



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/21/2020

Agenda Placement: 10B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Minh Tran - County Executive Officer
Housing and Homeless Services

REPORT BY: Molly Rattigan, Deputy County Executive Officer - 253-4112

SUBJECT: Discussion on Tenant Protection Ordinance

RECOMMENDATION

County Executive Officer requests discussion and direction on Napa County's efforts to temporarily prohibit evictions of any tenant who can demonstrate that their failure to pay rent is due to a substantial loss of income or substantial out-of-pocket medical expenses related to the COVID-19 pandemic or any local, state, or federal government response to the pandemic.

EXECUTIVE SUMMARY

On June 23, 2020, the Napa County Board of Supervisors adopted Ordinance No. 1457 temporarily prohibiting owners of residential property in the incorporated or unincorporated areas of the County from pursuing an eviction for failure to pay rent, if the tenant demonstrates the failure to pay rent is related to the COVID-19 pandemic.

Governor Gavin Newsom has extended Executive Order N-28-20 through September 30, 2020.

Supervisor Brad Wagenknecht and staff will provide an update and seek discussion and possible direction on whether to prepare to extend the local ordinance beyond July 28, 2020 but no later than September 30, 2020.

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Discussion and possible direction.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Livable Economy for All
Healthy, Safe, and Welcoming Place to Live, Work, and Visit
Effective and Open Government**ENVIRONMENTAL IMPACT**

This item is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), as an activity which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

BACKGROUND AND DISCUSSION

On March 4, 2020, Governor Gavin Newsom signed Executive Order N-28-20 that suspended any state law that prohibits local governments from imposing limitations on commercial or residential evictions. Jurisdictions throughout the Bay Area and California have implemented restrictions on commercial and residential evictions as a result of the Governor's order.

On June 23, 2020, the Napa County Board of Supervisors adopted Ordinance No. 1457 temporarily prohibiting owners of residential property in the incorporated or unincorporated areas of the County from pursuing an eviction for failure to pay rent, if the tenant demonstrates the failure to pay rent is related to the COVID-19 pandemic. This ordinance encourages owners and tenants to agree in writing to a payment plan for past-due rent. In the absence of such an agreement, the ordinance requires tenants to pay past-due rent within 180 days from the date each rent payment was due, or within 90 days of July 28, 2020. Finally, the ordinance prohibits late fees for rent that became due between March 4, 2020 and July 28, 2020.

The ordinance does not prohibit evictions for reasons unrelated to the COVID-19 pandemic, or prevent owners of agricultural land from sending notices to tenants solely to prevent an automatic extension of a lease for one year under state law.

Governor Gavin Newsom has extended Executive Order N-28-20 through September 30, 2020.

Supervisor Brad Wagenknecht has represented Napa County on a local community committee to discuss the needs of both tenants and landlords in the community as a result of the COVID-19 pandemic. Supervisor Wagenknecht and staff will provide an update and seek discussion and possible direction on whether to prepare to extend the local ordinance beyond July 28, 2020 but no later than September 30, 2020.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi