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# CITY OF POMONA

## COUNCIL REPORT

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September 21, 2020

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management

**SUBJECT: SUSPENSION OF LATE FEES FOR UTILITY BILLS AND GENERAL UPDATE REGARDING EVICTION MORATORIUMS AND THE CITY'S RESPONSE TO THE COVID-19 PANDEMIC**

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### **RECOMMENDATION:**

It is recommended that the City Council take the following actions:

1. Approve the following related to emergency directives issued by the Director of Emergency Services:
  - a. Extend the emergency directives to suspend the shut off of City water service for residents and businesses in the City for non-payment of utility (water, sewer, and solid waste) bills through January 31, 2021.
  - b. Extend the emergency directive to suspend late payment penalties or fees for delinquent utility (water, sewer, and solid waste) bills through January 31, 2021.
2. Receive and file an update regarding eviction moratoriums and the City's response to the COVID-19 pandemic.

### **PREVIOUS COUNCIL ACTION**

3/16/2020 - City Council declared the local emergency due to COVID-19 pandemic.

4/6/2020 – Received a general update and confirmed of eviction moratorium, suspension of parking citations, water shut-offs and late fees issued by the City Manager in his role of Executive Director of Emergency Services.

4/20/2020 – Received a general update and approved contracting with Better 4 You Meals to convert the Senior Nutrition Program to a delivery only service.

5/4/2020 – Extended emergency declaration.

5/4/2020 – Approved Federal Coronavirus Aid Relief, and Economic Securities (CARES) Act funding for rental and business assistance and other programs.

6/1/2020 – Extended rental moratorium and suspension of late fees through July 28, 2020

6/15/2020 – Approved Activate Pomona program.

7/6 and 7/20/2020 – Approved retirement incentive program to deal with economic impacts of COVID-19.

7/20/2020 – Approved Federal CARES Act funding focused on COVID-related Emergency Solutions Grant (ESG) programming including Eviction Prevention for rental and business assistance and other programs.

7/20/2020 – Considered extension of rental moratorium, but rejected in favor of LA County moratorium; continued suspension of late fees for utility bills through September 30; and approved resumption of parking enforcement operations effective August 1, 2020.

9/14/2020 – Approved the distribution of \$1,911,546 in Coronavirus Relief Funds (CRF) for necessary expenditures incurred due to the COVID-19 public health emergency through December 2020.

## **EXECUTIVE SUMMARY:**

On March 16, 2020, City Council proclaimed a local emergency due to the introduction of the novel coronavirus (COVID-19) into the United States and Los Angeles County. Approval of this action will continue the suspension of late fees and water shut-offs due to lack of payment until January 31, 2020. This report provides also an update regarding the City's response to date, with a focus on actions taken since July 20, 2020.

## **FISCAL IMPACT:**

As of September 1, 2020, the utility billing receivable for 30 days to 120+ days outstanding is approximately \$786,000, which has almost doubled compared to last year at the same time. By suspending late fees and final notice/disconnect charges during this pandemic, it is estimated the City has forgone \$192,000 in General Fund late fees and \$430,000 in Water Fund final notice/disconnect charges as of September 1, 2020. There is currently a delinquency rate of 9% or 2,824 out of 30,442 active utility accounts.

## **DISCUSSION:**

Approval of this action will suspend water shut-offs and suspend late fees for utility bills through January 31, 2021 in order to mitigate the negative economic impacts of COVID-19 to some Pomona Utility account holders. This report also summarizes key actions the City in response to COVID-19, with a focus on actions occurring since the last update to City Council on July 20, 2020.

### **Suspension of Water Shut-offs and Late Fees for Utility Bills; Parking Enforcement**

To assist residents and business owners negatively impacted by COVID-19, the City Council suspended City water service shut-offs for non-payment and late payment penalties or fees for delinquent utility bills. The first action was taken on March 19, 2020, then extended through July 28, 2020 and then further extended to September 30, 2020. Approval of this item will continue the suspension through January 31, 2021. The fiscal impact to the City of this action is included above in the Fiscal Impact section of the report.

Customers are still required to pay for the utility charges; the only portion of the bill being suspended are the late payment penalties. In order to prevent customers from building up large

balances, staff will take additional steps to reach and encourage customers to pay off at least some of their delinquent balances. The City's Customer Services Specialists are ready to work with customers on repayment plans.

Based upon the recent reopening of many businesses and subsequent feedback from the City Council and staff, the City Manager made a determination to begin normal parking enforcement operations effective August 1, 2020. No changes are recommended regarding parking enforcement.

If approved, the City Manager, as the Executive Director of Emergency Services, will issue a revised emergency directive extending one or more of the actions listed above (Attachment 1).

### **Rental Eviction Moratorium**

On August 31, 2020, the State of California passed the Tenant, Homeowners, and Small Landlords Relief and Stabilization Act of 2020 (AB 3088 or Tenant Relief Act). The passage of this law means that the Los County eviction moratorium for non-payment of rent will be in place until September 30, 2020 for residential tenants. After the Los County moratorium expires, the State law will be in effect. The Tenant Relief Act prevents local entities from implementing different protections for residential tenants until February 1, 2021.

The new Tenant Relief Act prohibits evictions of residential tenants who cannot pay rent due to COVID-19. For rents due between March 4, 2020 and August 31, 2020, tenants cannot be evicted for failure to pay rent as long as they sign and return the appropriate documentation to the landlord. For rents due between September 1, 2020 and January 31, 2021, tenants cannot be evicted for failure to pay rent as long as they provide the appropriate documentation to the landlord and on or before January 31, 2021 the tenant pays at least 25% of the total rent payments due between September 1, 2020 and January 31, 2021. No late fees may be assessed on past-due rent covered by the Tenant Relief Act and tenants are protected from retaliatory evictions.

The Tenant Relief Act does not address commercial tenants. Staff has been informed that Los Angeles County extended the protections for commercial tenants through October 31, 2020 and is waiting for written confirmation of that action.

In addition, the Federal Center for Disease Control (CDC) issued a moratorium against evictions for non-payment due to COVID-19 through December 31, 2020. This protection applies to people earning under \$99,000 and under \$198,000 if filing jointly. It does allow for late fees and fines and does not forgive any rent. There are differences between the State and Federal protections and it is not clear how the two laws will interact.

### **HUD CARES Act Funding Summary**

From the onset of the Covid-19 pandemic, the federal government, through the U.S. Department of Housing and Urban Development (HUD), has allocated CARES Act funds to provide relief to high risk communities. The City of Pomona has received these funds through various program allocations, including Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Public and Indian Housing (PIH) through the Pomona Housing Authority. To

date the City has received over \$10,000,000 in federal funds directed towards COVID-related activities.

<b>FEDERAL CARES ACT FUNDING RECEIVED FROM HUD</b>			
<b>Funding</b>	<b>Date</b>	<b>Amount</b>	<b>Program Focus</b>
CDBG-CV1	04/02/2020	\$1,221,892	Housing/Business Assistance/COVID related exp
CDBG-CV3	09/11/2020	\$1,180,924	Housing Assistance
ESG-CV1	04/02/2020	\$629,131	Homeless Prevention
ESG-CV2	06/09/2020	\$6,135,460	Homeless Prevention/Outreach/Shelter Operation
PHA Admin R1	05/01/2020	\$218,714	Housing Authority COVID Related Admin Costs
PHA Admin R2	08/01/2020	\$279,697	Housing Authority COVID Related Admin Costs
PHA HCV 1	07/01/2020	\$108,892	Increase in Mainstream Vouchers by 6
PHA HCV 2	TBD	\$725,960	Increase in Mainstream Vouchers by up to 40
		<b>\$10,500,670</b>	

### **Rental and Business Assistance Programs**

**Housing Assistance Program** – In early June, the City, in collaboration with the Pomona Community Foundation’s (PCF) Compassion Fund, sponsored a one-time rent, mortgage and/or utility assistance program for families undergoing hardship due to the corona virus, providing up to \$1,500 per qualified household. To qualify, families had to be a Pomona resident, have income at or below 80% of the Los Angeles county median income (AMI), have outstanding rent, mortgage and/or utility costs related to loss of income due to COVID-19. Submission of applications was from May 18 to 28, from which 172 applications was received. Of the total received, 106 residents were given financial assistance totaling \$157,800. A majority (78%) of the families assisted have incomes at or below 30% of AMI. Of those that applied, 63 applicants did not qualify for the program, did not submit a completed application, or were referred to other housing assistance programs. Three application remain under review.

In addition to the above program, the City of Pomona, in collaboration with the PCF Pomona Compassion Fund, will be sponsoring an Eviction Relief Program (ERP) that will begin in October 2020. The initial ERP will be funded through targeted CDBG funds that will assist those households determined to be most in need and unable to meet the new rental regulations outlined in the State’s AB 3088 legislation, otherwise known as “The COVID-19 Tenant Relief Act of 2020”, which extends the statewide moratorium on evictions to January 31, 2021. Once the eviction moratorium is lifted, the City will utilize Emergency Solutions Grant funds to assist qualified households that may be facing homelessness as a result of eviction proceedings.

**Business Assistance Program** – In June, the City sponsored a program providing a one-time grant of \$5,000 to Pomona Microenterprise Businesses that were negatively impacted by Coronavirus. To qualify, businesses had to be in operation in Pomona, have five or fewer employees, including the owner where either the owner or employees had incomes at or below 80% of the Los Angeles county median income (AMI). Applications were accepted from May 8-28. A total of 99 applications were received of which 43 were approved with the balance denied for various reasons. Total funds expended were \$215,000.

**Pomona Housing Authority** – The City of Pomona Housing Authority (PHA) provides rental assistance to over 1000 qualifying families and individuals through its Housing Choice Voucher (HCV) and Permanent Supportive Housing Programs. Program participants pay about 30% of their monthly adjusted gross income for rent and utilities. As of March 2020, the PHA adjusted a total of 80 family's rental portion because of a decrease in household income due to the Coronavirus. The adjustments in rent resulted in an increase of \$50,000/month in Housing Assistance Payment subsidies.

In addition, with the PHA provided oscillating fans to 33 Elderly/Disabled Housing Choice Voucher Program participants without air conditioning.

### **Cooling Centers and Fan Distribution**

During periods of extreme heat, cooling centers can be a place for residents without access to air conditioning to come for health reasons. Because the Community Centers and Library have been closed to the public, the City did not offer Cooling Centers during the first part of the pandemic.

In the absence of Cooling Centers, the City partnered with community volunteers participating in the Pomona COVID Action Committee to collect and distribute oscillating fans to vulnerable households throughout the City.

With the recent extreme heat waves, the City opened Washington Park beginning August 26 as a Cooling Center. During the initial three days of operation, one person visited briefly to refill their water bottle. Washington Park was chosen to be activated as a Cooling Center because of its central location.

Washington Park will continue to operate as a Cooling Center on days where it is projected to be over 95 degrees in Pomona, Monday through Friday. The Cooling Center will not be available during the weekends or observed holidays.

Staff will continue to monitor usage to determine if the Cooling Center operations need to be expanded or contracted during COVID-19.

### **Library Curbside Services**

The City's Library has been closed to the public since March 2020 as a precaution against COVID-19. Effective August 17, 2020, Pomona Public Library To-Go was officially launched. Although the building remains temporarily closed, patrons can now ask reference questions and place item requests via phone or email. Staff are available at the door on Mondays and Thursdays from 12 p.m. to 5 p.m. to issue library cards, check out items, distribute flyers, and resolve account issues. Virtual programs are planned for the fall and options for "printing to-go" will be available soon. While the building remains temporarily closed, staff will be converting much of the collection to a new item management and item security program, funded by the Pomona Public Library Foundation (Foundation). Additionally, work continues on the redesign of the circulation desk area, which is phase 1 of the State grant and Foundation funded "A Brighter and More Welcoming Library" project. Specifically, contractors have submitted bids for the work and the bids are currently being evaluated by a committee.

### **Activate Pomona**

On June 15, 2020, the City Council of the City of Pomona established the Activate Pomona Pilot Program (“AP”) aid businesses on their path to economic recovery from the impact of novel coronavirus disease (“COVID-19”). This program allows for the expansion of existing businesses into the public or private realms such as the rights-of-way, inclusive of public streets, alleys, sidewalks, and parkways. Ninety-three (93) applications have been submitted to date, ranging from outdoor dining, food distribution, food trucks, new home-based businesses, salon services, gym classes, merchandise sales, drive-thru COVID testing and public art. Below is a summary of the permits received and issued so far.

Approved	51
Reapplied/Mistake	12
Pending Information	30
<b>Total Applications (Commercial and Home Based)</b>	<b>93</b>

Additionally, as part of AP, the City, in partnership with the Downtown Pomona Owners Association (DPOA) has closed Second Street to vehicular traffic from Garey Avenue to Gibbs Street on the East and Garey Avenue to Main Street on the West, effective Wednesday, September 9, 2020. This temporary closure will allow many Downtown businesses along Second Street to expand their services to accommodate COVID-19 regulations and social distancing practices, while also creating a safe pedestrian-friendly environment. This meets the intent of AP, which is to aid in the economic recovery of businesses throughout the City by allowing expansion into the public and private realm. Grant funds were secured in collaboration with the San Gabriel Valley Council of Governments and Activate San Gabriel Valley, through the repurposing of Metro grant dollars, allowing the City to purchase numerous traffic safety barriers (“K-rails”) that will be used as vehicular barricades for the street closure and to aid in establishing on-street parking space activation (“parklets”) for businesses to further expand their services at various locations. Another exciting and innovative component of this project is that staff is working with the Cultural Arts Commission to muralize the blank K-rails using the AIPP Fund to pay and secure local artists. This has been a combined effort with the Development Services and Public Works Departments, Executive staff, and DPOA.

Due to the on-going nature of COVID-19 restrictions, it may be necessary to extend this program beyond December 2020. After assessing County and State restriction plans, staff will report back to the Council by November 2020 and provide a recommendation on length of program extension.

### **Yard Sales**

On July 6, 2020, the City Council requested that the City Manager expand the dates that yard sales would be permitted from quarterly to monthly as a method to help offset the negative economic impacts of COVID-19. The City subsequently learned that Yard Sales are currently not permitted

by Los Angeles County due to COVID-19. They are considered to be unregulated events and gatherings, which are prohibited.

### **People Experiencing Homelessness**

**Project Room Key** - In May 2020, the Project Room Key (PRK) program was launched in Pomona at the Motel 6 on South Garey Avenue and operated by Volunteers of America (VOALA). Project Room Key was launched to provide shelter to the highest risk persons living on the streets or in congregate shelters, the elderly and those with high medical risk. Of the total 114 rooms, approximately 50% of the homeless residents placed at the motel had a connection to Pomona before entering the program. Since the opening of the Pomona PRK, three residents have been diagnosed with COVID-19. Those residents were quarantined and medically treated before returning. The Pomona PRK is scheduled to close on October 17, 2020. The PRK residents who originated from Hope for Home (H4H) will return to H4H. Additionally, the City of Pomona homeless programs staff are working closely with VOALA and Tri-City to permanently house PRK residents from Pomona. The City is providing Emergency Solutions Grant rapid-rehousing funds to meet this goal. The County of L.A. is also working to house the remaining Pomona PRK residents who originated from other areas of the County.

**Hope for Home Homeless Services Center** - The Hope for Home Homeless Services Center (H4H) continues to serve our homeless residents in Pomona. The City of Pomona homeless programs staff works closely with Volunteers of America (VOALA), the H4H site operator and selected partners including Tri-City Mental Health Services (Tri-City), East Valley Community Health Center (EVCHC) and the Department of Public Health to ensure that the recommended health and safety protocols are in place to protect the residents and staff from the spread of COVID-19.

Approximately twelve residents and three VOALA staff to date have been diagnosed with COVID-19. On March 1, 2020, before the impact of COVID-19, the H4H census count was 136 residents. Currently, the H4H census count has decreased to 70 residents due to several factors, including COVID-19 quarantines, Project Roomkey (PRK) relocations, and voluntary program exits. The H4H partners are working diligently to increase the current participation at Hope for Home. In August 2020, EVCHC opened the onsite medical clinic at H4H and is now providing services to the H4H program participants and homeless residents visiting the H4H Access Center. Even during this COVID-19 pandemic, H4H prioritizes moving its residents into permanent housing. Approximately seventy-three H4H residents have been placed into permanent housing since the H4H opening on December 5, 2018.

### **Parks, Recreation, and Community Services**

#### **Parks and Sports Activities**

The City of Pomona must follow the Los Angeles (LA) County Department of Health directives. LA County currently allows for parks to be open but playgrounds and basketball courts remain closed. Due to social distancing requirements, team sports are also not allowed. There have been some reports of outside entities desiring to come to Pomona to play games. In response, the City has placed k-rails on certain baseball fields to detour these games and keep the community safe.

A faction of the leagues that regularly play in Pomona expressed an interest in returning to the fields in whatever capacity the County allows. The City held a virtual meeting with leagues to review the County's requirements and discuss a pathway for league activities. Although league games are not permitted at this time, leagues are able to practice and conduct drills, providing they adhere to the County guidelines. Interested leagues must have a plan approved by the City that details how the league would adhere to the County's rules prior to using City facilities for league activities. Little League practices were approved to resume at Washington Park the weekend of September 12, 2020, although poor air quality due to regional wildfires prevented the Little League from beginning that weekend.

### **Virtual Recreation/Pomona Rec Live**

In response to COVID-19, the City's After School Recreation program has been producing virtual recreation videos, which are available on YouTube. New videos are released each week for Do-It-Yourself (DIY) Thursdays and Foodie Fridays. Later this month, Community Services will begin Pomona Rec Live, which will consist of live specialty classes offered via Zoom.

### **Senior Meal Delivery**

During the course of the pandemic, the City transitioned its senior meal program from on-site, then to pick-up, and then to delivery only. Prior to COVID-19, the City was serving approximately 675 meals weekly to about 135 participants. Currently, the City is providing home delivery of approximately 1,750 meals to 350 participants each week. The County has provided additional funding for the City to continue this service level of a period of time. This funding is not enough to sustain this service level of home delivery for the fiscal year, but the County has indicated additional funding would be available at a later date.

### **Elections – Vote by Mail Ballot Boxes**

Per California State Executive Orders and a motion passed by the LA County Board of Supervisors, **all L.A. County voters** will be mailed a Vote by Mail (VBM) ballot in response to the COVID-19 pandemic. The L.A. County Registrar-Recorder/County Clerk (RR/CC) has created service areas throughout Los Angeles County to identify the best locations for drop off locations where voters may submit their ballots. The RR/CC is prioritizing the use of 24-hour VBM drop boxes for providing this voting services to all L.A. County voters. Beginning October 5, 2020 through November 3, 2020 (Election Day), the VBM drop boxes will be available for voters to drop off their ballots. The City of Pomona has designated the following four locations as VBM drop box locations within the city:

- Pomona City Hall – 505 S. Garey Ave., Pomona, CA 91766
- Ganesha Park – 1575 N. White Ave., Pomona, CA 91768
- North Metrolink Station – 1150 Fairplex Dr., Pomona, CA 91768
- Washington Park – 865 E. Grand Ave., Pomona, CA 91766

### **City Hall Business Hours and City Staffing**

City Hall and most City facilities physically closed to the public effective March 13, 2020. However, Staff continued to serve the public during the normal business hours of Monday through



Thursday from 7:30 a.m. to 6:00 p.m. via phone, e-mail, internet, and fax. City Hall is closed on Fridays. Drop off boxes are available for utility payments, library book returns, development plans, and other functions that require the public to physically drop off items.

In June, City Hall began to open for in-person services. Currently, City Hall is open for in-person walk-in services from 8:30 to 11:00 a.m. and by appointment only 2:30 to 5:00 p.m. The Police Department front desk is open from 8:30 a.m. to 5:30 p.m. Monday through Thursday.

The City Hall in-person procedures were modified several times. City Hall initially opened June 22, 2020 by appointment only. On July 6, 2020, it transitioned to walk-in services with no appointment needed. On July 27, the City implemented a hybrid model, with walk-in services during the morning period and appointments only during the afternoon period. This change was in reaction to the spike in COVID-19 cases that occurred in July, the afternoon heat, and for the convenience for customers who can now be assured to be assisted by scheduling an appointment time. This last model seems to be working the best and is anticipated to be in place for a while.

To ensure safety of the public and staff, strict social distancing protocols are in place. Only a limited number of customers are allowed in City Hall at any one time. All members of the public must wear masks. Before entering City Hall, the public must certify that they do not have symptoms associated with COVID-19 and have their temperature taken. All employees go through the same screening protocol at their worksite upon reporting to work and must wear masks except when they are in their personal work space and not interacting with the public or other employees. The City has also implemented telecommuting where practical.

The City has had 16 employees test positive of COVID-19 since the beginning of the Pandemic in March. There have been about 48 instances where employees have been required to quarantine due to possible exposure to COVID-19 (either at work or personal), but many of those employees have been able to work from home during the period of quarantine.

### **General Update and Los Angeles County Guidelines**

Novel coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province, China in December 2019. As of September 16, 2020, the State of California website indicates there are 760,013 COVID-19 cases reported for California, including 254,622 cases in Los Angeles County. The State of California has defined four tiers based upon the prevalence of COVID-19 in the County, based upon case rate and positivity rate of testing. Los Angeles County is currently in Tier 1, which is characterized as “widespread” transmission and is the most restrictive tier. Most counties in the State are also at this tier.

As of September 14, 2020, the Los Angeles County website indicated that the City of Pomona has 5,232 reported cases of COVID-19. Pomona has an adjusted cases rate of 3,327 per 100,000 population. In comparison, Los Angeles County has a case rate of 2,429 per 100,000. The adjusted case rates makes an adjustment for age and is used to compare across populations.

Los Angeles County determines which businesses and functions can be open based upon the direction from the State and local data and conditions. Of note, all persons are still encouraged to stay home as much as possible and not socialize with persons outside of their own household.

Many activities, even outdoor events, are still prohibited. The general focus is on allowing essential services, not gatherings. Some examples:

- Barbershops and hair salons were recently authorized to provide services indoors at 25% capacity; other personal care services cannot offer indoor services.
- Restaurants are open for delivery, drive thru, carry out, and outdoor dining; indoor dining is not permitted; bars and breweries are closed except for retail sales.
- Outdoor recreation such as trails and beaches are open but everyone is required to wear a mask except while eating, drinking, or in the water; playgrounds, basketball courts, and volleyball courts are closed.
- Drive-in theaters are open, but other movie theaters remain closed.

Los Angeles County also issued guidelines on September 9, 2020 for Halloween celebrations. This guidance prohibits Halloween gatherings, events or parties with non-household members (indoors or outdoors) and carnivals, festivals, live entertainment, and haunted house attractions. Door-to-door trick or treating and “trunk or treat” are not recommended since it is difficult to avoid crowding and sharing food. Online parties, car parades, drive through events, events at drive-in movie theaters, Halloween-themed meals at outdoor restaurants, art installations at outdoor museums, and decorating homes and yards are permitted as long as public health protocols are followed.

Below is a link to the Los Angeles County FAQ’s that summarizes the key information for residents and businesses:

<http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/FAQ-SaferatWorkandCommunityOrder.pdf>

The City website also includes City-specific information and links to other useful websites:

<https://www.ci.pomona.ca.us/index.php/component/content/article/21-government/2013-coronavirus-updates>

Pomona residents and businesses may also call the main City line during business hours at (909) 620-2311 and press 0 to speak to someone about COVID-19 questions and resources.

### **Next Steps**

Staff will continue to monitor any updates from Los Angeles County and ensure the City takes the appropriate actions in response to the frequently changing conditions related to COVID-19.

Attachment No. 1: Executive Order Related to Utility Billing

Prepared by: Linda Matthews, Human Resources/Risk Management Director