

URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA ESTABLISHING LIMITS ON EVICTION DURING DECLARED EMERGENCY IN LOWER RUSSIAN RIVER AREA

URGENCY ORDINANCE: 4/5 VOTE REQUIRED

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Title.

This Ordinance shall be known as Lower Russian River Eviction Defense Urgency Ordinance Related to Declared Flood State of Emergency.

Section II. Emergency Findings.

This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon approval by at least a four-fifths vote of the Board of Supervisors. The Board of Supervisors finds this Ordinance is necessary for the immediate preservation of the public, peace, health and safety, based upon the following facts:

- (1) On February 4, 2025, the Director of Emergency Services for the County of Sonoma Issued a Proclamation of a Local Emergency for the County of Sonoma, State of California, due to conditions of extreme peril to the safety of persons and property that have arisen within the County starting on January 31, 2025, caused by a series of extreme category 4 atmospheric river storms which has resulted in flooding, slides, downed trees, disrupted utility services, and blocked and damaged roadways in parts of Sonoma County (the “Director’s Proclamation of Local Emergency”); and
- (2) Conditions of extreme peril caused by this extreme storm condition have caused severe ground saturation, unstable hillsides, debris flows, landslides, downed trees, flooding, road blockages and road washouts/slip-outs, evacuations, and power outages which have significantly impacted County and community operations and resources, and require the provision of additional public safety, health and emergency services; and
- (3) These conditions of extreme peril to the safety of persons and property are continuing due to impacts from significant rainfall and high winds. Several creeks and streams, including the Russian River, reached flood stage, requiring emergency protective measures to stabilize these areas to safeguard life, health, and property; and
- (4) Residents of the most impacted areas are at heightened risk of eviction on the basis of multiple reports to County staff of threats by landlords to terminate tenancies, and the economic hardship of income and asset losses to tenants caused by the floods. In the context of a serious emergency, heightened risk of losing housing is a risk to the health and

safety of residents, and a threat to their personal property; and

- (5) Loss of housing stability in affected communities worsens the impacts and risks to life and property, and would cause additional hardship and delays in community recovery from the impacts of storm damages.

Section III. Urgent, Temporary Limitations on Commencement of Eviction Proceedings for Residential Real Property in Lower Russian River Area.

1. Term.

This Ordinance shall take effect immediately upon adoption and shall remain in effect until August 25, 2025, or 30 days after termination of the February 11, 2025 Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Ratifying the Proclamation of Local Emergency Due to the February 2025 Atmospheric River Storm Event, whichever is sooner.

2. Definitions.

The following words or phrases as used in this Ordinance shall have the following meanings:

Landlord. An owner, lessor, sublessor or any other person or entity entitled to receive rent for the use and occupancy of any Rental Unit, or an agent, representative or successor of any of the foregoing.

Impacted Areas. The geographical area in which protections pursuant to this Ordinance shall be in effect. The Impacted Areas are comprised of all parcels contained in whole or in part within the Zone Improvement Plan (“ZIP”) Codes 95436, 95471, 95446, 95462, 95486, and 95430 as designated by the United States Postal Service.

Rental Agreement. An agreement, oral or written, between a Landlord and Tenant for use or occupancy of a Rental Unit.

Rental Unit. Any unit in any real property, rented or offered for rent for residential purposes, regardless of zoning or permitting status, together with all housing services connected with use or occupancy of the real property such as common areas and recreational facilities held out for use by a Tenant. A room or rooms rented separately from other rooms at the same real property shall constitute a single Rental Unit, even if Tenants share other common spaces or amenities. For purposes of this ordinance “Rental Unit” shall not include the following:

1. A bedroom rented to a Tenant within an owner-occupied single family residence in which two or less bedrooms of such residence are rented out separately from the owner occupancy;
2. Transient and tourist hotel occupancy as defined in subdivision (b) of Civil Code Section 1940;

3. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services;
4. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

Tenant. A tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a Rental Agreement to use or occupy a Rental Unit.

3. Temporary Prohibition on Actions by Landlords to Terminate Tenancy in Impacted Areas

While this Ordinance is in effect, no Landlord shall take any action to terminate any tenancy within the Impacted Areas unless able to prove the existence of one of the following causes in accordance with this section, as stated in the termination notice that the court action is based on:

- (a) Recovery of possession is necessary due to violence, threats of violence, or when a Tenant poses an imminent threat to the health or safety of a Tenant in another unit. An imminent threat to the health and safety of another for purposes of this section cannot be the Tenant's COVID-19 illness or exposure to COVID-19, whether actual or suspected;
 - (1) Prior to serving a termination notice, if the intended recovery of possession is not based on violence or threat of violence, the Landlord must serve on the Tenant a warning notice giving a reasonable period of time to cure the violation. A reasonable period of time for purposes of this subsection shall be presumed to be ten calendar days. The notice shall inform the Tenant that a failure to cure may result in the initiation of eviction proceedings and include sufficient details of the violation to allow the Tenant to reasonably comply and any information necessary to determine the date, time, place, witnesses present, and the circumstances concerning the reason for the notice. Except as permitted by Code of Civil Procedure section 1161.3, an act or acts against a Tenant that constitutes one of the crimes listed in that section shall not give cause for termination of a tenancy to which this Article applies.
- (b) Recovery of possession is being sought for the purposes of immediately removing the Property from the rental market, pursuant to and in compliance with all applicable state law regulating such recovery of possession, including but not limited to the Ellis Act (Cal Gov. Code § 7060 et seq.).
- (c) Recovery of possession is required to comply with an order issued by a government agency or court requiring that the Rental Unit be permanently vacated.

Section IV. CEQA.

Adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

Section V. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unconstitutional, or otherwise unenforceable.

Section VI. Immediate Effect.

This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote.

SUPERVISORS:

Hermosillo: Rabbit: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors County of Sonoma

ATTEST:

Clerk of the Board of Supervisors