RESOLUTION NO. 20-8880

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT AND NO-FAULT EVICTIONS FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Santa Clara ("City") may make and enforce all regulations and ordinances using its police powers;

WHEREAS, international, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19;

WHEREAS, on March 4, 2020, California Governor Gavin Newsom ("Governor") declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death;

WHEREAS, on March 11, 2020, pursuant to "The Code of the City of Santa Clara, California" ("SCCC") section 2.140.060, City Manager Deanna Santana, as the City's Director of Emergency Services, signed a Proclamation of Local Emergency to help ensure the City's continuity of essential operations and services available for the City of Santa Clara to respond to the COVID-19 emergency;

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WHEREAS, on March 13, 2020, the County issued a new Order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons. California Governor Gavin Newsom also called for bars, wineries, and brew pubs to close. These restrictions will impact how businesses operate that rely on customer patronage and will result in lost revenue for those that cannot continue to operate their businesses during this time;

WHEREAS, both large and smaller events across the Bay Area and in Santa Clara are cancelling or being postponed due to the County's Order and recommendations at all levels of government to cancel large gatherings amid concerns over spread of the virus. These cancellations and postponements cause loss in revenue for the events, as well as surrounding local businesses that rely on such events to bring in patrons to their businesses;

WHEREAS, On March 16, 2020, the 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. The Health Officer further directed that all business and governmental agencies cease non-essential operations at physical locations in the County;

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs;

WHEREAS, on Monday March 16, 2020, Governor Gavin Newsom issued an executive order that allows cities to suspend evictions for renters and homeowners, citing the ongoing novel coronavirus outbreak and the related economic fallout. State government cannot suspend evictions itself, so individual municipalities must implement moratoriums themselves;

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WHEREAS, on March 24, 2020, the County of Santa Clara Board of Supervisors adopted an uncodified urgency ordinance imposing a temporary moratorium through May 31, 2020 on evictions in Santa Clara County for non-payment of rent by residential and commercial real property tenants directly impacted by the COVID-19 pandemic;

WHEREAS, on May 26, 2020, the Board of Supervisors extended their eviction moratorium ordinance through: (1) the date that the Governor's Executive Order N-28-20 suspending any provision of state law that would preempt or otherwise restrict a local government's exercise of police powers to impose substantive limits on residential or commercial evictions under certain conditions (or similar executive order) is extended, or (2) August 31, 2020, whichever is earlier;

WHEREAS, on June 30, 2020, The Governor issued Executive Order N-71-20, which extends the authority of local jurisdictions to suspend the evictions for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic through September 30, 2020;

WHEREAS, according to the California's Employment Development Department's report on July 17, 2020, in June 2020, California's unemployment rate is still towering at 14.9 percent over the 4.2% unemployment rate a year ago. In the San Jose-Sunnyvale-Santa Clara metropolitan area, the unemployment rate for June 2020 is 10.7%;

WHEREAS, On July 17, 2020, the State Health Officer ordered the closure of all in-person operations at schools in counties on the State's monitoring list including Santa Clara County. These school closures will cause children to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home;

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WHEREAS, during the COVID-19 emergency, affected tenants who have lost income due to the impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted, and an eviction on their record can have long lasting effects on their ability to rent in the future;

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Santa Clara's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City;

WHEREAS, on March 24, 2020, the City Council adopted a COVID-19 Urgency Ordinance to provide a temporary moratorium on evictions in the City of Santa Clara for renters on the basis of nonpayment of rent and no-fault evictions where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19) pandemic. Under the provisions of the Urgency Ordinance, the Council extended the moratorium by resolution which is set to expire by May 31, 2020;

WHEREAS, on April 28, 2020, the City Council adopted Chapter 8.65, the Emergency Evictions Protection Ordinance, that may be activated by adoption of a resolution by the City Council for a period of thirty (30) days and may be further extended by subsequent resolution of the City Council;

WHEREAS, during this local emergency, the Emergency Evictions Protection Ordinance is a temporary moratorium intended to protect the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and,

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WHEREAS, the Emergency Evictions Protection Ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the moratorium on residential evictions for the nonpayment of rent, as set forth in the provisions under Chapter 8.65 of Title 8 of the Code of the City of Santa Clara, passed by Santa Clara City Council on April 28, 2020, shall hereby be extended and in effect through September 30, 2020, unless shortened or extended by the City Council.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 18TH DAY OF AUGUST, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	Mayor Gillmor

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None