



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 23

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Attorney Department
MEETING DATE: September 08, 2020
SUBJECT:
Emergency Ordinance – Residential Eviction Moratorium

RECOMMENDATION:

Consider adopting an Emergency Ordinance to establish a moratorium on evictions of residential tenants impacted by COVID-19 pandemic.

BACKGROUND:

In March as state and local shelter in place orders were being issued, the City Council considered whether to enact a moratorium on the eviction of residential tenants impacted by COVID-19 and the state and local government response to the pandemic. When the County of San Mateo Board of Supervisors enacted a county-wide moratorium on residential evictions, the City Council decided that a City moratorium was not necessary.

The Board of Supervisors enacted extensions of the moratorium until August 31, 2020. At a recent meeting, the Board decided that it would not extend the moratorium beyond that date. Prior orders by Governor Newsom extended the suspension of the preemptive effect of state landlord tenant law until the end of September.

At its last meeting, the City Council discussed whether to schedule a special meeting to enact a City moratorium on residential evictions that would go into effect upon the expiration of the County moratorium. The Council decided not to do so, but directed staff to schedule an item to enact a moratorium on residential evictions on its September 8 agenda. The Council was aware that the Legislature was considering bills to enact a statewide moratorium and wanted to provide the opportunity to enact a moratorium if no other government entity did.

While the Legislature has not enacted a moratorium as of the writing of this report, there have been actions taken by the County Board of Supervisors and the San Mateo County Superior Court that the Council may wish to consider. In determining not to extend its moratorium, the Board of Supervisors was concerned about the ability of impacted tenants to pay the deferred and unpaid rent that would result from another extension of the county moratorium. To address this concern, the Board voted to add an additional \$2 million of direct rental assistance to tenants. These funds bring the total of funds available for rental assistance to more than \$20 million, with \$3 million committed to rental assistance. In addition, on August 27, the Presiding Judge of the San Mateo Superior Court issued an order suspending eviction proceedings through October 2. This order includes the suspension of any court action, including this issuance of a summons, in furtherance of an eviction action.

Submitted with this report is an emergency ordinance that would enact a moratorium on the eviction of residential tenants that would go into effect on September 9 and expire on October 1. The terms of the ordinance are modeled upon the County's moratorium and would provide a 12-month rental repayment term, with ½ of the amount rent payable within 6 months.

NOTE: After this report was drafted, the California Legislature enacted a bill that provides a 5-month moratorium on evictions statewide. In addition, on September 1, the CDC issued a nationwide order to prohibit the eviction of certain tenants until the end of this calendar year. Staff has not had the opportunity to analyze the differences between these actions and how they compare to the ordinance submitted with this report. Staff will provide this analysis as part of its presentation on this item.

BUDGET IMPACT:

This item will have no impacts on the City's budget.

ENVIRONMENTAL DETERMINATION:

This emergency ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not cause a physical change in the environment. (Public Resources Code Section 21065.)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 - Emergency Ordinance

STAFF CONTACT

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