

ORDINANCE NO. ()

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, TO AMEND COVID-19 EVICTION DEFENSE URGENCY ORDINANCE, ORDINANCE NO. 6301: 4/5 VOTE REQUIRED

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

Section I. 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:

On March 3, 2020, the Sonoma County Director of Emergency Services issued a proclamation of local emergency in Sonoma County, and the Sonoma County Health Officer declared a local health emergency, due to the introduction in the County of the novel coronavirus, “COVID-19.”

On March 4, 2020, Governor Newsom proclaimed a State of Emergency related to COVID-19 throughout the State of California. On March 13, 2020, the President issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak.”

On March 17, 2020, the County Health Officer issued Order No. C19-03, directing the County to Shelter-in-Place to mitigate the spread of COVID-19, except as set forth in the Order to provide or receive certain essential services, engage in certain essential activities, and work for essential businesses and governmental services. Order No. C-19-03 was issued on evidence of increasing occurrence of COVID-19 within the community and the Bay Area, and the need to slow the rate of transmission to protect the most vulnerable and prevent the health care system from being overwhelmed. Since then, subsequent amendments to the Order and new orders have been issued by the County Health Officer, as well as the Governor.

On July 1, 2020, due to the increasing spread of COVID-19, the State Public Health Officer issued Guidance on Closure of Sections in Response to COVID-19, instructing counties that have been on the State’s “County Monitoring List” for three consecutive days or more to close indoor operations for certain sectors that promote the mixing of populations beyond households and make adherence to physical distancing with face coverings difficult, in order to further mitigate the spread of the virus. Subsequent Orders have since been issued as well.

On August 31, 2020, the County Data Monitoring List was replaced by the Blueprint for a Safer Economy, which revised the criteria for businesses re-opening and the time between changing tiers, based on COVID-19 test positivity and adjusted case rates.

On November 16, 2020, as COVID-19 cases sharply increased across the country and California, Governor Newsom and state public health officials announced immediate actions to slow the spread of the virus, effectively “pulling an emergency brake” in the Blueprint for a Safer Economy, resulting in 94.1 percent of California’s population being placed in the most restrictive tier, effective November 17, 2020.

On December 3, 2020, Governor Newsom issued a Regional Stay at Home Order for Regions whose ICU capacity fell below 15%, triggering additional restrictions in said regions.

The Bay Area Region, which includes Sonoma County, was added to the Stay at Home order starting December 17, 2020. The Regional Stay at Home Order for the Bay Area Region ended on January 25, 2021, and Counties were returned to their appropriate tier under the Blueprint for a Safer Economy. Currently, the County of Sonoma remains in the purple tier, meaning the risk of coronavirus transmission risk level is “widespread.”

Housing displacement and evictions occurring during the Public Health and Local Emergency would hinder individuals from complying with state and local directives to shelter in place, and would lead to increase spread of COVID-19, overburdening our healthcare system, and potentially resulting in loss of life.

It is essential that this Ordinance become immediately effective to stave the further movement of people by temporarily prohibiting evictions, for the duration of the Public Health and Local Emergencies, any extensions thereof and for 60 days thereafter, for any residential tenant who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a result of the COVID-19 pandemic or any local, state, or federal government response to the pandemic.

Section II. Amendment to Ordinance No. 6301.

Ordinance No. 6301 is amended to add Section 5A, which shall read as follows:

“Just Cause Requirement due to COVID-19. From the effective date of the adoption of this Section 5A until the expiration of the repayment period as set forth in Section 5 (Payback Period) of Ordinance No. 6301, as modified by Civil Code section 1179.05, and any successor statutes thereto, no landlord shall recover possession of any Residential Real Property unless one of the following conditions is satisfied:

- (1) Recovery of possession is necessary due to violence, threats of violence, or when Tenant poses an imminent threat to the health or safety of another. 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; or

(2) Recovery of possession is being sought for the purposes of immediately removing the Residential Real 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.).

Pursuant to California Code of Civil Procedure Section 1179.05(b), this Section 5A shall not apply to rental payments that came due between March 1, 2020 and June 30, 2021.”

Section III. CEQA.

Adoption of this ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065 and CEQA Guidelines Section 15378(a) because it will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Alternatively, adoption of the ordinance is covered by the common sense exemption of CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section IV. 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 and the Board of Commissioners hereby declare that they 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 V. 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. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after said passage.

This Ordinance will be published once before the expiration of 15 days after its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 9th day of February, 2021, on regular roll call of the members of said Board by the following vote:

Attachment B- Proposed Urgency Ordinance Limiting Eviction to
Health and Safety Reasons and Removal of Property from Rental Market

SUPERVISORS:

Gorin: Rabbitt: 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:

Sheryl Bratton,
Clerk of the Board of Supervisors