



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: November 17, 2020

Subject: Urgency ordinance prohibiting certain residential and commercial evictions

RECOMMENDATION(S):

CONSIDER whether to adopt an urgency ordinance continuing a temporary prohibition on certain evictions of small-business commercial tenants in Contra Costa County impacted by the COVID-19 pandemic, and related matters.

FISCAL IMPACT:

None.

BACKGROUND:

On September 23, 2020, the Governor issued Executive Order N-80-20, which authorizes local jurisdictions, through March 31, 2021, to suspend the evictions of commercial tenants for the non-payment of rent if the non-payment was a result of the COVID-19 pandemic.

On September 29, 2020, the Board of Supervisors adopted Ordinance No. 2020-26, an urgency ordinance that authorizes a temporary prohibition on evictions of certain commercial tenants impacted by the COVID-19 pandemic. Under Ordinance No. 2020-26, a landlord of a small business 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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **11/17/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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: November 17, 2020

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

Contact: Mary Ann Mason, Chief Assistant
County Counsel, (925) 655-2200

By: June McHuen, Deputy

to a loss of income or out-of-pocket medical expenses associated with the COVID-19 pandemic. The tenant

BACKGROUND: (CONT'D)

must provide documentation showing loss of income or out-of-pocket medical expenses. These protections last through November 30, 2020.

In addition, under Ordinance No. 2020-26, a landlord of a small business commercial property 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. This protection lasts through November 30, 2020. The ordinance also establishes a grace period from small business commercial tenants to pay rent after the date it would otherwise be due, provided that the tenant follows the procedures specified in the ordinance. This grace period lasts through March 31, 2021.

If the Board wishes to continue the prohibition on small business evictions and late fee protection past November 30, 2020, and continue the grace period past March 31, 2021, the Board can adopt the attached draft ordinance. The Board will need to specify when the small business eviction protections expire (Section 4(a)), when the late fee protection expires (Section 4(d)), and when the grace period for rent payback expires (Section 4(e)).

If the Board does not wish to extend the prohibitions on small business evictions, it should take no action on the draft ordinance. Instead, Ordinance No. 2020-26 would remain in effect. The small business eviction protections and late fee prohibition would expire November 30, 2020, and the grace period would expire March 31, 2021. Ordinance No. 2020-26 is also attached along with the draft ordinance.

Ordinance No. 2020-26 also prohibits a landlord from terminating a residential tenancy for a no-fault reason; prohibits a landlord from terminating a residential tenancy on the basis that a tenant allowed an unauthorized occupant to live in the dwelling unit, if the occupant is the tenant's immediate family member living in the dwelling as a result of the COVID-19 pandemic; and prohibits a landlord from increasing rent on a residential real property. These residential eviction protections last through January 31, 2021. These protections would remain unchanged under the attached draft ordinance.

CLERK'S ADDENDUM

Speakers: Michelle, Oakley; Buisness Owner, Lafayette.

ATTACHMENTS

DRAFT Urgency Ordinance

Ordinance No. 2020-26