

ORDINANCE NO.

ADOPT AN AMENDMENT TO ORDINANCE NO. 2.20, AN URGENCY ORDINANCE OF THE CITY OF MOUNTAIN VIEW TEMPORARILY SUSPENDING EVICTIONS FOR NONPAYMENT OF RENT BY RESIDENTIAL TENANTS IMPACTED BY THE COVID-19 EMERGENCY, EXTENDING THE DURATION OF THE ORDINANCE AND REPAYMENT PERIOD

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Emergency Conditions Persist; Need to Extend Term and Repayment Period.

(a) On March 27, 2020, the City Council adopted Ordinance No. 2.20, which temporarily suspended evictions for nonpayment of rent by residential tenants impacted by the COVID-19 emergency (Ordinance).

(b) The term of the Ordinance was through May 31, 2020, and extended to August 31, 2020 on May 29, 2020.

(c) On March 31, 2020, April 29, 2020, May 18, 2020, and July 2, 2020, the Health Officer of the County of Santa Clara issued subsequent orders directing all individuals living in the County to continue to shelter in their place of residence subject to certain exceptions.

(d) The public health emergency conditions affecting renters, as described in the findings of the Ordinance, continue to exist in the City, and in order to protect the public health, safety and welfare, it is necessary to continue the temporary suspension on evictions from residential units due to a resident's loss of substantial income arising out of the consequences of the COVID-19 pandemic.

(e) For the extended duration of the COVID-19 pandemic, displacement through eviction continues to create undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing.

(f) For the extended duration of the COVID-19 pandemic, affected tenants who have lost income due to impacts on the economy or their employment continue to be at risk of homelessness if they are evicted for nonpayment as they will have little or no income and, thus, be unable to secure other housing if evicted.

(g) For the extended duration of the COVID-19 pandemic, substantial losses in income or substantial out-of-pocket medical expenses due to the shelter-in-place restrictions continue to leave renters in the City with less money to spend on other necessities such as food, healthcare, transportation and education; thus extending the protections in the Ordinance is necessary to protect the health, safety and welfare of its residents, including, but not limited to, the need to keep residents in their homes during the time that they need to shelter in place.

(h) The term of the Ordinance may be extended by the City Council, and substantive provisions of the Ordinance may be amended by the City Council.

(i) The conditions described above continue to exist, and on August 25, 2020, the City Council determined it was, therefore, necessary to extend the Ordinance, and amend other provisions related to repayment.

Section 2. Extension of Term and Repayment Period.

The first paragraph of Section 2 and Sections 2(e) and 2(f) of the Ordinance are amended to read as follows:

“Section 2. This urgency ordinance shall remain in effect through September 30, 2020, or any later expiration date of County of Santa Clara Ordinance No. NS-9.287. If the County of Santa Clara does not extend Ordinance No. NS-9287 beyond September 30, 2020, this ordinance shall remain in effect until the termination of the City’s local emergency declared on March 12, 2020. A suspension of evictions for nonpayment of rent by residential tenants impacted by the COVID-19 pandemic is imposed as follows:

[...]

(e) Nothing in this ordinance shall relieve the tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due. A tenant benefiting from this ordinance shall pay all past-due rent deferred pursuant to this ordinance in full within twelve (12) months of the date of expiration of this ordinance. Additionally, a tenant who qualifies for protection under this ordinance shall pay at least fifty percent (50%) of the past-due rent deferred under this ordinance within six (6) months of the expiration of this ordinance as extended. Nothing herein prevents landlords and tenants from negotiating a longer repayment period for past-due rent. Landlords and tenants are strongly encouraged to mutually agree to a repayment plan for past-due rent.

(f) A landlord may not charge or collect a late fee for rent that is delayed pursuant to this ordinance and for twelve (12) months after the expiration of this ordinance.”

Section 3. Ordinance No. 2.20 Remains in Effect.

Except as amended set forth herein, Ordinance No. 2.20 shall remain in full force and effect.

Section 4. Pursuant to Mountain View City Charter Section 514, and Government Code Sections 36934 and 36973, the provisions of this ordinance shall be effective immediately upon adoption.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 6. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Guidelines Sections 15060(c)(2) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

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