

ORDINANCE NO. _____

**AN ORDINANCE RELATED TO TEMPORARY PROHIBITION OF EVICTION OF
RESIDENTIAL TENANTS DUE TO IMPACTS OF COVID-19
KNOWN AS THE
“SACRAMENTO COUNTY EMERGENCY RENTER PROTECTION ACT OF 2020”**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

Section 1. Findings.

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 5, 2020, the Sacramento County Public Health Officer proclaimed a public health emergency in Sacramento County due to COVID-19. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and to stay at home in order to prevent the spread of this disease. On March 11, 2020, the World Health Organization declared COVID-19 a pandemic.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the County’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19. A number of California cities and counties have taken, or soon plan to take, formal action to temporarily prevent such eviction, including but not limited to the City of Sacramento, the City of Berkeley, the City and County of San Francisco, the City of Oakland, the City of San Jose, the City of Los Angeles, the City of Santa Barbara, the County of Monterey, the County of Santa Cruz, the County of San Luis Obispo and the County of Shasta.

C. On March 17, 2020, the Sacramento Public Health Director directed workplaces and businesses to implement telecommuting and teleconferencing for their employees who are considered non-essential. The directive further advised those aged 65 and older and/or those with chronic health conditions to stay home and away from gatherings of unrelated individuals. The directive also advised all other Sacramento County residents to stay home to the maximum extent possible except when going to essential sites. Lastly, the directive ordered that there shall be no gatherings in any formal setting, all bars, wineries and brew-pubs should be closed, all in-dining restaurants should cease service, all gyms should be closed, and all bingo halls and card rooms should be closed. All Sacramento County schools are closed.

D. The County has clearly been impacted by this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue for months. Many employees, including Sacramento County employees, have been advised to work from home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children, and/or they have incurred the unanticipated additional household expense of childcare. As the virus spreads, workers may have to stay home for extended periods.

E. Many tenants have experienced or will soon experience sudden income loss and/or interruption, and further obstacles to timely rent payment are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

F. Providing tenants with short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population that would

otherwise further stress the county's ability to provide human services assistance, and it will stabilize the rental housing market by reducing displacement.

G. During this state of emergency, and in the interests of protecting the public health and preventing COVID-19 transmission, it is essential to minimize the unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be significantly reduced and emergency restrictions lifted.

H. Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer in effect.

Section 2. Moratorium.

A. This Section 2 remains in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions.

B. This ordinance applies to all residential, but not commercial, tenants.

C. No landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant, in accordance with this Section 2, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or by following government-recommended COVID-19 precautions.

D. As used in this Section 2, "covered reason for delayed payment" means a tenant's loss of income due to any of the following: (a) tenant is or was sick with COVID-19 or caring for a household or family member who is or was sick with COVID-19; (b) tenant is experiencing or experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant's compliance with a recommendation from a government agency to stay home, self-

quarantine, or avoid congregating with others during the state of emergency; and

(d) tenant's need to miss work to care for a home-bound school-age child.

E. To take advantage of the protections afforded under this ordinance, a tenant must do all the following:

- a. Notify the landlord in writing before the date rent is due that the tenant has a covered reason for delayed payment;
- b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment; and
- c. Pay that portion of rent that the tenant is able to pay at the time it is due.

F. If a tenant complies with the requirements of this ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent.

G. Nothing in this ordinance relieves the tenant of liability for the unpaid rent after expiration of this ordinance.

Section 3. 120-Day Payback Period.

Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 120-day period, the protections against eviction found in Section 2 of this ordinance apply for such tenants.

Section 4. Severability.

If any provision of this ordinance is found to be unconstitutional or otherwise

invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The Board of Supervisors hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 5. This ordinance was introduced and the title thereof read at the special meeting of the Board of Supervisors on March 25, 2020, and on April 1, 2020, further reading was waived by unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this _____ day of _____ 2020, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,
(PER POLITICAL REFORM ACT (§ 18702.5.))

(SEAL)

Chair of the Board of Supervisors
of Sacramento County, California

ATTEST: _____
Clerk, Board of Supervisor

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