

ORDINANCE NO. 4460

**URGENCY ORDINANCE OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA,
ENACTING A TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED
EVICTIONS**

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

WHEREAS, the County of Mendocino Health Officer declared a local health emergency related to the COVID-19 on March 4, 2020; and

WHEREAS, the County of Mendocino Director of Emergency Services proclaimed the existence of a local emergency related to COVID-19 on March 4, 2020; and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Mendocino ratified the local emergency related to COVID-19 as proclaimed by the Chief Executive Officer/Director of Emergency Services and Ratifying the Existence of a local emergency as proclaimed by the Health Officer; and

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

WHEREAS, a copy of the Governor's executive order is attached hereto as Exhibit 1; and

WHEREAS, the Health Official of the County of Mendocino issued a shelter in place order on March 18, 2020; and

WHEREAS, evictions resulting from the conditions identified in Executive Order N-28-20 present an immediate threat to the public peace, health and safety, as described in Government Code section 25123(d) in that they will potentially cause the irregular and increased displacement of residents and commercial businesses, contribute to an increase in the homeless population in Mendocino County, and make it more difficult for the County to enforce the shelter-in-place order designed to promote public health through social distancing to combat the negative effects of the COVID-19 pandemic; and

WHEREAS, a copy of the Governor's executive order is attached hereto as Exhibit 1; and

WHEREAS, there is an urgent need for the County of Mendocino to enact such substantive limitations on residential and commercial evictions to address the immediate threat to the public peace, health and safety that the COVID-19 pandemic related evictions will create;
NOW, THEREFORE,

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

SECTION 1. The provisions of the Governor's Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.

SECTION 2. The above recitals, and the recitals in the Governor's Executive Order N-28-20, are true and correct.

SECTION 3. Findings and purpose.

In order to address the immediate threat to the public peace, health and safety, this ordinance temporarily prohibits evictions throughout the unincorporated areas of the County of Mendocino related to the existence of the COVID-19 pandemic emergency, commencing on March 24, 2020, through May 31, 2020, unless otherwise terminated or extended.

SECTION 4. Applicability.

This ordinance applies from March 24, 2020, through May 31, 2020, in the unincorporated areas of the County of Mendocino.

SECTION 5. Prohibition.

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 May 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. All public housing authorities in the County 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.
- b. Financial institutions in the County 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.

- c. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.
- d. The County Executive 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 resolution.
- e. Tenants may use the protections afforded in this ordinance as an affirmative defense in an eviction action, including but not limited to an action for unlawful detainer.
- f. This ordinance may be enforced as stated in the provisions of this ordinance, as a violation of County Code, as a nuisance, or by any other available and legal enforcement mechanism.

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.

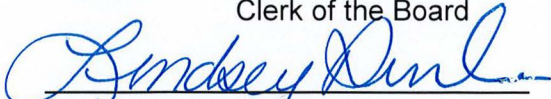
This ordinance shall take effect immediately as an urgency ordinance, and shall be applicable as of March 24, 2020, the date of approval of this ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code section 25123, that it is necessary for the protection of the public peace, health and safety.

PASSED AND ADOPTED upon motion of Supervisor Williams, seconded by Supervisor Gjerde and carried this 24th day of March by the following vote, to wit:

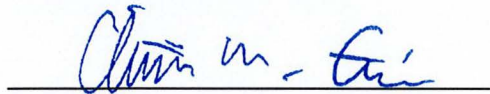
AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

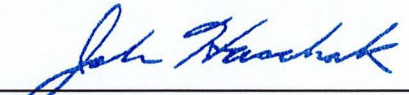
WHEREUPON, the chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

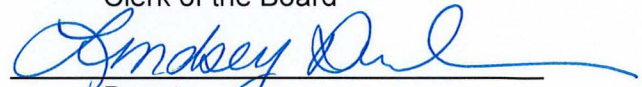
APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
Acting County Counsel




JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy