

**RESOLUTION NO. 77-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
RATIFYING AND EXTENDING THE DIRECTOR OF EMERGENCY  
SERVICE'S FOURTH SUPPLEMENTAL ORDER TO SEPTEMBER 30, 2020**

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**WHEREAS**, California Government Code Section 8630 and Richmond Municipal Code Section 2.20.060 empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said the City of Richmond is affected or likely to be affected by a public calamity and the City Council is not in session, provided that the emergency proclamation is ratified by the City Council within seven days; and

**WHEREAS**, the Director of Emergency Services of the City of Richmond declared the existence of a local emergency on March 10, 2020, and the declaration was approved by the Richmond City Council on March 17, 2020; and

**WHEREAS**, upon the declaration of a state of emergency, Richmond Municipal Code Section 2.20.060A(6)(a) empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property, provided the rules and regulations are confirmed at the earliest practicable time by the City Council; and

**WHEREAS**, on March 16, 2020, the Governor of the State of California, in accordance with the authority vested in him by the State of California and the statutes of the State of California, issued Executive Order N-28-20 that, among other things, suspended 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 evictions; and

**WHEREAS**, in order to bolster the Governor's Executive Order N-28-20, Richmond's Director of Emergency Services issued a First Supplement to Resolution No. 18-20 ("Supplemental Order") by ordering a temporary moratorium on (1) no-fault evictions and (2) evictions for non-payment of rent by residential tenants impacted by COVID-19. The Supplemental Order went into effect on March 17, 2020, and lasts during the local state of emergency; and

**WHEREAS**, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, which directs residents of California to follow state public health directives to stay home or at their place of residence to preserve the public health and safety and capabilities of the healthcare delivery system; and

**WHEREAS**, on March 27, 2020, Governor Gavin Newsom issued Executive Order N-37-20, which extends the tenant's time to respond to a summons and complaint where the tenant notifies the landlord in writing and retains verifiable documentation supporting changed financial circumstances due to COVID-19; and

**WHEREAS**, on April 21, 2020, the Contra Costa County Board of Supervisors voted unanimously to enact an urgency ordinance that temporarily prohibits evictions of tenants in Contra Costa County impacted by COVID-19; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Richmond have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in a loss of income to the widespread portion of the local population that depend on wages or business income to pay rent and medical expenses; and

**WHEREAS**, the COVID-19 pandemic and associated public health orders have resulted in the closure of many local businesses until at least May 3, 2020, and have imposed extreme restrictions on other local businesses until then, and possibly thereafter; and

**WHEREAS**, the Governor of the State of California has stated that individuals exposed to COVID-19 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**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, many of the City's renters are rent-burdened, paying over 30 percent of their income on rent, and some renters are severely rent-burdened, paying over 50 percent of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education; and

**WHEREAS**, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, because homelessness can exacerbate vulnerability to COVID-19, the City must take measures to preserve and increase housing security for City residents to protect public health; and

**WHEREAS**, loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties; and

**WHEREAS**, housing displacement due to rent increase and evictions occurring during the local emergency would hinder individuals from complying with state and local directives to shelter in place, and would lead to increased spread of COVID-19, overburdening the healthcare delivery system and potentially resulting in greater loss of life; and

**WHEREAS**, there is an urgent need for the City to enact substantive limitations on evictions and enact a moratorium on rent increases to protect the health, safety and welfare of its residents in light of the emergency declared regarding the COVID-19 pandemic, including the need to keep residents in their homes during the time that they need to shelter-in-place; and

**WHEREAS**, on April 21, 2020, the Richmond City Council directed staff to prepare legislation that would add additional protections for commercial evictions and enact a moratorium on rent freeze increases; and

**WHEREAS**, on April 27, 2020, the Director of Emergency Services issued a Second Supplemental Order (Resolution 34-20) that extends the prohibition on certain types of evictions to commercial tenants and also prohibits rent increases on residential properties through May 31, 2020, or any extension provided by the Director of Emergency Services based on the existence of a continuing City or County local emergency or shelter-in-place order; and

**WHEREAS**, on May 5, 2020, the Richmond City Council ratified the Director of Emergency Services' Second Supplemental Order (Resolution No. 41-20) that adds protections for commercial properties for evictions and freezes residential rent increases through May 31, 2020, or to a date as determined by the Director of Emergency Services if Contra Costa County's Urgency Ordinance No. 2020-14 is extended; and

**WHEREAS**, on May 18, 2020, the Contra Costa County Health Officer extended the shelter-in place order. The order continues to restrict many activity, travel and business functions, but in light of progress achieved in slowing the spread of COVID-19 in Contra Costa County, the order allows a limited number of additional businesses to

resume operating; and

**WHEREAS**, on May 19, 2020, the Richmond City Council adopted Resolution No. 44-20, which amended Resolution No. 41-20 by extending the grace period to pay back rent for residential and commercial tenants financially impacted by COVID-19 to up to twelve months after the expiration of the Second Supplemental Order or any subsequent orders; and

**WHEREAS**, on May 26, 2020, the Contra Costa County Board of Supervisors adopted Urgency Ordinance No. 2020-16, which extends the prohibition on residential and certain commercial evictions through July 15, 2020; and

**WHEREAS**, on May 26, 2020, the Director of Emergency Services for the City of Richmond advised the City of Richmond City Council that she would extend the timelines in Resolution 44-20 to July 15, 2020, per the City Council’s prior authorization that the Director of Emergency Services do so should Contra Costa County extend Urgency Ordinance No. 20-14; and

**WHEREAS**, on May 26, 2020, the County Board of Supervisors approved Ordinance No. 2020-16, which continued and modified the temporary prohibition on tenant evictions, and continued and modified a residential rent moratorium; and

**WHEREAS**, on May 29, 2020, the Director of Emergency Services for the City of Richmond issued a Third Supplemental Order (Resolution No. 46-20) which extended timelines to July 15, 2020, and any subsequent extensions authorized by the Director of Emergency Services for certain eviction issues related to COVID-19; and

**WHEREAS**, on July 14, 2020, the County Board of Supervisors approved Ordinance No. 2020-20, which extends certain eviction related timelines to September 30, 2020, to be consistent with the Governor’s Executive Order N-71-20; and

**WHEREAS**, on July 14, 2020, the Director of Emergency Services for the City of Richmond issued a Fourth Supplemental Order (Resolution No. 74-20) that extends the timelines for certain eviction issues related to COVID-19 until the City Council takes action to extend the order to a date certain or decline to extend, thereby terminating the Order and allowing County Order (Ordinance No. 2020-20) to apply in its entirety to the City of Richmond.

**NOW, THEREFORE, BE IT HEREBY PROCLAIMED AND ORDERED**, by the City Council of the City of Richmond that the City Council ratifies the Fourth Supplemental Order and extends the Fourth Supplemental Order to September 30, 2020.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held July 21, 2020, by the following vote:

AYES: Councilmembers Choi, Johnson, Martinez Myrick, and Willis.  
NOES: Vice Mayor Bates and Mayor Butt.  
ABSTENTIONS: None.  
ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

TOM BUTT  
Mayor

Approved as to form:

RACHEL SOMMOVILLA  
Interim City Attorney

State of California }  
County of Contra Costa : ss.  
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 77-20**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 7, 2020.

  
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Pamela Christian, Clerk of the City of Richmond