DATE: May 12, 2020

TO: Board of Supervisors

FROM: S. Joseph Simitian, Supervisor
Cindy Chavez, Supervisor

SUBJECT: Eviction Moratorium Extension

RECOMMENDED ACTION

Consider recommendations relating to a temporary moratorium on evictions, depending on developing circumstances. (Simitian/Chavez)

Possible action:

a. Adopt Urgency Ordinance No. NS-9.288 relating to extending a temporary moratorium on evictions resulting from the Novel Coronavirus (COVID-19) Emergency within Santa Clara County and declaring urgency thereof. The adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to Sections 15060(c)(2) and 15378 of the CEQA Guidelines. (Urgency, Vote to waive reading, 4/5 Vote to adopt)

OR

b. Approve referral to County Counsel to report to the Board at the next scheduled meeting of the Board with options for consideration relating to extending the county-wide eviction moratorium beyond May 31, 2020.

REASONS FOR RECOMMENDATION

On March 24th, the Board of Supervisors adopted Urgency Ordinance No. NS-9.287 establishing a temporary moratorium on evictions resulting from the Novel Coronavirus (COVID-19) Emergency within Santa Clara County. The ordinance currently expires on May 31st, 2020, and allows the Board of Supervisors to extend or shorten the ordinance based on the continued existence of a local emergency.

Given the current shelter in place order, it is unlikely that the circumstances of commercial
and residential tenants who have lost income due to the current public health emergency will change significantly before May 31st. Given the current health crisis, as well as the existing significant housing and shelter crisis in Santa Clara County, extending the temporary moratorium will protect the health, safety, and welfare of the residents of Santa Clara County.

Extending the expiration date of the ordinance also increases the time for tenants to apply for and receive unemployment benefits, small-business loans, and rental assistance funds, increasing their ability to repay rent, either now or during the rent repayment period outlined in the ordinance. Given extraordinary demand, many of these programs are unable to fulfill applications in a timely manner.

As before, the urgency ordinance should provide protections to tenants throughout Santa Clara County, including both the unincorporated County and the county’s 15 incorporated cities.

At the time this referral is being written, Governor Newsom’s Executive Order N-28-20, suspending state law that would otherwise preempt or restrict local jurisdictions’ authority to suspend the evictions of tenants for the non-payment of rent, has not yet been extended past May 31st. If the Executive Order is extended/adjusted between May 5th and May 12th the moratorium extension should be considered at the May 12th Board meeting. If the Executive Order is extended/adjusted between May 12th and the May 26th special board meeting, the moratorium extension should be brought to the Board for consideration at the May 26th meeting. If it is not adjusted by May 26th, County Counsel is asked to craft language to allow for an automatic extension of the ordinance in the event the Executive Order is extended before May 31st, which should be brought to the Board for consideration at the May 26th meeting.

Unless the Governor’s order precludes our ability to act, the eviction moratorium should be extended through August 31st, 2020 and should allow the Board of Supervisors to shorten or extend the order based on the continued existence of a local emergency

**ATTACHMENTS:**

- Eviction Moratorium Extension (PDF)