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ORDINANCE NO. 837

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY TEMPORARILY PROHIBITING EVICTIONS OF RESIDENTIAL TENANTS ARISING FROM SUBSTANTIAL DECREASE IN HOUSEHOLD OR BUSINESS INCOME OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC**

**WHEREAS**, the City of Cathedral City (“City”) is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers;

**WHEREAS**, Government Code sections 36934 and 36937 authorize ordinances to take effect immediately if they are for the immediate preservation of the public peace, health or safety, contain a declaration of the facts constituting the urgency, and are passed by a four-fifths vote of the City Council;

**WHEREAS**, the California Emergency Services Act (California Government Code section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat;

**WHEREAS**, Chapter 2.20, section 2.20.020 of the City’s Municipal Code defines an emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as, but not limited to, air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat;

**WHEREAS**, the State of California, including the City, is experiencing an unprecedented

1 and critical emergency related to the novel coronavirus or related COVID-19 disease (collectively  
2 (“COVID-19”) pandemic;

3 **WHEREAS**, states of emergency have recently been proclaimed at the local, state, and  
4 federal government levels related to the COVID-19 pandemic;

5 **WHEREAS**, on March 16, 2020 the City Council declared that the existence and  
6 anticipated spread of COVID-19 is a local emergency, as defined by the Ralph M. Brown Act  
7 (California Government Code section 54956.5) and California Emergency Services Act  
8 (California Government Code section 8550, et. seq.);

9 **WHEREAS**, due to the pandemic, Riverside County schools have suspended in-person  
10 classes through April 30, 2020;

11 **WHEREAS**, on March 19, 2020, Governor Gavin Newsom issued a shelter in place order  
12 for the entire State of California;

13 **WHEREAS**, in order to comply with the shelter in place order, and for their own safety,  
14 City residents must have access to permanent housing;

15 **WHEREAS**, the COVID-19 pandemic and associated public health and shelter in place  
16 orders are expected to result in the closure of most local businesses for an indeterminate period of  
17 time, and result in extreme restrictions on other local businesses until then and possibly thereafter,  
18 possibly resulting in tenants suffering a decrease in income;

19 **WHEREAS**, many of the renters in the state including the City, spend over 30% of their  
20 annual income on rent already;

21 **WHEREAS**, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-  
22 20, which authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of  
23 rent if the non-payment is a result of the COVID-19 pandemic;

24 **WHEREAS**, without local protection, eviction notices for failure to pay rent are likely to  
25 surge as residents and businesses are unable to earn income due to the pandemic, or are forced to  
26 pay substantial medical expenses associated with the pandemic (including unanticipated and  
27 increased costs for food, medicine, medical supplies, medical care and other necessities);

28 **WHEREAS**, particularly given the high existing cost of housing, evictions of tenants,

1 particularly low income tenants, could lead to long term or permanent displacement, impacting  
2 the health and safety of these tenants, as well as the City;

3 **WHEREAS**, the City Council is concerned that, during the COVID-19 pandemic,  
4 eviction notices and threats of eviction based on failure to pay rent will surge; and

5 **WHEREAS**, the Director of Emergency Services and the City Council of the City have  
6 determined that it is appropriate to temporarily prohibit evictions until the authorization to  
7 suspend evictions under Executive Order N-28-20, as may be revised or superseded, terminates  
8 or the City Council declares an end to the local emergency, whichever occurs first, for any  
9 residential tenant who can demonstrate that they are being evicted for the failure to pay rent and  
10 that such failure is a direct impact of the COVID-19 pandemic, as provided in Governor  
11 Newsom’s Executive Order N-28-20. A copy of the Executive Order is attached to this  
12 Ordinance.

13 **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE**  
14 **CITY OF CATHEDRAL CITY AS FOLLOWS:**

15 **SECTION 1. DECLARATION OF URGENCY; ORDINANCE ADOPTED.**

16 The City Council of the City of Cathedral City incorporates the recitals of fact above by  
17 reference and hereby finds and declares that they constitute an urgency situation requiring the  
18 City Council to take immediate action to preserve the public peace, health or safety. Without  
19 Council action, residential tenants within the City of Cathedral would suffer potentially  
20 irreversible displacement of tenants resulting from evictions arising from the COVID-19  
21 pandemic. The City Council, therefore, hereby adopts the Urgency Ordinance attached hereto as  
22 Exhibit “A”, pursuant to California Government Code Section 36937.

23 **SECTION 2. EFFECTIVE DATE; VOTE REQUIREMENTS.**

24 This Ordinance shall take effect and be in force immediately upon an affirmative vote of  
25 four-fifths of the City Council and shall remain in effect until the authorization to suspend  
26 evictions under State Executive Order N-28-20, as may be revised or superseded, terminates or  
27 the City Council declares an end to the local emergency, whichever occurs first.

28 **SECTION 3. SEVERABILITY.**

1 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason  
2 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such  
3 decision will not affect the validity of the remaining portions of this ordinance. The City Council  
4 hereby declares that it would have passed this ordinance and each and every section, subsection,  
5 sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any  
6 portion of the ordinance would be subsequently declared invalid or unconstitutional.

7 **SECTION 4. CODIFICATION.**

8 This urgency ordinance shall not be codified in the City Municipal Code.

9 **SECTION 5. CEQA.**

10 The City Council hereby finds that the action to adopt this Ordinance will not result in any  
11 change in the environment and thus is not a project subject to the requirements of CEQA. Further,  
12 even if the action to adopt this Ordinance was deemed to be a project subject to CEQA, the City  
13 Council finds the proposed Ordinance is exempt from CEQA under the common sense exemption  
14 set forth in Section 15061(b)(3), which provides that CEQA only applies to projects which have  
15 the potential for causing a significant effect on the environment, and thus where it can be seen  
16 with certainty that there is no possibility that the activity in question may have a significant effect  
17 on the environment, the activity is not subject to CEQA.

18 **SECTION 6. AUTHORITY PURSUANT TO THE CALIFORNIA EMERGENCY**  
19 **SERVICES ACT AND CITY MUNICIPAL CODE.**

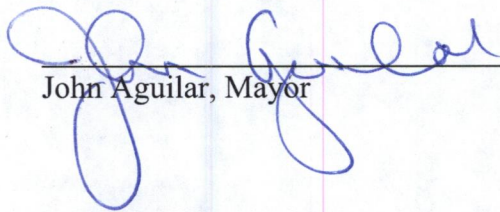
20 Pursuant to California Government Code sections 54956.5 and 8610, the City, while in a  
21 state of emergency proclaimed by the City Council, may establish rules and regulations for  
22 dealing with the local emergency. Pursuant to City Municipal Code Section 2.20.060, the Director  
23 of Emergency Services has the authority to make and issue rules and regulations on matters  
24 reasonably related to the protection of life and property as affected by such emergency; provided,  
25 however, such rules and regulations must be confirmed at the earliest practicable time by the city  
26 council. The City Council also thus finds and determines that it has the authority to enact this  
27 ordinance pursuant to the California Emergency Services Act, City's Municipal Code and the  
28 declaration of local emergency issued by the Cathedral City, City Council on March 16, 2020.

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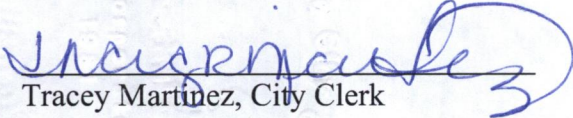
**This urgency ordinance was passed and adopted by the City Council of the City of Cathedral City on the 25<sup>th</sup> day of March, 2020, by the following vote:**

- AYES: Councilmembers Lamb, Gutierrez and Carnevale;  
Mayor Pro Tem Gregory and Mayor Aguilar
- NOES: None
- ABSENT: None
- ABSTAIN: None

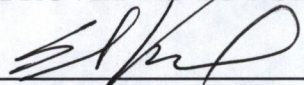
**PASSED, APPROVED AND ADOPTED** this 25th day of March, 2020.

  
\_\_\_\_\_  
John Aguilar, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tracey Martinez, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Eric Vail, City Attorney  
Burke, Williams & Sorensen, LLP

**EXHIBIT "A"**

**SECTION 1: PURPOSE.**

This Ordinance temporarily prohibits evictions of residential tenants who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial decrease in household or business income or substantial out-of-pocket medical expenses caused by the COVID-19 pandemic or any local, state, or federal government response to the pandemic.

**SECTION 2: DEFINITIONS.**

The following words and phrases, whenever used in this section, shall be construed as follows:

1. "Dwelling Unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one or more persons who maintain a household or common household.
2. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Dwelling Unit or portion thereof.
3. "Owner" means any person, acting as principal or through an agent, offering a Dwelling Unit for rent, and includes a predecessor in interest to the owner.
4. "Pandemic" means the 2020 novel coronavirus and/or COVID-19 pandemic.
5. "Tenant" means any person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit.

**SECTION 3: PROHIBITION ON EVICTIONS.**

- A. A landlord of any Dwelling Unit or Dwelling Units shall not terminate or attempt to terminate a lawful tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a substantial loss of household or business income or substantial out-of-pocket medical expenses caused by the Pandemic or any local, state, or federal government response to the Pandemic.
- B. This section shall also apply to a landlord's action that constitutes constructive eviction under California law. Terminations that are required to comply with an order issued by a

1 government agency or court requiring that the real property be vacated for reasons other  
2 than the failure to pay rent are not subject to this prohibition.

3 C. To take advantage of the protections afforded under this section, a tenant must do all of  
4 the following:

5 1. Notify the landlord in writing before, or within five (5) days after, the day rent is  
6 due that the tenant has a covered reason for delayed payment. For purposes of this  
7 Section, "writing" shall include emails, text messages, or other forms of electronic  
8 communication with landlord or landlord's representative.

9 2. Pay the portion of rent that the tenant is able to pay.

10 3. Demonstrate through documentation or other objectively verifiable means that the  
11 tenant has experienced:

12 a. Substantial decrease in household or business incomes from,  
13 including but not limited to: (a) job loss; (b) layoffs; (c) a reduction  
14 in the number of compensable hours of work; (d) a store, restaurant,  
15 office, or business closure; (e) a substantial decrease in business  
16 income caused by a reduction in opening hours or consumer  
17 demand; (f) the need to miss work to care for their home-bound  
18 school-age child or elderly family member or a family member  
19 infected with coronavirus; or (g) other similarly-caused decrease of  
20 income that resulted from the pandemic; or

21 b. Substantial out-of-pocket medical expenses related to the pandemic.

22 D. Tenants who were afforded eviction protection under this section shall have up to sixty  
23 (60) days after the termination of this ordinance to pay their landlord all unpaid rent.

24 E. Nothing in this section waives a tenant's obligations to pay back rent owed once this  
25 ordinance is no longer effective; provided, however, that a landlord may not file an  
26 unlawful detainer action based on the failure to pay rent while this ordinance is in effect  
27 unless the tenant fails to pay rent when due under Section D of this ordinance.

1 F. Nothing in this section shall relieve a tenant of the obligation to pay rent, nor restrict a  
2 landlord's ability to recover rent due once this ordinance is no longer effective.

3 G. This section shall not apply to any of the following circumstances:

- 4 1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940  
5 of the California Civil Code.
- 6 2. Housing accommodations in a nonprofit hospital, religious facility, extended care  
7 facility, licensed residential care facility for the elderly, as defined in Section  
8 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in  
9 Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures  
10 published by the State Department of Social Services.
- 11 3. Dormitories owned and operated by an institution of higher education or a  
12 kindergarten and grades 1 to 12, inclusive, school.
- 13 4. Evictions from, or orders to vacate, any premises as ordered by a state, federal or  
14 local governmental agency for reasons of public health or safety, severe public  
15 nuisances, or necessitated by the Pandemic or state of emergency.

16 **SECTION 4: ENFORCEMENT.**

- 17 A. In the event of a violation of this Ordinance, a Tenant who has been improperly served  
18 with notice of an eviction or an unlawful detainer action may institute a civil proceeding  
19 for an injunction, and the prevailing party shall be entitled to an award of reasonable  
20 attorneys' fees and costs if so ordered by the court.
- 21 B. This Ordinance may be asserted as an affirmative defense in an unlawful detainer action.
- 22 C. A landlord's failure to comply with this Ordinance does not constitute a criminal offense  
23 but may subject an owner to civil fines and penalties as set forth in the City Municipal  
24 Code.
- 25 D. The remedies provided in this Section are in addition to any other existing remedies that  
26 may be available to a Tenant under local, state, or federal law or equity and in no way  
27 limit such existing remedies, if any.

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1    **SECTION 5: WAIVER.**

2    A Landlord may request that this Ordinance’s requirements be waived or modified based on a  
3    showing that applying the requirements would have an unconstitutional application to the  
4    Landlord’s property. A Landlord shall bear the burden of presenting evidence to support any  
5    such request for waiver or modification and shall set forth in detail the factual and legal basis for  
6    the claim, including all supporting documentation, for consideration by the City Council.

7    **SECTION 6: EFFECTIVE DATES.**

8    This Ordinance applies to eviction notices and unlawful detainer actions based on notices served  
9    or filed on or after the effective date of this Ordinance. The prohibitions on evictions shall  
10   continue to apply until the authorization to suspend evictions under Executive Order N-28-20, as  
11   may be modified or superseded, terminates or the City Council declares an end to the local  
12   emergency, whichever occurs first.

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EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** 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** 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** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, 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, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote 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 Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, 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 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 government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

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

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.


Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State