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 seek rent that is delayed for the reasons stated in this order through the eviction process.

SECTION 5.

Definitions. For the purposes of this order:

- A. "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.
- B. "Financial impacts related to COVID-19" include, but are not limited to: (1) for residential tenants, lost household income as a result of any of the following: (a) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (b) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (c) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) extraordinary out-of-pocket medical expenses; or (e) child care needs arising from school closures related to COVID-19; and (2) for commercial tenants, lost business income from full or partial closure of the business (voluntary or by mandate) to prevent or reduce the spread of COVID-19.

C. "No-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the residential tenant, including, but not limited to, eviction notices served pursuant to Code of Civil Procedure Sections 1161(1) or 1161(5).

SECTION 6.

This order may be asserted as an affirmative defense in an unlawful detainer action. Any failure to comply with this order does not constitute a criminal offense nor give rise to civil penalties under the Santa Maria Municipal Code.

SECTION 7.

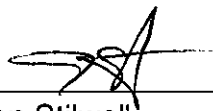
This order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed after March 16, 2020, the effective date of Governor Newsom's Executive Order N-28-20.

SECTION 8.

This order shall remain in effect unless rescinded by the Director of Emergency Services.

A copy of this order shall be posted on all outside public access doors of City Hall and in one public place within any area of the City within which this order and regulation applies, and personnel of the City of Santa Maria shall endeavor to make copies of this order and regulation available to the news media.

Date: 4/8/2020



Jason Stilwell
Director of Emergency Services