



Legislation Details (With Board Report)

File #: 20-420 **Name:** Urgency Ordinance Extending Ord. No. 5325 re Evictions

Type: General Agenda Item **Status:** Passed - County Counsel Office

File created: 5/13/2020 **In control:** Board of Supervisors

On agenda: 5/19/2020 **Final action:** 5/19/2020

Title: Consider adopting an urgency ordinance extending Ordinance No. 5325 (that adopted a temporary COVID-19 pandemic related prohibition on evictions through May 31, 2020) through July 31, 2020 (4/5ths vote required).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Brd Rpt COVID 19 eviction ext ord Ex A Ord 5325, 3. Brd Rpt COVID 19 eviction ext ord Ex B 3.16.20-exec-order evictions, 4. Brd Rpt COVID 19 eviction ext ord Ex C, 5. Brd Rpt COVID 19 eviction ext ord Ex D Ct order, 6. Item No. 11 Completed Board Order and Ordinance 5331

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

Consider adopting an urgency ordinance extending Ordinance No. 5325 (that adopted a temporary COVID-19 pandemic related prohibition on evictions through May 31, 2020) through July 31, 2020 (4/5ths vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors consider adopting an urgency ordinance extending Ordinance No. 5325 (that adopted a temporary COVID-19 pandemic related prohibition on evictions through May 31, 2020) through July 31, 2020 (4/5ths vote required).

SUMMARY/DISCUSSION:

In response to the Governor’s Executive Order N-28-20, on March 16, 2020 (copy attached as Exhibit A), the Board adopted Ordinance No. 5325 that adopted a temporary COVID-19 pandemic related prohibition on evictions through May 31, 2020. A copy of that ordinance is enclosed as Exhibit B. Nothing in the ordinance relieves a tenant from the obligation to pay rent. The conditions described in the ordinance and the Governor’s Executive Order remain applicable today, and the Board needs to consider whether to extend the prohibition in the Ordinance. A draft ordinance is enclosed as Exhibit C. It is proposed that the prohibition in Ordinance No. 5325 be extended to July 31, 2020; the Board can reassess the conditions supporting the prohibition in July, and determine whether to further extend.

With the permission of the Presiding Justice of the California Supreme Court, the local superior court has adopted certain emergency rules pertaining to the COVID-19 pandemic. Two of those rules require the courts to decline to issue summonses for both unlawful detainers and foreclosures until 90 days after the Governor declares and end to his state of emergency. A copy of the order is enclosed as Exhibit D (see emergency rules 1 and 2). This judicial order addresses the same issues as Ordinance No. 5325, and a number of counties around the state are relying on the court order rather than renewing or extending a locally applicable ordinance. As an alternative, the Board could decline to extend Ordinance No. 5325 and rely solely on the judicial order.

OTHER AGENCY INVOLVEMENT:

The Administrative Office and Health Department have been consulted on this issue.

FINANCING:

Adoption of this ordinance would not require funding or impact the County's general fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This proposed program correlates to the Health & Human Services Strategic Initiatives adopted by the Board of Supervisors by working towards the goals of improving health and quality of life outcomes to individuals and families to address the immediate threat to the public peace, health and safety and prevent displacement of tenants resulting from the economic impact of the COVID-19 pandemic.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by:

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Dated: May , 2020

Approved by:

Leslie J. Girard, County Counsel

Dated: May , 2020

Attachments:

- Board Report
- Ex. A - Ordinance No. 5325
- Ex. B - Executive Order N-28-20
- Ex. C - Draft ordinance
- Ex. D - Judicial Order