



Agenda Report

20-923

Agenda Date: 9/29/2020

INFORMATIONAL REPORT TO COUNCIL

SUBJECT

Informational Report Regarding City's Eviction Moratorium and AB 3088 - COVID-19 Tenant Relief Act of 2020 [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

BACKGROUND

On March 24, 2020, the City Council adopted an Urgency Ordinance, setting in place a moratorium on evictions in the City of Santa Clara for the non-payment of rent and no-fault evictions for tenants affected by COVID-19. The 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. On April 28, 2020, the City Council adopted the Emergency Evictions Protection Ordinance allowing the moratorium to be extended by resolution. On August 18, 2020, the City Council extended the ordinance through September 30, 2020.

On August 31, 2020, Governor Gavin Newsom signed Assembly Bill No. 3088, the COVID-19 Tenant Relief Act of 2020 (Tenant Relief Act), which ensures that tenants unable to pay because of the pandemic cannot be evicted for rents that became due between March 1, 2020 and January 31, 2021, if certain requirements are met. The state law, which went into effect immediately, also temporarily limits the ability of local governments to enact or expand local eviction protections effective before February 1, 2021.

DISCUSSION

The Tenant Relief Act prevents the City from extending its residential eviction moratorium for nonpayment evictions beyond September 30, 2020. Tenants are protected by, and tenants and landlords must follow, the State's requirements and not the City's.

Tenant Relief Act provides protections during the following periods:

- **March 1, 2020 to August 31, 2020:** If a tenant has experienced COVID-19-related financial distress and has not been able to pay part or all of the rent to their landlord between March 1, 2020, and August 31, 2020, the tenant cannot be evicted for failure to pay rent so long as they sign and return a Declaration of COVID-19-related financial distress to the landlord within 15 days of receiving a declaration form from the landlord.
- **September 1, 2020 to January 31, 2021:** If a tenant has experienced COVID-19-related financial distress and has not been able to pay part or all of the rent to their landlord between September 1, 2020, and January 31, 2021, the tenant cannot be evicted for failure to pay rent so long as they sign and return a Declaration of COVID-19-related financial distress to the landlord within 15 days of receiving a declaration form from the landlord, **AND**, on or before

January 31, 2021, the tenant pays at least 25% of each rental payment that was due, or will be due, between September 1, 2020, and January 31, 2021,

While the Tenant Relief Act may protect tenants from eviction for nonpayment of rent due from October 1, 2020 to January 31, 2021, this rent cannot be deferred under the City's eviction moratorium since it will expire on September 30, 2020 and the City is prohibited from extending. Tenants must meet the requirements of the state law to be protected for nonpayment of rent.

If tenants meet the state law's requirements, they cannot be evicted for nonpayment of rents covered by the law. After March 1, 2021, a landlord may bring a civil lawsuit for debt collection (to collect the unpaid rents covered by the law).

ENVIRONMENTAL REVIEW

This is an informational report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no cost to the City associated with this report other than administrative time and expense.

COORDINATION

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

PUBLIC CONTACT

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

Note and file the Informational Report regarding the City's Eviction Moratorium Ordinance No. 2015 and AB 3088.

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