



Office of the Mayor

ACTION CALENDAR  
March 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin, Councilmembers Rigel Robinson, Councilmember Kate Harrison,

Subject: Urgency Ordinance Adopting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance

RECOMMENDATION

Adopt an Urgency Ordinance adding Berkeley Municipal Code Chapter 13.110, the COVID-19 Emergency Response Ordinance, to provide protections to residential tenants against evictions during the declared state of emergency, to preserve the health and safety of the Berkeley community.

BACKGROUND

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”). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as “the State of Emergency”), which the City Council subsequently ratified on March 10, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19. City of Berkeley Public Health Officer Dr. Lisa Hernandez has 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 COVID-19. As a result of the State of Emergency and the government-recommended precautions by federal, state and local officials, many tenants have experienced sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to eviction. In addition, tenants who contract COVID-19 are required to self-quarantine which will require time away from work. During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness.

In the last week, jurisdictions around the country have introduced similar legislation including San Jose, Oakland, Los Angeles, San Francisco and Philadelphia.

In addition, Governor Newsom declared a State of Emergency and issued Executive Order N-25-20 to prepare for the COVID-19 pandemic. Governor Newsom's March 4, 2020 proclamation on the State of Emergency<sup>1</sup> makes additional resources available, formalizes emergency actions already underway across multiple state agencies and departments, and helps the state prepare for broader spread of COVID-19. On March 12, 2020 Governor Newsom issued Executive Order N-25-20, "Enhancing State and Local Government's Ability to Respond to COVID-19 Pandemic".<sup>2</sup> The Governor's order:

- Waives the one-week waiting period for people who are unemployed and/or disabled as a result of COVID-19;
- Delays the deadline for state tax filing by 60 days for individuals and businesses unable to file on time based on compliance with public health requirements related to COVID-19 filings;
- Directs residents to follow public health directives and guidance, including to cancel large non-essential gatherings that do not meet state criteria;
- Readies the state to commandeer property for temporary residences and medical facilities for quarantining, isolating or treating individuals;
- Allows local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically; and
- Allows local and state emergency administrators to act quickly to protect public health

#### FISCAL IMPACTS OF RECOMMENDATION

None

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this action.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

1: Urgency Ordinance

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<sup>1</sup> <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

<sup>2</sup> <https://www.gov.ca.gov/2020/03/12/governor-newsom-issues-new-executive-order-further-enhancing-state-and-local-governments-ability-to-respond-to-covid-19-pandemic/>



Attachment  
To Be Delivered

This attachment will be delivered by the submitting office.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site:**  
<http://www.cityofberkeley.info/citycouncil/>

