



Agenda Report

20-484

Agenda Date: 4/28/2020

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 2015 Adding Chapter 8.65 of the City Code ("Emergency Evictions Protection") Related to the Temporary Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Residential Tenants with incomes affected by the novel coronavirus (COVID-19) [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

At the April 7, 2020 Council meeting, proposed Ordinance No. 2015 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2015 was published on April 15, 2020, and copies were posted in three public places.

DISCUSSION

The proposed Ordinance provides a temporary protection for tenants from eviction for the non-payment of rent and no-fault evictions for residential tenants with incomes affected by COVID-19. The legislation will apply 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.

The Ordinance may be activated by City Council resolution for 30-day periods. While the Ordinance is activated, a landlord may not terminate or attempt to terminate the tenancy of a tenant for (1) the non-payment or delayed payment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19; or (2) a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. The tenant may argue as an affirmative defense in an unlawful detainer action that they are an Affected Tenant by providing documentation to the landlord verifying substantial lost income. Examples of documentation may include, but are not limited to, a letter from employer citing COVID19 as a reason for reduced work hours or termination, employer paycheck stubs, or bank statements. A landlord may not take legal action to recover unpaid rent until 120 days after termination of the temporary moratorium.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time and expense.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2015 was published to the Santa Clara Weekly on April 15, 2020, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Adopt Ordinance No. 2015 Adding a New Chapter 8.65 to Title 8 of the City Code ("Health and Safety") Related to Temporary Moratorium on Evictions.

Reviewed by: Ruth Mizobe Shikada, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance