



Monterey, California

Monterey City Council  
Special Meeting Agenda

Council Special Meeting

Wednesday, March 25, 2020

4:00 PM

City Council

Clyde Roberson, Mayor  
Dan Albert, Councilmember  
Alan Haffa, Councilmember  
Ed Smith, Councilmember  
Tyler Williamson, Councilmember

City Manager

Hans Uslar

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**IMPORTANT NOTICE:**

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus):

- Meetings of the Monterey City Council and its Boards and Commissions will be conducted with virtual (electronic) participation only. Members of the public may watch the live stream of the City Council and Boards and Commission meetings at <https://monterey.org/tv> or on television on Channel 25.
- Members of the public may participate before and during each meeting by submitting comment(s) to [cityclerk@monterey.org](mailto:cityclerk@monterey.org) from an email account or a cell phone's texting app. The clerk will read each received public comment aloud into the record at the designated time, subject to time limits that may be imposed pursuant to the Brown Act. In the subject line of a public comment email, please specify the meeting body and date and indicate the relevant item number or "general" to help staff easily receive and organize public comments. Example subject lines:
  - Public comment for Planning Comm. mtg. 3/24 - General
  - Public comment for Council mtg. 3/25 - Item 1
- The frequency and length of public meetings will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed.

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| <b>CALL TO ORDER</b> |
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| <b>PUBLIC APPEARANCE</b> |
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| PUBLIC APPEARANCE items are reports on non-routine issues that might stimulate public discussion, but that do not require formal noticing as public hearings. You are welcome to offer your comments after being recognized by the Mayor. The Council may limit the time each speaker is allocated. |
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1. Adopt Urgency Ordinance to Temporarily Prohibit Residential and Commercial Evictions Related to COVID-19 (Exempt from CEQA, Guidelines 15061(b)(3))

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| <b>***Adjourn to Closed Session (See additional agenda)***</b> |
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| <b>ADJOURNMENT</b> |
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Members of the public have the right to address the City Council on any item on the Agenda, before or during its consideration [G.C. §54954.3(a)]. Please read the Important Notice at the beginning of this agenda. Submitting public comment as much in advance as possible is appreciated.

Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.

City Council Meetings are cable cast live and videotaped for replay on Monterey's Government Access Channel 25 by Access Monterey Peninsula (AMP).

**CITY OF MONTEREY'S 24-HOUR SUGGESTION HOTLINES:**

Voicemail: (831) 646-3799

Fax: (831) 646-3793

Email: [suggest@monterey.org](mailto:suggest@monterey.org)

WebPage: <http://www.monterey.org>



The City of Monterey is committed to including the disabled in all of its services, programs and activities. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 646-3935.

Notification 30 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II]. Later requests will be accommodated to the extent feasible. For communication-related assistance, dial 711 to use the California Relay Service (CRS) to speak to City offices. CRS offers free text-to-speech, speech-to-speech, and Spanish-language services 24 hours a day, 7 days a week. If you require a hearing amplification device to attend a meeting, dial 711 to use CRS to talk to the City Clerk's Office at (831) 646-3935 to coordinate use of a device.

**Upcoming city meetings are listed at <http://searchmonterey.org>**

**More information is available by calling (831) 646-3935**



# Council Agenda Report

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Date: 3/25/2020

Item No.: 1.

**FROM:** Kimberly Cole, AICP, Community Development Director  
Prepared By: Grant Leonard, Administrative Analyst

**SUBJECT:** Adopt Urgency Ordinance to Temporarily Prohibit Residential and Commercial Evictions Related to COVID-19 (Exempt from CEQA, Guidelines 15061(b)(3))

## **RECOMMENDATION:**

That the City Council introduce this ordinance by title, waive full reading, and adopt an Urgency Ordinance to temporarily prohibit residential and commercial evictions related to COVID-19.

## **POLICY IMPLICATIONS:**

Housing, and in particular affordable housing, has been identified as a priority in the City Housing Element and by the City Council during recent retreats/workshops. The City Council is committed to protecting the quality of life of City residents and in preventing homelessness.

On March 16<sup>th</sup>, 2020, Governor Newsom issued Executive Order N-28-20, which authorizes local governments to halt evictions for renters and homeowners, slow foreclosures, and protect against utility shutoffs for Californians affected by COVID-19. In response to the Governor's order, the City Manager directed the City staff to draft a temporary urgency ordinance to implement the Governor's Executive Order.

Charter Section 4.4 requires an ordinance be adopted in order to regulate the use of property or the conduct of persons. The Charter also requires a four-fifths (4/5) vote of the City Council to enact an urgency ordinance, which becomes effective immediately. In order to enact an urgency ordinance, Charter section 4.4 requires the City Council to declare that there is a need for "the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency."

## **FISCAL IMPLICATIONS:**

The fiscal impact to individuals, families, workers, and business from the COVID-19 pandemic is unknown, but anticipated to be significant.

## **ENVIRONMENTAL DETERMINATION:**

The City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) because there is no possibility that the implementation of this ordinance may have significant effects on the environment. This ordinance will apply tenant protections to existing residential and commercial units for a limited period of time. This is solely an administrative process resulting in no physical changes to the environment. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

Exception a - Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment

may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The proposed ordinance is temporary and applies to existing residential units. There is no physical change to the environment.

Exception b - Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed ordinance will not result in a cumulative impact as the ordinance is temporary and there is no physical change to the environment.

Exception c - Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. No significant impact is anticipated as the ordinance is temporary and applicable to existing residential and commercial units only. There is no physical change to the environment.

Exception d - Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). There is no physical change to the environment. The ordinance does not enable activity on the City's officially designated state scenic highways.

Exception e - Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There is no physical change to the environment. The ordinance provides temporary protections to residential and commercial tenants.

Exception f - Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The ordinance provides temporary protections to residential and commercial tenants. As a result, no substantial adverse change is anticipated. There is no physical change to the environment, therefore, no impacts to archaeological or historical resources will occur.

## **DISCUSSION:**

The City of Monterey is currently experiencing unprecedented impacts from the COVID-19 emergency. Beginning on March 18<sup>th</sup>, 2020, the City is subject to the county-wide shelter in place order issued by the Monterey County Health Department. With this shelter in place order, the efforts to control the spread of COVID-19 are now affecting nearly every aspect of daily life for the residents of Monterey.

While the efforts to control the spread of COVID-19 are intended to prevent illness and save lives, these efforts are also having a dramatic economic impact. This impact is especially felt by lower income individuals and families who work in the hospitality and service industries, and may now be experiencing reduced work hours or layoffs. The economic impact is also felt by

small businesses, which are seeing dramatic reductions in income as a result of the restrictions on public gatherings.

In recognition of the economic impact from COVID-19, Governor Newsom issued Executive Order N-28-20 on March 16, 2020. The order recognizes that rising unemployment rates, loss of income, and business closures make it difficult for individuals and business to continue paying rents, mortgages, and utility bills. In response to the Governor's order and considering potential impacts to Monterey residents and businesses, the City Manager directed the City staff to draft a temporary urgency ordinance to address evictions.

Consistent with the Governor's executive order, the proposed urgency ordinance would temporarily halt evictions for residential and commercial tenants affected by COVID-19 (either by decreased personal income or obligation to pay medical bills) until May 31, 2020. The renters/tenants continue to be obligated to repay their rent within 120 days of May 31, 2020, or from the date that the County's shelter in place order is lifted, whichever is later.

KC/GL

Attachment:   1. Executive Order N-28-20  
                  2. Proposed Urgency Ordinance  
                  3. Correspondence received

e:       All Neighborhood Associations  
          All Business Associations

**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

**ORDINANCE NO. \_\_\_\_ C.S.**

**URGENCY ORDINANCE TO TEMPORARILY PROHIBIT RESIDENTIAL AND COMMERCIAL  
EVICTIONS RELATED TO COVID-19**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN as follows:

**SECTION 1:**

WHEREAS on March 4, 2020 California Governor Gavin Newsom proclaimed a State of Emergency (Emergency Proclamation) related to the outbreak of a respiratory illness due to a novel coronavirus (COVID-19) which has become a worldwide pandemic;

WHEREAS on March 16, 2020 California Governor Gavin Newsom issued Executive Order N-28-20, temporarily suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions;

WHEREAS in a poll conducted from October 31, 2019 to November 7, 2019 by Fairbank, Maslin, Maulin, Metz & Associates, 76% of Monterey residents ranked the cost of housing as a very serious problem facing the City;

WHEREAS 64.2% of residential units in the City are occupied by renters and the percentage of renter households reporting housing problems such as cost-burden and substandard housing conditions is 51.8% (Monterey County Analysis of Impediments to Fair Housing Choice (2019), pp. 56, 57);

WHEREAS, as of March 23, 2020, the County of Monterey has had no less than twenty confirmed cases of COVID-19 (including one death) and its further spread is likely;

WHEREAS on March 17, 2020, the Health Officer of the County of Monterey directed all individuals living in the County to shelter in their place of residence to slow the transmission of COVID-19;

WHEREAS the City Council is committed to protecting the quality of life of City residents and in minimizing the further spread of COVID-19;

WHEREAS City Charter section 4.4 and Government Code section 36937 authorize an urgency ordinance to take effect immediately if the ordinance is for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency and if the ordinance is passed by a four-fifths (4/5) vote of the Council;

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety, as failure to adopt this urgency ordinance would result in the displacement and severe economic hardship of those affected by COVID-19, with consequential health, safety, and economic effects of those directly affected and those not directly affected by COVID-19, including but not limited to the spread of COVID-19 and social and economic disturbance; and

WHEREAS, the City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) because there is no possibility that the implementation of this ordinance may have significant effects on the environment. This ordinance will apply tenant protections to existing residential and commercial units for a limited period of time. This is solely an administrative process resulting in no physical changes to the environment. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

Exception a - Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The proposed ordinance is temporary and applies to existing residential and commercial units. There is no physical change to the environment.

Exception b - Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed ordinance will not result in a cumulative impact as the ordinance is temporary and there is no physical change to the environment.

Exception c - Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. No significant impact is anticipated as the ordinance is temporary and applicable to existing residential unit only. There is no physical change to the environment.

Exception d - Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). There is no physical change to the environment. The ordinance does not enable activity on the City's officially designated state scenic highways.

Exception e - Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There is no physical change to the environment. The ordinance provides temporary protections to residential and commercial tenants.

Exception f - Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The ordinance provides temporary protections to residential and commercial tenants. As a result, no substantial adverse change is anticipated. There is no physical change to the environment, therefore, no impacts to archaeological or historical resources will occur.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that it hereby declares, determines, and orders as follows:

SECTION 2: The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings of the City Council. Further, the provisions of Governor Gavin Newsom's Emergency Proclamation and Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth, are true and correct, and are adopted as findings of the City Council.

SECTION 3: Pursuant to Executive Order N-28-20 and to the general police power of the City to protect the health, safety, and welfare of its citizens, the authority of any landlord to commence an eviction on any tenant of a residential or commercial property within the City of Monterey for the following reasons is hereby suspended through May 31, 2020, unless this ordinance is otherwise terminated or extended, when:

- a. The basis for the eviction is nonpayment of rent 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 described 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.

SECTION 4:

- a. A tenant shall provide documentation to the owner within a reasonable time supporting the existence of the conditions relating to COVID-19 stated in the previous section for the inability to pay full rent due.
- b. For any period for which rent is payable commencing after enactment of this ordinance, the tenant shall use reasonable efforts to notify the owner in writing before the day rent is due that the tenant is unable to pay rent for that period due to the conditions relating to COVID-19.
- c. Nothing herein shall relieve a tenant of the obligation to pay rent, nor restrict an owner's ability to recover rent due. Tenant shall, at all times, pay all rental amounts that it is reasonably able to pay notwithstanding the existence of the conditions relating to COVID-19 stated in the previous section. All rental amounts not paid by reason of such conditions shall be paid no later than 120 calendar days from May 31, 2020, or from the date that the Health Officer of the County of Monterey terminates its March 17, 2020 order that all non-essential persons shelter in their place of residence, whichever date is later.

SECTION 5: An owner's failure to comply with any requirement of this ordinance is an affirmative defense in an unlawful detainer or other action brought by the owner to recover possession of the rental until. An owner's failure to comply with this ordinance does not constitute a criminal offense.

SECTION 6. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining



portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. This ordinance shall be effective immediately upon adoption.

SECTION 9: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 25th day of March 2020 by the following vote:

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|----------|-----------------|
| AYES:    | COUNCILMEMBERS: |
| NOES:    | COUNCILMEMBERS: |
| ABSENT:  | COUNCILMEMBERS: |
| ABSTAIN: | COUNCILMEMBERS: |

APPROVED:

ATTEST:

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Mayor of said City

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City Clerk thereof



## **[City Clerk Monterey] Public Comment for Council Meeting March 25, 2020 Regarding Eviction Moratorium**

**Steven F. Romberg** <attyromberg@att.net>  
To: "cityclerk@monterey.org" <cityclerk@monterey.org>

Sun, Mar 22, 2020 at 6:48 PM

To the Honorable City Council of the City of Monterey:

I wish to submit the following public comments regarding the proposed eviction moratorium.

I have been an attorney in Monterey for over 40 years. I have owned rental property of 2 single family dwellings on 1 parcel on Hannon Street Monterey since 1976. I represent many landlord clients owning rental property in Monterey regarding eviction matters. I have also represented some tenants. I am past President of the Apartment Association of Monterey County, which is now part of the California Apartment Association also known as CAA for short. I have been a member of CAA since about 1985. I was a member of the Mayor's committee on the housing crisis in 2000 and contributed to the mediation booklet regarding rent increases printed by the City of Monterey. I am very concerned for myself and my clients regarding the following four points:

First, even though the meeting agenda and procedure for this meeting has been approved by the Governor, to be held by teleconference and comments made by email to be read at the meeting, many of my clients and rental property owners in Monterey are thus denied their ability to personally appear and comment, and may not do email. Many of them are elderly "mom and pop" owners and except for the Herald article, might be unaware of this proceeding.

Second, the ordinance enacted by Monterey County on March 17, 2020 is very poorly written and should not be used as an example for you to follow. That ordinance makes no provision for any requirement for the tenant to provide documentation to the landlord regarding Section 5.a. prohibition for a landlord to commence eviction on residential or commercial property because of a decreasing income, layoffs, reduction in hours or decrease in business income because of reduction in opening hours/demand or medical expenses. Section 5.b. regarding a decrease in household or business income caused by Covid-19 or any response by Government requires documentation. There is no reason why Section 5.a. should not require documentation to the landlord. In the past for clients, I have pursued evictions of drug dealers, drug users, tenants terrorizing other tenants, tenants causing waste, tenants causing nuisance, and tenants using the premises for short term rental use to others (which STR use Monterey prohibits) when those tenants failed to pay rent. Drug users fail to pay rent many times. Witnesses are frightened from testifying. The tenant is evicted for nonpayment of rent.

Third, a better eviction moratorium ordinance than that of Monterey County to use as an example is the ordinance enacted by Sacramento, which was with input from tenants, CAA and rental property owners as far as I know, which is better and more balanced, and is attached to this email. A summary is as follows:

1. Applies to all residential, but not commercial, tenants.
2. Prohibits eviction for nonpayment of rent if the tenant demonstrates the inability to pay because of a "covered reason for delayed payment" as defined in the ordinance.

3. Requires the tenant to notify the landlord before rent is due of the covered reason, verifiable documentation to support the covered reason, and requires the tenant to pay the portion of rent the tenant is able to pay.

4. Does not relieve the tenant of liability for the unpaid rent after expiration of the ordinance.

Fourth, most landlords are willing to work with a tenant who cannot pay rent through no fault of their own. Landlords do not want a vacancy, the costs of an eviction, the costs of advertising, clean up and repairs to prepare an apartment for re-rental. I believe this eviction moratorium being considered is a solution looking for a problem that may or may not exist, but may hinder landlords from pursuing legitimate evictions for good reason, based on nonpayment of rent.

Please consider the above if you wish to pursue such an ordinance for the City of Monterey.

Sincerely,

Steven F. Romberg

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Steven F. Romberg  
Attorney at Law  
947 Cass Street, Suite 1  
Monterey, CA 93940

Phone: 831.649.1361  
Fax: 831.649.8126



**SacramentoCityCode5156090CoronavirusEvictionMoratorium.pdf**  
280K