



Temporary Moratorium on Evictions Due to COVID-19 Emergency

Frequently Asked Questions (FAQs)

Urgency Ordinance NO. 960-2020: Adopted by the City of Fort Bragg City Council on March 30, 2020.

General information

During its special City Council meeting on March 30, 2020, the Fort Bragg City Council unanimously approved an Eviction Moratorium which forbids a landlord from initiating eviction of residential or commercial tenants within City limits for nonpayment of rent as a result of a substantial decrease in household or business income or from substantial out-of-pocket medical expenses caused by the COVID-19 pandemic.

The City of Fort Bragg's Eviction Moratorium adds to the protections already afforded to residential tenants under [Governor Newsom's Executive Order No-37-20](#). Moreover, the [Governor's 90-day Mortgage Relief Package](#) provides homeowners a ninety (90) day grace period for late payments as a result of COVID-19.

Who does this ordinance apply to?

The ordinance is aimed at protecting tenants who are at risk of eviction due to financial hardship as a result of the COVID-19 pandemic, in an effort to keep people housed and protect the health and well-being of the community. We encourage all tenants and landlords to work together to avoid evictions.

What is the goal of this ordinance?

- 1) To protect the health and well-being of the whole community during this state of emergency;
- 2) To stabilize the rental housing market by reducing displacement; and
- 3) To avoid increasing the homeless population.

Will tenants still be responsible for any unpaid rents?

Yes, this ordinance does NOT relieve tenants of their rental obligations. Renters should contribute the amount that they can each month, and will still be responsible for paying any back rent owed to their landlords. Tenants will have up to six (6) months after the Moratorium expires on May 31, 2020 to repay all unpaid rent amounts. So long as tenants repay the unpaid rents within 180 days from May 31, 2020, no late fees or penalties will apply.

How and when should tenants notify their landlord if unable to pay their rent?

To be protected under this Ordinance, tenants must notify their landlord in writing (including email or text) as soon as they know they will be unable to pay their full rent and within a minimum of seven (7) days before rent is due, with the exception of rent due on April 1st. Tenants must also provide verifiable documentation to their landlords within thirty (30) days of the rent due date.

Can a landlord still evict a tenant for non-COVID related issues?

This Moratorium does NOT impede a landlord's ability to commence eviction proceedings for other non-COVID-19 related reasons. The goal of the ordinance is to provide stability for renters, including small businesses, who may be experiencing economic hardship as a result of the current crisis. Landlords are encouraged to delay all evictions, but may still terminate a lease in certain cases. Landlords are also encouraged to provide additional notice to tenants.

What resources are available to landlords who depend on rental income to pay their mortgages?

The City's Moratorium extends protection from foreclosure to commercial and residential property owners whose mortgages are held by Fort Bragg financial institutions. To provide some financial relief to Fort Bragg landlords, particularly those not covered by the Governor's Mortgage Relief Package, the City Council directed staff to develop a zero interest loan program for landlords detrimentally impacted by the City's Moratorium. The zero interest loan program is expected to be considered by the City Council at a special meeting the week of April 6, 2020. Landlords are encouraged to reach out to their lenders immediately following notification from their tenants. Additionally, congress is likely to address this issue in upcoming federal relief packages.

Is this ordinance retroactive?

No. This ordinance will be applied to any eviction resulting from economic losses related to the novel coronavirus COVID-19 pandemic effective immediately starting on March 30, 2020.

The Fort Bragg City Council and City Administration is committed to do all they can to help our citizens and businesses recover from the aftermath of this pandemic.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN UNPUBLISHED AND UNCODIFIED
AMENDMENT TO URGENCY
ORDINANCE OF THE CITY OF FORT
BRAGG ESTABLISHING A TEMPORARY
MORATORIUM AND EXTENDING THE
EXPIRATION TO SEPTEMBER 30, 2020
AND DECLARING THE AMENDMENT TO
BE AN EMERGENCY MEASURE TO
TAKE EFFECT IMMEDIATELY UPON
ADOPTION**

**THIRD AMENDMENT TO
URGENCY ORDINANCE
NO. 960-2020**

**THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY
INCORPORATE ORDINANCE 960-2020 AND SUBSEQUENT AMENDMENTS BY
REFERENCE AND AMENDS AND REPLACES SECTIONS 1 AND 2 OF SAID
ORDINANCE 960-2020 AS FOLLOWS:**

SECTION 1. Findings and Emergency Declaration.

The City Council finds and declares as follows:

- A. In order to address the immediate threat to the public peace, health and safety, this ordinance extends the temporary eviction moratorium throughout the City of Fort Bragg related to the existence of the COVID-19 pandemic emergency.
- B. This ordinance is an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934 based on the facts recited above.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through September 30, 2020, unless otherwise terminated:

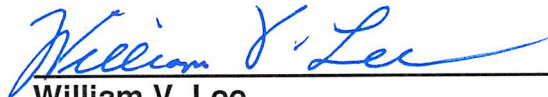
- A. The basis of the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

- B. The decrease in household or business income or the out-of-pocket medical expenses described in Paragraph A was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented; and
- C. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
 - a. Notify the landlord in writing seven (7) days before the day rent is due that the tenant has a covered reason for delayed payment, except rent due August 1, 2020;
 - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due.

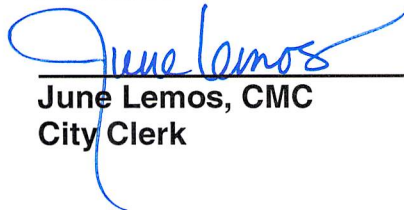
Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The foregoing Urgency Ordinance Amendment was introduced by Councilmember Peters and adopted at a regular meeting of the City Council of the City of Fort Bragg held on July 27, 2020 by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Lee.
NOES: Councilmember Norvell.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



William V. Lee,
Mayor

ATTEST:


June Lemos, CMC
City Clerk

EFFECTIVE DATE: July 27, 2020.