



## CITY COUNCIL AGENDA REPORT

### City of Anaheim CITY MANAGER'S OFFICE

**DATE:** MAY 5, 2020

**FROM:** CITY MANAGER'S OFFICE

**SUBJECT: AN UNCODIFIED (URGENCY) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANAHEIM AMENDING AND RESTATING PREVIOUSLY ADOPTED UNCODIFIED (URGENCY) ORDINANCE NO. 6482 IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19 AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**ATTACHMENT (Y/N): YES ITEM # 13**

#### **ACTION:**

That the City Council adopt an Uncodified (Urgency) Ordinance: i) amending and restating previously adopted Uncodified (Urgency) Ordinance No. 6482 imposing a temporary moratorium on the eviction of residential or commercial tenants unable to pay rent due to the impacts of the novel coronavirus disease, until June 30, 2020; ii) modifying the timing of tenant notice requirements to be consistent with the Governor's Executive Order 37-20 and to clarify when back rent payments are due; and iii) declaring the ordinance to be an emergency measure to take effect immediately upon adoption.

#### **DISCUSSION:**

On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of coronavirus disease (COVID-19). On March 16, 2020, the Anaheim City Council proclaimed 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 Manager. 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.

As a result of the economic crisis caused by COVID-19, on March 24, 2020, the City Council adopted Ordinance No. 6482, an urgency ordinance prohibiting landlords from evicting commercial and residential tenants for non-payment of rent due to the impacts of COVID-19 and providing a period of time for tenants to remit back rent payments. Ordinance No. 6482 is set to expire on May 31, 2020. Because the economic impact caused by COVID-19 is expected to continue beyond that date, Mayor Harry Sidhu is proposing for Council consideration and approval extending the protection against

eviction until June 30, 2020. The ordinance would also modify the provisions regarding the timing of tenant notifications to landlords in order to be consistent with the Governor's Executive Order 37-20 and to clarify when back rent payments are due. This ordinance will supersede Ordinance No. 6482, replacing and repealing that prior ordinance.

In order to take advantage of the protections provided in the ordinance, both residential and commercial tenants would be required to: notify the landlord in writing no later than seven (7) days after the date the rent is due that the tenant has a covered reason for delayed payment; provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment; and pay the portion of rent that the tenant is able to pay. Nothing in the ordinance is intended to waive a tenant's obligation to pay back rent owed once this ordinance is no longer effective.

The terms of the repayment plan are to be agreed upon between the landlord and tenant, provided that, if no agreement is reached between the landlord and tenant, the back/past rent due shall be repaid in four (4) equal installments to be paid in monthly intervals beginning thirty (30) days after the expiration of this ordinance (i.e., beginning on July 31, 2020). 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 June 30, 2020.

The proposed ordinance also provides direction to city staff related to the moratorium and the City's overall crisis response, including directing the Interim City Manager to widely disseminate materials related to the moratorium to both tenants and landlords.

**IMPACT ON BUDGET:**

There is no budgetary impact.

Respectfully submitted,

Greg Garcia  
Interim City Manager

**Attachment:**

1. Ordinance