



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Board of Supervisors
Department No.:
For Agenda Of: 5/19/20
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5 Vote required

TO: Board of Supervisors
FROM: Select_From Board Chair, Supervisor Hart, 805-568-2191 *OR*
First District Supervisor Williams, 805-568-2186 *PW*
Contact Info: Darcel Elliott, Chief of Staff, First District 805-568-2182
SUBJECT: Urgency Ordinance to Temporarily Prohibit Evictions

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Pursuant to Government Code sections 25123 and 25131 and California Governor Newsom's Executive Order N-28-20, adopt an Urgency Ordinance to extend the Urgency Ordinance to Temporarily Prohibit Evictions adopted by the Board of Supervisors on March 24, 2020, which amended County Code Chapter 44 to temporarily prohibit and suspend evictions arising from loss of income or substantial medical expenses related to COVID-19, Coronavirus pandemic, through May 31, 2020 and until the Governor's new extension date if Governor Newsom extends Executive Order N-28-20. This Urgency Ordinance does not relieve a tenant's obligations to pay rent or restrict a landlord's ability to recover rent due and the implementation of the extension of this Urgency Ordinance beyond May 31, 2020 is dependent upon the extension of the Governor's Executive Order N-28-20;
- b) Read the title and waive further reading of the Urgency Ordinance;
- c) Determine that adoption of the Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c), 15061(b)(3); and 15378(b)(5); and,
- d) Waive the Notice of Exemption 6-day posting requirement for good cause pursuant to County CEQA Guidelines section V.D.2.

Summary Text:

This Urgency Ordinance adopted by the Board of Supervisors on March 24, 2020 has temporarily prohibited and suspended evictions arising from loss of income or substantial medical expenses related to COVID-19, Coronavirus pandemic and is set to expire on May 31, 2020. Given the ongoing Public Health emergency status of the Coronavirus pandemic and ongoing financial hardships as a direct result of the pandemic, it is necessary for the Board of Supervisors to extend the Urgency Ordinance through May 31, 2020 and until the Governor's new extension date if Governor Newsom extends Executive Order N-28-20. This Urgency Ordinance does not relieve a tenant's obligations to pay rent or restrict a landlord's ability to recover rent due in the future. As of authoring this Board Letter, Governor Newsom has not yet indicated whether he will be extending Executive Order N-28-20, which empowers the County to adopt this Urgency Ordinance, and as such, the implementation of the Urgency Ordinance will only extend beyond May 31, 2020, upon extension of that Executive Order.

Background:

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19"). As numbers of positive cases increased in other California counties, Santa Barbara County Public Health Officer declared a public health emergency. In Santa Barbara County due to COVID-19 on March 12, 2020. Additionally, Governor Newsom issued statewide Executive Order N-33-20 on March 19, 2020 directing all California residents to "stay at home" except for essential workers and except for certain essential activities, as specified.

Restaurant and retail business has significantly declined, over 37,000 Santa Barbara County residents have lost their jobs, and parents have missed work to care for homebound school-age children, resulting in workers impacted by lost wages and layoffs. The loss of wages caused by the effects of COVID-19 will affect a tenant's ability to pay rent when due, leaving tenants vulnerable to eviction and homelessness.

On March 16, 2020, Governor Gavin Newsom issued an Executive Order that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19. The Executive Order came as Californians were increasingly experiencing substantial loss of hours or wages, or layoffs related to COVID-19, affecting their ability to keep up with their rents, mortgages, and utility bills. In response to the Order, on March 17, 2020, the California Public Utilities Commission's (CPUC) ordered energy, water, sewer, and communications companies under its jurisdiction to halt customer disconnections due to non-payment because they are unable to report to work due to illness, quarantine, or social distancing, and applies retroactively to March 4, 2020 when Governor Newsom declared a state of emergency. The Governor's Order does not relieve a tenant from the obligation to pay rent, or restrict the landlord's ability to recover rent that is due. The protections are in effect through May 31, 2020 unless further extended. The Governor also announced on March 25, 2020, a major agreement from financial institutions to offer mortgage payment forbearances of up to 90 days to borrowers economically impacted by COVID-19 and he also issued Executive Order N-37-20 on March 27, 2020 that established a statewide moratorium on evictions until May 31, 2020. Furthermore, the Judicial Council of California adopted an emergency court rule that effectively stops all evictions, other than those necessary to protect public health and

safety, for the duration of the COVID-19 emergency on April 6, 2020. The rule is applicable to all courts and to all eviction cases, whether they are based on a tenant's missed rent payment or another reason. The court rule will apply until 90 days after the Governor lifts the state of emergency related to the COVID-19 pandemic, or until it is amended or repealed by the Judicial Council.

On May 4, 2020, Governor Newsom announced the State moving into "Stage 2" of his reopening plan and many retail locations were authorized to reopen for "curbside pickup" only on May 8, 2020. And on May 7, 2020, the Governor outlined the criteria for certain counties to expedite their reopening -- criteria that Santa Barbara County does not meet -- indicating our County residents will continue to experience economic hardship and difficulty meeting their fiscal responsibilities, such as paying rent, while the Governor's "Stay at Home" order continues to require California residents to stay in a home that would result in further Public Health risk, if they were to be forced out.

Although economic relief efforts are underway from State, Federal and Local agencies as well as community partners, the loss of employment and income due to COVID-19 is likely to be insurmountable for many households and individuals who do not have financial savings to endure closures that may last several months. Those who are already struggling with housing insecurity as they work to keep up with the cost of living throughout Santa Barbara County are especially vulnerable to further losses of basic necessities at this time.

An Urgency Ordinance to Temporarily Prohibit Evictions due to many factors resulting from the COVID-19 pandemic in Santa Barbara County ensures that tenants have reliable, safe, and hygienic shelter through May 31, 2020 or until the Governor's new extension date if Governor Newsom extends Executive Order N-28-20. As of authoring this Board Letter, Governor Newsom has not yet indicated whether he will be extending Executive Order N-28-20, which empowers the County to temporarily suspend evictions. , As such, the implementation of the Urgency Ordinance will only extend beyond May 31, 2020 upon extension of that Executive Order. Despite the Judicial Council of California emergency rule discussed above, this ordinance is necessary so that the Board of Supervisors, in accordance with the Governor's Executive Orders, may continue to preserve the health and safety of residents, rather than relying on a temporary order of the court.

In addition to preventing additional homelessness, overcrowding and many other complex challenges to residents of Santa Barbara County, this measure would lessen economic stress that further compounds residents' health and vulnerability to COVID-19. Lastly, this measure would ensure that Santa Barbara County would proactively prevent our diverse population from losing their housing because of lost wages during these exceptionally tumultuous times.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

Budgeted: Select_Budgeted

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Key Contract Risks:

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Special Instructions:

Before the expiration of 15 days after passage of this Ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

Following Board approval, Clerk of the Board to please post the Notice of Exemption and forward a stamped copy to the First District Office, Attention: Lisa Valencia Sherratt.

Request the Clerk of the Board to return a copy of the Ordinance and Minute Order to First District Office, Attention: Lisa Valencia Sherratt, and Second District office, Attention: Chris Henson.

Attachments:

Attachment A: Urgency Ordinance

Attachment B: CEQA Notice of Exemption

Authored by: Darcel Elliott, Chief of Staff, First District

cc: