



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: 3/24/20
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 *SAWA*
1st District Supervisor Williams, 805-568-2186
Contact Info: Chris Henson, Chief of Staff, 2nd District 805-568-2191
SUBJECT: Urgency Ordinance to Temporarily Prohibit Evictions

County Counsel Concurrence

As to form: Yes

Other Concurrence: Select_Other

As to form: Select_Concurrence

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 amend 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, until May 31, 2020 or until the Santa Barbara County local health emergency proclamation is terminated, whichever is earlier. This Urgency Ordinance does not relieve a tenant's obligations to pay rent or restrict a landlord's ability to recover rent due;
- 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 would prohibit and suspend evictions arising from loss of income or substantial medical expenses related to COVID-19, Coronavirus pandemic, until May 31, 2020 or until the Santa Barbara County local health emergency proclamation is terminated, whichever is earlier. 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. This Urgency Ordinance also reiterates the Governor's Executive Order's requests to banks, investors and other financial institutions to halt foreclosures and related evictions during this time-period, and requests public housing authorities "to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority."

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. According to directives from federal, state and local health officials, events have been cancelled, schools have been closed, and residents have been advised to avoid public gatherings, and work at home to prevent the spread of this disease. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing, with certain exceptions, that all individuals living in California stay at home or at their place of residence.

Restaurant and retail business have significantly declined 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 may 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 enables local governments to halt evictions for some renters and homeowners impacted by COVID-19. The Executive Order also requests financial institutions to slow foreclosures, and requests the California Public Utilities Commission to monitor public and private utility providers to implement customer service protections 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 extended. The Governor's Order also requests banks and other financial institutions to halt foreclosures and related evictions during this time-period, and requests public housing authorities "to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for

programs, to the extent that those deadlines are within the discretion of the housing authority.” Currently in Santa Barbara County, our Public Health Department is continuing to urge social distancing in all settings, and other preventative best practices including self-quarantine, self-isolation and working from home. Businesses are open with very limited capacity and/or hours, or closed all together, with the food service industry now greatly reduced according to the Governor’s Guidance for Food Facilities (March 17, 2020).

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 Prevent Evictions due to many factors resulting from the COVID-19 pandemic in Santa Barbara County ensures that tenants have reliable, safe, and hygienic shelter until May 31, 2020 or until the Santa Barbara County local health emergency proclamation is terminated, whichever is earlier.

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.

With Governor’s Stay at Home Order of March 19, 2020 in place, this Urgency Ordinance is essential to allow residents to comply with the Order, and for Santa Barbara County to support consistency across the state in order to slow the spread of COVID-19.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

No direct costs to the County are anticipated as a result of adopting this urgency ordinance.

Fiscal Analysis:

No direct costs to the County are anticipated as a result of adopting this Urgency Ordinance.

Narrative:

Key Contract Risks:

Staffing Impacts:

Legal Positions:

FTEs:

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

Attachment C: March 16, 2020 Governor's Executive Order

Authored by: Chris Henson, Chief of Staff, 2nd District

cc: