

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING EMERGENCY ORDER 005-2020 ISSUED BY THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES (EFFECTIVE JULY 1, 2020) AND EXTENDING THE CITY'S EVICTION MORATORIUM ORDINANCE (EMERGENCY ORDINANCE NO. 3489-A) THROUGH JULY 31, 2020

WHEREAS, a worldwide COVID-19 pandemic was declared by the World Health Organization on January 30, 2020, and on January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency as a result of the COVID-19 virus; and

WHEREAS, various states of emergency were declared by the United States (March 13, 2020), the State of California (March 4, 2020), the County of San Diego (February 19, 2020), and the City of Chula Vista (March 17, 2020 pursuant to City Council Resolution No. 2020-065) because of the threat to public safety (to persons and property including both physical and economic harm) as result of the COVID-19 virus; and

WHEREAS, on March 12, 2020, pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (“Health Officer”) issued an Order of the Health Officer and Emergency Regulations (the “County Order”) closing certain businesses, prohibiting certain public and private gatherings, and restricting other activities in San Diego County as a result of the COVID-19 virus pandemic; and

WHEREAS, from March 18, 2020 through July 7, 2020, the County Order has been amended and addended by the Health Officer multiple times to include additional rules and restrictions in an effort to further promote public health and safety; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 3484-A (“City Order”), which affirmed and adopted the County Order and authorized the Director to expand or amend the City Order to apply to additional businesses or circumstances pursuant to his or her independent judgment consistent with the authority provided in Chula Vista Municipal Code section 2.14.080(F)(1); and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order N-33-20 which ordered, among other things, all Californians to stay at home, with limited exceptions (“State Order 33-20”); and

WHEREAS, the Governor of the State of California has stated that individuals may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing

and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, in December 2019, over 50,000 new unemployment claims were filed with the California Employment Development Department and in a 12-day period since March 13, 2020, over 1,000,000 Californians filed unemployment claims (<https://www.usatoday.com/story/news/nation/2020/03/25/coronavirus-stimulus-unemployment-census-n-95-cruise-ship-wed-news/5081693002/>); and

WHEREAS, in consideration of the above facts and circumstances, and others set forth therein, the Governor of the State of California, issued Executive Order N-28-20 (dated March 16, 2020), Executive Order N-37-20 (dated March 27, 2020) and Executive Order N-71-20 (dated June 30, 2020), pursuant to which the Governor imposed a statewide eviction moratorium and/or authorized local entities, including cities, to enact moratoriums to prevent evictions (including evictions from rental or leased residential or commercial property or as a result of judicial foreclosure) based on impacts related to the COVID-19 virus (collectively, the “Governor’s Eviction Moratorium Orders”); and

WHEREAS, as a result of the public health emergency and the precautions recommended and ordered by health authorities to address the health crisis of the COVID-19 pandemic, the City of Chula Vista, including its residents, have also been negatively impacted; and

WHEREAS, Chula Vista residents, particularly those within low wage and service industries, are left without work and are experiencing sudden and unexpected loss of income and health care. These households are at risk of maintaining housing and falling into homelessness and may have limited access to health care and therefore, at greater risk of exposure to infectious disease, such as COVID-19; and

WHEREAS, over 42% of the housing stock in the City of Chula Vista is rental housing; and 44% of all Chula Vista renters pay more than 50% of their income towards housing costs (2011-2015 CHAS); and

WHEREAS, 47% of Chula Vista’s households are of lower income and earn 80% of the Area Median Income or less (\$68,000 annual income for a family of four) and 46% of these households pay more than 50% of their income towards housing costs as renters and homeowners (2011-2015 CHAS); and

WHEREAS, even before the COVID-19 pandemic, there existed a lack of affordable housing in the State of California, including San Diego County (<https://www.gov.ca.gov/2019/03/11/governor-newsom-announces-legislative-proposals-to-confront-the-housing-cost-crisis/>); and

WHEREAS, given existing income levels of Chula Vista residents and the existing high cost of housing in San Diego County prior to the COVID-19 pandemic, any further reductions in income would further exacerbate existing housing affordability issues; and

WHEREAS, in consideration of the above facts and circumstances, and consistent with the Governor’s Eviction Moratorium Orders, the City of Chula Vista adopted its own Eviction Moratorium on the terms set forth in Ordinance 3483A (the “City Eviction Moratorium”) to provide eviction protections during this volatile period of time for vulnerable residents and commercial enterprises; and

WHEREAS, Amendments to the City Eviction Moratorium were made on April 7, 2020 to remain consistent with Executive Order N-37-20, provide greater clarity to tenants and landlords in implementing the eviction moratorium and protections provided thereby, and extend the moratorium through May 31, 2020; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, has additionally signed Order 03-2020 approving and adopting Eviction Moratorium Regulations (the “Regulations”) to assist in implementing the City Eviction Moratorium, effective April 1, 2020; and

WHEREAS, in light of the continuing adverse conditions in the community as a result of the COVID-19 pandemic, on May 26, 2020, the City Eviction Moratorium was amended to extend it through June 30, 2020; and

WHEREAS, since the last extension of the City’s Eviction Moratorium, the following has occurred:

- (1) The United States Department of Labor reported an insured unemployment rate of 12.4 percent as of June 27, 2020. Initial unemployment insurance claims totaled 1,399,699 in the week ending July 4, 2020 compared to 231,995 initial claims in the comparable week in 2019, representing a 503% increase. For the week ending June 20, 2020 California was among the highest insured unemployment rates in the nation at 16.7 percent, ranking the 6th highest (<https://www.dol.gov/ui/data.pdf>);
- (2) A study by San Diego Workforce Partnership reported that San Diego County may lose up to 350,000 jobs as a result of the COVID-19 virus (<https://workforce.org/news/potential-impact-of-covid-19-on-employment-in-san-diego-county/>);
- (3) As of July 2, 2020, SANDAG reported the unemployment rate for the San Diego region at 14.8 percent, with roughly 250,000 unemployed people in the region, compared to about 50,000 pre-COVID. Chula Vista’s unemployment rate (based on ZIP code) is higher than the region’s, with the unemployment rate varying between 16 and 19 percent (https://www.sandag.org/uploads/publicationid/publicationid_4685_27681.pdf); and
- (4) As of July 7, 2020, there were 289,468 confirmed cases in California, including 17,580 cases in San Diego County or 6% of the total cases and 399 deaths. The number of cases has continued to grow with San Diego County placed on the State’s monitoring list on July 6, 2020, with San Diego County reporting 129.3 cases per 100,000 on July 6, 2020, well above the State's metric of 100 per 100,000. Chula Vista’s rates of infection have been among the highest in

San Diego County, with 2,290 positive COVID-19 cases as of July 6, 2020 and represents 13.6% of the County's cases.

WHEREAS, with continued rising positive COVID-19 cases in San Diego County and Chula Vista and placement of San Diego County on the State's monitoring list placing restrictions over the next few weeks, further economic impacts are anticipated to continue beyond June 30, 2020, leaving tenants (both commercial and residential) vulnerable to eviction; and

WHEREAS, therefore, on July 1, 2020, the Chula Vista Director of Emergency Services issued Emergency Order No. 005-2020 extending the protections afforded to tenants and homeowners against eviction or foreclosure as set forth in Ordinance No. 3489-A of the City of Chula Vista until 12:00 a.m. on July 31, 2020 (the "DOE Order"); and

WHEREAS, the action proposed by this Resolution would ratify the DOE Order and amend the City Eviction Moratorium to extend it through July 31, 2020; and

WHEREAS, Staff intends to return to City Council on July 28, 2020 to consider whether or not to further extend the City Eviction Moratorium beyond July 31, 2020 based upon further information related to ongoing needed for tenant protections and impacts on the Chula Vista rental market; and

WHEREAS, In the interest of protecting the public health, preventing further transmission of COVID-19 within the community, preventing unnecessary housing displacement, protecting the City's affordable housing stock, preventing further hardship on commercial businesses, the City Council finds that it is necessary, appropriate, and in the best overall interests of the community to extend the City Eviction Moratorium; and

NOW, THEREFORE, based on the facts, circumstances and findings set forth above, the City Council of the City of Chula Vista hereby resolves as follows:

1. Emergency Order 005-2020 of the Chula Vista Director of Emergency Services (Effective July 1, 2020), attached hereto as Attachment A, is hereby ratified and confirmed; and
2. Emergency Ordinance No. 3489-A is hereby extended through July 31, 2020; and
3. City staff is authorized and directed to take all necessary and appropriate measures to implement this action.

Presented by

Approved as to form by

Maria V. Kachadoorian
City Manager/Director of Emergency Services

Glen R. Googins
City Attorney