



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Mary Ann Mason, County Counsel  
Date: June 22, 2021

Subject: Urgency ordinance continuing certain residential and commercial eviction prohibitions.

---

**RECOMMENDATION(S):**

CONSIDER whether to adopt Ordinance No. 2021-20, an urgency ordinance continuing a temporary prohibition on certain evictions of residential tenants and small-business commercial tenants, a moratorium on certain residential rent increases, and related matters.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Two versions of an urgency ordinance continuing a moratorium on certain evictions are attached to this Board order. Version 1 would continue a temporary prohibition on no fault evictions of residential tenants, and would continue a temporary prohibition on evicting tenants for allowing an unauthorized tenant to live in the dwelling unit if the unauthorized tenant is an immediate family member living in the unit because of the pandemic. Version 1 also would continue a moratorium on certain residential rent increases. Version 1 specifies that these restrictions will last through September 30, 2021, but the Board could choose a different date.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **06/22/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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

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: June 22, 2021

Monica Nino, County Administrator and Clerk of the  
Board of Supervisors

By: , Deputy

cc: Monica Nino, Clerk of the Board of Supervisors, David O. Livingston, Sheriff, Anna Roth, Director, Health Services, Kathy Gallagher, Director, Employment & Human Services

## BACKGROUND: (CONT'D)

Version 2 would include the residential eviction prohibitions and residential rent increase moratorium that are specified in Version 1. Version 2 would also extend a temporary prohibition on certain evictions of small-business commercial tenants through September 30, 2021, as authorized by a recent Executive Order issued by the Governor. The Board could choose a date earlier than September 30 for ending this restriction.

### Prohibition on Residential Evictions and Rent Moratorium

The COVID-19 Tenant Relief Act of 2020 (the Act), is a state law (Assembly Bill 3088 and Senate Bill 91) that provides eviction protections for residential tenants, including mobilehome tenants, who are experiencing a financial hardship related to COVID-19. The Act prohibits residential tenants from being evicted for failure to pay rent because of a COVID-19-related hardship, as long as the tenant provides the landlord with a written declaration of hardship. Under the Act, residential tenants who experienced a new COVID-19-related hardship between September 1, 2020, and June 30, 2021, are also protected from eviction through this date as long as they pay 25 percent of the rent due by June 30, 2021. The Act also authorizes local jurisdictions to amend existing urgency ordinances to continue prohibitions on certain types of residential evictions, including no-fault evictions.

As authorized by the Act, Version 1 of the attached urgency ordinance continues the County's existing prohibition on certain residential evictions and the County's existing rent moratorium. These regulations were contained in Ordinance No. 2021-11. The attached ordinance would prohibit a landlord from terminating a residential tenancy for a "no-fault" reason; prohibit 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 prohibit a landlord from increasing rent on a residential real property. Version 1 specifies that these restrictions will last through September 30, 2021. At the Board's discretion, the Board could choose a different date.

### Prohibition on Small-Business Commercial Evictions

On June 11, 2021, the Governor issued Executive Order N-08-21, which authorizes local jurisdictions to suspend, through September 30, 2021, the evictions of commercial tenants for the non-payment of rent if the non-payment was a result of the COVID-19 pandemic.

Version 2 of the proposed urgency ordinance additionally would prohibit a landlord of a small business commercial property from terminating a tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a loss of income or 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. In addition, 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. These regulations were contained in Ordinance No. 2021-11. Under the attached Version 2, these protections would last through September 30, 2021. In addition, under Version 2, a grace period for rent repayment would last through November 30, 2021. At the Board's discretion, the Board could choose different dates for ending these protections.

### Applicability

The regulations in both versions of the ordinance apply to cities within Contra Costa County and unincorporated Contra Costa County. 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. The California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Government Code section 8634 that will be effective in both unincorporated and incorporated areas. (62 Ops.Cal.Atty.Gen. 701 (1979).) Under both versions of the ordinance, if 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 will supersede the attached ordinance within that jurisdiction.

At the Board's discretion, the Board could choose to have the ordinance apply only in the unincorporated areas of Contra Costa County.

### CLERK'S ADDENDUM

**Speakers: Edith, Richmond ACCE; John Goodman, Antioch; Marianna Moore, Ensuring Opportunity Campaign; Name Unknown; Ramon Vasquez; Alan, Walnut Creek; Francisco Torres, ACCE; Name unknown; Reverend, East Bay Housing Organization; Blaine Carter, Concord; Karen Hernandez; Joanne, Walnut Creek; Nicole; Jennifer Morales; Patricia; Deborah, Executive Director Monument Impact.**

ADOPTED the second version ordinance that preserves both commercial and residential time frames; and DIRECTED the matter return to the Board on September 21, 2021.

### ATTACHMENTS

Ordinance No. 2021-20 - Version 1

Ordinance No. 2021-20 - Version 2