



3.19.20

MANIFEST

Welcome to the Manifest; a summary that cares more about brevity than grammar, and what is about to or could happen in Seaside than what did or didn't. Contributions to future editions are welcome at cmalin@ci.seaside.ca.us.

- ▣ It's Back – The Manifest went away for a while for some good reasons and a few just sort of life can meander a bit reasons. But it's back, because I need to communicate broadly, briefly and with some context.
- ▣ This Is Why We're Public Employees – It's times like these that led us to choose public service. Our community needs us to be brave, adaptive and caring.
- ▣ A Short Story, With A Hero – I used to manage this crazy / wonderful city that decided in the mid 70's not to have an Army Corps designed levee to protect itself from Mississippi River floods. So it flooded like every year and twice on leap years. Big, unstoppable river. Big, unstoppable floods. I kinda wanted not to fail (like the City always had) so I went to some pretty fancy program where they scared you witless for weeks with pandemic, natural disaster and mass terrorism lessons learned. Still have nightmares.

The class had about a dozen CDC doctors (all geniuses) and I happened to room with a two-star Coast Guard Admiral, and thus had the privilege of a dinner with former Coast Guard Commandant Thad Allen, who was addressing the class. Thad Allen was the guy the nation tasked to relieve Mike Brown after Katrina and stop the Deepwater Horizon oil spill. He's as modest and brilliant and confident a leader as I've ever known. I asked him how he dealt with the stress of Katrina (was down there myself, at ground zero Bay St. Louis) and he said in his booming modest voice, "Well, it was fortuitous that all the liquor stores were looted prior to my arrival"*.

In class the next day, he told us something that always stayed with me – and everyone else who heard it. It goes like this:

Friday, the ninth, I was called to Baton Rouge and was told by Department of Homeland Security Secretary Chertoff that I would be relieving Mike Brown, and we had a press conference. A very difficult thing to do.

When the press conference was over, I was in the huge command post in Baton Rouge, which was this Dillard's warehouse that we had taken over, and we had about 4,000 people assigned to this place. My military aide asked, "What do you want to do?" I said, "I want to have an all-hands meeting." She looked at me like I was crazy, because there wasn't a place in the building where we could put 4,000 people. I said, "Well, find the biggest open space you can and get as many people there as you can." And we found a space on the bottom floor and crowded about 2,000 people into it.

I got up on a desk, with a loudspeaker, and told everybody that I was giving one order: They were to treat anybody they came into contact with who had been affected by the storm like a member of their own family. Their mother, father, brother, sister, whatever. And I said, "If you do that, two things are going to happen. Number one, if you make a mistake, you're going to err on the side of doing too much, and that's okay. Number two, if somebody has a problem with what you've done, their problem's not with you; their problem's with me."

Thad Allen is a national hero not because he was competent (though he was quite competent). He's a national hero because he understands the essence of public service.

Floods, hurricanes, viruses. They wash over us. They're uncaring and savage. We need to be more caring than ever.

- ▣ Here's The Deal – COVID-19 is not to be trifled with. It is stable in aerosol form (that means you can breath it) and it lingers for hours or days on surfaces, depending on the surface. Studies indicate as many as 80%+ of people who get it don't know they have it and thus, it can spread exponentially. There's only a few good things we know about it – young people seem relatively resistant to its worst effects and it has a lipid layer that surrounds it, which means organic solvents including soap and disinfectants are effective against it on surfaces. Wash your hands for 20 seconds – frequently – and disinfect common surfaces. Then do it some more.
- ▣ Our Principal Mission – Our principal operational mission is to continue police, fire, water and sewer services for as long as possible. There are broader missions of flattening the curve of COVID-19 spread and community care and recovery, and being resilient as a City team. Those are important. But our principle mission is to continue police, fire, water and sewer service as long as can.

- ▣ How Do We Do That? – We compartmentalize & adapt. The two party tricks COVID-19 has is it is highly contagious and most people don't know they have it while they're contagious. Add in slow federal response, lack of adequate testing and finite healthcare resources and ... it's going to get worse before it gets better.

Thus, our principal efforts so far have been to compartmentalize and adapt. We're splitting shifts, isolating employees, isolating HVAC systems and assigning and logging equipment and vehicles to individuals and/or small teams so that contamination has to work across multiple independent barriers to affect the heart of the workforce. We're enforcing social distancing – six feet at a minimum, and we're extending that by miles in many cases by working from home. Compartmentalization is a basic defensive tactic in this fight.

We're also on offense, principally through adaptation. The department head team has been meeting each day to adapt our operations to the principal mission. IT staff is leading with new tech to support virtual meetings and work processing. Rec staff has been assigned to hygiene. Community Development is working on community care and recovery, with a new section on the City's website summarizing resources for businesses (<https://www.ci.seaside.ca.us/706/Resources-for-Businesses-Impacted-by-COV>). We've ordered personal protective gear and drums of isopropyl alcohol to make our own hand / surface sanitizer as those supplies run short. We've placed people on administrative leave, rather than have them burn through other leave while they're held in reserve on swing shifts. We're preparing to offer quarantining for essential employees at Soper, if necessary and advantageous. Caring for our employees, as they care for the community, is essential.

- ▣ Governance Continues – The City Council will meet at the Oldemeyer Center today at 6:00 PM. Matters including ratification of the Emergency Declaration (resolution attached) the City is operating under and an urgency ordinance restricting evictions (attached). Given the realities of what we're up against, there will only be room for 18 members of the public (media release attached). However, the public can both call in via a Zoom link and / or comment on our YouTube channel. Necessity being the mother of invention, and whatnot.

- ▣ Hey, An Asterisk – Thinking back on Commandant Allen's comment about the scarcity of liquor in post-Katrina New Orleans ... how things change. Alcohol, in any substantial quantity, is still not in the top eight ways to handle stress. And I'm not advocating here

but it is something to see that our cannabis businesses have official County OK to continue operating, for medicinal and agri-business purposes.

- ▣ Be Back Soon – I do advocate a walk in a park, or along the beach, or through your favorite part of the former Fort Ord. Mine is “Surplus II” – that collection of nasty, blighted buildings that stands poised to become Campus Town.

Because Seaside citizens believed in, and cared for, this community like it was their family. Because, it is.

When in doubt, practice kindness.

MEDIA RELEASE

City of Seaside
City Manager's Office



CONTACT:
Lesley Milton
Assistant City Manager
831-899-6707
lmilton@ci.seaside.ca.us

March 18, 2020

March 19, 2020 City Council Meeting Participation

Operating consistent with the Monterey County Public Health Officer's [Order to Shelter in Place](#), the City of Seaside is continuing to provide essential public safety services.

The March 19, 2020 City Council meeting will continue as published, prioritizing electronic participation, consistent with Governor Newsom's Executive Orders N-25-20 and N-29-20. The meeting will be held at the Oldemeyer Center, 986 Hilby Avenue with the Special meeting at 6:00 pm and Regular meeting beginning at 7:00 PM.

Pursuant to County Public Health Officer Shetler in Place order effective March 18, 2020, we are encouraging all members of the public to participate virtually. Consistent with CDC guidelines, due to space constraints, the meeting will be limited to not more than 18 members of the public, in total, and will facilitate social distancing of a minimum of six feet. Anyone who chooses to attend in person will be required to comply with staff direction for social distancing and may be turned away if exhibiting any symptoms of COVID-19. There will be no childcare available for this meeting.

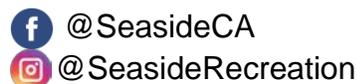
Three ways of participating virtually for this meeting are as follows:

- Submit written comments in advance to cityclerk@ci.seaside.ca.us which will be read into the record for three minutes;
- Watch and comment on the live broadcast live via YouTube video stream <https://youtu.be/IhVfB8NDD8w>;
- Audio only participation via Zoom Meeting link: <https://zoom.us/j/177248350>
Meeting ID: 177 248 350 or by calling the toll free number of 1-669-900-9128

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CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955

www.ci.seaside.ca.us



@City_of_Seaside

Individuals who would like to comment on items on the March 19 agenda are encouraged to submit comments in advance, or comment on the YouTube video stream, such that their personal attendance at the meeting is not required. The crowd of Seaside citizens who attended the March 5 meeting was greatly appreciated, and your voices were heard.

Anyone with questions about the shelter in place order issued by the County of Monterey Public Health is encouraged to contact them directly at 831-755-4500. A list of [Frequently Asked Questions](#) has been made available at this time.

As the City of Seaside continues to undertake efforts to flatten the curve of COVID-19 spread, our focus is on public health and safety, and taking measures to ensure continuity of providing essential City services. Thank you to everyone for your patience and compliance.

FOR IMMEDIATE RELEASE

Contact Information:

Craig Malin, City Manager, cmalin@ci.seaside.ca.us

Lesley Milton, Assistant City Manager, lmilton@ci.seaside.ca.us

Brian Dempsey, Fire Chief, bdempsey@ci.seaside.ca.us

Abdul Pridgen, Police Chief, apridgen@ci.seaside.ca.us

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Government Code §8630 and Seaside Municipal Code Chapter 2.40 authorize the City Manager, acting as the Director of Emergency Services, to proclaim a local emergency as defined by Government Code §8558, subdivision (c) when the City of Seaside City Council is not in session; and

WHEREAS on March 13, 2020, the Director of Emergency Services for the City of Seaside issued a Proclamation of a Local Emergency for the City of Seaside related to the prevention and mitigation of the spread of COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order N-25-20 ordered measures that are intended to assist state and local government to prevent and mitigate the effects of the COVID-19 pandemic; and

WHEREAS, pursuant to Seaside Municipal Code Chapter 2.40 where the Director of Emergency Services proclaims a local emergency, the City Council must ratify said declaration within seven (7) days after such proclamation; and

WHEREAS, the City Council does hereby find that 1) the circumstances of the pandemic spread of COVID-19 as described in the Director's Declaration of Local Emergency do constitute a risk of extreme peril and support and justify the declaration of local emergency set forth therein; 2) the request for the Governor of the State of California to proclaim a stage of emergency; and 3) the request to make additional assistance available, including but not limited to California Disaster Act assistance; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby ratifies the Director's Declaration of Local Emergency, effective immediately upon the adoption of this resolution.

BE IT FURTHER RESOLVED, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Seaside; and

BE IT FURTHER RESOLVED, that the City Manager's actions to ensure public safety and the safety of City staff including closing City facilities, cancelling public meetings, and placing staff on paid administrative leave including but not limited to the measures outlined in Exhibit A are ratified and authorized during the pendency of the local emergency; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Seaside Municipal Code, and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes;

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into mutual aid and other inter-agency agreements and his contracting authority is temporarily increased to fifty thousand (\$50,000) for purposes related to the acquisition of goods and services required to timely respond to local emergency operations, subject to ratification by the City Council at its next regularly scheduled meeting.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 19th day of March 2020 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

EXHIBIT A

1. All City operations will enforce social distancing of six feet and engage in visible hygiene practices.
2. All City gatherings in excess of 50 people have been cancelled for the next eight weeks except as statutorily required or necessary for public health or public safety. This includes facility rentals.
3. All Commission / Committee meetings requiring in-person attendance are cancelled except as statutorily required or necessary for public health or public safety.
4. All 65+ year old employees and those who are immune-compromised are to engage in home isolation.
5. Code enforcement will be focused on life safety matters.
6. The Police Department lobby is closed and to the extent possible, all calls of a less critical nature will be taken over the phone.
7. All City volunteers will be asked to postpone their in-person group efforts until further notice.
8. The Pattulo Swim Center is closed.
9. Full-time and non-seasonal part-time employees in home isolation, or on a modified schedule with isolated work shifts will retain paid status on Administrative Leave, through April 16, or as otherwise approved by the City Council.

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF SEASIDE

ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL AND COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19), AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge, and on January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of that illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, COVID-19 is easily transmissible from person to person and, according to the World Health Organization, has spread globally to over 157 countries, infected more than 212,000 people, and killed more than 8,700 individuals as of March 18, 2020; and

WHEREAS, on March 2, 2020, the Monterey County Operational Area Emergency Operations Center was activated to Level 3 – its lowest level – to support the Monterey County Health Department and other local health partners, and on March 18, 2020, the Monterey County Operational Area Emergency Operations Center was upgraded to Level 2; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared 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 a more significant spread of COVID-19, all in response to the rising number of positive California cases, including one official COVID-19 death; and

WHEREAS, on March 6, 2020, Monterey County Administrative Officer Charles McKee issued a proclamation declaring a local emergency related to the outbreak of COVID-19; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom issued Executive Order N-25-20 declaring, pursuant to the authority granted in the California Government Code, that the Employment Development Department shall waive the ordinary one-week waiting period for claims for disability insurance and unemployment insurance related to COVID-19; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom also declared in Executive Order N-25-20 that the Department of Tax and Fee Administration shall grant up to 60 days relief to any persons unable to timely file their taxes as a result of hardship related to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency making available \$50 billion in federal resources to combat the spread of COVID-19; and

WHEREAS, on March 13, 2020, pursuant to California Government Code § 8630 and Seaside Municipal Code Chapter 2.40, Seaside City Manager and Director of Emergency Services Craig Malin issued a proclamation declaring a local emergency; and

WHEREAS, the Monterey County Superintendent of Schools and all district superintendents in the county have decided to close schools to students beginning Monday, March 16, 2020 until no earlier than April 8, 2020, and these school closures will cause children to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid; and

WHEREAS, hourly wage earners are unlikely to be paid for time off, and the inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, as of March 15, 2020, the Centers for Disease Control and Prevention issued new guidance encouraging people to avoid gatherings of more than 50 people; and

WHEREAS, as of March 18, 2020, at 10 am, there were 718 positive cases and 13 deaths in California related to COVID-19; and

WHEREAS, as of March 16, 2020, there have been three confirmed cases of COVID-19 in the County of San Benito and eleven confirmed cases in the County of Santa Cruz; and

WHEREAS, as of March 17, 2020, there have been two confirmed cases of COVID-19 in the County of Monterey; and

WHEREAS, many events across the tri-county area are being canceled or postponed due to the orders and recommendations at all levels of government to stop large gatherings amid concerns over the spread of COVID-19, and these cancellations and postponements cause a loss in revenue for the event and a loss of income for the people who would have staffed that event, as well as lost revenue for surrounding local businesses that rely on such events to bring patrons to their businesses; and

WHEREAS, many of Seaside's businesses will be adversely impacted by a severe decline in tourism and severe decline in tourists due to COVID-19. Additionally, retail sales of cars and other goods will decline as residents shelter in place pursuant to the emergency orders; and

WHEREAS, the Counties of San Francisco, Santa Clara, San Mateo, Marin, Contra Costa, Alameda, Napa, Sonoma, Santa Cruz and San Benito, with populations totaling almost 8 million people, ordered all residents to shelter in place from mid-March through the first week in April; and

WHEREAS, on March 17, 2020, the County of Monterey, with a population of approximately 435,000, joined several of the Greater Bay Area counties in ordering its residents to shelter in place beginning March 18, 2020, at 12:01 am until April 8, 2020; and

WHEREAS, ON March 16, 2020, the California State Legislature appropriated \$500 million in emergency funds to combat the spread of COVID-19, with an additional \$500 million available in \$50 million increments; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom declared in Executive Order N-28-20 that the economic impacts of COVID-19 have been significant and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom also declared in Executive Order N-28-20 that many Californians are 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, on March 16, 2020, California Governor Gavin Newsom also declared in Executive Order N-28-20 that any preemption of local police powers related to California Civil Code § 1940 et seq. or § 1954.25 et seq.

are hereby suspended as it relates to local jurisdictions enacting moratoria on residential and commercial evictions; and

WHEREAS, homelessness can exacerbate vulnerability to COVID-19, the government must take measures to preserve and increase housing security for Californians to protect public health, especially now that many millions of people have been ordered to shelter in place; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Seaside's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the city; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment may be at risk of homelessness if they are evicted for nonpayment, as they will have little or no income and, thus, be unable to secure other housing if evicted; and

WHEREAS, this ordinance is temporary and shall expire no later than May 31, 2020, unless the Governor of the State of California extends the period of time that Executive Order N-28-20 is valid and enforceable; and

WHEREAS, this ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City of Seaside during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness 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;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as though fully set forth herein.

SECTION 2. Findings. The City Council hereby finds, determines and

declares that this urgency ordinance adoption pursuant to Government Code section 36937 is necessary because:

- A. Housing is difficult to procure in Seaside and the Central Coast of Monterey County. This temporary moratorium promotes stability and fairness within the residential rental market in the City of Seaside during an unprecedented pandemic of COVID-19; and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare; and
- B. Commercial activity and businesses are essential to a vibrant and healthy community, and this temporary moratorium promotes stability and fairness within the commercial rental market as businesses have been substantially impacted by orders to shelter-in-place and limitations on operations and hours; and
- C. Without the imposition of this urgency ordinance, there is an increased risk of residential tenants becoming homeless and a substantial impact to our local businesses, causing further disruption and delay and imperils the lives or property of inhabitants of the city; and
- D. For the immediate preservation of the public peace, health, and safety, the City Council finds that it is necessary to adopt an ordinance regulating evictions, for all of the reasons set forth in the recitals above, which are incorporated herein by reference.

SECTION 3. Urgency Need. Based on the foregoing recitals and findings, all of which are deemed true and correct, this ordinance is urgently needed for the immediate preservation of the public peace, health, and safety. This urgency ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code section 36937.

SECTION 4. Temporary moratorium on commercial and residential evictions. The City Council of the City of Seaside does adopt the emergency regulations relating to commercial and residential evictions where failure to pay rent results from impacts resulting from the Novel Coronavirus (COVID-19) as more specifically set forth in Exhibit A, attached hereto and incorporated herein by reference, which shall take effect immediately.

SECTION 5. Violations. This Ordinance is an Urgency Ordinance adopted pursuant to a local, state and national state of emergency and therefore shall be punishable as a misdemeanor as set forth in Section 2.40.100 of the Seaside Municipal Code. In addition, this Ordinance grants a defense in

the event that an unlawful detainer action is commenced in violation of this Ordinance.

SECTION 6. Uncodified. This Ordinance shall not be codified.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. Effective Date and Expiration Date. This ordinance shall take effect immediately upon its adoption and shall automatically expire at midnight on May 31, 2020, unless extended by the council following a lawful extension of Executive Order N-28-20 as may be ordered by the Governor of the State of California.

SECTION 9. Environmental Determination. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment. The ordinance would apply commercial and residential tenant protection measures to existing units in Seaside, which is solely an administrative process resulting in no physical change to the environment.

SECTION 10. Publication. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

PASSED FOR FINAL ADOPTION as an emergency ordinance this 19th day of March , 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST: _____
Lesley Milton, City Clerk

EXHIBIT A

TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM WAGE LOSS DUE TO THE NOVEL CORONAVIRUS (COVID-19)

1. A temporary moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant 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 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord 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 ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

b. For purposes of this ordinance, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household 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 including for tenants who are salaried employees or self-employed; (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; or (5) child care needs arising from school closures related to COVID-19.

c. For purposes of this ordinance, “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure §§ 1161(1), 1161(5), or 1161c.

d. This ordinance applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

2. A temporary moratorium on eviction for nonpayment of rent by commercial tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a commercial tenant in either of the following situations: (1) for nonpayment of rent if the commercial tenant demonstrates that the commercial tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a commercial tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice or otherwise seek to evict for nonpayment of rent. A landlord knows of a commercial tenant’s inability to pay rent within the meaning of this ordinance if the commercial tenant, within 30 days after the date that rent is due, notifies the landlord 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 ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the commercial tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the commercial tenant’s claim. Nothing in this ordinance shall relieve the commercial tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the commercial tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

b. For purposes of this ordinance, “financial impacts related to COVID-19” include, but are not limited to, tenant lost 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 including for tenants who are salaried employees or self-employed; (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; or (5) child care needs arising from school closures related to COVID-19.

3. Civil Remedies.

1. Any Landlord that fail(s) to comply with this ordinance may be subject to civil proceedings for displacement of either a commercial or residential tenant for actual and exemplary damages.

2. Whoever is found to have violated this ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs, and reasonable attorneys' fees.

3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this ordinance.

4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.