



SONOMA COUNTY COVID-19 EVICTION DEFENSE ORDINANCE

City Council Meeting
March 31, 2020

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Introduction

- On March 24th, County of Sonoma adopted the COVID-19 Eviction Defense Ordinance
- Ordinance provides temporary relief for tenants who can demonstrate that their inability to pay rent is due to the impacts of the coronavirus pandemic
- This item is to provide a report to Council regarding the provisions and operation of that Ordinance
- No action by Council is requested at this time.

Executive Order N-28-20

- Issued by the Governor on March 16, 2020
- Suspended state law restrictions on the power of local governments to limit residential or commercial evictions when the basis for the eviction is nonpayment of rent arising out of a substantial decrease in income or substantial medical expenses caused by the COVID-19 pandemic or by any local, state or federal government response to COVID-19.

Executive Order N-28-20

- The Order itself does not limit evictions
- Leaves action to the discretion of local governments
- In effect through May 31, 2020, and may be extended.

County Ordinance

- On March 24, 2020, the Sonoma County Board of Supervisors unanimously adopted the COVID-19 Eviction Defense Ordinance
- Ordinance provides temporary relief for tenants who can demonstrate that their inability to pay rent is due to the impacts of the coronavirus pandemic
- Urgency ordinance, and effective immediately
- Applies in incorporated and unincorporated areas

Key Ordinance Provisions

- Eviction for failure to pay rent is prohibited if:
- Tenant demonstrates, through documentation or other objectively verifiable means, that:
- The failure to pay rent results from:
 - A substantial loss of income or
 - Substantial out-of-pocket medical expenses
 - Associated with the COVID-19 pandemic or
 - Associated with any local, state, or federal government response to the COVID-19 pandemic

Key Ordinance Provisions

- The substantial loss of income may be from:
 - Job loss
 - Layoffs
 - A reduction in the number of compensable hours of work
 - A store, restaurant, office or business closure
 - A substantial decrease in business income caused by a reduction in open hours or consumer demand
 - The need to miss work to care for a home-bound school-age child or a family member infected with coronavirus
 - Other similarly-caused loss of income that resulted from the COVID-19 pandemic

Key Ordinance Provisions

- The tenant must share the documentation with the landlord for the purpose of supporting the landlord's claim for mortgage relief
- The Ordinance itself does not create a path for mortgage relief, as mortgage relief is outside the authority of local government
- The prohibition against evictions also applies to a landlord's action that constitutes constructive eviction

Key Ordinance Provisions

- Remedies in the event of violation:
- Notice of eviction is void
- Tenant may use ordinance as affirmative defense against unlawful detainer action
- Tenant may file civil action against landlord for injunctive relief and/or damages. Treble damages may be awarded.
- Damages may include damages for mental or emotional distress

Key Ordinance Provisions

- The Ordinance does not relieve the tenant of the obligation to pay rent, nor does it restrict a landlord's ability to recover rent due.
- The Ordinance provides a sixty-day period after the termination of the local Public Health Emergency for payment of all unpaid rent.

Key Ordinance Provisions

- Urgency Ordinance, effective upon adoption
- In effect throughout the County, in both incorporated and unincorporated areas.
- No enforcement action or implementation required by the cities.
- Does not preclude additional or alternative action by cities, but consistency is urged.

QUESTIONS?