

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