

Dear Mayor Harvey and Councilmembers:

After reviewing the proposed City Urgency Ordinance (UO) which is before you tonight, and discussing its contents with others, I am suggesting that the changes which are set forth on the attached document be incorporated into the UO as part of the UO's introduction and adoption.

#### Section 4 Modifications

The first paragraph of Section 4 of the UO essentially adopts by reference the substantive provisions of the County's *residential* eviction moratorium ordinance. The UO specifies that sections I, II and III (1)-(5) of the County's *residential* eviction moratorium ordinance are to be adopted. However, section III (3) of the County's *residential* eviction moratorium ordinance specifies a termination date that is different from the termination date specified in the UO (at Section 3). So, the attached document provides that section III (3) of the County's *residential* eviction moratorium ordinance is not being adopted by the UO.

Additionally, Section 4 (A) of the UO includes amendments to the County's *residential* eviction moratorium ordinance. These amendments provide greater clarity as to the County's existing 60-day grace or repayment period and, further, add a provision prohibiting the landlord from imposing late fees, penalties or interest on residential rent lawfully withheld during the COVID emergency.

The changes which I am proposing in the attached document conform Section 4(A) of the UO with its counterpart (Section 5(C) of the UO) found in the part of the proposed UO imposing a moratorium on *commercial* evictions; first, by adding a provision allowing residential landlords and their tenants to strike their own repayment agreements provided that the agreement imposes a repayment period no less than 60 days, and, second, by clarifying that a landlord cannot initiate eviction proceedings against a residential tenant who has delayed the payment of residential rent as long as that payment delay was in conformance with the UO or the landlord-tenant agreement.

#### Section 5 Modifications

Section 5(A)(3) of the UO defines "rent." Because the County's *residential* eviction moratorium ordinance does not include a definition of "rent," this definition should be made applicable to both residential and commercial rents. The changes set forth in the attached document make the definition of rent applicable to both residential and commercial tenancies.

Section 5(C) of the UO sets forth the 60-day grace or repayment period verbiage for rent that is not paid by a commercial tenant. The changes shown to Section 5(C) of the UO on the attached document are consistent with those being proposed to Section 4(A) of the UO described above.