



## Legislation Text

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**File #:** 2020-0324, **Version:** 1

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**To:** Board of Supervisors, County of Sonoma and Board of Commissioners, Sonoma County Community Development Commission

**Department or Agency Name(s):** County Counsel

**Staff Name and Phone Number:** Bruce Goldstein, 707-565-2421

**Vote Requirement:** 4/5th

**Supervisorial District(s):** All

**Title:**

Proposed COVID-19 Eviction Defense Urgency Ordinance

**Recommended Action:**

Adopt Proposed COVID-19 Eviction Defense Urgency Ordinance

**Executive Summary:**

This urgency ordinance is designed to facilitate the implementation of the Governor's and Public Health Officer's Orders to shelter in place and to reduce additional instability in our community due to the impacts resulting from the COVID-19 pandemic.

This urgency ordinance creates an affirmative defense for any residential tenant who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic, for the duration of the County of Sonoma's Public Health and Local Emergency. This urgency ordinance also provides that a tenant who utilizes this affirmative defense share that information with the owner of the property to support an owner's claim for any prospective mortgage relief due to impacts resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic.

This urgency ordinance also directs the Sonoma County Housing Authority to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent legally possible.

Approval of this urgency ordinance requires a 4/5ths vote.

**Discussion:**

Recent orders from our state and local officials require us to stay home or at our place of residence, with exceptions for essential activities and the continuity of operation of critical infrastructure.

To facilitate implementation of those orders, as well as to reduce the possibility of creating additional numbers of people without home and shelter in which to stay, this urgency ordinance recognizes that both tenants and landlords could benefit from the availability of an affirmative defense that allows for demonstration of the

economic impacts of COVID-19 from their ability to timely pay their rent and mortgage.

On March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic. Without local protection, eviction notices for failure to pay rent are likely to surge as residents are unable to earn income due to the pandemic, or are forced to pay substantial medical expenses associated with the pandemic.

This proposed ordinance also directs the Sonoma County Housing Authority to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the Housing Authority, to ensure that those people who are being housed with a critical subsidy are not experiencing additional instability.

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 Emergency, for any residential tenant who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic.

**Prior Board Actions:**

None.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

N/A

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>


**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment A: Proposed COVID-19 Urgency Ordinance

**Related Items "On File" with the Clerk of the Board:**

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