

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: SUE GALLAGHER, CITY ATTORNEY  
MEGAN BASINGER, INTERIM DIRECTOR, HOUSING &  
COMMUNITY SERVICES  
SUBJECT: URGENCY ORDINANCE PREVENTING RESIDENTIAL  
EVICTIONS FOR FAILURE TO PAY RENT DUE TO SPECIFIED  
COVID-RELATED FINANCIAL LOSS

AGENDA ACTION: URGENCY ORDINANCE

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RECOMMENDATION

Pursuant to recent Council direction, it is recommended that the Council consider adoption of an urgency ordinance to maintain, within the City of Santa Rosa, the prohibition on residential evictions for failure to pay rent due to specified COVID-related financial loss, in alignment with County of Sonoma Ordinance No. 6301 as originally adopted on March 24, 2020.

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EXECUTIVE SUMMARY

Over the past year, the COVID-19 pandemic has caused tremendous financial hardship in our community. Many have faced substantial loss of income or significant out-of-pocket medical expenses. Among those hardest hit are residential tenants unable to meet their rent obligations due to COVID-related financial loss. This Urgency Ordinance will align with the County of Sonoma Ordinance No. 6301 as originally adopted on March 24, 2020, without inclusion of the just cause provision amendments that were adopted by the County on February 9, 2021. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

BACKGROUND

On March 24, 2020, the Sonoma County Board of Supervisors adopted the County of Sonoma Eviction Defense Ordinance (Ordinance No. 6301), prohibiting residential evictions for failure to pay rent, if that failure was due to COVID-related financial loss. The Ordinance was expressly intended to apply, and has applied, throughout the County, including in both incorporated and unincorporated areas.

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On February 9, 2021, the Board of Supervisors amended the County's Eviction Defense Ordinance to expand its tenant protections. As amended, the County's Ordinance now prohibits, for the duration of the local health emergency, all evictions except (a) when necessary due to violence, threats of violence, or threats to the health or safety of another, (b) when sought for the purpose of immediately removing the unit from the rental market, or (c) when based on non-payment of rent unrelated to financial hardships resulting from COVID-19. The amendments are intended to apply throughout the County, absent alternative action by an individual city or town.

On April 6, 2021, the Council conducted a study session on residential eviction protections, including the County's February 2021 amendment to its Eviction Defense Ordinance. The Council gave direction to staff to return to the Council with a proposed City ordinance that would continue tenant protections in alignment with the County's original Ordinance without inclusion of the recent amendments.

The Council recognized that the COVID-19 pandemic has caused tremendous financial hardship in our community. Many have faced substantial loss of income or significant out-of-pocket medical expenses. Among those hardest hit are residential tenants unable to meet their rent obligations due to COVID-related financial loss.

The Council, however, also recognized that a number of programs are in place to help such tenants. The Council heard an update on current Rental Assistance Programs at the federal, state and local level, as well as a review of existing federal, state and local regulatory protections against eviction for those unable to pay rent due to the impacts of the COVID pandemic.

#### PRIOR CITY COUNCIL REVIEW

On April 7, 2020, a Report item was brought forward on the Sonoma County Eviction Defense Ordinance (Ordinance No. 6301) which had been adopted as an urgency measure on March 24, 2020 by the Sonoma County Board of Supervisors, acting in its capacity as both the Board of Supervisors and the Board of Commissioners of the Sonoma County Community Development Commission.

On September 1, 2020, staff provided a brief update on the status of new state and local eviction protections.

On February 23, 2021, the City Attorney reported on the Sonoma County COVID-19 Eviction Defense Ordinance Amendments (Just Cause Limitations).

On April 6, 2021, Council conducted a study session and directed staff to return to the Council with a proposed City ordinance that would continue tenant protections in alignment with the County's original Ordinance without inclusion of the recent amendments.

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ANALYSIS

At Council's direction, staff is bringing forward an Urgency Ordinance to maintain, within the City of Santa Rosa, the prohibition on residential evictions for failure to pay rent due to specified COVID-related financial loss, in alignment with County of Sonoma Ordinance No. 6301 as originally adopted by the Board of Supervisors on March 24, 2020.

In alignment with the County's original ordinance, the proposed Urgency Ordinance includes the following:

- Prohibition on residential eviction for failure to pay rent if that failure to pay rent was the result of substantial loss of income or out-of-pocket medical expenses associated with COVID-19
- Requirement that tenant share documentation of the substantial loss of income or out-of-pocket medical expenses with landlord
- Creation of an affirmative defense for residential tenants faced with eviction in violation of the Ordinance
- Creation of private right of action for injunctive relief and damages for violation of the Ordinance, including:
  - Monetary damages equal to three times actual damages
  - Inclusive of damages for mental or emotional distress, provided that damages for mental or emotional distress shall not be trebled unless the trier of fact finds that the landlord acted in knowing violation of or reckless disregard of the Ordinance
  - Award of costs and attorneys' fees to prevailing party
- Ordinance to remain in effect for the duration of the local public health emergency and for sixty days thereafter, subject to state law limitations

The proposed Urgency Ordinance does not otherwise limit lawful evictions.

The Council has authority to adopt an urgency ordinance by a five-seventh vote pursuant to Section 8 of the Santa Rosa City Charter and Government Code section 36937(b) if necessary to preserve the public peace, health or safety, provided that such ordinance contains the reasons for its urgency.

FISCAL IMPACT

The proposed Urgency Ordinance creates a private right of action and will have no fiscal impact on the City.

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ENVIRONMENTAL IMPACT

This Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Sonoma County Ordinance No. 6301
- Attachment 2 – Sonoma County Ordinance No. 6337 (amending Ordinance 6301)
- Urgency Ordinance

CONTACT

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