

RESOLUTION NO. 22-23

TERMINATING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC, CONSISTENT WITH GOVERNMENT CODE SECTION 8630(d)

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 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, conditions of disaster or extreme peril to the safety of persons and property arose within the City, commencing on March 10, 2020, caused by the introduction in Contra Costa County of coronavirus disease 2019 (“COVID-19”), an infectious disease which had become a pandemic; 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) empowered 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 were 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 directed 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 extended 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 prohibited evictions of tenants in Contra Costa County impacted by COVID-19; and

WHEREAS, on April 27, 2020, the City of Richmond City Manager issued an Order which, among other things, suspended an owner's ability to increase residential real property rent through May 31, 2020; 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, restricting many activity, travel, and business functions; and

WHEREAS, on May 26, 2020, the City of Richmond City Manager extended her April 27, 2020, Order, setting it to expire on July 15, 2020; and

WHEREAS, on July 14, 2020, the City of Richmond City Manager extended her April 27, 2020, Order, setting it to remain in effect until the City Council took action to extend the Order to a date certain, terminate the Order or decline to extend the Order; and

WHEREAS, on July 21, 2020, the City of Richmond City Council ratified the City Manager's July 14, 2020, extension and ordered that the extension expire on September 30, 2020; and

WHEREAS, on October 1, 2020, the City of Richmond City Manager's April 27, 2020, extended Order expired; however, Richmond residents remained covered under Contra Costa County's eviction and rent moratorium, which, among other things, suspended owners' ability to increase rents; and

WHEREAS, Urgency Ordinance No. 02-21 "Eviction Moratorium" was enacted on March 23, 2021, and prevents landlords from evicting a tenant of a residential unit during the local declaration of emergency and continuing for sixty (60) days thereafter except when: (1) a nuisance poses an imminent health or safety threat, (2) the tenant has failed to pay rent that came due between March 1, 2020, and June, 30, 2021 pursuant to Code of Civil Procedure Section 1161(2), and/or (3) the termination is to remove the residential real property from the rental market, but only when authorized by Government Code section 7060 *et seq.* and performed consistent with Richmond Rent Board Regulation Chapter 5; and

WHEREAS, Urgency Ordinance No. 13-22 "Eviction Moratorium" amended Ordinance No. 02-21 "Eviction Moratorium" as adopted on October 25, 2022, to require any notice of termination of tenancy served on a tenant of a residential unit during the local emergency and for sixty (60) days thereafter to include a statement about the Emergency Eviction Moratorium; and

WHEREAS, Urgency Ordinance, 12-20 "Authorizing the Zoning Administrator to Waive Requirements of Article XV of the Richmond Municipal Code Related To Outdoor Dining, Sales and Community Assembly to Facilitate Certain Business and Organizational Operations Impacted By Covid-19" as adopted on June 23, 2020, authorized the zoning administrator to issue temporary use permits to facilitate outdoor dining through December 31, 2020, with the option to extend such permits during the duration of the local emergency declaration; and

WHEREAS, the ability to participate as a city commissioner or board member on a remote basis has expanded community involvement with City boards and commissions and should be continued to the extent possible; and

WHEREAS, the State of California's COVID-19 Pandemic Emergency is set to expire on February 28, 2023; and

WHEREAS, on February 7, 2023, the Contra Costa County Board of Supervisors voted to terminate, effective February 28, 2023, the local emergency throughout Contra Costa County proclaimed by the Board of Supervisors on March 10, 2020, due to the COVID-19 pandemic, consistent with the end of the statewide state of emergency; and

WHEREAS, the City Council finds that the conditions that existed in March 2020 that led to the initial declaration of a local emergency no longer support continuing that declaration; and

WHEREAS, while the conditions that existed in March 2020 that led to the initial declaration of a local emergency no longer support continuing that declaration, its expiration is expected to have impacts on the commercial and residential sectors of the of the City of Richmond; and

WHEREAS, adoption of this resolution is exempt from review under the California Environmental Quality Act Guidelines, Section 15378 (not a project) and Section 15061(b)(3) (no significant environmental impact).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond does resolve, declare, determine, and order the following:

Section 1. The City Council finds and determines that the foregoing recitals to be true and correct and hereby incorporates them in this resolution.

Section 2. The City Council declares that the continuation of the previously declared local emergency relating to COVID-19 is no longer appropriate given that the conditions no longer warrant such a proclamation and as a result such declaration of local emergency is hereby terminated.

Section 3. The City Council directs the Rent Board for the City of Richmond to evaluate the need for and scope of any mitigation efforts arising from the expiration of the Eviction Moratorium and submit its recommendations to the City Council within thirty (30) days of this Resolution.

Section 4. The City Council further directs the City Manager to timely report back to the Council on any other City policies or practices which may be impacted by the termination of the emergency declaration, including a report on (i) the legal and technical viability of hybrid remote meetings; (ii) cessation of authority to issue outdoor dining permits; (iii) what measures could be taken to continue the option of City commissioners and board members participating remotely in legislative body meetings and (iv) consider the impacts on other similar policies and priorities.

Section 5. This resolution is effective immediately upon its passage and adoption.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond, at a regular meeting thereof held on February 28, 2023, by the following vote:

AYES: Councilmembers Bana, Jimenez, Robinson, Zepeda, Vice Mayor McLaughlin, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Willis.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
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. 22-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 28, 2023.



Pamela Christian, Clerk of the City of Richmond