

CALENDAR FOR THE BOARD OF SUPERVISORS  
**CONTRA COSTA COUNTY**  
AND FOR SPECIAL DISTRICTS, AGENCIES, AND AUTHORITIES GOVERNED BY THE BOARD  
**BOARD CHAMBERS ROOM 107, ADMINISTRATION BUILDING, 651 PINE STREET  
MARTINEZ, CALIFORNIA 94553-1229**

**CANDACE ANDERSEN, CHAIR, 2ND DISTRICT**

**DIANE BURGIS, VICE CHAIR, 3RD DISTRICT**

JOHN GIOIA, 1ST DISTRICT

KAREN MITCHOFF, 4TH DISTRICT

**FEDERAL D. GLOVER, 5TH DISTRICT**

**DAVID J. TWA, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 335-1900**

**To slow the spread of COVID-19, the Health Officer's Shelter Order of March 31, 2020, prevents public gatherings ([Health Officer Order](#)). In lieu of a public gathering, the Board of Supervisors meeting will be accessible via television and live-streaming to all members of the public as permitted by the Governor's Executive Order N29-20. Board meetings are televised live on Comcast Cable 27, ATT/U-Verse Channel 99, and WAVE Channel 32, and can be seen live online at [www.contracosta.ca.gov](http://www.contracosta.ca.gov).**

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA MAY SUBMIT PUBLIC <https://forms.gle/iaQQiMAezh7zm3Qp6> COMMENTS TO EITHER BEFORE OR DURING THE MEETING.

If you have difficulty accessing the public comment link, please contact Clerk of the Board at [ClerkOfTheBoard@cob.cccounty.us](mailto:ClerkOfTheBoard@cob.cccounty.us).

All comments submitted before the conclusion of the meeting will be included in the record of the meeting. When feasible, the Clerk of the Board also will read the comments into the record at the meeting, subject to a two minute time limit per comment.

The Board Chair may reduce or eliminate the amount of time allotted to read comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

A lunch break or closed session may be called at the discretion of the Board Chair.

Staff reports related to open session items on the agenda are also accessible on line at [www.contracosta.ca.gov](http://www.contracosta.ca.gov).

**SPECIAL MEETING**

**AGENDA**

**April 21, 2020**

**1:00 P.M. Convene and Call to Order**

**D.1 PUBLIC COMMENT**

- D.2** DISCUSS creating a Board of Supervisors Ad Hoc Committee to Advise the Health Department on COVID 19 Impacts due to business closures and provide direction to staff. (Chair, Candace Andersen)
- D.3** CONSIDER adopting Ordinance No. 2020-14, an urgency ordinance temporarily prohibiting evictions of tenants in Contra Costa County impacted by the COVID-19 pandemic and establishing a rent increase moratorium. (Mary Ann Mason, Chief Assistant County Counsel)

## **ADJOURN**

### **GENERAL INFORMATION**

The Board meets in all its capacities pursuant to Ordinance Code Section 24-2.402, including as the Housing Authority and the Successor Agency to the Redevelopment Agency. Persons who wish to address the Board should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

All matters listed under CONSENT ITEMS are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Board votes on the motion to adopt.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106.

Copies of recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

Forms are available to anyone desiring to submit an inspirational thought nomination for inclusion on the Board Agenda. Forms may be obtained at the Office of the County Administrator or Office of the Clerk of the Board, 651 Pine Street, Martinez, California.

Subscribe to receive to the weekly Board Agenda by calling the Office of the Clerk of the Board, (925) 335-1900 or using the County's on line subscription feature at the County's Internet Web Page, where agendas and supporting information may also be viewed:

[www.co.contra-costa.ca.us](http://www.co.contra-costa.ca.us)

### **Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):**

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

**AB** Assembly Bill  
**ABAG** Association of Bay Area Governments  
**ACA** Assembly Constitutional Amendment  
**ADA** Americans with Disabilities Act of 1990  
**AFSCME** American Federation of State County and Municipal Employees  
**AICP** American Institute of Certified Planners  
**AIDS** Acquired Immunodeficiency Syndrome  
**ALUC** Airport Land Use Commission  
**AOD** Alcohol and Other Drugs  
**ARRA** American Recovery & Reinvestment Act of 2009  
**BAAQMD** Bay Area Air Quality Management District  
**BART** Bay Area Rapid Transit District  
**BayRICS** Bay Area Regional Interoperable Communications System  
**BCDC** Bay Conservation & Development Commission  
**BGO** Better Government Ordinance  
**BOS** Board of Supervisors  
**CALTRANS** California Department of Transportation  
**CalWIN** California Works Information Network  
**CalWORKS** California Work Opportunity and Responsibility to Kids  
**CAER** Community Awareness Emergency Response  
**CAO** County Administrative Officer or Office  
**CCE** Community Choice Energy  
**CCCPFD (ConFire)** Contra Costa County Fire Protection District  
**CCHP** Contra Costa Health Plan  
**CCTA** Contra Costa Transportation Authority  
**CCRMC** Contra Costa Regional Medical Center  
**CCWD** Contra Costa Water District  
**CDBG** Community Development Block Grant  
**CFDA** Catalog of Federal Domestic Assistance  
**CEQA** California Environmental Quality Act  
**CIO** Chief Information Officer  
**COLA** Cost of living adjustment

**ConFire** (CCCFPD) Contra Costa County Fire Protection District  
**CPA** Certified Public Accountant  
**CPI** Consumer Price Index  
**CSA** County Service Area  
**CSAC** California State Association of Counties  
**CTC** California Transportation Commission  
**dba** doing business as  
**DSRIP** Delivery System Reform Incentive Program  
**EBMUD** East Bay Municipal Utility District  
**ECCFPD** East Contra Costa Fire Protection District  
**EIR** Environmental Impact Report  
**EIS** Environmental Impact Statement  
**EMCC** Emergency Medical Care Committee  
**EMS** Emergency Medical Services  
**EPSDT** Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)  
**et al.** et alii (and others)  
**FAA** Federal Aviation Administration  
**FEMA** Federal Emergency Management Agency  
**F&HS** Family and Human Services Committee  
**First 5** First Five Children and Families Commission (Proposition 10)  
**FTE** Full Time Equivalent  
**FY** Fiscal Year  
**GHAD** Geologic Hazard Abatement District  
**GIS** Geographic Information System  
**HCD** (State Dept of) Housing & Community Development  
**HHS** (State Dept of ) Health and Human Services  
**HIPAA** Health Insurance Portability and Accountability Act  
**HIV** Human Immunodeficiency Syndrome  
**HOME** Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households  
**HOPWA** Housing Opportunities for Persons with AIDS Program  
**HOV** High Occupancy Vehicle  
**HR** Human Resources  
**HUD** United States Department of Housing and Urban Development  
**IHSS** In-Home Supportive Services  
**Inc.** Incorporated  
**IOC** Internal Operations Committee  
**ISO** Industrial Safety Ordinance  
**JPA** Joint (exercise of) Powers Authority or Agreement  
**Lamorinda** Lafayette-Moraga-Orinda Area  
**LAFCo** Local Agency Formation Commission  
**LLC** Limited Liability Company  
**LLP** Limited Liability Partnership  
**Local 1** Public Employees Union Local 1  
**LVN** Licensed Vocational Nurse  
**MAC** Municipal Advisory Council  
**MBE** Minority Business Enterprise  
**M.D.** Medical Doctor

**M.F.T.** Marriage and Family Therapist  
**MIS** Management Information System  
**MOE** Maintenance of Effort  
**MOU** Memorandum of Understanding  
**MTC** Metropolitan Transportation Commission  
**NACo** National Association of Counties  
**NEPA** National Environmental Policy Act  
**OB-GYN** Obstetrics and Gynecology  
**O.D.** Doctor of Optometry  
**OES-EOC** Office of Emergency Services-Emergency Operations Center  
**OPEB** Other Post Employment Benefits  
**OSHA** Occupational Safety and Health Administration  
**PACE** Property Assessed Clean Energy  
**PARS** Public Agencies Retirement Services  
**PEPRA** Public Employees Pension Reform Act  
**Psy.D.** Doctor of Psychology  
**RDA** Redevelopment Agency  
**RFI** Request For Information  
**RFP** Request For Proposal  
**RFQ** Request For Qualifications  
**RN** Registered Nurse  
**SB** Senate Bill  
**SBE** Small Business Enterprise  
**SEIU** Service Employees International Union  
**SUASI** Super Urban Area Security Initiative  
**SWAT** Southwest Area Transportation Committee  
**TRANSPAC** Transportation Partnership & Cooperation (Central)  
**TRANSPLAN** Transportation Planning Committee (East County)  
**TRE** or **TTE** Trustee  
**TWIC** Transportation, Water and Infrastructure Committee  
**UASI** Urban Area Security Initiative  
**VA** Department of Veterans Affairs  
**vs.** versus (against)  
**WAN** Wide Area Network  
**WBE** Women Business Enterprise  
**WCCTAC** West Contra Costa Transportation Advisory Committee



Contra  
Costa  
County

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: April 21, 2020

Subject: Urgency ordinance temporarily prohibiting evictions of tenants and establishing a rent increase moratorium

---

**RECOMMENDATION(S):**

ADOPT Ordinance No. 2020-14, an urgency ordinance temporarily prohibiting evictions of tenants in Contra Costa County impacted by the COVID-19 pandemic and establishing a rent increase moratorium.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

On April 14, 2020, the Board directed the County Counsel's Office to draft an urgency ordinance to temporarily prohibit evictions of residential and commercial tenants in the County who are impacted by the COVID-19 pandemic and establish a moratorium on rent increases. The urgency ordinance, Ordinance 2020-14, is attached. This Board order summarizes the key provisions of the urgency ordinance. It also highlights areas the Board might want to address before adopting the ordinance. The Board may make changes to the attached draft ordinance at the Board meeting and can adopt the ordinance immediately thereafter.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/21/2020**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 21, 2020

Contact: Mary Ann Mason, Chief Assistant  
County Counsel, (925) 335-1800

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc: David O. Livingston, Sheriff-Coroner, David Twa, County Administrator, Kathy Gallagher, Director, Employment & Human Services Department

## BACKGROUND: (CONT'D)

Definition of “owner”. The definition of “owner” includes both the property owner (master lessor) and any sublessor. For example, if a property owner leases a building to another person or corporation, and that person subleases part of the building to others (e.g., individual apartments, offices, or other spaces) both the master lessor and the sublessor(s) will be included.

Failure to pay rent. An owner of residential property or commercial property is prohibited from terminating a tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the COVID-19 pandemic. The tenant must provide documentation showing loss of income or out-of-pocket medical expenses.

No-fault evictions. An owner of residential property or commercial property is prohibited from terminating a residential tenancy for any “no-fault” reason, subject to the limited exceptions described below. A no-fault eviction would be defined as any eviction not based on an alleged fault of the tenant.

Immediate family members. An owner of residential real property is prohibited from terminating a tenancy on the basis of a tenant allowing an unauthorized occupant to live in the dwelling unit, if that occupant is the tenant’s immediate family member living in the dwelling unit as a result of the COVID-19 pandemic.

- The ordinance defines “immediate family” as a person’s spouse, domestic partner, children, grandchildren, parents, or grandparents. This is the definition used in the Tenant Protection Act of 2019. The Board may want to consider expanding this definition to include siblings, nephews, and nieces, or consider further limiting the definition of immediate family.

Exceptions. The ordinance does not limit an owner’s ability to terminate a tenancy if the termination is necessary to protect the owner’s health or safety or any other tenant’s health or safety, or the owner or a member of the owner’s immediate family intends to occupy a residential rental unit.

Notices of termination of tenancy. Any notice of termination of tenancy served on a tenant by an owner must include the reason for terminating the tenancy, a notice of the tenant’s rights under the ordinance, and a notice of emergency rental assistance programs. A tenant who is eligible for protection under the ordinance must provide written notice of that eligibility within 14 days after receiving a notice of termination of tenancy from the owner.

Late fees. An owner may not charge or collect a late fee for unpaid rent due from a tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses due to COVID-19. This provision applies for 120 days after the ordinance expires.

Grace period. A tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses due to COVID-19 must pay all past due rent within 120 days after the ordinance expires.

Moratorium on rent increases. An owner may not increase rent while the ordinance is in effect. As required by the Tenant Protection Act of 2019, the moratorium on rent increases would not apply to

residences built within the last 15 years; single family homes, townhouses, and condominiums, unless owned by an investment trust, corporation, or LLC. It also would not apply to owner-occupied duplexes; hotels; residential care facilities for adults or the elderly; school dormitories; and group housing. The ordinance would apply to all other commercial or residential rentals to prohibit rent increases during the term of the ordinance.

Attorney's fees. If a tenant files a civil action against an owner for violating the ordinance, the prevailing party is entitled to reasonable attorney's fees and costs pursuant to order of the court.

Retroactivity. The ordinance applies to eviction notices, and unlawful detainer actions based on these notices, served or filed on or after March 16, 2020. The ordinance would not apply if a tenant has surrendered possession of its premises, or if an unlawful detainer lawsuit was finally adjudicated before March 16, 2020.

Countywide. Per the Board's direction, the ordinance is written to apply countywide, both in the unincorporated area and in cities. To the extent that a city enacts an ordinance or adopt a regulation that governs the same subject matter as the County ordinance, the city ordinance or resolution would apply within the city limits instead of this ordinance.

Ordinance term. As drafted, the ordinance would be in effect through May 31, 2020, unless shortened or extended by the Board. This means that the eviction protections and rent increase moratorium would last through May 31, 2020, unless the Board takes action to amend the ordinance term. This also means that late fees could not be charged until 120 days after May 31, 2020, and all past due rent would be due no later than 120 days after May 31, 2020.

May 31, 2020, is the date specified in the Governor's Executive Order N-28-20 which enables counties to enact local eviction protections in response to the pandemic. This date may extended by the Governor. Executive Order N-37-20, the statewide eviction moratorium, also lasts until May 31, unless the order is extended by the Governor.

Several ways of determining a termination date for the ordinance have been proposed, including:

- A term through May 31, 2020, unless shortened or extended by the Board.
- A term lasting through the term of the Governor's Executive Order on evictions, including any extensions of the Executive Order.
- A term lasting through the term of the local emergency proclaimed by the Board. The local emergency lasts until the Board terminates it.
- A term lasting through the term of the statewide emergency proclaimed by the Governor. The statewide emergency lasts until it is terminated by the Governor or Legislature.

If the Board prefers not to set a fixed termination date that may be extended by Board action, one option used by other entities is to tie the termination date to the termination of the Governor's eviction ban. Thus, if the Governor's eviction ban is extended, the ordinance term is automatically extended. Tying the termination date to the termination of either the local or state emergency may make it more difficult for the courts and parties to assess whether the eviction ban and rent moratorium remain in effect.

## ATTACHMENTS

Ordinance 2020-14



ORDINANCE NO. 2020-14

AN URGENCY ORDINANCE TEMPORARILY PROHIBITING EVICTIONS OF  
RESIDENTIAL AND COMMERCIAL REAL PROPERTY TENANTS IN  
CONTRA COSTA COUNTY IMPACTED BY THE COVID-19 PANDEMIC AND  
ESTABLISHING A MORATORIUM ON RENT INCREASES

The Contra Costa County Board of Supervisors ordains as follows:

**Section 1. Findings.**

- A. On January 30, 2020, the World Health Organization declared the outbreak of a novel coronavirus that causes the disease named coronavirus disease 2019 (“COVID-19”), a public health emergency of international concern.
- B. On January 31, 2020, as the result of confirmed cases of COVID-19, the U.S. Secretary of Health and Human Services declared a public health emergency nationwide.
- C. On March 3, 2020, Contra Costa Health Services announced the first case of local transmission of the virus causing COVID-19 in Contra Costa County.
- D. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq., and reported that as of that date, there were more than 94,000 cases of COVID-19 worldwide, resulting in more than 3,000 deaths, with 129 confirmed cases of COVID-19 in the United States, including 53 in California.
- E. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- F. The legislative bodies of a number of cities in Contra Costa County have also adopted local emergency proclamations due to COVID-19 pursuant to Government Code section 8630.
- G. On March 16, 2020, the County Health Officer issued an order requiring County residents to shelter at their places of residence through April 7, 2020, in order to slow community transmission of COVID-19, subject to exceptions for the provision and receipt of essential services while complying with social distancing requirements to the maximum extent possible. All businesses with a facility in the County, except Essential Businesses as defined in the order, were required to cease all activities at facilities located within the County except for Minimum Basic Operations, as defined in the order.

- H. On March 31, 2020, the County Health Officer extended the shelter-in-place order through May 3, 2020, and clarified and strengthened its requirements.
- I. On March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorizes local jurisdictions to suspend the evictions of residential and commercial tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic. The protections in Executive Order N-28-20 extend through May 31, 2020.
- J. On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, which directs residents of California to follow state public health directives to stay home or at their place of residence to preserve the public health and safety and capabilities of the healthcare delivery system.
- K. On March 27, 2020, Governor Gavin Newsom issued Executive Order N-37-20, which prohibits landlords throughout California from evicting residential tenants for nonpayment of rent when the inability to pay is due to COVID-19, and the tenant has provided notice to the landlord and has documentation showing the nonpayment is because of the COVID-19 pandemic. The protections in Executive Order N-37-20 extend through May 31, 2020.
- L. The COVID-19 pandemic and associated public health orders have resulted in the closure of many local businesses until at least May 3, 2020, and have imposed extreme restrictions on other local businesses until then, and possibly thereafter.
- M. The COVID-19 pandemic and associated public health orders are expected to result in a substantial loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and result in substantial medical expenses for certain Contra Costa County residents.
- N. Contra Costa County and the cities within the County are also experiencing a housing affordability crisis, which is driving homelessness and displacement of residents.
- O. Many County residents are experiencing or will experience substantial losses of income as a result of the local emergency and shelter-in-place orders, hindering their ability to pay rent and leaving them vulnerable to eviction.
- P. Many of the County's renters are rent-burdened, paying over 30 percent of their income on rent, and some renters are severely rent-burdened, paying over 50 percent of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education.
- Q. Without local protection, eviction notices, including notices for failure to pay rent, are likely to surge as residents and businesses are unable to earn income due to the COVID-

19 pandemic, or are forced to pay substantial medical expenses associated with the COVID-19 pandemic.

- R. Housing displacement due to rent increases and evictions occurring during the local emergency would hinder individuals from complying with state and local directives to shelter in place, and would lead to increased spread of COVID-19, overburdening the healthcare delivery system and potentially resulting in greater loss of life.
- S. There is an urgent need for the County to enact substantive limitations on evictions and enact a temporary moratorium on rent increases to protect the health, safety, and welfare of its residents in light of the emergency declared regarding the COVID-19 pandemic, including the need to keep residents in their homes during the time that they need to shelter-in-place.

**Section 2. Definitions.** For purposes of this ordinance, the following words and phrases have the following meanings:

- (a) “Commercial real property” means any developed real property that is used as a place of business.
- (b) “Immediate family” means a person’s spouse, domestic partner, children, grandchildren, parents, or grandparents.
- (c) “No fault cause for eviction” means any eviction for which the notice of termination of tenancy is not based on an alleged fault of the tenant.
- (d) “Owner” means any natural person, partnership, corporate or fictitious entity, acting as a lessor or sublessor, whether as a principal or through an agent, who receives or is entitled to receive rent in exchange for the use or occupancy of any residential or commercial real property for rent.
- (e) “Rent” means the financial obligation or monetary payment a tenant owes an owner for the occupancy or use of commercial or residential real property whether by written or oral agreement.
- (f) “Residential real property” means any dwelling unit that is intended or used for human habitation.
- (g) “Tenancy” means the lawful occupancy of residential or commercial real property by agreement on a month-to-month basis or for a fixed term in excess of 30 days.
- (h) “Tenant” means the lawful occupant of residential or commercial real property whether by lease, sublease, or other agreement.

### Section 3. Prohibitions on Residential and Commercial Evictions.

- (a) Through May 31, 2020, and any subsequent extensions approved by the Board of Supervisors, an owner of residential real property or commercial real property shall not terminate a tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the COVID-19 pandemic or any local, state, or federal government response to the pandemic.

For the protections of this subsection (a) to apply, a tenant must demonstrate through documentation or other objectively verifiable means:

- (1) Substantial loss of income from: (i) job loss; (ii) layoffs; (iii) a reduction in the number of compensable hours of work; (iv) a store, restaurant, office, or business closure; (v) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (vi) the need to miss work to care for a homebound school-age child or a family member infected with coronavirus; or (vii) other similarly-caused loss of income, where the conditions listed in (i) through (vii) resulted from the COVID-19 pandemic or related guidance or public health orders from local, State, or federal authorities; or
- (2) Substantial out-of-pocket medical expenses for themselves or their immediate family related to the COVID-19 pandemic.

“Adequate documentation” of lost income or out-of-pocket medical expenses from the COVID-19 pandemic includes a declaration signed by the tenant under penalty of perjury, letters from employers citing the COVID-19 pandemic or related government action as the basis for termination of employment or reduced work, employer paycheck stubs, bank statements, or letters or notifications from schools in which the tenant has a dependent enrolled regarding COVID-19-related closures that substantially affected the tenant’s income.

- (b) Through May 31, 2020, and any subsequent extensions approved by the Board of Supervisors, an owner of residential real property or commercial real property shall not terminate a tenancy for any no fault cause for eviction.
- (c) Through May 31, 2020, and any subsequent extensions approved by the Board of Supervisors, an owner of residential real property shall not terminate a tenancy on the basis of a tenant allowing an unauthorized occupant to live in the dwelling unit, if the occupant is a member of the tenant’s immediate family living in the dwelling unit as a result of the COVID-19 pandemic.
- (d) Notwithstanding the foregoing, nothing in this section limits an owner’s ability to terminate a tenancy for any of the following reasons:

- (1) The termination is necessary to protect the owner's health or safety or any other tenant's health or safety.
- (2) The termination is necessary where the owner or a member of the owner's immediate family intends to occupy the residential real property.

**Section 4. Notices of Termination of Tenancy.**

- (a) An owner's failure to comply with this ordinance shall render any notice of termination of tenancy, where the termination would be in violation of this ordinance, void. Any notice of termination served on a tenant during the COVID-19 pandemic must contain the reason for the termination of the tenancy. Any notice of termination served on a tenant during the COVID-19 pandemic must also include a notice of the tenant's rights under this ordinance and a notice of emergency rental assistance programs. The owner shall provide these notices to the tenant on a form approved by the Contra Costa County Employment and Human Services Department.
- (b) A tenant eligible for protection under this ordinance must provide written notice of that eligibility to the owner within 14 days after receiving a notice of termination of tenancy from the owner.

**Section 5. Late Fees.** For a period of 120 days after this ordinance expires, including any subsequent extensions approved by the Board of Supervisors, an owner may not charge or collect a late fee for unpaid rent due from a tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses as required under this ordinance.

**Section 6. Grace Period.** A tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses as required under this ordinance shall pay all past due rent within 120 days after this ordinance expires, including any subsequent extensions approved by the Board of Supervisors, unless the owner agrees to a longer repayment period. This ordinance does not relieve a tenant of the obligation to pay rent and does not restrict an owner's ability to recover rent due.

**Section 7. Moratorium on Rent Increases.** An owner may not increase rent through May 31, 2020, and any subsequent extensions approved by the Board of Supervisors. A residential real property that is exempt from the rent limits imposed by Civil Code section 1947.12 is exempt from this section.

**Section 8. Remedies.**

- (a) The provisions of this ordinance may be asserted as an affirmative defense in an unlawful detainer action.

- (b) If an owner attempts to recover possession or recovers possession of residential real property or commercial real property in violation of this ordinance, retaliates against a tenant for the exercise of any rights under this ordinance, or attempts to prevent a tenant from acquiring any rights under this ordinance, the tenant may institute a civil proceeding for injunctive relief, money damages of not more than three times actual damages (including damages for mental or emotional distress), and whatever other relief a court deems appropriate. If damages are awarded for mental or emotional distress, the award shall only be trebled if the trier of fact finds that the owner acted in knowing violation of or in reckless disregard of the provisions of this ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court.

**Section 9. Retroactivity.** This ordinance applies to eviction notices, and unlawful detainer actions based on these notices, served or filed on or after March 16, 2020, except to the extent a tenant has surrendered possession of its premises, or an unlawful detainer lawsuit was finally adjudicated before March 16, 2020. The facts justifying the retroactive application of this ordinance are set forth in Section 1.

**Section 10. Applicability.** Government Code section 8634 authorizes the Board of Supervisors to promulgate countywide orders and regulations necessary to provide for the protection of life and property during a local emergency. Pursuant to Government Code section 8634, the regulations in this ordinance shall apply to cities within Contra Costa County and unincorporated Contra Costa County. To the extent that the governing body of a city enacts an ordinance or adopts a regulation that governs the subject matter of this ordinance, that city ordinance or regulation shall supersede this ordinance within that jurisdiction.

**Section 11. Severability.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses are declared to be severable. The Board of Supervisors hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

**Section 12. Declaration of Urgency.** This ordinance is hereby declared to be an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the County. The facts constituting the urgency of this ordinance's adoption are set forth in Section 1.

**Section 13. Effective Date.** This ordinance becomes effective immediately upon passage by four-fifths vote of the Board of Supervisors. This ordinance shall expire and be repealed as of May 31, 2020, unless shortened or extended by the Board of Supervisors based on the existence of a local emergency.

**Section 14. Publication.** Within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

PASSED ON April 21, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:     DAVID J. TWA,  
              Clerk of the Board of Supervisors  
              and County Administrator

\_\_\_\_\_  
Board Chair

By:

\_\_\_\_\_  
Deputy

[SEAL]