



**ORDINANCE NO. ORD20-\_\_**

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS ADDING  
CHAPTER 7.93 TO THE MONO COUNTY CODE TO PROHIBIT RESIDENTIAL  
OR COMMERCIAL EVICTIONS THROUGH MAY 31, 2020, ARISING  
FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES  
RELATED TO THE CORONA VIRUS PANDEMIC**

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

**WHEREAS**, on March 15, 2020, the Mono County Health Officer declared a local health emergency related to the COVID-19 pandemic. The declaration was ratified by the Mono County Board of Supervisors on March 17, 2020, and the Board also declared a state of emergency under the California Emergency Services Act; and

**WHEREAS**, in light of the COVID-19 pandemic and the state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order N-28-20, which order is attached hereto as Exhibit A and incorporated by this reference, suspending any provision of state law prohibiting local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

**WHEREAS**, on March 17, 2020, the Mono County Health Officer ordered the closure of all local bars, cessation of in-room dining in restaurants and a prohibition of non-essential public gatherings; and

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in the closure of many local businesses until such time as these orders are lifted, and result in extreme restrictions on other local businesses until then, and possibly thereafter; and

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

**WHEREAS**, Mono County is experiencing a housing affordability crisis, which was driving displacement of residents even prior to the COVID-19 pandemic; and

**WHEREAS**, many Mono County renters are rent-burdened, paying large percentages of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education; and

**WHEREAS**, evictions due to the COVID-19 pandemic, if not protected against, present an immediate threat to the public peace, health and safety as described in Government Code

1 section 25123(d) in that they will cause the displacement of residents and contribute to an ever  
2 increasing housing crisis; and

3 **WHEREAS**, the Board has determined that it is appropriate to temporarily prohibit  
4 evictions, through May 31, 2020, for any tenant (residential or commercial) who can demonstrate  
5 that they are being evicted for the failure to pay rent, and that such failure is a direct impact of  
6 the COVID-19 pandemic; and

7 **WHEREAS**, there is an urgent need for the County of Mono to enact such substantive  
8 limitations to protect the health, safety and welfare of its citizens in light of the emergency  
9 declared by the State and County regarding the COVID-19 pandemic.

10 **NOW, THEREFORE**, the Board of Supervisors of the County of Mono ordains that:

## 11 **SECTION I**

12 Chapter 7.93 is hereby added to the Mono County Code, to read as follows:

### 13 **Chapter 7.93**

## 14 **PROHIBITION ON EVICTIONS ARISING FROM SUBSTANTIAL INCOME 15 LOSS OR MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC**

16 Sections:

17 **7.93.010 Purpose.**

18 **7.93.020 Definitions.**

19 **7.93.030 Prohibition on evictions stemming from coronavirus pandemic losses.**

20 **7.93.040 Enforcement and Penalties.**

21 **7.93.050 Severability.**

22 **7.93.010 Purpose.**

23 Pursuant to the general police power of the County to protect the health, safety and  
24 welfare of its citizens, this chapter prohibits evictions through May 31, 2020, for any tenant  
25 leasing property located within the unincorporated areas of Mono County who can demonstrate  
26 that they have received a notice of eviction for failure to pay rent, and that such failure is related  
27 to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the  
28 2020 novel coronavirus pandemic or any local, state, or federal government response to the  
29 pandemic.

30 **7.93.020 Definitions.**

31 The following words and phrases, whenever used in this chapter, shall be construed as  
32 defined in this section.

(A) "Commercial real property" means any real property that is used for business or  
income-producing purposes.

(B) "Owner" means any person, acting as principal or through an agent, providing  
residential or commercial real property for rent, and includes a predecessor in interest to the  
owner.

1 (C) "Residential real property" means any dwelling or unit that is intended or used for  
2 human habitation.

3 (D) "Tenancy" means the lawful occupation of residential or commercial real property  
4 and includes a lease or sublease.

5 **7.93.030 Prohibition on evictions stemming from coronavirus pandemic losses.**

6 (A) Through May 31, 2020, the owner of residential or commercial real property shall  
7 not terminate a tenancy for failure to pay rent if the tenant demonstrates that the failure to pay  
8 rent is directly related to a substantial loss of income or substantial out-of-pocket medical  
9 expenses associated with the coronavirus pandemic or any local, state, or federal government  
10 response to the pandemic.

11 (B) In order for this section to apply, a tenant must demonstrate through documentation  
12 or other objectively verifiable means:

13 (1) Substantial loss of income from (a) job loss; (b) layoff; (c) a reduction in the  
14 number of compensable hours of work; (d) a store, restaurant, office, or business closure; (e) a  
15 substantial decrease in business income caused by a reduction in opening hours or consumer  
16 demand; (f) the need to miss work to care for a home-bound school-age child or a family  
17 member infected with coronavirus; or (g) other similarly-caused loss of income that resulted  
18 from the pandemic; or

19 (2) Substantial out-of-pocket medical expenses related to the pandemic.

20 (C) This prohibition shall also apply to an owner's action that constitutes constructive  
21 eviction under California law. An owner's failure to comply with this ordinance shall render any  
22 notice of termination of tenancy void. This section may be asserted as an affirmative defense in  
23 an unlawful detainer action. Terminations that are required to comply with an order issued by a  
24 government agency or court requiring that the real property be vacated are excepted from this  
25 prohibition. An owner's failure to comply with this ordinance does not constitute a criminal  
26 offense but will subject an owner to civil fines and penalties as outlined more specifically in  
27 section 7.93.040.

28 (D) Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor  
29 restrict a landlord's ability to recover rent due.

30 (E) This ordinance shall be liberally construed to provide the broadest possible  
31 protection for tenants in the unincorporated area of the County.

32 **7.93.040 Enforcement and Penalties.**

(A) The remedies provided by this chapter are cumulative and in addition to any other  
remedies available at law or in equity.

(B) Any violation of this chapter may be enforced through administrative citation and  
penalty as provided in Chapter 1.12 of the Mono County Code except that the amount of the  
administrative penalty shall be one thousand dollars per day.

(C) Each and every violation of this chapter, or applicable state law or regulation shall  
constitute a separate violation per day and shall be subject to all remedies and enforcement

measures authorized by the Mono County Code or otherwise authorized by law. Additionally, any violation shall be subject to injunctive relief, disgorgement to the county of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, restitution, and any other relief or remedy available at law or in equity. The county, including the office of the district attorney and the office of the county counsel, may pursue any and all remedies and actions available and applicable under state and local laws for any violations.

#### **7.93.050 Severability.**

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The Board of Supervisors hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

### **SECTION II**

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.)

### **SECTION III**

**Effective Date.** This ordinance shall take effect immediately as an urgency ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123(d), that it is necessary for the protection of the public peace, health and safety for the reasons contained in the findings set forth at the beginning of this ordinance, which are incorporated by reference herein, and that it is necessary to prevent the County of Mono from suffering potentially irreversible displacement of tenants resulting from the evictions that this ordinance is designed to prevent.

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**PASSED, APPROVED and ADOPTED** this 26<sup>th</sup> day of March, 2020, by the following vote, to wit:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Stacy Corless, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel