CITY COUNCIL
AGENDA

DATE: March 25, 2020

TO: City Councilmembers

FROM: Mayor Peter Weiss

SUBJECT: SPECIAL MEETING NOTICE

NOTICE IS HEREBY GIVEN that a Special Meeting of the Oceanside City Council is called for Thursday, March 26, 2020, at 2:00 p.m. in the City Council Chambers, 300 North Coast Highway, Oceanside, California, for the following purpose:

PLEDGE OF ALLEGIANCE
ROLL CALL

GENERAL ITEM

1. City Council: Introduction and adoption of an urgency ordinance providing a temporary moratorium on the eviction of residential and commercial tenants arising from the COVID-19 Pandemic
   A) Report by John P. Mullen, City Attorney
   B) Discussion
   C) Recommendation – introduce and adopt the ordinance (requires 4/5th vote)

2. Public Communications on City Council Matters (off-agenda items)

ADJOURNMENT
Adjourn to a Mayor/Council Workshop at 2:00 p.m. on Wednesday, April 1, 2020, for Planning Commissioner Appointments

[Signature]
Peter Weiss, Mayor

In accordance with Government Code Section 54956, this Notice has been posted on a bulletin board outside the City Council Chambers at least 24 hours prior to the Special Meeting.
AGENDA AMENDMENT

GENERAL ITEM

1. City Council: Introduction and adoption of an urgency ordinance providing a temporary moratorium on the eviction of residential and commercial tenants arising from the COVID-19 Pandemic
   A) Report by John P. Mullen, City Attorney
   B) Discussion
   C) Recommendation – waive reading of the text of the full ordinances considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s); introduce and adopt the ordinance (requires 4/5th vote)
Joint Meetings of the Oceanside City Council, Oceanside Small Craft Harbor District Board of Directors, Oceanside Community Development Commission, and Oceanside Public Financing Authority

Thursday, March 26, 2020

City Council Chambers
300 North Coast Highway, Oceanside, California 92054

Special Advisory for the March 26, 2020 Special Meeting

This meeting will be conducted in accordance with Governor Newsom’s Executive Order 28-20 relating to the Covid-19 virus. That order suspends several provisions of the Brown Act related to telephonic participation by the City Council, staff members and the public. Due to applicable Public Health Orders issued by the County Health Officer, the City Council chambers will not be open to the public and City Council members have the option of participating telephonically. Members of the public are strongly encouraged to watch the meeting on KOCT Cox Channel 19 (live streaming service available at www.koct.org/channel-19) and provide written comments on agenda items via email at cityclerk@oceansideca.org. Comments will be received until the Mayor calls the item. All timely received comments will be provided to the City Council.

Members of the public may also provide telephonic comments on each agenda item. In order to provide a telephonic comment, members of the public may call (760) 435-5999. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All timely received telephonic comments will be shared with the members of the City Council and will be made publicly available at on the city’s webpage at https://www.ci.oceanside.ca.us/gov/council/ac.asp. The deadline to leave a telephonic comment is noon on March 26, 2020.

If you have special needs because of a disability which makes it difficult for you to submit comments via email or telephonically, please contact the City Clerk at (760) 435-3001 by noon Thursday, March 26, 2020, to make arrangements to accommodate your disability.
All timely received public comments (written and/or telephonic comments) for this item can be accessed by clicking the following link:
https://app.box.com/s/rcl70z5whx030vk7rnbw1sp4d7sno2ki
ORDINANCE NO. __________

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OCEANSIDE PROVIDING A TEMPORARY
MORATORIUM ON THE EVICTION OF RESIDENTIAL AND
COMMERCIAL TENANTS ARISING FROM THE COVID-19-
PANDEMIC

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors voted to
ratify the County Health Officer’s February 14, 2020 declaration of a local health
evacuation to address the novel coronavirus, or COVID-19; and

WHEREAS, on March 4, 2020, the Governor proclaimed a statewide evacuation
regarding the COVID-19 virus which is incorporated herein by reference and since that time,
conditions have continued to worsen; and

WHEREAS, on March 13, 2020, the President of the United States declared a national
evacuation as a result of the COVID-19 virus; and

WHEREAS, on March 16, 2020, the Director of Emergency Services for the City of
Oceanside proclaimed the existence of a Local Emergency due to conditions and threatened
conditions of extreme peril to the safety of persons within the City of Oceanside caused by the
expanding threat of the novel COVID-19 virus; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued
Executive Order N-28-20 wherein he found as follows:

A. The economic impacts of COVID-19 have been significant, and could threaten to
undermine Californian’s housing security and the stability of California businesses.

B. Many Californians are experiencing substantial losses of income related to COVID-
19, hindering their ability to pay rent, mortgages, and utility bills.

C. Californians who are most vulnerable to COVID-19, those over 65 years of age and
older, and those with underlying health conditions, are advised to self-quarantine,
sell-isolate, or otherwise remain in their homes to reduce transmission of COVID-19.

D. Because homelessness can exacerbate vulnerability to COVID-19, California must
take measures to preserve and increase housing security to protect public health.
WHEREAS, with the issuance of Executive Order N-28-20, the Governor ordered “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 it would
preempt or otherwise restrict such exercise.”

WHEREAS, on March 18, 2020, the Oceanside City Council adopted a resolution
declaring a local emergency due to the COVID-19 virus; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 ordering
all residents to follow the state Public Health Officer directives including the order that all
individuals living in the State of California stay home or at their place of residence except as
needed to maintain continuity of operations of the federal critical infrastructure sectors;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. The purposes of this Ordinance are to promote housing stability during the
COVID-19 pandemic and to prevent avoidable homelessness. This ordinance is necessary for
the immediate preservation of the public health and safety because the COVID-19 pandemic has
the potential for destabilizing the residential and commercial rental market for all the reasons
set forth in the Governor’s Executive Order N-28-20 and the San Diego County Health
Officer’s Public Health Orders which are incorporated herein by reference. All commercial
establishments not providing essential services have been forced to close, resulting in the layoff
of substantial portions of the workforce and the loss of household and business income. This
ordinance is intended to enable residential and commercial tenants whose income have been
affected by the COVID-19 pandemic to be temporarily exempt from eviction and thereby
reduce the risk of homelessness and the long-term increase in unemployment caused by the
eviction of residential and commercial tenants.

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SECTION 2. No property owner or landlord shall evict a residential or commercial tenant in the City of Oceanside if:

A. The basis for the eviction is nonpayment of rent arising out of substantial decrease in household or business income including, but not limited to, (i) a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours worked; (ii) a substantial decrease in business income caused by a reduction in operating hours or consumer demand; or (iii) substantial medical expenses; and

B. The substantial decrease in household or business income or the substantial out of pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state or federal government response to the COVID-19 pandemic, and is documented; and

C. The tenant has: 1. notified the landlord in writing that the tenant has suffered a substantial decrease in household or business income or substantial out of pocket medical expense caused by the COVID-19 pandemic; 2. provided the landlord with documentation to support the claim; and 3. paid the portion of rent that the tenant is able to pay.

SECTION 3. This ordinance applies to nonpayment eviction notices and unlawful detainer actions served or filed after the date on which the City Council ratified the Emergency Services Director’s Local Emergency Proclamation (March 18, 2020).

SECTION 4. Tenants may use the protections afforded in this ordinance as an affirmative defense in an unlawful detainer action. This ordinance shall be punishable as set forth in applicable sections of the Oceanside City Code, including but not limited to, Section 1.7.

SECTION 5. Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due, including applicable late fees, as set forth in a written lease agreement.

SECTION 6. Unless extended by the City Council, this ordinance shall remain effective until May 31, 2020.
SECTION 7. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

SECTION 8. This ordinance shall not be codified in the Oceanside City Code.

SECTION 9. Pursuant to Government Code section 36934 and Oceanside City Code section 2.1.49(f), this urgency ordinance shall be effective immediately upon its introduction.


If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

INTRODUCED AND ADOPTED at a special meeting of the City Council of the City of Oceanside, California, held on the 26th day of March, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY
ORDINANCE NO. ____________

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OCEANSIDE PROVIDING A TEMPORARY
MORATORIUM ON THE EVICTION OF RESIDENTIAL AND
COMMERCIAL TENANTS ARISING FROM THE COVID-19-
PANDEMIC

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors voted to
ratify the County Health Officer’s February 14, 2020 declaration of a local health
emergency to address the novel coronavirus, or COVID-19; and

WHEREAS, on March 4, 2020, the Governor proclaimed a statewide emergency
regarding the COVID-19 virus which is incorporated herein by reference and since that time,
conditions have continued to worsen; and

WHEREAS, on March 13, 2020, the President of the United States declared a national
emergency as a result of the COVID-19 virus; and

WHEREAS, on March 16, 2020, the Director of Emergency Services for the City of
Oceanside proclaimed the existence of a Local Emergency due to conditions and threatened
conditions of extreme peril to the safety of persons within the City of Oceanside caused by the
expanding threat of the novel COVID-19 virus; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued
Executive Order N-28-20 wherein he found as follows:

A. The economic impacts of COVID-19 have been significant, and could threaten to
undermine Californian’s housing security and the stability of California businesses.

B. Many Californians are experiencing substantial losses of income related to COVID-
19, hindering their ability to pay rent, mortgages, and utility bills.

C. Californians who are most vulnerable to COVID-19, those over 65 years of age and
older, and those with underlying health conditions, are advised to self-quarantine,
self-isolate, or otherwise remain in their homes to reduce transmission of COVID-19.

D. Because homelessness can exacerbate vulnerability to COVID-19, California must
take measures to preserve and increase housing security to protect public health.
WHEREAS, with the issuance of Executive Order N-28-20, the Governor ordered “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 it would preempt or otherwise restrict such exercise.”

WHEREAS, on March 18, 2020, the Oceanside City Council adopted a resolution declaring a local emergency due to the COVID-19 virus; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 ordering all residents to follow the state Public Health Officer directives including the order that all individuals living in the State of California stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. The purposes of this Ordinance are to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This ordinance is necessary for the immediate preservation of the public health and safety because the COVID-19 pandemic has the potential for destabilizing the residential and commercial rental market for all the reasons set forth in the Governor’s Executive Order N-28-20 and the San Diego County Health Officer’s Public Health Orders which are incorporated herein by reference. All commercial establishments not providing essential services have been forced to close, resulting in the layoff of substantial portions of the workforce and the loss of household and business income. This ordinance is intended to enable residential and commercial tenants whose income have been affected by the COVID-19 pandemic to be temporarily exempt from eviction and thereby reduce the risk of homelessness and the long-term increase in unemployment caused by the eviction of residential and commercial tenants.

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SECTION 2. No property owner or landlord shall evict a residential or commercial tenant in the City of Oceanside if:

A. The basis for the eviction is nonpayment of rent arising out of substantial decrease in household or business income including, but not limited to, (i): a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours worked; (ii) a substantial decrease in business income caused by a reduction in operating hours or consumer demand; or (iii) substantial medical expenses; and

B. The substantial decrease in household or business income or the substantial out of pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state or federal government response to the COVID-19 pandemic, and is documented;

C. The tenant has: 1. notified the landlord in writing prior to the rent due date that the tenant has suffered a substantial decrease in household or business income or substantial out of pocket medical expense caused by the COVID-19 pandemic; 2. provided the landlord with objectively verifiable written documentation to support the claim within one week of providing notice as provided in this section 2.C(1); and 3. paid the portion of rent that the tenant is able to pay.

D. For purposes of Section 2.C, objectively verifiable written documentation includes, where applicable, a letter from an employer citing COVID-19 as the reason for reduced work hours or layoff, paycheck stubs before and after the County of San Diego’s February 14, 2020 emergency proclamation, and/or bank statements before and after the emergency proclamation.

SECTION 3. This ordinance applies to nonpayment eviction notices and unlawful detainer actions served or filed after the date on which the City Council ratified the Emergency Services Director’s Local Emergency Proclamation (March 18, 2020).

SECTION 4. Tenants may use the protections afforded in this ordinance as an affirmative defense in an unlawful detainer action. This ordinance shall be punishable as set
forth in applicable sections of the Oceanside City Code, including but not limited to, Section 1.7.

SECTION 5. Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due, including applicable late fees, as set forth in a written lease agreement. If a tenant elects to move while the Ordinance is effective, all owed rent is due upon move out unless the lease dictates otherwise.

SECTION 6. Unless extended by the City Council, this ordinance shall remain effective until May 31, 2020.

SECTION 7. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

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ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE
ATTEST:                              APPROVED AS TO FORM:

CITY CLERK                              CITY ATTORNEY