

## RESOLUTION NO. 20-18

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY WITH ATTENDANT ORDERS

The City Council of the City of Goleta does hereby find, order and resolve as follows:

#### **SECTION 1. Recitals.**

A. Title 2, Section 2.10.060(A)(1.) of the Goleta Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days.

B. A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 12, 2020, the Santa Barbara County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Santa Barbara County. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

D. On March 12, 2020, California Governor Gavin Newsom ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10.

E. On March 14, the City Manager, as the Director of Emergency Services, declared an existence of local emergency, activated its Emergency Operations Center and, out of an abundance of caution, cancelled or postponed all non-essential City-hosted and sponsored programs and events until April 30, 2020 to help prevent further spread of coronavirus and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

F. Effective Monday, March 16, 2020, Goleta City Hall will be open to the public by appointment only.

G. Due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency.

H. The Director of Emergency Services now requests the City Council ratify the Director's declaration of the existence of a local emergency issued on March 14, 2020 in accordance with Goleta Municipal Code Section 2.10.060.

**SECTION 2.** The Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.

**SECTION 3.** It is hereby proclaimed that a local emergency now exists throughout the City. It is further proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by State law and by the ordinances and resolutions of this City.

**SECTION 4.** The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 60 days until this resolution is terminated.

**SECTION 5.** The City Council hereby orders as follows (the "Order"), to take effect immediately and remain in effect for 60 days, unless extended by the City Council or City Manager:

A. Temporary Limitations on Public Places During COVID-19 Crisis.

1. All restaurants, banquet facilities, bars, nightclubs and lounges in the City are hereby ordered closed to onsite patronage; *provided, however,* that take-out orders and delivery of meals are permitted provided that take-out orders are picked up by way of a drive-through window or by a single person and the establishment maintains social distance in any necessary queuing of patrons.
2. All commercial gyms and fitness centers, bowling alleys, movie theaters, and arcades are hereby ordered closed.
3. Access to play structures and exercise equipment in all City parks, beaches, and open spaces is hereby prohibited;
4. The City shall post signs at all City parks, beaches, and open spaces, to the extent feasible, advising that:

- 4.a. COVID-19 is known to survive on various surfaces such as children's play equipment, bathroom surfaces, tables, benches, railings, and other fixtures, for 72 or more hours; and
  - 4.b. Users of public spaces shall maintain social distance of at least six (6) feet between participants as prescribed by the Santa Barbara County Public Health Department;
  - 4.c. Users of public spaces with symptoms consistent with COVID-19 infection are encouraged to isolate themselves at home and contact their health care provider or, if they do not have a health care provider, the Santa Barbara County Department of Health to assist with receiving prompt diagnosis and care.
5. Violation of this order shall be punishable as set forth in Chapter 1.02 of the Goleta Municipal Code; provided, however, that persons in violation of Section 5.A.3 shall first be issued a warning prior to enforcement under Chapter 1.02 of the Goleta Municipal Code.

**B. Temporary Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Crisis.**

1. Notwithstanding anything to the contrary in the Goleta Municipal Code and uncodified regulations, during the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19.
2. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

3. For purposes of this ordinance “financial impacts related to COVID-19” include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.
4. This order applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.
5. Violation of this order shall be punishable as set forth in Chapter 1.02 of the Goleta Municipal Code. In addition, this order grants a defense in the event that an unlawful detainer action is commenced in violation of this order.
6. Nothing in this order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed, or the reasons stated in this ordinance through the eviction process.
7. No other legal remedies available to landlord are affected by this order.

**C. Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis.**

1. Commercial landlords in the City are hereby prohibited from (a) charging rent and (b) evicting commercial tenants for nonpayment of rent with respect to tenants whose businesses are subject to the Orders or are otherwise limited or closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19 and who demonstrate lost income and inability to pay rent as a result of such limitation or closure.
2. A landlord knows of a tenant’s lost income and inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date rent is due, notifies the landlord in writing of the lost

income and inability to pay rent due to a limitation or closure of the tenant's business related to COVID-19, with appropriate supporting documentation. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income they generated during the period of loss. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. All financial information provided to the landlord shall be kept in confidence and only used for evaluating the tenant's claim or enforcing this provision.

3. Violation of this order shall be punishable as set forth in Chapter 1.02 of the Goleta Municipal Code. In addition, this order grants a defense in the event that an unlawful detainer action is commenced in violation of this order.
4. Nothing in this order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed, or the reasons stated in this ordinance through the eviction process.
5. No other legal remedies available to landlord are affected by this order.

**SECTION 6.** In order to prevent inconsistencies, the Director of Emergency Services may suspend any part this Resolution in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature adopts any order or legislation that is inconsistent with the actions directed in the Resolution.

**SECTION 7. Environmental Review.**

The City Council finds that adoption and implementation of this Resolution is not a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed Resolution will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Goleta, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

**SECTION 8.** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of March 2020.

  
PAULA PEROTTE  
MAYOR

ATTEST:

  
DEBORAH S. LOPEZ  
CITY CLERK

APPROVED AS TO FORM:

  
MICHAEL JENKINS  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 20-18 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 17<sup>th</sup> day of March, 2020 by the following roll call vote of the Council:

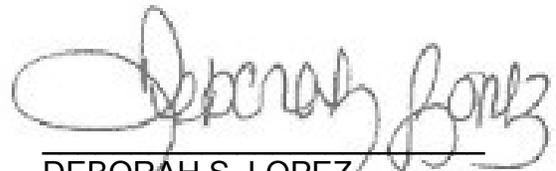
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE RICHARDS,  
COUNCILMEMBERS ACEVES, KASDIN, AND KYRIACO

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)



DEBORAH S. LOPEZ  
CITY CLERK