



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 23, 2020

To: Honorable Mayor, Vice Mayor and City Councilmembers
Shawna Maltbie City Manager

From: Rose Zimmerman, City Attorney

Subject: **Receive Report on the San Mateo County Board of Supervisors' Proposed Emergency Regulation Establishing a Temporary, Countywide Moratorium on Eviction for Non-Payment of Rent by Residential Tenants Directly Impacted by the COVID-19 Pandemic**

BACKGROUND:

On March 3, 2020, the San Mateo County Health Officer declared a local health emergency throughout San Mateo County related to the coronavirus ("COVID-19"). On March 16, 2020, the Health Officer issued an order that directs all individuals within San Mateo County to "shelter in place"

On March 12, 2020, the City of Daly City joined other cities and San Mateo County, the State of California, and the federal government, in declaring an emergency due to the impacts of COVID-19. On March 16, 2020, the public health officers of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara counties announced, a legal order directing their residents to shelter at home for three weeks from March 17 to April 7, 2020.

On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, ordering individuals living in California to stay home. In that Executive Order, cities, counties and cities and counties were given broad authority to enact temporary moratorium on evictions based on a non-payment of rent caused by the COVID-19 pandemic.

In direct response to the impacts of COVID-19 and in line with the Governors Executive Order the an Mateo County Board of Supervisors has proposed an Emergency Regulation for San Mateo County, which would go into effect immediately, establishing a moratorium for non-payment of rent by residential tenants directly impacted by the COVID-19 pandemic. The moratorium would remain in effect until the termination of the State of Emergency.

City staff has engaged efforts with the County of San Mateo officials to develop a County- wide moratorium on residential evictions in order to provide protection to tenants during this COVID-19 State of Emergency.

DISCUSSION:

The County Board of Supervisors will consider the Emergency Ordinance (Emergency Ordinance Attached) at the regular meeting of the Board of Supervisors on March 24, 2020. The emergency eviction protection measures would apply to all incorporated and unincorporated cities and areas, in San Mateo County, thereby protecting Daly City residents.

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The proposed Emergency Regulation would prohibit a landlord from evicting a tenant for either (1) non-payment of rent if the tenant shows with documentation that their inability to pay rent is due to COVID-19, or (2) a no-fault termination of tenancy.

The County of San Mateo states examples of qualifying circumstances to include a tenant who loses household income as a result of being sick with COVID-19, or caring for a household or family member who is sick with COVID-19, or as a result of a lay-off, loss of hours, loss of business, or other income reduction resulting from COVID-19 or the government response to COVID-19; of as a result of caring for minor children affected by school closures due to the State of Emergency; or as a result of having incurred significant medical or other expenses related to COVID-19.

Under the proposed Emergency Regulation, landlords would be prohibited from proceeding with eviction proceedings after the date of the Emergency Regulations. The proposed Emergency Regulation would not relieve tenants of liability for unpaid rent; landlords would be able to seek payment of any outstanding rent after termination of the State of Emergency.

Violation of the proposed Emergency Regulation would be a punishable as a misdemeanor. Further, a tenant may seek various forms of legal relief. The proposed Emergency Regulation would remain in effect until the State of Emergency is terminated.

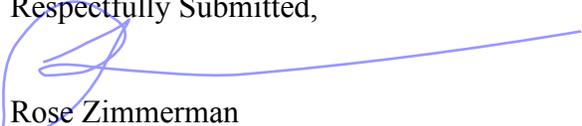
Additional Reports Related to the Evictions:

San Mateo County has suspended the Superior Court unlawful detainer actions, which means no evictions will be processed between the period of March 18, 2020 and April 7, 2020. In addition, the San Mateo County Sheriff will not be enforcing eviction-related actions.

On March 18, 2020, the U.S. Department of Housing and Urban Development (HUD) authorized the Federal Housing Administration (FHA) to implement an immediate foreclosure and eviction moratorium for single family homeowners with FHA-insured mortgages. Additionally, the Federal Housing Finance Agency (FHFA) has directed Fannie Mae and Freddie Mac to suspend foreclosures and evictions for at least 60 days.

Thank you and staff is available for any questions.

Respectfully Submitted,



Rose Zimmerman
City Attorney

Attachment: [Draft] Emergency Regulation Establishing a Temporary, Countywide Moratorium on Eviction for Non-Payment of Rent by Residential Tenants Directly Impacted by the COVID-19 Pandemic