

City Council Questions

May 29, 2020 Special Council Meeting

ITEM 4.1 AMENDMENT TO URGENCY ORDINANCE TEMPORARILY SUSPENDING EVICTIONS FOR NONPAYMENT OF RENT BY RESIDENTIAL TENANTS IMPACTED BY COVID-19

1. Is there an update from CSA on the number of households assisted, and the amount disbursed?

The information in the report was the last data provided by CSA. Staff is coordinating with CSA for up-to-date numbers and will work to have those figures for tonight's Council meeting.

2. What does "No, but contributing to Countywide program" mean on page 5 in the table?

This reference in the table indicates the County does not have a rent stabilization program, and the additional information describing the County contributing to a Countywide program refers to the County's contribution to Destination: Home COVID-19 rent relief region wide efforts. Upon further review the additional information was not necessary to be included in the table.

3. If the Governor's Executive Order was not done, could the County do a County-wide eviction moratorium?

Likely, yes. There is legal authority from a California Attorney General Opinion which allows counties to exercise their police powers on a county-wide basis during a declared disaster or emergency, which is what the County relied upon in adopting its original ordinance. The Governor's Order eliminated potential state preemption challenges to an eviction moratorium for both residential and commercial properties. If the Governor's Order is not extended, it is possible that the County would not continue the commercial eviction moratorium since state law clearly preempts in the commercial context. However, a local government's exercise of its police power with respect to residential evictions has been upheld by courts so the County could rely upon its police powers to justify continuation for the eviction moratorium for residential evictions and the Attorney General Opinion to impose that moratorium county-wide.

4. If the rent payback period was extended, and the tenant fails to pay back the rent, what could happen?

If the tenant does not repay the rent within the 120 period after expiration of the moratorium, landlords could commence eviction actions to recover possession of the property and unpaid rent. Landlords could also bring an action in court (either in small claims court or superior court depending upon the amount owed) to recover the unpaid rent treating the rent as a consumer debt. Whether those eviction actions will proceed in the courts will depend upon whether the Judicial Council order remains in effect.

