

**March 26, 2019**  
**Special Meeting**  
**Item # 2i**

**Board Reports**

**Additional Documents:**  
**Amended Ordinance**



ORDINANCE NO. ORD20-02

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS ADDING  
CHAPTER 7.93 TO THE MONO COUNTY CODE TO PROHIBIT RESIDENTIAL  
OR COMMERCIAL EVICTIONS THROUGH MAY 31, 2020, ARISING  
FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES  
RELATED TO THE CORONA VIRUS PANDEMIC**

**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 15, 2020, the Mono County Health Officer declared a local health emergency related to the COVID-19 pandemic. The declaration was ratified by the Mono County Board of Supervisors on March 17, 2020, and the Board also declared a state of emergency under the California Emergency Services Act; and

**WHEREAS**, in light of the COVID-19 pandemic and the state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order N-28-20, which order is attached hereto as Exhibit A and incorporated by this reference, suspending any provision of state law prohibiting local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

**WHEREAS**, on March 17, 2020, the Mono County Health Officer ordered the closure of all local bars, cessation of in-room dining in restaurants and a prohibition of non-essential public gatherings; and

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in the closure of many local businesses until such time as these orders are lifted, and result in extreme restrictions on other local businesses until then, and possibly thereafter; and

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and result in substantial medical expenses for certain Mono County residents; and

**WHEREAS**, Mono County is experiencing a housing affordability crisis, which was driving displacement of residents even prior to the COVID-19 pandemic; and

**WHEREAS**, many Mono County renters are rent-burdened, paying large percentages of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education; and



1 (B) "Owner" means any person, acting as principal or through an agent,  
2 providing residential or commercial real property for rent, and includes a predecessor  
in interest to the owner.

3 (C) "Residential real property" means any dwelling or unit that is intended or  
4 used for human habitation.

5 (D) "Tenancy" means the lawful occupation of residential or commercial real  
6 property and includes a lease or sublease.

7 **7.93.030 Prohibition on evictions stemming from coronavirus pandemic**  
8 **losses.**

9 (A) Through May 31, 2020, the owner of residential or commercial real  
10 property shall not terminate a tenancy for failure to pay rent if the tenant demonstrates  
11 that the failure to pay rent is directly related to a substantial loss of income or  
12 substantial out-of-pocket medical expenses associated with the coronavirus pandemic  
or any local, state, or federal government response to the pandemic.

13 (B) In order for this section to apply, a tenant must demonstrate through  
14 documentation or other objectively verifiable means:

15 (1) Substantial loss of income from (a) job loss; (b) layoff; (c) a reduction in the  
16 number of compensable hours of work; (d) a store, restaurant, office, or business  
17 closure; (e) a substantial decrease in business income caused by a reduction in opening  
18 hours or consumer demand; (f) the need to miss work to care for a home-bound school-  
age child or a family member infected with coronavirus; or (g) other similarly-caused  
loss of income that resulted from the pandemic; or

19 (2) Substantial out-of-pocket medical expenses related to the pandemic.

20 (C) This prohibition shall also apply to an owner's action that constitutes  
21 constructive eviction under California law. An owner's failure to comply with this  
22 ordinance shall render any notice of termination of tenancy void. This section may be  
23 asserted as an affirmative defense in an unlawful detainer action. Terminations that are  
24 required to comply with an order issued by a government agency or court requiring  
that the real property be vacated are excepted from this prohibition. An owner's failure  
to comply with this ordinance does not constitute a criminal offense but will subject an  
owner to civil fines and penalties as outlined more specifically in section 7.93.040.

25 (D) Nothing in this ordinance shall relieve a tenant of the obligation to pay  
26 rent, nor restrict a landlord's ability to recover rent due.

27 (E) This ordinance shall be liberally construed to provide the broadest possible  
28 protection for tenants in the unincorporated area of the County.

29 **7.93.040 Enforcement and Penalties.**

30 (A) The remedies provided by this chapter are cumulative and in addition to  
31 any other remedies available at law or in equity.

1 (B) Any violation of this chapter may be enforced through administrative  
2 citation and penalty as provided in Chapter 1.12 of the Mono County Code except that  
3 the amount of the administrative penalty shall be one thousand dollars per day starting  
4 on the day the eviction notice is received by the tenant and ending on the day a written  
5 withdrawal of said notice is received by the tenant.

6 (C) Each and every violation of this chapter, or applicable state law or  
7 regulation shall constitute a separate violation and shall be subject to all remedies and  
8 enforcement measures authorized by the Mono County Code or otherwise authorized  
9 by law. Additionally, any violation shall be subject to injunctive relief, disgorgement to  
10 the county of any and all monies unlawfully obtained, costs of abatement, costs of  
11 restoration, costs of investigation, restitution, and any other relief or remedy available  
12 at law or in equity. The county, including the office of the district attorney and the office  
13 of the county counsel, may pursue any and all remedies and actions available and  
14 applicable under state and local laws for any violations.

### 15 **7.93.050 Severability.**

16 If any provision of this ordinance is found to be unconstitutional or otherwise  
17 invalid by any court of competent jurisdiction, that invalidity shall not affect the  
18 remaining provisions of this ordinance which can be implemented without the invalid  
19 provisions, and to this end, the provisions of this ordinance are declared to be  
20 severable. The Board of Supervisors hereby declares that it would have adopted this  
21 ordinance and each provision thereof irrespective of whether any one or more  
22 provisions are found invalid, unconstitutional or otherwise unenforceable.

## 23 **SECTION II**

24 This ordinance is not subject to the California Environmental Quality Act  
25 (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in  
26 a direct or reasonably foreseeable indirect physical change in the environment) and  
27 Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA  
28 Guidelines, because it has no potential for resulting in physical change to the  
29 environment, directly or indirectly.)

## 30 **SECTION III**

31 Effective Date. This ordinance shall take effect immediately as an urgency  
32 ordinance. This is based on the Board of Supervisors finding that this ordinance is  
33 adopted in compliance with Government Code Section 25123(d), that it is necessary for  
34 the protection of the public peace, health and safety for the reasons contained in the  
35 findings set forth at the beginning of this ordinance, which are incorporated by  
36 reference herein, and that it is necessary to prevent the County of Mono from suffering  
37 potentially irreversible displacement of tenants resulting from the evictions that this  
38 ordinance is designed to prevent.

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1 **PASSED, APPROVED and ADOPTED** this 26<sup>th</sup> day of March, 2020, by the following  
2 vote, to wit:

3 **AYES:** Supervisors Corless, Gardner, Kreitz, and Stump.

4 **NOES:** None.

5 **ABSENT:** None.

6 **ABSTAIN:** Supervisor Peters.

7  
8 *Stacy Corless*

9 Stacy Corless (Mar 26, 2020)

10 **Stacy Corless, Chair**  
**Mono County Board of Supervisors**

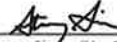
11 **ATTEST:**

12 **APPROVED AS TO FORM:**

13 

14 Scheereen Dedman (Mar 26, 2020)

15 **Clerk of the Board**  
**Clerk of the Board**

16 

17 Stacey Simpson (Mar 26, 2020)

18 **County Counsel**  
**County Counsel**

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose 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 sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (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 in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in 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.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any



occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State