



Legislation Text

File #: 2020-0704, **Version:** 1

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

Supervisory District(s): All

Title:

Amended COVID-19 Eviction Defense Urgency Ordinance

Recommended Action:

Adopt Amended COVID-19 Eviction Defense Urgency Ordinance (4/5th Vote Required)

Executive Summary:

On March 24, 2020, your Board adopted the COVID-19 Eviction Defense Urgency Ordinance in an effort to reduce housing instability in our community due to the impacts resulting from the COVID-19 pandemic. The 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. Additionally, the ordinance 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 the same.

Sonoma County residents continue to face compounding economic impacts from COVID-19 and the resulting Governor's Executive Orders and the local Health Officer Orders, in place to protect public health and safety, and additional protections are now needed to safeguard tenants in our community. The proposed amended COVID-19 Eviction Defense Ordinance expands tenant protections by prohibiting the charging of late fees for unpaid rent or using unpaid late fees as a reason for eviction of residential tenants, if such failure to pay rent 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. The amendments also align the County's local ordinance with corresponding State authorization, and make clear that it will be in effect for the period (currently September 30, 2020) authorized by current or future State action.

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

Discussion:

On March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorized 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, there was a great possibility that eviction notices for failure to pay rent would surge as residents would be unable to earn income due to the pandemic, or be forced to pay substantial medical expenses associated with virus infection. This Order suspended state law provisions that preempt or restrict a local government's exercise of police power to impose limitations on residential and commercial evictions. That Order was originally set to expire on May 31, 2020, but was extended an additional 60 days to July 29, 2020, and then again to September 30, 2020.

On March 24, 2020, your Board adopted Resolution 6301, the Emergency Eviction Defense Ordinance, which created 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 60 days after the termination of the County of Sonoma's Public Health and Local Emergency Orders. Additionally, the ordinance 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. As part of the approval of the ordinance, the Board directed staff to bring it back for review.

On June 23, 2020, your Board received an update from staff on recent statewide housing measures, and were presented with policy considerations for any potential changes to the ordinance. Staff was directed to bring back an amended ordinance with certain policy considerations included, including aligning with the Governor's Executive Order and prohibiting the charging of late fees for unpaid rent or using unpaid late fees as a reason for eviction. Staff will continue to closely monitor the Judicial Council of California Emergency Rules that were adopted on April 6, 2020, which effectively stop all evictions and foreclosures, other than those necessary to protect public health and safety, for the duration of the COVID-19 emergency. The Judicial Council recently announced that those rules could sunset as soon as August 14, 2020. Staff will also continue to track statewide legislative efforts as they relate to supporting housing stability.

Prior Board Actions:

March 24, 2020: Adopted the COVID-19 Eviction Defense Urgency Ordinance

June 23, 2020: Received an Analysis and Provided Direction on Housing Stability Measures during the COVID-19 Emergency

FISCAL SUMMARY

| Expenditures | FY 19-20 Adopted | FY20-21 Projected | FY 21-22 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |

| | | | |
|----------------------|--|--|--|
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

N/A

| Staffing Impacts: | | | |
|---|------------------------------------|-----------------------|-----------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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| | | | |

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment A: Proposed Amended COVID-19 Urgency Ordinance

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

COVID-19 Eviction Defense Urgency Ordinance

Housing Protection Measures