



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/05/2020

ITEM NO: 14

DATE: April 30, 2020
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Adopt an Interim Urgency Ordinance Extending the Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) and Suspending All Deadlines Related to Land Use Entitlements

RECOMMENDATION:

Adopt the Extension of the Interim Urgency Ordinance, by title only, extending the temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19) and suspending all deadlines related to land use entitlements.

BACKGROUND:

On March 24, 2020, the Town Council adopted an Interim Urgency Ordinance for a moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19) and suspending all deadlines related to land use entitlements.

The Interim Urgency Ordinance was adopted pursuant to Government Code section 65858, which provides that an interim ordinance may be adopted and shall remain in effect for 45 days, unless extended for an additional period up to two years. Approval of an extension of an interim zoning ordinance requires a four-fifth affirmative vote of the Town Council. The initial 45-day period for the Moratorium will expire on May 8, 2020, unless Council adopts the proposed ordinance extending the Moratorium for an additional 45 days. (Attachment 1).

PREPARED BY: Robert Schultz
Town Attorney

Reviewed by: Town Manager and Assistant Town Manager

DISCUSSION:

On March 16, 2020, the Health Officer of Santa Clara County issued an Order directing all individuals living in the County to shelter at their place of residence beginning March 17, 2020. Per the County Health Officer, the Order is to ensure that the maximum number of people self-isolate in their places of residence in order to slow the spread of the COVID-19 coronavirus. In addition, the Order identified many business types as non-essential services requiring their closure through April 7, 2020. Subsequently, the Public Health Officer extended the Shelter-in-place directive through May 31, 2020 with only modest revisions to non-essential services. The result of these public health efforts is the significant displacement of many workers from their places of employment and access to income.

On March 17, 2020, the Town Council of the Town of Los Gatos ratified and continued a Proclamation of Local Emergency due to the increasing spread of the COVID-19 coronavirus in Santa Clara County. Among other things, a Proclamation of Local Emergency allows jurisdictions to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

In order to maintain the integrity of the Health Officer's Order, every effort must be taken to ensure that residents are able to self-isolate. As such evictions directly related to the consequences of COVID-19 mitigation measures would run contrary to the Health Officer's Order to shelter in place.

In addition, with the closure of Town Hall to implement the shelter in place directive, non-essential Town services have been significantly reduced and/or suspended. For example, the Town has only recently begun to accept any new development applications and issue building permits. For this reason, the proposed Urgency Ordinance also includes a temporary suspension of all deadlines related to land use entitlements.

CONCLUSION:

Pursuant to the Town of Los Gatos Municipal Code, California Government Code, Governor of California, and Santa Clara County Public Health Officer, a temporary moratorium on evictions related to income loss due to COVID-19 mitigation measures will ensure that individuals can continue to self-isolate.

COORDINATION:

This staff report was coordinated between the Town Manager and Town Attorney.

FISCAL IMPACT:

No impact

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SUBJECT: Extension of Urgency Ordinance Eviction Moratorium

DATE: April 30, 2020

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Extension of Interim Urgency Ordinance