



City Council Agenda Item

City Council Meeting Date: March 27, 2020

TO: Honorable Mayor and City Council Members

FROM: Jim Throop, City Manager/Director of Emergency Services

SUBJECT: Confirmation of Proclamation No. 2 of the Director of Emergency Services, Temporarily Prohibiting Residential and Commercial Evictions Within the City of Lompoc for Nonpayment of Rent or Foreclosure Related to the COVID-19 Pandemic and Pursuant to Executive Order N-28-20.

Recommendation: Council take the following actions:

- a) Consider whether to confirm the proclamation temporarily prohibiting residential and commercial evictions for nonpayment of rent or foreclosure caused by the COVID-19 pandemic, until May 31, 2020 or a later date as extended by the Governor; or
- b) Provide other direction.

Background:

The United States, the State of California, and the City of Lompoc have all declared states of emergency arising from the COVID-19 pandemic.

Section 2.36.060(A)(6)(a) of the Lompoc Municipal Code empowers the Director of Emergency Services, in the event of the proclamation of a state of emergency by the Governor of California, or a local emergency by the City Council, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency. Rules and regulations issued by the Director of Emergency Services must be confirmed by the City Council at the earliest practical time.

On March 16, 2020, the Governor issued Executive Order N-28-20, which waived any provisions 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, including but not limited to Civil Code Sections 1940 *et seq.* or 1954.25 *et seq.*, until May 31, 2020 or a later date as extended by the Governor. The Executive Order is attached to this report.

On March 24, 2020, the Lompoc Director of Emergency Services issued Proclamation No. 2, temporarily prohibiting residential and commercial evictions within the City of Lompoc for nonpayment of rent or foreclosure, if that nonpayment of rent or foreclosure is caused by a substantial reduction in income related to the COVID-19 pandemic and is documented. This Proclamation was effective immediately and, subject to confirmation by the City Council, will remain in effect until May 31, 2020 or any later date to which the Governor's Order is extended.

Neither the Governor's Order nor the Proclamation of the Director of Emergency Services relieve a tenant of the obligation to pay rent or restrict a landlord's ability to recover rent that is due.

Discussion:

The City Council may confirm the Proclamation by the Director of Emergency Services, amend the Proclamation, or choose not to confirm the Proclamation. If the City Council chooses not to confirm the Proclamation, the Proclamation will immediately be terminated and will have no further force or effect.

Fiscal Impact:

Confirming Proclamation No. 2 would prohibit the City from evicting tenants from any City-owned property based on failure to pay rent, if the failure to pay rent is due to the COVID-19 pandemic and is documented, at least until May 31, 2020. However, that rent would be due after the expiration of the Proclamation.

Conclusion:

The City Council is asked to consider whether or not to confirm Proclamation No. 2 of the Director of Emergency Services.

Respectfully submitted,

Jim Throop, City Manager/Director of Emergency Services

Attachments:

1. Executive Order N-28-20
2. Director of Emergency Services Proclamation No. 2