

RESOLUTION NO. 2020-02-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, STRONGLY URGING THAT ALL MCKINNEY LANDLORDS AND TENANTS (BOTH COMMERCIAL AND RESIDENTIAL) WORK TOGETHER TO MINIMIZE THE ADVERSE HUMAN AND FINANCIAL IMPACTS ASSOCIATED WITH THE OWNING AND LEASING OF REAL PROPERTY DURING THE COVID-19 PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE

- WHEREAS,** beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and
- WHEREAS,** symptoms of COVID-19 include fever, coughing and shortness of breath, and in some cases, the virus has caused death; and
- WHEREAS,** the COVID-19 virus may be spread between people in close contact with one another through respiratory droplets produced by an infected person; and
- WHEREAS,** the President of the United States has declared the COVID-19 outbreak a national health emergency, and issued strict guidelines limiting people's interactions including a prohibition on gathering in groups of more than 10 people; and
- WHEREAS,** the Governor of the State of Texas has declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak; and
- WHEREAS,** the Governor of the State of Texas issued Executive Order No. GA-14 (hereinafter "GA-14") essentially requiring residents of the State of Texas to stay at home except where necessary to provide or obtain essential services, as defined by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0; and
- WHEREAS,** GA-14 also requires that "all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework" effectively closing the doors of all businesses that are not engaged in providing essential services during the COVID-19 disaster; and
- WHEREAS,** the City of McKinney issued Ordinance No. 2020-04-025 that requires all individuals currently living within McKinney to shelter at their place of residence, and that such persons may leave their residence only for "Essential Activities", or to provide or perform "Essential Governmental Functions", or to operate "Essential Businesses" as those terms are defined in said Ordinance; and
- WHEREAS,** many businesses are unable, as a sole result of the COVID-19 pandemic and through no fault of their own, to open their establishments and generate the income necessary to pay their employees, operate their facilities, and pay rent, utilities, insurance, taxes, and other fees associated with their commercial lease(s); and
- WHEREAS,** many residents of the City of McKinney have been laid off or furloughed from their jobs and are unable to find new or supplemental employment, as a sole result of the COVID-19 pandemic and through no fault of their own, to generate the income necessary to pay rent, utilities, insurance, taxes, and other fees associated with their residential lease(s); and

WHEREAS, the Texas Supreme Court has entered two Emergency Orders delaying proceedings in residential evictions to recover possession of the residential property, except to address an imminent threat of physical harm or criminal activity, in light of the COVID-19 pandemic; and

WHEREAS, the COVID-19 pandemic has impacted many McKinney residents financially, mentally and socially, regardless of their status as a landlord or tenant; and

WHEREAS, the eviction of a tenant from a residence interferes with the tenant's ability to shelter at their place of residence and minimize the spread of COVID-19 as required by the Orders and Ordinances adopted to address the COVID-19 pandemic; and

WHEREAS, the eviction of a tenant from a commercial property interferes with the tenant's ability to sustain its business and livelihood while its waits to reopen after the threats under COVID-19 have subsided; and

WHEREAS, the interests of residential and commercial landlords are better served through this reasoned approach aimed at preserving financial stability by maintaining mutually beneficial landlord/tenant relationships during the COVID-19 pandemic, and thereafter when our community returns to its strong economic status; and

WHEREAS, the City Council of the City believes it is the best interest of all residents of the City and owners of property located in the City to work together to overcome the negative impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

- Section 1. The foregoing recitals are hereby found to be true and correct and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2. The City Council of the City of McKinney strongly urges tenants and landlords, both commercial and residential, to work together during the COVID-19 pandemic to minimize the human and financial impacts associated with owning and leasing real property, particularly those impacts arising out of a tenant's failure to timely pay rents.
- Section 3. The City Council of the City of McKinney strongly urges that tenants and landlords, both commercial and residential, err on the side of compassion and understanding when faced with difficult decisions or disputes involving the owning and leasing of real property.
- Section 4. The City Council of the City of McKinney further finds that following the foregoing will allow all residents the ability to shelter in their residence and avoid engaging in personal activities and business activities that are inconsistent with, and violative of, the requirements of GA-14 and City of McKinney Ordinance No. 2020-04-025.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE ___ DAY OF _____ 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM

MARK S. HOUSER
City Attorney