



Special City Council Meeting

March 24, 2020 – Item 3.a

**Adopt an Urgency Ordinance Enacting a Temporary
Moratorium on COVID-19 Related Evictions**



Background

Background

- Proclamation/Declaration of Emergency:
 - ☐ California Governor
 - ☐ United States President
 - ☐ Alameda County Health Officer
 - ☐ Union City Director of Emergency Services
- Shelter-in-Place
 - ☐ Alameda County Health Officer and six other health officers within six Bay Area counties - March 17, 2020 through April 7, 2020
 - ☐ California Governor - Until Further Notice

Background

- Local Impacts Due to COVID-19:
 - ☐ Events of all sizes across the Bay Area and in Union City are being cancelled or postponed
 - ☐ Businesses are closing or dramatically limiting their operations
 - ☐ Increased levels of unemployment and decreased incomes for many businesses and residents of Union City
 - ☐ Missed work due to COVID-19 or care for others with COVID-19
 - ☐ School closures

Proposed Urgency Ordinance

Proposed Ordinance - Overview

- The Proposed Ordinance:
 - ☐ Applies to all eviction proceedings (notices to quit or pay rent or unlawful detainer actions) for residential and commercial tenants
 - ☐ Provides a substantive eviction defense to a tenant
 - ☐ Applies where a tenant can demonstrate that the tenant suffered a substantial loss of income due to the COVID-19 pandemic
 - ☐ Delays an impacted tenant's obligation to make rent payments during the temporary moratorium

Proposed Ordinance - Provisions

- Impacts on residential tenants:
 - ☐ COVID-19 illness or caring for a household or family member with COVID-19 illness
 - ☐ Work closures, layoffs, job loss, a reduction in the number of compensable hours or other economic or employer impacts
 - ☐ Missing work due to a minor child's school closure, compliance with government health authority orders, or other similarly-caused reason

Proposed Ordinance - Provisions

- Impacts on commercial tenants:
 - ☐ Work closures
 - ☐ Reduction in staff reporting to work
 - ☐ Reduction in opening hours
 - ☐ Reduction in consumer demand
 - ☐ Compliance with government health authority orders
 - ☐ Other similarly-caused reason resulting in loss of business income

Proposed Ordinance - Provisions

- Other Components:
 - ☐ Tenants have 30 days after rent due to notify landlord
 - ☐ Affirmative defense in unlawful detainer proceeding
 - ☐ In effect until May 31, 2020, the expiration of the local emergency or the Governor's proclamation of a state of emergency
 - ☐ Tenants will have ninety (90) days from the end of the moratorium to pay any back-due rent

Recommendation

That the City Council adopt an urgency ordinance that establishes a temporary moratorium on evictions due to nonpayment of rent for residential and commercial tenants where the failure to pay rent is from income loss resulting from the coronavirus (COVID-19).