




Agenda Item No: 6.a
Meeting Date: June 21, 2021

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Alicia Giudice
Community Development Director

City Manager Approval: _____ 

TOPIC: EVICTION MORATORIUM THROUGH SEPTEMBER 2021

SUBJECT: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36937(B), BARRING EVICTIONS IN THE CITY OF SAN RAFAEL THROUGH SEPTEMBER 30, 2021 DUE TO THE PUBLIC HEALTH EMERGENCY ARISING FROM COVID-19

RECOMMENDATION:

Adopt, with at least 4/5 vote, an urgency ordinance enacting a temporary moratorium through September 30, 2021 on evictions of tenants residing in residential rental units in San Rafael and setting forth the facts constituting such urgency.

BACKGROUND:

Countywide Eviction Moratorium

On March 24, 2020, the Marin County Board of Supervisors adopted Resolution No. 2020-27 Barring Evictions in Marin County Due to the Public Health Emergency Arising from COVID-19 (the "Eviction Ban Resolution"). This resolution encompassed properties located within the incorporated and unincorporated areas of the County and thus included properties located within the City of San Rafael.

The countywide eviction moratorium that was in effect from March 27, 2020 through September 30, 2020. The resolution specified that landlords could not recover possession of a rental unit if the tenant provided notice to the landlord within 30 days after the date that rent was due that they were unable to pay the rent because of financial impacts related to COVID-19.

On April 28, 2020, the Marin County Board of Supervisors adopted Resolution 2020-40 amending and updating the Eviction Ban Resolution, including adding in a 90 day repayment provision for renters to repay back rent, and requiring landlords to provide a notice of the eviction ban prior to serving a notice of eviction on any tenant.

_____ **FOR CITY CLERK ONLY**

File No.: _____

Council Meeting: _____

Disposition: _____

On August 31, 2020, the State passed AB 3088, which established a statewide eviction moratorium that is set to expire on June 30, 2021. Both the County and State eviction moratoriums are limited to evictions based on non-payment of rent due to COVID-19 and do not prohibit other types of evictions.

In September 2020, City and County elected officials and staff joined representatives from the Canal Alliance, Community Action Marin, and Legal Aid of Marin to form the Canal Policy Working Group (CPWG). This group was formed to work collaboratively on the development of a range of actions aimed at keeping residents in their homes and addressing the growing burden of rental debt. The CPWG has been working urgently towards a path to recovery that puts equity front and center, for residents, businesses, and landlords alike. The Canal Policy Working Group quickly identified housing instability as the most critical issue facing the City.

As of October 15, 2020, unemployment rates for low wage earners in Marin increased more than 40% since the beginning of 2020. National trends further show those that were still employed experiencing wage stagnation and even declines in income. Even before the crisis, 52.3% of renter households in Marin paid more than 30% of their income towards rent, and 27.7% paid more than 50%. These households were rent burdened before the COVID-19 pandemic and are still at further risk of falling behind financially and face possible future eviction from their homes if they cannot fully return to work and/or pay their rent.

On November 2, 2020, City Council adopted [Resolution No. 14867](#), which recognized the disproportionate impact that COVID-19 has had on historically marginalized and under-resourced communities of color in Marin County and committed to pursuing bold, collaborative solutions to address this crisis. The resolution also articulated the City Council's commitment to protect housing for our essential workers and to preserve the ability for many community members to stay in their homes in San Rafael. On November 3, 2020, the Marin County Board of Supervisors adopted [a matching resolution](#).

The County's current eviction moratorium, which covers all jurisdictions within Marin County, will expire on June 30, 2021. On June 8, 2021, the County adopted a new eviction moratorium that only covers unincorporated areas of the County, leaving each jurisdiction in the County to consider implementing their own eviction moratoriums.

In addition to the threat of eviction, many households are still facing an overwhelming accumulation of rental debt due to pandemic-related job and income loss. Based on the applications for rental assistance received by the County since December 2020, a high percentage of those facing this crisis live in San Rafael. It is very difficult to gather data on evictions because most evictions take place informally, without being processed through the courts. During the pandemic, this has been especially true.

ANALYSIS:

The countywide eviction moratorium has not been renewed on a countywide basis. Additionally, some of tenant protections provided by SB 91 expire on June 30, 2021. SB 91 is the State law prohibiting landlords from evicting residential tenants based on failure to pay rent if the tenants had previously submitted a declaration showing they suffered "COVID-19-related financial distress" under AB 3088 (Covid-19 Tenant Relief Act).

SB 91 only provides limited protections after June 30, 2021. While SB 91 does protect tenants from eviction that have paid 25% of their rental debt accruing between September 1, 2020 and June 30, 2021, SB 91 does not afford **any** protections to tenants who cannot pay 25% of past due rental debt (accrued between the dates of September 1, 2020, and June 30, 2021) by the date June 30, 2021 (Code of Civil Procedure section 1179.03(g)(1)(B)). Accordingly, starting on July 1, 2021, tenants who have not been

able to pay their landlords, including those tenants who have to date been unable to avail themselves of rental assistance programs, could be subject to unlawful detainer actions.

Under SB 91, if a tenant has paid 25% of their rent accrued between September 1, 2020 and June 30, 2021, a tenant could still be evicted in the event a tenant is not able to make a payment for July 2021 rent, or rent that is owed thereafter. (Code of Civil Procedure section 1179.03(g)(1)(A).).

For these reasons, adopting a San Rafael eviction moratorium will provide tenants additional protections from eviction and allow more time for them to financial recover by receiving rental assistance and/or returning to work. Based on data provided by the County of Marin, more than 50% of rental assistance requests are from residents of San Rafael. To continue to provide tenant protections beyond the end of the countywide moratorium, the City is recommending the adoption of an emergency, temporary eviction moratorium in San Rafael, through September 30, 2021. The goal of this action is to support our residents in remaining housed in the community and allowing more time for rental assistance funding to be distributed.

The proposed ordinance would be adopted as an urgency ordinance under Government Code section 36937(b). Ordinarily, to adopt a City ordinance, the City Council would introduce the ordinance and hold a public hearing, and then schedule the final adoption for a second meeting, with publication of a summary of the ordinance in between. The ordinance would not go into effect until 30 days after the final adoption. As an urgency ordinance however, the proposed ordinance would be adopted in a single meeting and could become effective immediately, if it is approved by at least 4/5 of the Councilmembers. In this case, instead of taking immediate effect upon adoption, the urgency ordinance provides that it will go into effect on July 1, 2021, after the expiration of the countywide moratorium and when the State protections of SB 91 become more limited. In order to be adopted under section 36937(b), the ordinance must include findings explaining that the urgency ordinance is necessary to protect the public peace, health or safety. The ordinance includes these findings.

FISCAL IMPACT:

There is no immediate financial impact to the City's budget.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Staff's recommended action to approve an eviction moratorium urgency ordinance.
2. Adopt ordinance with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt, by at least 4/5 vote, an urgency ordinance enacting a temporary moratorium through September 30, 2021 on evictions of tenants residing in residential rental units in San Rafael and setting forth the facts constituting such urgency.

ATTACHMENTS:

1. Urgency Ordinance
2. Correspondence

ORDINANCE NO.

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL,
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36937(B),
BARRING EVICTIONS IN THE CITY OF SAN RAFAEL THROUGH SEPTEMBER 30,
2021 DUE TO THE PUBLIC HEALTH EMERGENCY ARISING FROM COVID-19**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

WHEREAS, Government Code Section 36937(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, on February 26, 2020, community transmission of a widespread, ongoing global outbreak of respiratory illness known as COVID-19 was confirmed by the Centers for Disease Control and Prevention (CDC) in the Bay Area; and

WHEREAS, on March 4, 2020, California Governor Newsom declared a state of emergency in the State of California; and

WHEREAS, on March 16, 2020, a Shelter-in-Place Order for all of Marin County was issued by the Marin County Health Officer; and

WHEREAS, on March 17, 2020, the City Council ratified and confirmed the Emergency Services Director's Proclamation of Local Emergency; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-2 authorizing local governments to halt evictions for renters and homeowners, slow foreclosures, and protect against utility shutoff for Californians affected by COVID-19. These protections were extended on August 31, 2020 by California Assembly Bill (AB) 3088, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, and again on January 29, 2021 by California Senate Bill (SB) 91, with an effective date through June 30, 2021; and

WHEREAS, SB 91 includes provisions establishing a rental assistance program, and provides parameters for distribution of those funds; and

WHEREAS on March 24, 2020, pursuant to the powers established under Government Code sections 8630 and 8634, the Marin County Board of Supervisors adopted Resolution No. 2020-27 barring evictions in Marin County due to the public health emergency arising from COVID-19 (the "Eviction Ban" Resolution). The Eviction Ban Resolution encompassed properties located within the incorporated and unincorporated areas of the County and thus included properties located within the City of San Rafael; and

WHEREAS, on April 28, 2020, the Marin County Board of Supervisors adopted Resolution 2020-40 amending and updating the Eviction Ban Resolution, including adding in a 90-day repayment provision for renters to repay back rent, and requiring landlords to provide a notice of the Eviction Ban prior to serving a notice of eviction on any tenant. Resolution 2020-40 included properties located within the City of San Rafael. The Eviction Ban was updated and extended on May 26, 2020, June 23, 2020, July 28, 2020, and most recently on January 12, 2021; and

WHEREAS, both the state's COVID-19 Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 and the Marin County Eviction Ban are set to expire on June 30, 2021; and

WHEREAS, while SB 91 does protect tenants from eviction that have paid 25% of rental debt accruing between September 1, 2020 and June 30, 2021, SB 91 does not afford any protections to tenants who cannot pay 25 percent of past due rental debt (accrued between the dates of September 1, 2020, and June 30, 2021) by the June 30, 2021. (Code of Civil Procedure section 1179.03(g)(1)(B)). Accordingly, starting on July 1, 2021, tenants who have not been able to pay their landlords, including those tenants who have to date been unable to avail themselves of assistance programs, could be subject to unlawful detainer actions.

WHEREAS, without local protection, eviction notices for failure to pay rent are likely to surge as many Marin County residents are unable to earn income due to the pandemic or are forced to pay substantial medical expenses associated with the pandemic; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") signed into law on March 27, 2020, appropriated \$5 billion in additional Community Development Block Grant (CDBG) Program funding to state and local governments; and

WHEREAS, the CARES Act directs the Department of Housing and Urban Development ("HUD") to administer these funds pursuant to Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306). This provision calls for HUD to allocate the supplemental funds to CDBG grantees—including eligible local governments, states, and insular areas—proportional to their conventional Fiscal Year 2020 CDBG allocation, as published by HUD in April 2020; and

WHEREAS, HUD has provided clear direction that the CARES Act funding be allocated based on public health need, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions, and other factors, as determined by the Secretary; and

WHEREAS, data on COVID-19 cases, supplied by the County of Marin Health and Human Services (HHS), and data on overcrowding, gathered from the U.S. Census American Community Survey, were utilized to determine the communities with the greatest risk for coronavirus transmission; additionally, data from HUD's CHAS/Consolidated Plan tool were utilized to determine the percentage of low-income households in each community, in line with the use of HUD dollars to be used for low-income individuals and households who make below 80% of the area median income; and

WHEREAS, the above described data resulted in a CARES Act allocation within the County of Marin as follows:

- San Rafael: 52.7%, \$943,853.84
- Novato: 27.1%, \$485,359.37
- County Other: 20.2%, \$361,780.79; and

WHEREAS, in allocating CARES Act funding, the County of Marin relied upon data from the Marin County Health and Human Services regarding COVID-19 positivity rates, and relied upon U.S. Census American Community Survey 2018 5-year estimates regarding rates of overcrowding; and

WHEREAS, additional substantial federal and state rental assistance funding is available through September 30, 2021, to help mitigate the impacts on property owners of not evicting tenants while COVID-19 cases continue, and while the financial repercussions of the COVID-19 pandemic are still being felt by renters within the City of San Rafael; and

WHEREAS, the County of Marin currently has over twenty-two million dollars available for rental assistance and 1,063 applications from renter households waiting for assistance; and

WHEREAS, over 50% of rental assistance requests waiting or in progress are from residents living in San Rafael; and

WHEREAS, the County of Marin and City of San Rafael, anticipate that additional requests for rental assistance from individual tenants is expected in the coming months; and

WHEREAS, the rental assistance is expected to improve financial stability for residents living in San Rafael, the application process is time consuming, and is expected to last several months thus requiring a need for creation of an eviction moratorium specific to the City of San Rafael; and

WHEREAS, implementation of an eviction moratorium in San Rafael, will reduce the likelihood of displacement, debt, and continued increases in COVID-19 positivity rates by limiting the potential for displacement, thereby supporting the long-term recovery of these residents; and

WHEREAS, for the reasons set forth herein, there is currently an urgent and imminent threat necessitating the immediate need to bar evictions in San Rafael, but because the rental protections established by the COVID-19 Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 and by the Marin County Eviction Ban are set to expire in June 30, 2021, the City finds and declares that this Ordinance should become effective on July 1; and

WHEREAS, this Ordinance will lower the risk of displacement of vulnerable populations, which is essential for public health and will help tenants experiencing poverty and high segregation be in good standing after the Ordinance expires; and

WHEREAS, so too will this Ordinance help ameliorate the broader public health, safety, and welfare effects of the COVID-19 crisis and its impacts on housing in San Rafael; failure to temporarily bar evictions in certain geographic locations disproportionately impacted by COVID-19 will worsen the already severe impacts of COVID-19 in these areas; and

WHEREAS, this Ordinance is temporary and not a general ordinance in force required to be codified; and

WHEREAS, adoption of this Ordinance is consistent with the City's General Plan policies; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the Council finds that this ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and that, even if this ordinance qualified as a "project" subject to CEQA, and pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment; and

WHEREAS, for all the foregoing reasons, the City Council finds and declares that adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Declaration of Threat to Public Health, Safety, and Welfare Necessitating Urgency Ordinance

The City Council of the City of San Rafael hereby finds and declares that there is a current and immediate threat to the public health, safety and welfare and a need for the immediate preservation of the public peace, health, safety and welfare that warrants this urgency ordinance, which finding and declaration is based upon the facts, findings, and declarations stated in the recitals of this Ordinance, and all oral and written testimony presented at the June 21, 2021 San Rafael City Council meeting.

SECTION 2. Title

This Ordinance shall be known as the "COVID-19 Eviction Moratorium."

SECTION 3. Term

This Ordinance shall become effective on July 1, 2021 upon its adoption by at least 4/5 vote of the City Council of the City of San Rafael pursuant to section 36937(b) of the California Government Code and shall remain in effect through September 30, 2021 unless repealed or extended by the City Council.

SECTION 4. Definitions

- i. "COVID-19 Financial Distress" means: Loss of income caused by the COVID-19 pandemic; Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic; Increased expenses directly related to health impacts of the COVID-19 pandemic; Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit a person's ability to earn income; Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic; Other circumstances related to the COVID-19 pandemic that have reduced a person's income or increased their expenses.

- ii. "Declaration of COVID-19-related financial distress" means the following written statement:

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. *Loss of income caused by the COVID-19 pandemic.*
2. *Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.*
3. *Increased expenses directly related to health impacts of the COVID-19 pandemic.*
4. *Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.*
5. *Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.*
6. *Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.*

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

I declare that the foregoing statements are true and correct and that this declaration is signed under penalty of perjury under the laws of the State of California:

Declarant

Dated: _____

- iii. "Landlord" means any natural person, partnership, corporate or fictitious entity, acting as a lessor or sublessor, whether **as a principal or through an agent, who receives or is entitled to receive rent in exchange for the use or occupancy of any residential unit for rent, and includes a predecessor in interest.**
- iv. "Notice demanding payment of rent" means any notice demanding payment of rent or any notice informing a tenant of the termination of their right to occupy the Residential Unit in accordance with applicable California law, including but not limited to a 3- or 30-day notice to pay or quit.
- v. "Rent" means the consideration, including any funds, labor, bonus, benefit, or gratuity, demanded or received by a landlord for or in connection with the use and occupancy of a residential unit and the housing services provided therewith, or for the assignment of a rental agreement for a residential unit.

- vi. "Residential unit" means a structure or the part of a structure, including, but not limited to, houses, apartments, mobilehomes and recreational vehicles, that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- vii. "Tenancy" means the occupancy of residential unit(s).
- viii. "Tenant" means a residential tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of a residential unit.

SECTION 5. Geographic Scope

This Ordinance applies to all residential units located within the City of San Rafael.

SECTION 6. Moratorium on Rental Evictions

(1) A temporary moratorium on eviction from residential units for non-payment of rent by tenants impacted by the COVID-19 crisis is imposed as follows:

No landlord or owner of residential unit(s) shall endeavor to evict a residential tenant or otherwise require a tenant to vacate if the residential tenant has provided a Declaration of COVID-19-related financial distress to the landlord, owner, or landlord or owner's representative within 15 days after receiving notice demanding payment of rent from landlord, that the residential tenant is unable to pay rent due to COVID-19 financial distress, as further detailed below:

- a. For Tenants that provide the declaration of financial impact due to COVID-19 provided above, Landlords are prohibited from engaging in any of the following actions for non-payment of rent with respect to a Tenant of a residential unit between July 1, 2021 and September 30, 2021:
 - (1) Serving a notice of termination of tenancy;
 - (2) Filing or serving an unlawful detainer lawsuit, ejectment action, or other action to recover possession of a residential unit; or
 - (3) Evicting a Tenant or requiring a Tenant to vacate a residential unit, including by seeking the entry of an eviction judgment or by causing or permitting a writ of possession to be executed, including in the case of judgments entered prior to the date of this ordinance;
- b. A landlord who has been provided with a Declaration of COVID-19-related financial distress shall not serve a notice pursuant to CCP 1161(2), file, prosecute, or otherwise pursue an unlawful detainer action based on a notice of termination, or otherwise seek to evict for nonpayment of rent.

- c. Actions to recover an unpaid COVID-19 rental debt, as defined in Section 1179.02 of the Code of Civil Procedure, are governed by SB 91, and nothing in this ordinance shall be construed to supersede or conflict with SB 91.
- d. A landlord may not take any actions to evict or attempt to evict a residential tenant unless the landlord demonstrates that the landlord provided a copy of the following notice in at least 12-point font to tenants when serving tenants with a Notice demanding payment of rent:

"NOTICE: THE CITY OF SAN RAFAEL HAS ADOPTED A TEMPORARY MORATORIUM THROUGH SEPTEMBER 30, 2021 ON EVICTIONS FOR RESIDENTIAL TENANTS FOR NONPAYMENT OF RENT DUE TO COVID-19. A COPY OF THE CITY RESOLUTION IS ATTACHED.

During this moratorium, which expires on September 30, 2021, if you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, your landlord will not be able to evict you for this missed payment if you sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, but you will still owe this money to your landlord. If you do not sign and deliver the declaration within this time period, you may lose the eviction protections available to you. You must return this form to be protected.

You should keep a copy or picture of the signed form for your records.

You will still owe this money to your landlord and can be sued for the money, but you cannot be evicted from your home if you comply with these requirements.

You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

UPDATED INFORMATION MAY BE AVAILABLE FROM THE CITY'S COMMUNITY DEVELOPMENT DEPARTMENT BY CONTACTING ALICIA.GIUDICE@CITYOFSANRAFAEL.ORG or (415) 485-3092, OR BY VISITING:WWW.CITYOFSANRAFAEL.ORG/DEPARTMENTS/HOUSING/

- e. For purposes of this Ordinance, the declaration required under subsection (a) may be provided in writing, including through paper copy, email, or text communications to a landlord or the landlord's representative with whom the residential tenant has previously corresponded by email or text.
- f. Landlords of residential unit(s), and those acting on their behalf, are prohibited from harassing or intimidating residential tenants for acts or omissions expressly permitted under this Ordinance.
- g. Nothing in this Urgency Ordinance shall relieve the tenant of liability for the unpaid rent, nor restrict a landlord's ability to recover rent due. A tenant shall not be deemed in default of rent payment obligations unless the Tenant fails to tender rent payments which were unpaid due to COVID-19 Financial Distress, within 90 days after the expiration or termination date of this Ordinance.

- h. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance.
- i. Landlords and tenants of residential units are encouraged to agree on a payment plan that would allow landlords to accept partial rent payments during the term of the eviction moratorium if tenants are able to make such payments.
- j. The Community Development Director, or the Director's designee, is authorized to develop and publish guidelines and forms consistent with this Ordinance, if needed.
- k. The remedies available under this Ordinance shall be in addition to any existing remedies which may be available to the residential tenant under local, state or federal law.
- l. The moratorium on evictions enacted by this Ordinance shall become effective on July 1, 2021 and will remain in effect through September 30, 2021, unless repealed or superseded by local action, or state or federal law.
- m. This Urgency Ordinance applies to terminations of tenancies for nonpayment of rent, including eviction notices, no-fault eviction notices as defined herein, and unlawful detainer actions based on such notices, served or filed during the effective period of this Urgency Ordinance. For purposes of this Urgency Ordinance, "no-fault eviction notices" refer to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant.

SECTION 7. Affirmative Defense to Eviction, Unlawful Detainer Action; Civil Remedies

This Urgency Ordinance grants a defense where an unlawful detainer action is commenced in violation of this Urgency Ordinance. Additionally, an aggrieved tenant may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages, and whatever other relief the court deems appropriate. The prevailing party shall be entitled to reasonable attorney's fees and costs as determined by the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law.

SECTION 8. Severability

If any provision of this Ordinance or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Ordinance are severable.

SECTION 9. Effective Date Of Ordinance.

This Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b). The City Clerk is directed to publish forthwith a copy of this

Ordinance, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Kate Colin, Mayor

ATTEST:

LINDSAY LARA, City Clerk

I, LINDSAY LARA, City Clerk of the City of San Rafael, certify that the foregoing Ordinance was passed by the City Council of the City of San Rafael, California, by a vote of at least four-fifths (4/5) of the members thereof, at a regular meeting held on Monday, the 21st day of June 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

Fw: Homeless Disaster

Lidia Que <Lidia.Que@cityofsanrafael.org>

Mon 6/14/2021 3:20 PM

Cc: Lindsay Lara <Lindsay.Lara@cityofsanrafael.org>; Jim Schutz <Jim.Schutz@cityofsanrafael.org>

Good afternoon council,

Please see below email to be added as public comment for next week's meeting.

Best,

Lidia

Lidia I. Que | City of San Rafael**SENIOR ADMINISTRATIVE ASSISTANT****City Manager's Office**1400 5th Avenue, Room 203

San Rafael, CA 94901

415.485.3056

Website: www.cityofsanrafael.org

From: christopher bolei [REDACTED]**Sent:** Monday, June 14, 2021 2:15 PM**To:** Lidia Que <Lidia.Que@cityofsanrafael.org>**Subject:** Homeless Disaster

Hi folks,

You know our new tent city in San Rafael? Guess what? It will be getting A LOT BIGGER on July 1st if the eviction moratorium is not extended. Despite Governor Newsome's decision to reopen the state, the effects of the pandemic have not "magically disappeared". Also, the numbers regarding those in need of rental assistance (not one person in Fairfax needs assistance?) that the county is using are not based on reality. There are still hundreds, if not thousands of us who do.

There are a variety of reasons why the county has under-counted the true number of those in need. I would be happy to have that discussion with you if you desire. It is based on logic. I personally know 3 people that did not apply for county assistance, but are an inch from eviction should the protections go away. One of them wasn't aware of it. One of them borrowed money (which the federal government will not pay back to them), and one of them was ashamed and prideful, so they sold their possessions to pay rent. There are probably many more people who need protection. Undocumented folks aren't going to apply for rental assistance, that's for sure.

The point is if the eviction protection ending will be a disaster for MANY, MANY people, including myself. I have been put in this situation through NO FAULT OF MY OWN! My partner is disabled, and we have begged and borrowed all we can! WE NEED HELP!

What happened to the millions and millions of dollars that the Fed gave the county? Why is it taking so long to distribute it? This pandemic has caused PTSD in myself and my partner, and that is NOT an exaggeration.

I grew up in San Rafael. In fact, I run a page on FB with that very name. Never in a million years did I think I would need to rely on the government for help, but here we are. I have paid taxes all my life, and it is time for the City to STEP UP and help those in need!

Please extend the moratorium until September, at least! The unemployment (PUA) has been extended. Newsome may extend eviction protection as well, but we can't rely on him. Do the right thing for your constituents during this unprecedented disaster.

The manager of my apartment complex told me 25 families applied for aid through the county. 25! Just in this one complex. Please don't put us out on the street. We are SCARED!

Thank you,

Chris Bolei
San Rafael Resident
Sent from [Outlook](#)