




City Council Meeting

Item #4: Urgency Ordinance Establishing a Moratorium on Evictions for the Non-payment of Rent for Residential Tenants
(RTC #: 20-430)

March 24, 2020

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Background

- January 30, 2020: WHO declared COVID-19 a public health emergency of international concern
- February 10, 2020: Santa Clara County declared a local health emergency
- March 16, 2020: Health Officer of the County of Santa Clara directed all individuals living in the county to shelter at their place of residence except to provide or receive essential services
- Shortly thereafter, on March 19, 2020, the Governor ordered that the entire state of California shelter in place until further notice

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Local Impact

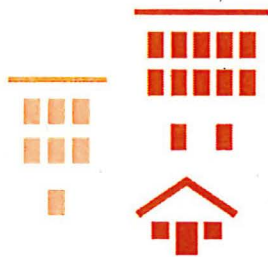
- Santa Clara Residents must shelter at home
- The effects on the global economy and supply chains are impacting many Bay Area companies in all sectors
- Businesses are expected implement hourly cutbacks and layoffs.
- The loss of wages will impact many residents' ability to pay rent in a timely manner, leaving tenants vulnerable to eviction
- For residential renters facing eviction rent, the ordinance may create an affirmative defense
- Protection against eviction is a matter of ^{DS1}health and safety

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**Housing stability and
eviction protections**



**Minimize
homelessness**



**Public Health and
Safety**

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What this Ordinance does:

- Provides immediate protection against threat of eviction
- Goes into effect immediately, March 24, 2020 and is set to expire on August 5, 2020, unless extended by ordinance
- Applies to all residential tenants renting in a building or portion of a building that is used as a home, residence or sleeping place in Santa Clara for periods in excess of seven days
- Provides affirmative defense to eviction proceedings
- Provides a simple procedure for tenants to inform landlords about their inability to pay rent on time

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What this Ordinance does not do:

- The Governor's Executive Order specifically states that this is not a rent forgiveness program nor relief of obligation to pay rent
- It does not provide financial assistance from the City
- The moratorium only applies to residential evictions for nonpayment of rent due to impacts of the COVID-19 outbreak. There is no moratorium on lawful evictions for other just causes
- It does not expand to commercial tenants or homeowners

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Timelines:

	Urgency Ordinance	Ordinance	Resolution Enacting Regular Ordinance
Effective Date	March 24	May 8 (30 days after 2 nd reading)	
Votes Required for Adoption	5/7 th	Simple Majority	Simple Majority
Term	45 days	90 days	30 days unless extended

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Implementation:

- The Housing and Community Service Division currently manages an Agreement with Project Sentinel for Tenant-Landlord Disputes
- The Dispute Resolution Services Program provides counseling and dispute resolution services to renters and landlords
- The proposed budget amendment would allow staff to amend its current Agreement, if necessary, and increase the amount of the Agreement to accommodate additional services required to mediate the new ordinances

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Implementation:

- Renters must demonstrate they have been impacted by COVID-19 to stop an eviction under the eviction moratorium:
- Examples of being impacted by COVID-19 include:
 - 1) job loss
 - 2) a reduction of compensated hours of work
 - 3) employer's business closure
 - 4) missing work due to a minor child's school closure; or
 - 5) other similarly-caused reason resulting in a loss of income due to COVID-19.

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Implementation:

- Housing and CAO staff will create a 1-page Notice of Inability to Pay Rent Form, which will serve as a self-certification and quick and easy way for tenants to notify landlords
- Landlords will be responsible for verifying documentation
- Staff is coordinating with other cities to standardize Forms
- When the moratorium ends, landlord may seek unpaid rent – i.e., past due rent that was not paid during the moratorium – but not until 90 days after the moratorium ends

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Outreach:

- Staff will publish a 1-page Fact Sheet on the City's website
- Staff will conduct outreach by leveraging existing email lists, mailing notices to landlords citywide and utilizing social media accounts to spread the message throughout the city
- City staff will connect affected tenants with resources provided by its nonprofit and community partners
- CAO will advise staff and legal advocacy groups on how the ordinance works

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City Council Meeting

**Action on an Urgency
Ordinance Establishing a
Moratorium on Evictions for
the Non-payment of Rent for
Residential Tenants**

March 24, 2020

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