

CC 3/17/20

#1 Proclamation of
Local Emergency

Written
Communications

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Friday, March 13, 2020 1:37 PM
To: Deborah L. Feng
Cc: City Council
Subject: March 17 City Council Meeting Item 10, 20-7243, Re: COVID-19

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Dear City Manager, Deb,

On further reflection about the eviction moratorium and the emergency funds for people whose jobs are impacted by the Coronavirus pandemic, it occurs to me that the March 17, 2020, City Council Meeting, Agenda Item 10, Ratification of a proclamation of local emergency related to COVID-19, could be used as an opportunity to authorize immediate actions.

The Proclamation of Local Emergency provides the authority to take a number of actions to provide for protection of life and property. The City Council could formally ask staff to pursue a temporary moratorium on evictions of tenants facing financial burdens due to the Coronavirus. If you have it completed, this Agenda item could be modified to include it, perhaps.

Also, Cupertino has an existing Human Services Grant with WVCS that provides rental funds in emergency situations. Therefore, the City, within its authority granted by the Proclamation of local emergency related to COVID-19, could add some funding, maybe \$25,000, to give WVCS the flexibility to handle any influx of cases that may be arising in the next few weeks.

It is important to note that emergency assistance provided to renters will flow directly to the landlord, and prevent further trauma that the City is facing in managing the impacts of the pandemic.

Sincerely,
Connie Cunningham, self only

On Mar 12, 2020, at 7:25 PM, Deborah L. Feng <DebF@cupertino.org> wrote:

Hello Connie,

Thank you for your email. I have moved the City Council to blind copy. To respond to your second recommendation first; the City of Cupertino has a copy of the City of San Jose staff report and are working on this as we speak. For clarity, the City of San Jose did NOT put a moratorium on evictions for tenants facing loss of work due to COVID-19. Rather, it recommended to Council that they direct City Staff to put an urgency ordinance together. This is what we are looking into.

On your first recommendation that the City set up an emergency fund, I am a little confused by your request, given you stated part of the WVCS mission, however, I am confirming that very thing. Part of the WVCS mission is to provide support to housing insecure people. The City is not set up to provide these grants from the administrative burden side for what I think you are recommending below. I want

to express that I am not trying to be insensitive, but I want to ensure that we are supporting Cupertino community members in the best way possible because it is the right thing to do. That is our job.

Best,
Deb

Deborah L. Feng

City Manager
City Manager's Office
DebF@Cupertino.org
(408) 777-3250

<image002.png>

<image004.png><image006.png><image008.png><image012.png><image014.png><image015.png><image016.png>

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Thursday, March 12, 2020 2:14 PM
To: City Council <CityCouncil@cupertino.org>
Subject: Emergency Fund for those who face eviction due to COVID-19

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor, Vice-Mayor, and Councilmembers:

Recommendation: That the City Council set up an emergency fund for helping people who face eviction due to the coronavirus pandemic. Recommend a month's funding for an estimated 25-100 people at \$1,000. (\$25,000 to \$100,000). Hopefully, after a month, we will have a better idea of whether more is needed.

West Valley Community Services provides emergency rental and utility assistance to prevent eviction and homelessness. Project Sentinel provides tenant/landlord counseling. They could be asked for proposals.

Background:


A world-wide pandemic has hit our City, our County, our country and countries around the globe. To date Santa Clara County has taken significant steps to stop the spread of coronavirus such as requiring that events of certain sizes be closed.

Tuesday, March 10, 2020, San Jose City Council placed a temporary moratorium on eviction, for tenants facing loss of work due to the COVID-19 virus.

Along with others, I have urged City Council to place a temporary moratorium on evictions, also. As large events are cancelled throughout the County, the impact on workers will grow quickly. There are many workers who cannot work from home. These are the same people who are at risk of being unable to pay their rent if they cannot work due to the COVID-19 crisis even if they are not sick. Teachers are among those who live paycheck to paycheck.

Sincerely,

Connie L Cunningham, self only

 Watch out for typos; Siri might be on duty.

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Monday, March 16, 2020 2:59 PM
To: City Council
Subject: Mar 17, 2020, Ratification of a Proclamation of Local Emergency Related to COVID-19 ; Thank you

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Mar 17, 2020, Agenda Item 10, Ratification of a Proclamation of Local Emergency Related to COVID-19


Dear Mayor, Vice-Mayor, and Councilmembers,

Thank you for this action that will allow our City to take swift actions to protect us all!

I thank you and City Staff for your service, especially now, for work you do on the behalf of all residents. I wish all of you and your families good health during these trying times.

Sincerely, Connie Cunningham, self only

I will be viewing from home rather than attending. My husband and I are well.

 *Watch out for typos; Siri might be on duty.*

CC 3/17/20

#2 Income Loss and
Evictions

Written
Communications

Cyrah Caburian

From: Anil Babbar <ABabbar@caanet.org>
Sent: Tuesday, March 17, 2020 1:28 PM
To: City Council
Subject: Council Agenda Item #2
Attachments: Cupertino - Response Letter - Eviction Moratorium.pdf

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Mayor Scharf and City Council,

On behalf of the California Apartment Association, I would like to submit the attached letter in response to item #2 on your Council Agenda tonight. Please note that I am available if you have any questions regarding this item

[Anil Babbar](#) - Vice President of Public Affairs
California Apartment Association
1530 The Alameda, Suite 100, San Jose, CA 95126
ababbar@caanet.org | O: (408) 342-3509 | C: (408) 348-8373



California Apartment Association

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3/17/2020

Mayor Steven Scharf and City Council

City of Cupertino

10300 Torre Avenue

Cupertino, CA 95014-3202

Mayor Scharf and City Council,

The California Apartment Association (CAA) supports the City's efforts to stabilize the community during this unprecedented outbreak but we have serious reservations on a moratorium for evictions without adequate protection for property owners so they can meet their financial obligations.

A moratorium on evictions, without financial support for tenants, places the entire burden squarely on property owners. Providing a safety net for tenants is the role of the City in the time of an emergency which we are currently experiencing. When an apartment owner loses the revenue from a unit or more, they risk going into default with their lender. CAA recognizes the burden we are facing as a community, but that burden should be shouldered by the entire community.

As the Council deliberates on providing direction to staff on the creation of an ordinance, CAA would like to encourage you to consider the following provisions to provide the support your residents need with the necessary protections to property owners so they do not risk default or other serious financial harm.

- Make it clear that this is not a rent waiver, adding language such as "Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent" would address this.
- Require notification of the inability to pay rent as a result of a Covid-19 income or job loss on or before the date when the rent is due.
- Require objective and verifiable documentation of the loss of income or employment. For income loss, subsequent income statements demonstrating an actual loss of income. For a job loss, a letter from the employer indicating a loss of employment resulting from Covid-19.
- Establish a fund, such as a Rental Housing Equity Fund, that can be used by Cupertino residents who need financial assistance to cover the rent they cannot afford to pay during the emergency period. This will also prevent the tenant from incurring further debt during this emergency period.

CAA has also asked our Housing Industry Foundation to support non-profits who are specifically assisting tenants. We are coordinating with the larger efforts in Santa Clara County to do our part in supporting this effort. If you have any questions that I can answer, please feel free to reach out to me.

Sincerely,

Anil Babbar
Vice President of Public Affairs
California Apartment Association

Cyrah Caburian

From: Annette Kirkham <AnnetteK@lawfoundation.org>
Sent: Tuesday, March 17, 2020 3:19 PM
To: City Council
Subject: Agenda Item 2, Actions Related to Income Loss and Eviction Due to Novel Coronavirus

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Scharf and members of City Council,

I write regarding the March 17, 2020 agenda Item Number 2, Actions Related to Income Loss and Evictions due to Novel Coronavirus.

We are in an unprecedented health crisis. Yesterday, residents of Santa Clara County were ordered to shelter-in-place. This order will leave thousands of our Santa Clara County neighbors without employment. Restaurant and bar staff, retail workers, and other hourly wage workers who typically don't have sick leave or vacation leave will be forced to rely on unemployment benefits. Currently, those benefits are only \$450 a week. With the average rent in Santa Clara County around \$2700, unemployment benefits aren't nearly enough to cover the cost of rent. Without protection against eviction, many of our hard-working neighbors will be forced into homelessness. Small businesses will be shuttered and, without income, many of these business owners will be evicted from their commercial spaces. If evicted from their retail space, many of these businesses will never recover.

Yesterday, Governor Newsom issued an executive order giving local jurisdictions authority to halt evictions for renters and homeowners. The Governor's order also called on financial institutions to implement an immediate moratorium on foreclosures related to lost income from COVID-19. This means that when a local jurisdiction passes an eviction moratorium, foreclosures resulting from lost rental income will be prohibited.

The draft ordinance the Law Foundation emailed to council last week protects tenants, small landlords, and small businesses from eviction and foreclosure. We urge that council enact an eviction moratorium and adopt an urgency ordinance prohibiting the evictions of tenants, homeowners, and small businesses during the COVID-19 crisis.

Providing protection from eviction will give our community some relief and comfort in this time of great uncertainty.

I appreciate your consideration of an eviction moratorium to protect the residents of Cupertino.

Sincerely,

Annette D. Kirkham | Senior Attorney | Housing
annettek@lawfoundation.org | p 408.290.2410 | f 408.293.0106

Law Foundation  OF SILICON VALLEY
Advancing Justice in Silicon Valley

4 North Second Street, Suite 1800
San Jose, California 95113
www.lawfoundation.org



We have moved! Please note our new address.

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Cyrah Caburian

From: Kriti Garg <kriti@siliconvalleyathome.org>
Sent: Tuesday, March 17, 2020 4:12 PM
To: Steven Scharf; Darcy Paul; Liang Chao; Rod Sinks; Jon Robert Willey
Cc: Cupertino City Manager's Office; Kerri Heusler; Benjamin Fu
Subject: SV@Home Position Regarding Emergency Eviction Moratorium

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Scharf, Vice Mayor Paul, and Councilmembers Sinks, Chao, and Willey,

On behalf of SV@Home and members, we want to thank the City Council and city employees for all of their efforts to keep our communities safe during a difficult time as well as the social service agencies that are working around the clock to help those in need. We know that everyone is being impacted by this public health crisis and that the most vulnerable members of our community, especially those who are housing insecure or experiencing homelessness, are being hit the hardest.

We are encouraged by Governor Newsom's Executive Order issued last night that recognizes the severity of the impact of potentially losing one's home during the pandemic and authorizes cities to take action to stop evictions of residents who are experiencing extra hardships due to COVID-19.

To that end, we urge the city to consider emergency measures that would protect vulnerable residents from evictions during this time of financial and household strains as well as other actions that provide additional support to our neighbors who are experiencing homelessness. As other jurisdictions consider similar measures across the County, we encourage cities to coordinate approaches to avoid a patchwork of different policies that could confuse both tenants and landlords.

Even in this time of social distancing, this is how we can come together as a community and help those who need it most.

Sincerely,

Kriti Garg
Policy and Outreach Associate, SV@Home
408.752.2717 | kriti@siliconvalleyathome.org
Pronouns: she/her



Want to solve the housing crisis? Be a part of the solution. [Join as a member today!](#)

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350 W Julian St. #5, San José, CA 95110

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Cyrah Caburian

From: Cupertino ForAll <cupertinoforall@gmail.com>
Sent: Tuesday, March 17, 2020 4:23 PM
To: Cupertino City Manager's Office; City Clerk; City Council
Subject: Letter Asking for Greater Protections/Relief
Attachments: COVID-19 CF Letter.pdf

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Dear City Council and Staff,

Please accept the following letter from the membership of Cupertino for All which outlines suggested improvements to today's emergency proclamation, including an eviction moratorium, foreclosure ban, relief, and suspension of utility payments. It was carefully deliberated and crafted by members of the community.

We thank you for your urgency and hope you consider our thoughts. We are all in this together and look forward to mitigating the effects of this crisis as a cohesive, empathetic community.

Best,
Cupertino for All

March 17, 2020

Cupertino City Council
10300 Torre Ave, Cupertino
Cupertino, CA 95014



For public comment on Agenda Items 1 and 2: Provide meaningful COVID-19 relief

Hon. Mayor Scharf and Members of the City Council:

Thank you for the city's quick response to what has now become a global pandemic. COVID-19 immediately threatens Cupertino's most at-risk demographics—particularly 65+ year old individuals who make up a sizable proportion of our population. Accordingly, Cupertino for All emphatically supports the city manager's move to declare a state of emergency and to take action to mitigate the spread of the novel coronavirus.

As both the state and federal governments weigh and debate what to do next, we ask that Cupertino take its own proactive steps to further reduce the likelihood of community spread of the coronavirus through specific and concrete relief. In particular, we applaud the city's consideration of an eviction moratorium to ensure that vulnerable individuals are not rendered homeless in general. We urge the city to hastily enact an eviction moratorium in the wake of Governor Newsom's Executive Order N-28-20, dated March 16, 2020, providing cities such latitude.

In light of the ongoing local health and safety crisis that COVID-19 presents—embodied most urgently in the county's shelter-in-place order—we believe you should, at a minimum, enact protections Executive Order N-28-20 specifically permits, and go further to the extent legally permissible under the circumstances. We ask that you establish a broad and sufficiently lengthy defense to any unlawful detainer action at this time not just as a measure to keep especially vulnerable renters housed and small businesses in place, but also to reduce the economic incentive for such individuals to engage in higher-risk economic activities out of fear of eviction that would thereby represent a threat to the health and well-being of all of Cupertino. For similar reasons, the city should likewise take advantage of Executive Order N-28-20 to slow foreclosures and ban utility shut-offs.

Proposed and actual policy pronouncements on the COVID-19 crisis emanate daily (sometimes hourly) from Sacramento and Washington, D.C. Whatever legislation ultimately emerges to assuage the rising economic distress, we remain mindful that such action may arrive too late or contain gaps that fail to account for unique situations. We therefore strongly encourage this council to empower the city manager and city staff to explore and swiftly enact additional means of supporting the community out of urgent concern for the health and safety of residents, in an effort to blunt economic trauma of an impending recession, and because it's the right thing to do.

We know that Cupertino is a small city. Given the city's limited administrative capacity, we urge the

consideration of measures that prioritize ambitious yet realistic means to fill the gaps that arise in whatever assistance the state or federal governments provide. For example, the city could partner with existing social support organizations, such as West Valley Community Services, to administer a local community trust to ameliorate economic hardship suffered by those with the greatest need--renters unable to make their rent, and homeowner landlords burdened by nonpayment of rent; the homeless who have nowhere to shelter-in-place--or those left behind by federal and state legislation. The city could expansively utilize its public relations capacity to ensure that residents and businesses know how and where to access resources provided by all levels of government and charitable organizations, in particular those unlocked as a result of Executive Order N-28-20.

We impress upon you that the county's shelter-in-place mandate, requiring that individuals remain at home unless leaving for necessary purposes, inherently means that most businesses and workplaces must temporarily close. For those of us who are retired, or work 'white collar jobs' with guaranteed paid sick leave or that employ work-from-home policies, the effects of COVID-19 will be mostly manageable. But many workers in our community, especially lower wage workers and their families, small businesses owners and their employees highly dependent on daily revenue, the self-employed and others with no legal entitlement to unemployment insurance have few options.

That same economic pain will grow with layoffs across broad sectors of various industries that are already occurring. We should all expect recession ahead, and we recognize that the city must plan for this eventuality as well. We therefore ask that you, as council, provide the city manager and the city attorney with the authority and the tools to respond nimbly and effectively so that none of us have to look back at this unprecedented crisis and wonder if we could have done more.

We again thank city staff and council for their efforts in addressing the COVID-19 crisis. We look forward to passing through the pandemic together and emerging to confront our new challenges ahead.

Sincerely,

Membership, Cupertino for All

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, March 17, 2020 7:19 PM
To: City Clerk
Subject: Item 2, March 17 Agenda

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City Council:

Can this proposed ordinance be worded to deal with fact that some people do not have homes in which to shelter-in-place?

Without homes, rent is not the issue. Income may well be the issue. However the person needs a place to live. Can they be provided with funds to pay rent for a place During this crisis?

This is critical to health and safety of all residents. It is cold at night, so illness combined with cold can be deadly.

Connie Cunningham self only

From Connie's iPhone