



Legislation Details (With Text)

**File #:** 20-358      **Version:** 1

**Type:** Community & Economic Development      **Status:** Agenda Ready

**File created:** 3/12/2020      **In control:** City Council

**On agenda:** 3/17/2020      **Final action:**

**Title:** Actions Related to a Moratorium on Evictions and Income Loss Due to COVID-19.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memorandum, 2. Presentation, 3. (a) Ordinance, 4. (b) Ordinance, 5. (c) Resolution, 6. Memorandum 3/9/2020 from Diep, 7. Memorandum 3/9/2020 from Foley, 8. Memorandum 3/9/2020 from Arenas, 9. Memorandum 3/10/2020 from Carrasco, 10. Memorandum from Jones and Carrasco, 3/13/2020, 11. Letters from the Public

Date	Ver.	Action By	Action	Result
3/17/2020	1	City Council		

**Actions Related to a Moratorium on Evictions and Income Loss Due to COVID-19.**

- (a) Approve an ordinance that establishes a moratorium on non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:
- temporarily prohibit the eviction of a residential tenant for non-payment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and
  - Provide that the moratorium will commence upon the Council’s adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium would expire in thirty days unless extended.
- (b) Adopt an urgency ordinance that establishes a moratorium on non-payment of rent evictions for tenants with incomes affected by the COVID-19 virus. Specifically, the ordinance would:
- Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID 19; and
  - Provide that the moratorium will commence upon the Council’s adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium would expire in thirty days unless extended.

**Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)**

- (c) Adopt a resolution declaring the commencement of a thirty-day temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19, and setting forth the facts constituting such urgency.
- (d). Discuss and direct the City Attorney to return with an ordinance and urgency ordinance that establishes a moratorium for non-payment of rent for small business tenants with incomes affected by the COVID-19 virus.
- (e). Discuss creating a funding pool and/or budget changes for San José residential tenants and small businesses for those impacted by the COVID-19 virus.

CEQA: Not a Project, PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment, and PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Mayor)