



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager
Winnie Cai, Assistant City Attorney

SUBJECT: Resolution Amending Resolution No. 20-18 to Add Penalties for Violations of Eviction Prohibitions

RECOMMENDATION:

Adopt Resolution No. 20-__ entitled, “A Resolution the City Council of the City of Goleta, California Amending Resolution No. 20-18 to Add Penalties for Violations of Eviction Prohibitions.”

BACKGROUND:

In response to the COVID-19 pandemic, the State and local governments have passed regulations asking the public to shelter in place, not gather in public places, social distance and adopt hygienic practices. On March 17, 2019, the City passed Resolution 20-18 which ratified the City Manager’s declaration of local emergency and imposed attendant orders, including: (1) requiring the closure of restaurants and bars, gyms, movie theaters, etc.; (2) prohibiting access to play structures and exercise equipment in City parks and beaches; (3) requiring signs about social distancing to be posted in the City’s parks and beaches; and (4) prohibiting residential and commercial evictions based on nonpayment of rent due to lost income from COVID-19.

On March 27, 2020, the Governor issued Executive Order N-37-20 to prohibit residential evictions based on lost income due to COVID-19, which is very similar to the City’s eviction prohibitions. The language of the Governor’s Order is broad, and the City’s order contains much more detail, which would make for local enforcement. Where the Governor’s Order differs from the City’s order, the City would defer to the Governor’s Order. This practice is in accordance with Section 5 of Resolution 20-18 which provides that the Director of Emergency Services may suspend any part of the resolution if a higher level of government issues an order that is inconsistent with the resolution.

DISCUSSION:

Also, on the agenda for April 7, 2020 is an urgency ordinance to amend Chapter 2.10 of the Goleta Municipal Code to add a penalty provision for violations of an emergency order. The ordinance provides for enforcement remedies, including imposition of an

administrative citation or prosecution of a misdemeanor. Both these remedies would apply to violations of Resolution 20-18.

Staff believes that, with regard to the administrative citation enforcement mechanism, it is in the City's best interest to impose greater administrative penalties for a violation of the eviction prohibitions in Resolution 20-18. If no other fines are imposed for a violation of a specific code, the standard penalties for administrative citations would apply:

1. \$100 per occurrence for the first violation
2. \$200 per occurrence for the second violation within one year from the date of the first violation.
3. \$500 per occurrence for each additional violation within one year from the date of the first violation. (GMC section 1.02.080.)

Staff proposes the following greater penalties for violations of the eviction prohibitions:

1. \$5,000 per occurrence for the first violation
2. \$7,500 per occurrence for the second violation within one year from the date of the first violation.
3. \$10,000 per occurrence for each additional violation within one year from the date of the first violation.

Staff believes that setting the rates higher than the standard amounts would be more of an effective deterrent. A low standard penalty would likely not deter a landlord from evicting a tenant who could not pay rent due to COVID-19. A landlord could easily choose to pay the administrative penalty of \$100 rather than follow the City's orders. A \$5,000 penalty imposes a much higher financial cost to disregarding the City's orders. The higher penalties would further the public policy of stabilizing residential and commercial tenancies in the City during the local emergency and would further the public policies behind the imposition of the eviction prohibitions. Staff proposes that Council adopt the attached resolution amending Resolution 20-18 to include the higher penalty schedule.

FISCAL IMPACTS:

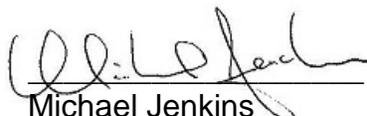
There are no fiscal impacts for adding penalties for violations of eviction prohibitions, except staff time. Penalties incurred from evictions will be dependent upon actual activity.

Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution of the City Council of the City of Goleta, California Amending Resolution No. 20-18 to Add Penalties for Violations of Eviction Prohibitions

ATTACHMENT 1:

Resolution of the City Council of the City of Goleta, California Amending Resolution No. 20-18 to Add Penalties for Violations of Eviction Prohibitions

RESOLUTION NO. 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING RESOLUTION NO. 20-18 TO ADD PENALTIES FOR VIOLATIONS OF EVICTION ORDERS

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

SECTION 1. Recitals.

A. On March 17, 2020, the City Council adopted Resolution 20-18 which ratified the City Manager's emergency declaration due to COVID-19 and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from COVID-19.

B. On March 19, 2020, the Governor issued Executive Order 33-20, which ordered all residents to immediately heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

SECTION 2. Resolution No. 20-18 is hereby amended to include penalty provisions to the eviction prohibitions as follows:

A. Add a new number 8 to Section 5(B) to read as follows:

"In addition to enforcement remedies available to the City as provided in the Goleta Municipal Code, this Section 5(B) shall be enforceable by way of an administrative citation pursuant to Goleta Municipal Code Chapter 1.02. Pursuant to GMC section 1.02.080 Amount of Administrative Fines, the amount of fine for a violation of this Section 5(B) shall be as follows: \$5,000 per occurrence for the first violation; \$7,500 per occurrence for the second violation; and \$10,000 per occurrence for third violation or subsequent violations committed within one year of the first violation."

B. Add a new number 6 to Section 5(C) to read as follows:

"In addition to enforcement remedies available to the City as provided in the Goleta Municipal Code, this Section 5(C) shall be enforceable by way of an administrative citation pursuant to Goleta Municipal Code Chapter 1.02. Pursuant to GMC section 1.02.080 Amount of Administrative Fines, the amount of fine for a violation of this Section 5(C) shall be as follows: \$5,000 per

occurrence for first violation; \$7,500 per occurrence for the second violation; and \$10,000 per occurrence for the third violation or subsequent violations committed within one year of the first violation.”

SECTION 3. 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 7th day of April 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

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-xx was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 7th day of
April, 2020 by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK