

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, ENACTING A TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS

County Counsel Summary

This urgency ordinance addresses the potential consequences to the County of evictions arising from the impact of the COVID-19 pandemic. This ordinance prohibits evictions within the unincorporated area when related to the economic consequences to a tenant of the COVID-19 pandemic; it does not relieve the tenant from any obligation to pay rent. This ordinance also makes other recommendations regarding mortgage foreclosures. This ordinance is effective immediately, and applicable beginning March 31, 2020.

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, a copy of the Governor's executive order is attached hereto as Exhibit 1; and

WHEREAS, such evictions present an immediate threat to the public peace, health and safety, as described in Government Code section 25123 (d) in that they will cause the displacement of residents and contribute to an increase in the homeless population in San Benito County; and,

WHEREAS, it is therefore necessary and appropriate for San Benito County to adopt an urgency ordinance to address the immediate threat to the public peace, health and safety that COVID-19 pandemic related evictions will create;

NOW, THEREFORE,

The Board of Supervisors of the County of San Benito ordains as follows:

SECTION 1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth.

SECTION 2. The above recitals, and the recitals in the Governor's declaration, are true and correct.

SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance temporarily prohibits evictions throughout the unincorporated area of the County related to the existence of the COVID-19 pandemic emergency commencing on March 31, 2020, through May 31, 2020, unless otherwise terminated or extended.

SECTION 4. Applicability.

This ordinance applies from March 31, 2020, through May 31, 2020, in the unincorporated area of the County of San Benito.

SECTION 5. Prohibition.

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:

- a. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
- b. The decrease in household or business income or the out-of-pocket medical expenses describe in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

SECTION 6. Other Provisions.

- a. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

- b. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.
- c. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this ordinance.

SECTION 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. Effective date.

This ordinance shall take effect immediately as an urgency ordinance, and shall be applicable as of March 31, 2020. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of San Benito from suffering potentially irreversible displacement of tenants resulting from evictions related to the COVID-19 pandemic emergency.

PASSED AND ADOPTED this 31st day of March , 2020, by the following vote:

AYES:
NOES:
ABSENT:

Jaime De La Cruz, Chair,
San Benito County Board of Supervisors

A T T E S T :

JANET SLIBSAGER
Clerk of the Board

By: _____
Deputy

<p>APPROVED AS TO FORM:</p> <p>BARBARA THOMPSON County Counsel</p>
