

**ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF RANCHO MIRAGE, CALIFORNIA**

March 23, 2020

**RESIDENTIAL AND COMMERCIAL EVICTIONS
MORATORIUM**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “Coronavirus Disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 7, 2020, Riverside County Public Health Officer Dr. Cameron Kaiser declared a Local Health Emergency, citing Riverside County’s first locally acquired case of COVID-19; and

WHEREAS, on March 10, 2020, the Riverside County Board of Supervisors ratified the Local Health Emergency and activated the Medical Health Department Operations Center to better coordinate public messaging and planning among community partners as Riverside County officials prepare for the spread of COVID-19; and

WHEREAS, on March 10, 2020, the Riverside County Public Health Officer ordered the cancellation of the Coachella Valley Music and Arts Festival (“Coachella”) and the Stagecoach Country Music Festival (“Stagecoach”) recognizing that both Coachella and Stagecoach are music concerts and gatherings of an international scope, attracting hundreds of thousands of attendees from many countries, including several disproportionately afflicted by the worldwide COVID-19 epidemic; and

WHEREAS, on March 11, 2020, the California Department of Public Health issued guidance that in order to protect public health and slow the rate of transmission of COVID-19, large gatherings of 250 people or more at concerts, conferences, and professional, college, and school sporting events should be postponed or canceled for at least the remainder of the month of March 2020 and that smaller gatherings held in venues such as crowded auditoriums, rooms or other venues that do not allow social distancing of six feet per person should be postponed or canceled; and

WHEREAS, on March 12, 2020, the Governor of the State of California issued Executive Order N-25-20 providing that all residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19 and that authorized local legislative bodies are permitted to hold public meetings via teleconferencing and to make public meetings accessible telephonically

or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, during the period in which local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events; and

WHEREAS, on March 12, 2020, the Riverside County Public Health Officer ordered the cancellation of all events within the jurisdiction of the Public Health Officer of the County of Riverside with an expected attendance of at least 250 individuals taking place between March 12, 2020 and April 30, 2020, regardless of venue; and

WHEREAS, on March 13, 2020, the President of the United States of America proclaimed and declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20 waiving certain requirements related to residential and commercial evictions and foreclosures to allow local jurisdictions more flexibility to prohibit residential and commercial evictions and foreclosures through May 31, 2020; and

WHEREAS, Executive Order N-28-20 provides as follows:

1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential and commercial evictions, is hereby waived. Those protections shall be in effect through May 31, 2020.

2) 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 that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations [through May 31, 2020, unless extended] on evictions when:

(i) The basis for the eviction is nonpayment 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

(ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal response to COVID-19 and is documented.

WHEREAS, on March 16, 2020, the Riverside County Public Health Officer ordered the prohibition of all gatherings within the jurisdiction of the Public Health Officer of the County of

Riverside with an expected presence of at least 10 individuals taking place between March 16, 2020 and April 30, 2020 inclusive, regardless of venue; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 “Disaster Operations and Relief” defines a “State of Emergency” to mean the duly proclaimed existence of actual or threatened conditions of disaster or of extreme peril to the safety of persons and property within the City of Rancho Mirage caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the city, requiring combined forces of other political subdivisions to combat; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 further provides that a “State of Emergency” may be declared for good and sufficient reason by the City Manager, if the City Council is not in session, subject to the City Council subsequently taking action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, on March 17, 2020, pursuant to Rancho Mirage Municipal Code Chapter 2.52, the City Manager, issued a “Proclamation of the Existence of a Local State of Emergency” for the purpose of assisting in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City of Rancho Mirage.; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 ordering that as to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(0) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of Order N-29-20; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 ordering that to protect public health, that all individuals living in the State of California stay home or at their place of residence (“Shelter in Place”) except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>; and

WHEREAS, on March 19, 2020, the Rancho Mirage City Council adopted Resolution No. 2020-05, ratifying the Proclamation of the Existence of a Local State of Emergency, issued by the City Manager on March 17, 2020, and the findings, determinations and conclusions set forth therein and directed and authorized the City Manager and designee and other appropriate staff members and City officials to take all necessary and appropriate actions to effectuate the purpose of Resolution No. 2020-05 and the Proclamation of the Existence of a Local State of Emergency,

subject to any modifications as may be approved by the City Council from time to time during the State of Emergency; and

WHEREAS, pursuant to Rancho Mirage Municipal Code Chapter 2.52, during a State of Emergency affecting the City, the City Manager or designee shall, to the extent he or she deems necessary, have complete authority over all departments of the City and the right to exercise, within the area designated, all police powers vested in the City by the Constitution and laws of the State of California in order to effectuate the purpose Chapter 2.52; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 further provides that during a State of Emergency, the City Manager or designee is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the State of Emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council and that during a State of Emergency, the City Manager or designee is empowered to execute all of his or her ordinary powers as City Manager, all of the special powers conferred upon the City Manager by Chapter 2.52 or by resolution or emergency plan adopted by the City Council and all powers conferred upon the City Manager by any statute, by any agreement approved by the City Council and by any other lawful authority; and

WHEREAS, the economic impacts of COVID-19 have been significant, and could threaten to undermine housing security for Rancho Mirage citizens and the stability of local businesses; and

WHEREAS, a significant number of Rancho Mirage residents may be experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS, Rancho Mirage residents who are most vulnerable to COVID-19, include those 65 years and older and those with underlying health issues, who are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS, because homelessness can exacerbate vulnerability to COVID-19, the City of Rancho Mirage must take measures to preserve and increase housing security for residents of Rancho Mirage to protect public health; and

WHEREAS, additional measures are necessary to promote housing security and stability, protect public health, and mitigate the negative economic impacts of COVID-19 in the City of Rancho Mirage; and

WHEREAS, it is necessary to promote stability amongst commercial tenancies in the City of Rancho Mirage which is conducive to public health, since it prevents those employed by those businesses from losing the income they rely upon to pay their rent, buy food, pay medical care costs and purchase prescribed medications; and

WHEREAS, to prevent further spread of COVID-19, the Palm Springs Unified School District has closed its schools through the duration of the Governor’s Executive Order N-33-20 “Shelter in Place” Order and the Desert Sands Unified School District has ordered its schools closed until April 30, 2020, which closures have caused children to remain at home, resulting in many parents adjusting their work schedules to take time off work without pay, which has further economically strained families; and

WHEREAS, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care and the widespread evictions of tenants vulnerable to eviction due to financial hardship caused by COVID-19 would exacerbate the homelessness situation during the State of Emergency which would likely increase the risk of spread of COVID-19; and

WHEREAS, state and local policies promoting social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities, including water, gas, electricity, and telecommunications, at their homes, so that residents are able to work from home and receive vital public health information; and

WHEREAS, in order to protect public health and slow the rate of transmission of COVID-19, the City Manager has determined it is necessary to place a temporary moratorium on the eviction of tenants of residential and commercial spaces, including without limitation, retail, commercial and office spaces based on the following: (1) the moratorium will promote stability and fairness within the residential rental and commercial real estate markets in the City of Rancho Mirage during the COVID-19 outbreak; (2) the moratorium will prevent avoidable homelessness and widespread business disruptions; (3) the moratorium will enable tenants in the City whose income and ability to work is affected by COVID-19 to remain in their homes and places of business; (4) the moratorium will promote compliance with the Governor’s “Shelter in Place” Executive Order N-33-20; (5) the moratorium will stop the displacement of families; (6) the moratorium will help alleviate the undue hardship, stress and anxiety for residents and businesses that can be caused by eviction due to additional relocation costs, the lack of moving services and supplies as stores and businesses are closed during the State of Emergency, and the inability to secure other housing or other retail, commercial or office space; and (7) the moratorium will promote the various orders and guidance pertaining to maintaining social distancing of six feet per person to control the spread of COVID-19 and gatherings of any persons in any venue, by keeping people in the same household in the same living units.

NOW, THEREFORE, I, Isaiah Hagerman, City Manager and Director of Emergency Services for the City of Rancho Mirage, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED AS FOLLOWS:

1. **THAT** notwithstanding anything to the contrary in the Rancho Mirage Municipal Code, during the period of the State of Emergency, no landlord/lessor shall endeavor to evict a tenant/lessee for nonpayment of rent if the tenant/lessee demonstrates that the tenant/lessee is unable to pay rent due to financial impacts related to COVID-19; and

2. **THAT** a landlord/lessor who knows that a tenant/lessee cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a pay or quit notice, or otherwise seek to evict for nonpayment of rent; and

3. **THAT** a landlord/lessor is presumed to know of a tenant's/lessee's inability to pay rent within the meaning of this Order if the tenant/lessee, within 90 days after the date that rent is due, notifies the landlord/lessor in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19 and provides documentation to support the claim. For purposes of this Order, "in writing" includes email or text communications to a landlord/lessor or the landlord's/lessor's representative with whom the tenant/lessee has previously corresponded by email or text; and

4. **THAT** any medical or financial information provided to the landlord/lessor shall be held in confidence, and only used for purposes of evaluating the tenant's/lessee's claim; and

5. **THAT** for purposes of this Order "financial impacts related to COVID-19" include, but are not limited to, tenant's/lessee's loss of household or business income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses related to COVID-19; or (5) child care needs arising from school closures related to COVID-19; and

6. **THAT** a violation of this Order shall be subject to all the remedies set forth in Title 14 of the Rancho Mirage Municipal Code, including without limitation a misdemeanor offence, and the remedies set forth therein shall be cumulative and in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under State and Federal laws; and


7. **THAT** nothing in this Order shall relieve the tenant/lessee of liability for any unpaid rent, which the landlord/lessor may seek after expiration of the State of Emergency and the tenant/lessees must pay within six months following the expiration of the State of Emergency, albeit the landlord/lessor may not charge or collect any interest or any late fee for rent that is delayed for the reasons stated in this Order; and

8. **THAT** no other legal remedies available to landlord are affected by this Order; and

9. **THAT** this Order shall become effective immediately and terminate on June 1, 2020, unless terminated earlier or extended by the City Manager/Director of Emergency Services or the City Council; and

10. **THAT** notwithstanding the foregoing, and in order to prevent inconsistencies, the City Manager/Director of Emergency Services may suspend the effectiveness of this Order in the event that the President of the United States, Congress, Governor of the State of California, or California State Legislature adopts an order or legislation that similarly prohibits evictions for failure to pay rent by individuals financially impacted related to COVID.


ADOPTED this 23rd day of March 2020.


Isaiah Hagerman, City Manager
And Director of Emergency Services

ATTEST:


Kristie Ramos, City Clerk

APPROVED AS TO FORM:


for Steven B. Quintanilla,
City Attorney
Colon D. Lopezpatrick
Deputy City Attorney