

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF LIVERMORE**

ESTABLISHING A TEMPORARY MORATORIUM ON THE IMPOSITION OF THE CITY OF LIVERMORE'S FINES, PENALTIES AND INTEREST IMPOSED FOR FAILURE TO TIMELY PAY THE CITY'S TRANSIENT OCCUPANCY TAX, BUSINESS LICENSE TAX, OR TO PAY INVOICES FROM THE CITY FOR WATER OR SEWER UTILITY SERVICES, AS A RESULT OF A LOSS OF INCOME RELATED TO COVID-19

On March 13, 2020, under the authority contained in California Government Code section 8634 and City of Livermore Municipal Code sections 2.56.050 and 2.56.060, I declared the existence of a local emergency in the City of Livermore.

On March 16, 2020, the City Council of the City of Livermore adopted a resolution ratifying the proclamation of the existence of a local emergency in the City of Livermore.

On March 16, 2020, California Governor Gavin Newsom issued Executive Order N-28-20 permitting local governments to exercise their police power to impose substantive limitations on residential and commercial evictions under specified circumstances related to the COVID-19 pandemic or government response to COVID-19.

As a result of the public health emergency and the precautions recommended by the health authorities, many residents and businesses in the City of Livermore have experienced or expect to experience a sudden and unexpected income loss. Further economic impacts are anticipated, straining resources and ability to pay even basic operating costs.

On March 25, 2020, I exercised my authority as the Director of Emergency Services and issued an order establishing a temporary moratorium on residential and commercial evictions for tenants that demonstrate an inability to pay rent due to, or arising out of, a substantial decrease in household or business income or substantial out of pocket medical expense, either of which was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented in writing.

The City of Livermore's Municipal Code (LMC) imposes fines, penalties, and interest when a responsible business owner, property owner, or resident does not pay the City's transient occupancy tax, business license tax, or utility bills for water or sewer service provided by the City of Livermore when due. The financial hardships that warranted my order for temporary moratorium on evictions also warrants a temporary moratorium on the imposition of those fines, penalties, and interest by the City of Livermore.

The City of Livermore's Municipal Code further authorizes Livermore Sanitation Inc. (LSI) to impose penalties for non-payment of fees related to its collection services. LSI has been waiving penalties and fees in a responsible manner in connection with the current emergency. Because the penalties authorized by Livermore Municipal Code section 8.08.140 are permissive and not mandatory, no further action is required.

Order re: Temporary Moratorium the City of Livermore's Fines, Penalties and Interest

Under California Government Code section 8634 and Livermore Municipal Code section 2.56.060.B.1, I am empowered upon the proclamation of a local emergency to make and issue orders and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. These orders and regulations are to be confirmed by the City Council at the earliest practicable time.

THEREFORE, I, Marc Roberts, as Director of Emergency Services, order the following:

1. During the term of this Order, the City of Livermore shall temporarily suspend the fines, penalties, and interest imposed by the following sections of the Livermore Municipal Code for failure to pay the listed payments when due from the responsible business owner, property owner, or resident when the failure to pay is due to, or arises out of, a substantial decrease in household or business income or substantial out of pocket medical expense, caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and the responsible business owner, property owner, or resident provides the documentation and certification meeting the requirements in section 2 of this Order:

Transient Occupancy Tax – LMC section 3.12.090

Business License Tax – LMC section 3.08.370

Utility Invoice for City Sewer Service – LMC section 13.36.200

Utility Invoice for City Water Service – LMC section 13.20.010

2. To qualify for the temporary suspension of the fines, penalties, and interest imposed by the Livermore Municipal Code for failure to pay the listed payments in section 1, the responsible business owner, property owner, or resident must provide written documentation that is objectively verifiable, along with a certification under penalty of perjury, that the inability to pay is due to, or arises out of, a substantial decrease in household or business income or substantial out of pocket medical expense, caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

“Substantial decrease in household income” includes, but is not limited to income loss caused by COVID-19 illness or caring for a household or family member with COVID-19 illness, work closures, layoffs, job loss, a reduction in the number of compensable hours or other economic or employer impacts of COVID-19, missing work due to provide childcare in response to a minor child’s school or day care closure due to COVID-19 impacts, compliance with government health authority orders, or other similarly-caused reason resulting in loss of household income due to COVID-19.

“Substantial decrease in business income” includes, but is not limited to, income loss caused by work closures, reduction in staff reporting to work, reduction in opening hours, or reduction in customer demand, compliance with government health authority

orders, or other similarly-caused reason resulting in loss of business income due to COVID-19.

A “responsible business owner, property owner, or resident” means the one identified in the Livermore Municipal Code, identified in an invoice, or the person that opened a water or sewer service utility account with the City of Livermore, for the listed payments in section 1.

The certification is as follows:

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America, and the laws of the State of California, County of Alameda, and City of Livermore that the foregoing is true and correct.

Executed on (date).

Signature:

3. This temporary moratorium only applies to the fines, penalties, and interest listed in paragraph 1 above, that would have otherwise been imposed by the City of Livermore on the listed payments if not paid on time, and only on those payments that come due during the term of this order. This order does not apply to delinquencies that existed prior to the date of this order.

This order does not apply to any other fines, penalties, interest on any other payment, including but not limited to payments collected by the City of Livermore on behalf of other governmental entities such as the Tri-Valley Tourism Assessment, the Livermore Area Recreation and Park District, the Livermore Valley Joint Unified School District, Zone 7 Water Agency, or any other payments collected by other governmental entities, including but not limited to sewer charges that are collected on property tax bills.

4. Nothing in this Order otherwise relieves the responsible business owner, property owner, or resident from the obligation to pay the principal amounts due to the City of Livermore for the listed payments, and does not relieve those parties from the payment of any fines, penalties, and interest that accrue to the City of Livermore for those items after the temporary moratorium expires.

This Order shall go into effect immediately and be in effect through May 31, 2020, concurrent with the order dated March 25, 2020, for the temporary moratorium on evictions, unless it is superseded by a duly enacted Ordinance of the City Council of the City of Livermore or a superseding order issued by a duly authorized person or agency. With regard to the Transient Occupancy Tax, payments due for Quarter 3 (ending March 31, 2020) and Quarter 4 (ending June 30, 2020) shall be remitted to the City no later than July 31, 2020. This Order may be extended or supplemented in response to subsequent Executive Orders by the Governor of the State of California on this subject, or orders or ordinances issued or adopted by Alameda County

complementing or superseding this Order, or the City Council or the Director of Emergency Services for the City of Livermore.

Dated: 3/30/2020



Marc Roberts
Director of Emergency Services

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