

Agenda Item: File ID 20-00493 (1-S)

Date: 04/22/2020

FRESNO CITY COUNCIL



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Information Packet

Agenda Related Item(s) – File ID 20-00493 (1-S)

ITEM(S)

File ID 20-00493 (1-S) – Consider emergency amendment to FMC Article 5, Emergency Services Ordinance, to extend the eviction moratorium for so long as the City’s declaration of local emergency is in effect (requires 5 affirmative votes)

Contents of Supplement: Updated Ordinance

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk’s Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk’s website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk’s Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

BILL NO. _____

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF
FRESNO, CALIFORNIA, AMENDING SECTION 2-514 OF
THE FRESNO MUNICIPAL CODE REGARDING THE
COVID-19 PANDEMIC EMERGENCY

WHEREAS, on March 13, 2020, President Trump declared a National
Emergency concerning the Novel Coronavirus Disease (COVID-19) outbreak; and

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

WHEREAS, the City has declared a State of Emergency related to COVID-19;
and

WHEREAS, the Council adopted Emergency Ordinance 2020-010 on March 19,
2020, and desires to amend that ordinance; and

WHEREAS, this situation is unprecedented and evolving rapidly. Further
economic impacts are anticipated, leaving all tenants vulnerable to eviction and
homeowners vulnerable to foreclosures; and

WHEREAS, this Ordinance is only intended to be temporary in nature to promote
stability and fairness within the residential rental, and nonresidential real estate markets,
in the City during the COVID-19 pandemic outbreak, and to prevent avoidable
homelessness and widespread business disruption, thereby serving the public peace,
health, safety, and public welfare, and to enable tenants in the City whose income and
ability to work is affected due to COVID-19 to remain in their homes and places of
business.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (g) of Section 2-514 of the Fresno Municipal Code is amended to read:

SECTION 2-514. RESPONSE TO COVID-19 EMERGENCY. For so long as there is a City State of Emergency in effect due to the COVID-19 pandemic, the following shall apply:

(g) Rent Deferral, Eviction Moratorium, and Foreclosures.

(1) To the extent allowed by State law, no residential tenant~~[, including, without limitation, a mobile home tenant,]~~ in the City shall be evicted for nonpayment of rent during the state of emergency caused by the COVID-19 outbreak.

(2) To the extent allowed by State law, commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent during the state of emergency caused by COVID-19.

(3) A tenant, whether residential or commercial, must notify their landlord [in writing] they cannot pay rent due to a COVID-19 related impact. Within ten days of this notice, the tenant must provide documentation [to support the claim] ~~or other objective information~~ that they cannot pay rent. [For purposes of this section, "in writing" includes e-mail or text communication to the landlord. Any documentation provided to support the claim is deemed to be adequate for this purpose and the burden is on the landlord to prove such documentation is inadequate. Any medical

or financial information provided to the landlord shall be held in confidence and used only for purposes of evaluating the tenant's claim.]

[(4)] Tenants will have up to six months after the termination of the emergency declaration to repay any back-due rent. No interest, late fees, or other penalties shall accrue or be owed as a result of rent deferrals pursuant to this Section.

(4[5]) This eviction moratorium shall be in effect [continuously] for 30 days from March 19, 2020, and may be extended by the Council for additional 30 day periods, so long as the City's declaration of local emergency is in effect.

(5[6]) [A tenant may use this order as a legal defense in any action for unlawful detainer.]

[(7)] Residents and businesses should not face foreclosure as a result of COVID-19. Lenders are encouraged to provide a forbearance agreement for up to six months for borrowers impacted by COVID-19, without impacting the borrower's credit. The city will follow all laws and orders of the State with respect to foreclosure protection.

SECTION 2. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Laurie Avedisian-Favini
Assistant City Attorney