



**Rick Cole**  
*City Manager*

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**REVISED FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 13, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective the City’s response to the novel coronavirus (“COVID-19”) and this local emergency was restated on March 14, 2020, through a revised declaration of local emergency to ensure compliance with all digital signature requirements; and

WHEREAS the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants in Santa Monica have experienced or expect soon to experience sudden and unexpected income loss; 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 residential and commercial tenants vulnerable to eviction; 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, to prevent housed individuals from falling into homelessness, and to prevent loss of local businesses; and

WHEREAS this local emergency includes an economic crisis that could only worsen the existing housing crisis in the City and in Los Angeles County; and

WHEREAS the City cannot mitigate in the emergency environment the instability that might occur when multi-family buildings are removed from the rental market under the Ellis Act; and

WHEREAS Ellis Act removals would displace residents from their homes during imposition of COVID-19 related social distancing, quarantine, and home isolation orders that make searching for new housing infeasible and potentially dangerous to one's health and safety; and

WHEREAS, on March 16, 2020, the Governor of the State of California, in further response to this emergency, suspended any and all provisions of state law that would preempt or otherwise restrict a local government's exercise of its police powers to impose substantive limitations on residential and commercial evictions with respect to COVID19-related rent payment issues;

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Rick Cole, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following revised order to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. A temporary moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a residential or commercial tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction if any member of the household is sick, in isolation, or under quarantine. 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 and thus knows the tenant has a substantive defense to any eviction 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 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. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. 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 Order; nor may a landlord seek rent that is delayed or the reasons stated in this Order through the eviction process. The protections in this paragraph shall remain in effect until May 31, 2020, unless extended.

b. For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, residential 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.

c. For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, commercial tenant substantial loss of income due to any of the following: (1) lost business income as a result of the commercial tenant or its employees, being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lost business income as a result of reduction in or closure of hours of operation, increase in costs and labor, delays or interruptions or any other economic impacts of COVID-19; (3) lost business income due to compliance with a

recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency.

d. For purposes of this Revised Order, “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

e. This Revised Order applies to nonpayment eviction notices, no-fault 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.

f. This Revised Order shall be punishable as set forth in Section 2.16.100 of the Santa Monica Municipal Code. In addition, this Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order. In addition, the City’s Tenant Harassment Ordinance prohibits attempted evictions which are untenable based on facts known to the landlord, as set forth in Section 4.56.020(i)(1) of the Santa Monica Municipal Code.

g. This Revised Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Revised Order.

2. As a result of the local emergency and to prevent disruption of residential housing during a period in which multiple health authorities have directed widespread social distancing, home quarantine, and home isolation, the City hereby prohibits the removal of any residential rental unit from the rental market pursuant to the Ellis Act. For any rental unit that has been removed from the rental market pursuant to the Ellis Act, the period of time before such a tenancy is terminated after notice shall not begin until sixty days after the expiration of this Revised Order.

3. The First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency is hereby retracted. This Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency expressly supersedes and replaces that prior Order.

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4. This Order shall take effect immediately and shall remain in effect until April 15, 2020, at 11:59 p.m, at which time it will automatically expire unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services.

ADOPTED this 18th day of March 2020.

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By: \_\_\_\_\_  
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RICK COLE  
City Manager  
Director of Emergency Services

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:  
  
E2F85B056A714C3...  
DENISE ANDERSON-WARREN  
City Clerk

DocuSigned by:  
  
FEC6DBA8A0D3460  
LANE DILG  
City Attorney