

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, EXTENDING THE TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS SET FORTH IN ORDINANCE NO. 5325

County Counsel Summary

*This urgency ordinance extends the prohibition on evictions within the unincorporated area when related to the economic consequences to a tenant of the COVID-19 pandemic, adopted by the Board of Supervisors on March 24, 2020, in Ordinance No. 5325; it does not relieve the tenant from any obligation to pay rent. This ordinance is effective immediately and extends the prohibition in Ordinance No. 5325 until July 31, 2020.*

WHEREAS, on March 4, 2020, Governor Newsome issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order N-28-20 suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, in light of the Governor's executive order, the Board of Supervisors adopted Ordinance No. 5325 on March 24, 2020, prohibiting evictions in the unincorporated area as allowed in the Governor's executive order; and,

WHEREAS, such evictions continue to present an immediate threat to the public peace, health and safety, as described in Government Code section 25123 (d) in that they will cause the displacement of residents and contribute to an increase in the homeless population in Monterey County; and,

WHEREAS, Ordinance No. 5325 is set to expire on March 31, 2020; and,

WHEREAS, it is therefore necessary and appropriate for the Board of Supervisors to extend the prohibitions set forth in Ordinance No.; NOW, THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth, and the recitals and findings in Ordinance No. 5325, a copy of which is attached, are incorporated herein as if fully set forth.

SECTION 2. The above recitals, the recitals in the Governor's declaration, and the recitals and findings in Ordinance No. 5325 remain true and correct.

### SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance extends the temporary prohibition on evictions throughout the unincorporated area of the County related to the existence of the COVID-19 pandemic emergency set forth in Ordinance No. 5325.

### SECTION 4. Applicability.

This ordinance applies from its effective date through July 31, 2020, in the unincorporated area of the County of Monterey.

### SECTION 5. Prohibition.

The provisions of Section 5 of Ordinance No. 5325 are amended to read:

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through July 31, 2020, unless otherwise terminated or extended:

- a. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
- b. The decrease in household or business income or the out-of-pocket medical expenses describe in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

### SECTION 6. Other Provisions.

- a. Except as specifically amended, all other provisions of Ordinance No. 5325 remain in effect.
- b. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.

- c. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this ordinance.

SECTION 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. Effective date.

This ordinance shall take effect immediately as an urgency ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of Monterey from suffering potentially irreversible displacement of tenants resulting from evictions related to the COVID-19 pandemic emergency.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LESLIE J. GIRARD  
County Counsel