



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



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.

CITY OF OCEANSIDE
CITY COUNCIL SPECIAL MEETING
2:00 P.M.
MARCH 26, 2020

Council Chambers
300 N. Coast Highway

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)



CITY OF OCEANSIDE AGENDA

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.

PUBLIC COMMENTS:

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 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.

1 WHEREAS, with the issuance of Executive Order N-28-20, the Governor ordered “any
2 provision of state law that would preempt or otherwise restrict a local government’s exercise of
3 its police power to impose substantive limitations on residential or commercial evictions as
4 described in subparagraphs (i) and (ii) below-including but not limited to, any such provision of
5 Civil Code sections 1940 et seq. or 1954.25 et seq.-is hereby suspended to the extent it would
6 preempt or otherwise restrict such exercise.”

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

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

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

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

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

- 3 A. The basis for the eviction is nonpayment of rent arising out of substantial decrease in
4 household or business income including, but not limited to, (i): a substantial decrease
5 in household income caused by layoffs or a reduction in the number of compensable
6 hours worked; (ii) a substantial decrease in business income caused by a reduction in
7 operating hours or consumer demand; or (iii) substantial medical expenses; and
8 B. The substantial decrease in household or business income or the substantial out of
9 pocket medical expenses was caused by the COVID-19 pandemic, or by any local,
10 state or federal government response to the COVID-19 pandemic, and is documented;
11 and
12 C. The tenant has: 1. notified the landlord in writing that the tenant has suffered a
13 substantial decrease in household or business income or substantial out of pocket
14 medical expense caused by the COVID-19 pandemic; 2. provided the landlord with
15 documentation to support the claim; and 3. paid the portion of rent that the tenant is
16 able to pay.

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

20 SECTION 4. Tenants may use the protections afforded in this ordinance as an
21 affirmative defense in an unlawful detainer action. This ordinance shall be punishable as set
22 forth in applicable sections of the Oceanside City Code, including but not limited to, Section
23 1.7.

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

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

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

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

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

7 SECTION 9. Severability.

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

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

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20 _____
21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:

APPROVED AS TO FORM:

23 _____
24 CITY CLERK

25 _____
26 CITY ATTORNEY

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3 its police power to impose substantive limitations on residential or commercial evictions as
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18 set forth in the Governor’s Executive Order N-28-20 and the San Diego County Health
19 Officer’s Public Health Orders which are incorporated herein by reference. All commercial
20 establishments not providing essential services have been forced to close, resulting in the layoff
21 of substantial portions of the workforce and the loss of household and business income. This
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8 B. The substantial decrease in household or business income or the substantial out of
9 pocket medical expenses was caused by the COVID-19 pandemic, or by any local,
10 state or federal government response to the COVID-19 pandemic, and is documented;
11 and
12 C. The tenant has: 1. notified the landlord in writing prior to the rent due date that the
13 tenant has suffered a substantial decrease in household or business income or
14 substantial out of pocket medical expense caused by the COVID-19 pandemic; 2.
15 provided the landlord with objectively verifiable written documentation to support
16 the claim within one week of providing notice as provided in this section 2.C(1); and
17 3. paid the portion of rent that the tenant is able to pay.
18 D. For purposes of Section 2.C, objectively verifiable written documentation includes,
19 where applicable, a letter from an employer citing COVID-19 as the reason for
20 reduced work hours or layoff, paycheck stubs before and after the County of San
21 Diego's February 14, 2020 emergency proclamation, and/or bank statements before
22 and after the emergency proclamation.

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

26 SECTION 4. Tenants may use the protections afforded in this ordinance as an
27 affirmative defense in an unlawful detainer action. This ordinance shall be punishable as set
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1 forth in applicable sections of the Oceanside City Code, including but not limited to, Section
2 1.7.

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

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

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10 ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)
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23 Oceanside, California, held on the 26th day of March, 2020, by the following vote:

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27 ABSTAIN:

28 MAYOR OF THE CITY OF OCEANSIDE

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ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY