

## Cyrah Caburian

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**From:** Johannes Neubrand <johannes\_n@me.com>  
**Sent:** Tuesday, March 24, 2020 6:42 PM  
**To:** City Clerk  
**Subject:** Comments for 2020-03-24 City Council Meeting (not related to any agenda item)

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Dear city clerk and council,

I'm glad to see the state, city, and above all the county take swift action to soften the blow of COVID-19 to our communities.

My primary concern at this point is what businesses are open that shouldn't be, and I'm afraid we'll be seeing misclassifications of business necessity that's akin to GameStop (which tried to get itself considered an essential business) across the nation. Cities must act to stop these at the source.

**Operating or visiting ice cream/frozen yogurt stores, beauty salons, or tea parlors** at this point in the pandemic is simply reckless. Allowing these businesses to continue to operate will increase spread of COVID-19 and is therefore tantamount to criminal negligence. Therefore, as painful as it may be, the city must take swift action to close these businesses for the time being.

The council should also consider tightening rules around farmers' markets.

Johannes Neubrand

CC 03-24-20

# #1 Moratorium on Evictions

Written  
Communications

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY OF CUPERTINO ENACTING AN IMMEDIATE 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 SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, on February 3, 2020 and pursuant to Section 101080 of the California Health and Safety Code, the Santa Clara County Health Officer (the “Health Officer”) declared a local health emergency throughout Santa Clara County (the “County”) related to the novel coronavirus (“COVID-19”); and

WHEREAS, on February 3, 2020, and pursuant to Section 8630 of the California Government Code, the Santa Clara County Director of Emergency Services proclaimed a local emergency throughout the County related to COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including: 1) suspend nonessential employee travel; and 2) minimize the number of employees working within arm’s length of one another, including minimizing or canceling large in-person meetings and conferences. The County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

WHEREAS, as of March 9, 2020, the County reported that there were 43 cases of persons testing positive for COVID-19 in the County, an increase of 23 in five days. In response, the County, pursuant to its authority under California Health and Safety Codes sections 101040, 101085, and 120175, ordered that private mass gatherings attended by one thousand persons are prohibited until March 31, 2020 (the “Order”). This Order was based upon evidence of increasing transmission of COVID-19 within the County, scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19; and

WHEREAS, on March 11, 2020, the City Manager for the City of Cupertino (“City”) declared a local emergency throughout the City related to COVID-19; and

WHEREAS, on March 17, 2020, the Council ratified and continued the City Manager's declaration of a local emergency; and

WHEREAS, on March 13, 2020, the County issued a new Order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons. California Governor Gavin Newsom also called for bar, wineries, and brewery pubs to close. These restrictions impact how businesses operate that rely on customer patronage and will result in loss revenue for those that cannot continue to operate their businesses during this time or must operate under severe restrictions; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities, counties and cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a non-payment of rent caused by the COVID-19 pandemic or the federal, state and/or local response to the COVID-19 pandemic; and

WHEREAS, also on March 16, 2020 the County, along with five other Bay Area counties, issued a sweeping a Shelter in Place Order; and

WHEREAS, the County Superintendent of Schools and all district superintendents in the County decided to close schools to students for three weeks beginning Monday, March 16, 2020. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, on March 19, 2020, Governor Newsom ordered all individuals living in the State of California to stay home or at their place of residence, with limited exceptions, to stop the spread of COVID-19; and

WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings, and shelter in place orders, many City residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, this Ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Cupertino's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness; loss of community; stress and anxiety caused by the experience of displacement; interruption of the education of any children in the home; increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19; and

WHEREAS, West Valley Community Services, a Bay Area nonprofit dedicated to housing and food services for Cupertino and surrounding communities, reports that the recent outbreak of COVID-19, and the subsequent impacts on employment in service-sector jobs, are having a dire impact on these communities' most vulnerable residents; requests for rental assistance have significantly increased, as both current and new clients are laid off or furloughed without pay; these families are at risk of becoming homeless, as they are unable to pay their rent at the end of the month; and a moratorium on evictions would help keep residents housed; and

WHEREAS, the City, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for residents throughout the City; and

WHEREAS, given the severe consequences to public health and safety throughout the City that would result from evictions of residential tenants during the City-wide local health emergency, the City finds and determines that a temporary moratorium on evictions based on non-payment of rent due to COVID-19 or the government response to COVID-19 and no-fault terminations of tenancy (unless required for the health and safety of the tenant or the landlord) is necessary to curb the spread of COVID-19 across all areas of the City and contain the virus to the greatest extent possible and thereby serve the public peace, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CUPERTINO:

SECTION 1. The uncoded Ordinance set out in the attached Exhibit A is hereby approved.

SECTION 2. Government Code section 36937(a) authorizes the adoption of an urgency ordinance to protect the public peace, health or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by four-fifths of the Council.

SECTION 3. The City Council hereby finds, determines and declares that this urgency ordinance adopted pursuant to California Government Code section 36937 is necessary because there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated in the recitals above, all of which are deemed true and correct, as well any oral and written testimony at the March 17, 2020 and March 24, 2020 City Council meetings.

SECTION 4. This Ordinance and any moratorium that may be established thereunder is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in Section 3 of this Ordinance.

SECTION 5. The City Council of the City of Cupertino held a duly noticed public meeting on March 24, 2020, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

SECTION 6. This urgency ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code section 36937 and shall remain in effect for sixty (60) days, unless extended by the City Council.

## EXHIBIT A

### IMMEDIATE TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM WAGE LOSS DUE TO THE NOVEL CORONAVIRUS (COVID-19)

#### SECTION 1: Title

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

#### SECTION 2: Policy and Purposes Declaration

The purposes of this Ordinance are to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Ordinance is immediately necessary for the immediate preservation of the public peace, health or safety because the COVID-19 pandemic has the potential for destabilizing the residential rental market for all of the reasons described herein. It is intended to enable tenants in the City whose employment and income have been affected by the COVID-19 pandemic to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to anxiety, stress and potential homelessness for the affected City residents and their communities thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

#### SECTION 3: Term, Expiration

- A. This Ordinance is effective immediately and shall expire within sixty (60) days after its adoption.
- B. The moratorium will commence upon adoption by City Council of a Resolution setting forth the facts and circumstances for activation and shall expire forty-five (45) days after adoption, unless the Resolution is otherwise extended by approval of the City Council.

#### SECTION 4: Moratorium on Nonpayment and No Cause Terminations

- A. During the term of this Ordinance, while a moratorium is activated by Resolution of the City Council, no landlord shall ~~endeavor to evict a tenant~~ file or prosecute an unlawful detainer action in either of the following situations:
  - (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay full rent due to financial impacts related to COVID-19, including, but not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of

hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with ~~a~~an order or recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19; or

(2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

~~B. — A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.~~

B. Any 3-day pay or quit notice, or any other eviction notice, issued to a tenant shall be accompanied with written notice of the identity and mailing address of the landlord, notice of the Moratorium and this Ordinance on a form approved by the City, and the amount of rent due.

~~D. — A landlord knows of a tenant’s inability to pay rent within~~C. In order for the meaning of protections in Section 4.A.1-B if to apply, the tenant must, before expiration of the 3-day pay or quit notice, ~~notifies~~or any other eviction notice, notify the landlord in writing ~~of that the tenant has~~ lost income and ~~inability is unable~~ to pay full rent due to financial impacts related to COVID-19. For purposes of this Ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Documentation supporting the notification may be submitted at any time, including after the expiration of a notice to quit.

E.D. The following documents, provided to the landlord at any point in time, shall create a rebuttable presumption that the tenant ~~has met the documentation requirement~~is unable to pay rent as set forth in Section 4.~~D.A.1~~, however, they are not the exclusive form of documentation demonstrating impacts to income due to COVID-19:

(1) letter from employer citing COVID-19 as a reason for reduced work hours or termination;

(2) employer paycheck stubs;

(3) bank statements.

(4) hospital or doctor’s bills for COVID-19 related illnesses of tenant or individual in tenant’s care.

Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim.

F.E. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the Moratorium and the tenant must pay within 180 days of the expiration of the Moratorium. During that 180-day period, the protections against eviction found in Section 4 of this Ordinance apply as to any rent the tenant was



unable to pay as a result of the causes set forth in Section 4.A.1.

**GF.** A landlord may not charge or collect a late fee or other penalty for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

**HG.** This Ordinance applies to pending nonpayment eviction notices and no-fault eviction notices issued on or after March 11, 2020.

#### SECTION 5: Enforcement

- A. Non-compliance with any applicable component of this Ordinance shall constitute an affirmative defense for a tenant against any unlawful detainer action under California Code of Civil Procedure section 1161, as amended.
- B. Any landlord that fail(s) to comply with this Ordinance may be subject to civil proceedings for displacement of tenant(s) initiated by the City or tenant household for actual and exemplary damages.
- C. Whoever is found to have violated this Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
- D. Treble damages shall be awarded for a landlord's willful failure to comply with the obligations established under this Ordinance.

#### SECTION 6: Severability

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

#### SECTION 7: Compliance with CEQA

The City Council finds that the adoption and implementation of this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

environment, the activity is not subject to CEQA. In this circumstance, the proposed action to enact tenant protections would have no or only a de minimis effect on the environment because it helps preserve the status quo and reduce displacement. The foregoing determination is made by the City Council in its independent judgment.

SECTION 8: Publication

The City Clerk is directed to cause this ordinance to be published in the manner required by law.

Introduced and adopted as an urgency ordinance of the City of Cupertino at a special meeting of the City Council held on March 24, 2020, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<div>SIGNED:  _____  _____ Steven Scharf, Mayor City of Cupertino</div>	<div>_____ Date</div>
<div>ATTEST:  _____  Kirsten Squarcia, City Clerk</div>	<div>_____ Date</div>
<div>APPROVED AS TO FORM:  _____ Heather Minner, City Attorney</div>	<div>_____ Date</div>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF CUPERTINO DECLARING  
THE COMMENCEMENT OF A FORTY-FIVE DAY 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 SETTING FORTH THE FACTS CONSTITUTING SUCH  
URGENCY

WHEREAS, on February 3, 2020 and pursuant to Section 101080 of the California Health and Safety Code, the Santa Clara County Health Officer (the “Health Officer”) declared a local health emergency throughout Santa Clara County (the “County”) related to the novel coronavirus (“COVID-19”); and

WHEREAS, on February 3, 2020, and pursuant to Section 8630 of the California Government Code, the Santa Clara County Director of Emergency Services proclaimed a local emergency throughout the County related to COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including: 1) suspend nonessential employee travel; and 2) minimize the number of employees working within arm’s length of one another, including minimizing or canceling large in-person meetings and conferences. The County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

WHEREAS, as of March 9, 2020, the County reported that there were 43 cases of persons testing positive for COVID-19 in the County, an increase of 23 in five days. In response, the County, pursuant to its authority under California Health and Safety Codes sections 101040, 101085, and 120175, ordered that private mass gatherings attended by one thousand persons are prohibited until March 31, 2020 (the “Order”). This Order was based upon evidence of increasing transmission of COVID-19 within the County, scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19; and

WHEREAS, on March 11, 2020, the City Manager for the City of Cupertino (“City”) declared a local emergency throughout the City related to COVID-19; and

WHEREAS, on March 17, 2020, the Council ratified and continued the City Manager’s

declaration of a local emergency; and

WHEREAS, on March 13, 2020, the County issued a new Order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons. California Governor Gavin Newsom also called for bar, wineries, and brewery pubs to close. These restrictions impact how businesses operate that rely on customer patronage and will result in loss revenue for those that cannot continue to operate their businesses during this time or must operate under severe restrictions; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities, counties and cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a non-payment of rent caused by the COVID-19 pandemic or the federal, state and/or local response to the COVID-19 pandemic; and

WHEREAS, also on March 16, 2020 the County, along with five other Bay Area counties, issued a sweeping a Shelter in Place Order; and

WHEREAS, the County Superintendent of Schools and all district superintendents in the County decided to close schools to students for three weeks beginning Monday, March 16, 2020. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, on March 19, 2020, Governor Newsom ordered all individuals living in the State of California to stay home or at their place of residence, with limited exceptions, to stop the spread of COVID-19; and

WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings, and shelter in place orders, many City residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Cupertino's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness; loss of community; stress and anxiety caused by the

experience of displacement; interruption of the education of any children in the home; increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19; and

WHEREAS, the City, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for residents throughout the City; and

WHEREAS, given the severe consequences to public health and safety throughout the City that would result from evictions of residential tenants during the City-wide local health emergency, the City finds and determines that a temporary moratorium on evictions based on non-payment of rent due to COVID-19 or the government response to COVID-19 and no-fault terminations of tenancy (unless required for the health and safety of the tenant or the landlord) is necessary to curb the spread of COVID-19 across all areas of the City and contain the virus to the greatest extent possible and thereby serve the public peace, health and safety; and

WHEREAS, on March 24, 2020, the City Council adopted a COVID-19 Urgency Ordinance (“Urgency Ordinance”) and approved a companion ordinance (together, the “Ordinances”), providing for a temporary moratorium on evictions in the City of Cupertino for renters on the basis of nonpayment of rent where the failure to pay rent results from wage loss resulting from the novel coronavirus (COVID-19) pandemic, and on no-cause evictions. Under the provisions of the Ordinances, the temporary moratorium will not commence until the City Council adopts a resolution setting forth the facts and circumstances for commencement. Upon commencement, the Urgency Ordinance shall expire sixty (60) days after its adoption, unless otherwise extended by approval of the City Council; and

WHEREAS, the Ordinances are a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, West Valley Community Services, a Bay Area nonprofit dedicated to housing and food services for Cupertino and surrounding communities, reports that the recent outbreak of COVID-19, and the subsequent impacts on employment in service-sector jobs, are having a dire impact on these communities’ most vulnerable residents; requests for rental assistance have significantly increased, as both current and new clients are laid off or furloughed without pay; these families are at risk of becoming homeless, as they are unable to pay their rent at the end of the month; and a moratorium on evictions would help keep residents housed; and

WHEREAS, the City finds that the Ordinances are reasonably related to the protection of life throughout the entire jurisdictional boundaries of the City, given the City-wide nature of the local health emergency; and

WHEREAS, the adoption and implementation of this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, “CEQA”) because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant

effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action to enact tenant protections would have no or only a de minimis effect on the environment because it helps preserve the status quo and reduce displacement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CUPERTINO THAT:

The 45-day moratorium on nonpayment of rent and no-cause residential evictions, as set forth in the provisions under the COVID-19 Urgency Ordinance passed by Cupertino City Council on March 24, 2020 shall hereby commence. The terms of this moratorium may be extended by Council adoption of a subsequent Resolution.

Introduced and adopted as an ordinance of the City of Cupertino at a special meeting of the City Council held on March 24, 2020, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM: _____ Heather Minner, City Attorney	_____ Date

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF CUPERTINO ENACTING A 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)

WHEREAS, on February 3, 2020 and pursuant to Section 101080 of the California Health and Safety Code, the Santa Clara County Health Officer (the “Health Officer”) declared a local health emergency throughout Santa Clara County (the “County”) related to the novel coronavirus (“COVID-19”); and

WHEREAS, on February 3, 2020, and pursuant to Section 8630 of the California Government Code, the Santa Clara County Director of Emergency Services proclaimed a local emergency throughout the County related to COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including: 1) suspend nonessential employee travel; and 2) minimize the number of employees working within arm’s length of one another, including minimizing or canceling large in-person meetings and conferences. The County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

WHEREAS, as of March 9, 2020, the County reported that there were 43 cases of persons testing positive for COVID-19 in the County, an increase of 23 in five days. In response, the County, pursuant to its authority under California Health and Safety Codes sections 101040, 101085, and 120175, ordered that private mass gatherings attended by one thousand persons are prohibited until March 31, 2020 (the “Order”). This Order was based upon evidence of increasing transmission of COVID-19 within the County, scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19; and

WHEREAS, on March 11, 2020, the City Manager for the City of Cupertino (“City”) declared a local emergency throughout the City related to COVID-19; and

WHEREAS, on March 17, 2020, the Council ratified and continued the City Manager’s



declaration of a local emergency; and

WHEREAS, on March 13, 2020, the County issued a new Order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons. California Governor Gavin Newsom also called for bar, wineries, and brewery pubs to close. These restrictions impact how businesses operate that rely on customer patronage and will result in loss revenue for those that cannot continue to operate their businesses during this time or must operate under severe restrictions; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities, counties and cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a non-payment of rent caused by the COVID-19 pandemic or the federal, state and/or local response to the COVID-19 pandemic; and

WHEREAS, also on March 16, 2020 the County, along with five other Bay Area counties, issued a sweeping a Shelter in Place Order; and

WHEREAS, the County Superintendent of Schools and all district superintendents in the County decided to close schools to students for three weeks beginning Monday, March 16, 2020. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, on March 19, 2020, Governor Newsom ordered all individuals living in the State of California to stay home or at their place of residence, with limited exceptions, to stop the spread of COVID-19; and

WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings, and shelter in place orders, many City residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, this Ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Cupertino's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and



WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness; loss of community; stress and anxiety caused by the experience of displacement; interruption of the education of any children in the home; increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19; and

WHEREAS, West Valley Community Services, a Bay Area nonprofit dedicated to housing and food services for Cupertino and surrounding communities, reports that the recent outbreak of COVID-19, and the subsequent impacts on employment in service-sector jobs, are having a dire impact on these communities' most vulnerable residents; requests for rental assistance have significantly increased, as both current and new clients are laid off or furloughed without pay; these families are at risk of becoming homeless, as they are unable to pay their rent at the end of the month; and a moratorium on evictions would help keep residents housed; and

WHEREAS, the City, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for residents throughout the City; and

WHEREAS, given the severe consequences to public health and safety throughout the City that would result from evictions of residential tenants during the City-wide local health emergency, the City finds and determines that a temporary moratorium on evictions based on non-payment of rent due to COVID-19 or the government response to COVID-19 and no-fault terminations of tenancy (unless required for the health and safety of the tenant or the landlord) is necessary to curb the spread of COVID-19 across all areas of the City and contain the virus to the greatest extent possible and thereby serve the public peace, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CUPERTINO:

SECTION 1: Title

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

SECTION 2: Policy and Purposes Declaration

The purposes of this Ordinance are to promote housing stability during the COVID-19 pandemic

and to prevent avoidable homelessness. This Ordinance is immediately necessary for the immediate preservation of the public peace, health or safety because the COVID-19 pandemic has the potential for destabilizing the residential rental market for all of the reasons described herein. It is intended to enable tenants in the City whose employment and income have been affected by the COVID-19 pandemic to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to anxiety, stress and potential homelessness for the affected City residents and their communities thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

### SECTION 3: Effective Date; Termination Date

This Ordinance shall be effective thirty (30) days after date of its adoption and shall remain in effect for a period of six (6) months after its effective date and thereafter is repealed unless extended by Ordinance.

### SECTION 4: Moratorium on Nonpayment and No Cause Terminations

A. During the term of this Ordinance, while a moratorium is activated by Resolution of the City Council, no landlord shall ~~endeavor to evict~~ file or prosecute an unlawful detainer action in either of the following situations:

(1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay full rent due to financial impacts related to COVID-19, including, but not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with an order or a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19; or

(2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

~~B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.~~

B. Any 3-day pay or quit notice, or any other eviction notice, issued to a tenant shall be accompanied with written notice of the identity and mailing address of the landlord, notice of the Moratorium and this Ordinance on a form approved by the City, and the amount of rent due.

~~D.~~ ~~A landlord knows of a tenant's inability to pay rent within the meaning of Section 4.B if the C.~~ In order for the protections in Section 4.A.1 to apply, the tenant must, before expiration of the 3-day pay or quit notice, ~~notifies or any other eviction notice, notify~~ the landlord in writing of that the tenant has lost income and ~~inability is unable~~ to pay full rent due to financial impacts related to COVID-19. For purposes of this Ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Documentation supporting the notification may be submitted at any time, including after the expiration of a notice to quit.

~~ED.~~ The following documents, provided to the landlord at any point in time, shall create a rebuttable presumption that the tenant ~~has met the documentation requirement~~ is unable to pay rent as set forth in Section 4.~~DA.1~~, however, they are not the exclusive form of documentation demonstrating impacts to income due to COVID-19:

(1) letter from employer citing COVID-19 as a reason for reduced work hours or termination;

(2) employer paycheck stubs;

(3) bank statements;

(4) hospital or doctor's bills for COVID-19 related illnesses of tenant or individual in tenant's care.

Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

~~FD.~~ Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the Moratorium and the tenant must pay within 180 days of the expiration of the Moratorium. During that 180-day period, the protections against eviction found in Section 4 of this Ordinance apply as to any rent the tenant was unable to pay as a result of the causes set forth in Section 4.A.1.

~~GF.~~ A landlord may not charge or collect a late fee or other penalty for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

~~HG.~~ This Ordinance applies to pending nonpayment eviction notices and no-fault eviction notices issued on or after March 11, 2020.

## SECTION 5: Enforcement

- A. Non-compliance with any applicable component of this Ordinance shall constitute an affirmative defense for a tenant against any unlawful detainer action under California Code of Civil Procedure section 1161, as amended.
- B. Any landlord that fail(s) to comply with this Ordinance may be subject to civil proceedings for displacement of tenant(s) initiated by the City or the tenant household for actual and exemplary damages.

- C. Whoever is found to have violated this Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
- D. Treble damages shall be awarded for a landlord's willful failure to comply with the obligations established under this Ordinance.

#### SECTION 6: Severability

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

#### SECTION 7: Compliance with CEQA

The City Council finds that the adoption and implementation of this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action to enact tenant protections would have no or only a de minimis effect on the environment because it helps preserve the status quo and reduce displacement. The foregoing determination is made by the City Council in its independent judgment.

#### SECTION 8: Publication

The City Clerk is directed to cause this ordinance to be published in the manner required by law.

Introduced as an ordinance of the City of Cupertino at a special meeting of the City Council held on March 24, 2020, by the following vote:

#### Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST:  _____  Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM:  _____ Heather Minner, City Attorney	_____ Date

**ORDINANCE NO. NS-9.287**

**AN UNCODIFIED URGENCY ORDINANCE  
OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
TEMPORARILY BANNING EVICTIONS FOR NON-PAYMENT OF RENT BY  
RESIDENTIAL AND COMMERCIAL REAL PROPERTY TENANTS IN SANTA  
CLARA COUNTY DIRECTLY IMPACTED BY THE COVID-19 PANDEMIC,  
AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

**Summary**

This Urgency Ordinance imposes a temporary moratorium on evictions in Santa Clara County for non-payment of rent by residential and commercial real property tenants directly impacted by the COVID-19 pandemic and sets forth the facts constituting such urgency.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
FINDS AND DECLARES AS FOLLOWS:**

**WHEREAS**, in late December 2019, several cases of a novel coronavirus known as COVID-19 emerged in the Hubei province of China;

**WHEREAS**, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern;

**WHEREAS**, on January 31, 2020, in the wake of the spread of COVID-19, the United States Secretary of Health and Human Services declared a Public Health Emergency;

**WHEREAS**, on February 3, 2020, the County of Santa Clara (“County”) Health Officer declared a local health emergency, and the County’s Director of Emergency Services proclaimed a local emergency, to respond to the COVID-19 pandemic and manage its spread throughout the County;

**WHEREAS**, on February 10, 2020, the Board of Supervisors ratified the local health emergency and local emergency;

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom (“the Governor”) issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic;

**WHEREAS**, Government Code section 8634 authorizes the County Board of Supervisors to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency;

**WHEREAS**, on March 16, 2020, the County Public Health Officer issued an order requiring County residents to shelter in place through April 7, 2020, in order to stop community spread of COVID-19, subject to exceptions for the provision and receipt of essential services, and this order may be continued as necessary to address the pandemic;

**WHEREAS**, as of 5:00 p.m. on March 21, 2020, the County confirmed 302 cases of infection and 10 deaths from COVID-19;

**WHEREAS**, the COVID-19 pandemic and associated public health orders from the County Health Officer and from the State Health Officer are expected to result in the closure of many local businesses until at least April 7, 2020, and result in extreme restrictions on other local businesses until then, and likely thereafter;

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in a significant loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and may also result in substantial medical expenses for certain County residents;

**WHEREAS**, the County is already experiencing a humanitarian crisis of homelessness and is one of the least affordable communities in the world;

**WHEREAS**, the County is also experiencing a housing affordability crisis, which is driving homelessness and displacement of residents;

**WHEREAS**, many of the County's renters are rent-burdened, paying over 30 percent of their income on rent, and some renters are severely rent-burdened, paying over 50 percent of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education;

**WHEREAS**, in light of the COVID-19 pandemic and his state of emergency Proclamation, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions;

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

**WHEREAS**, the Board has determined that it is appropriate to temporarily prohibit evictions, through May 31, 2020, for any tenant (residential or commercial) who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic;

**WHEREAS**, the Board has determined that adoption of such a temporary moratorium prohibiting evictions is necessary for the protection of life and property as described herein;

**WHEREAS**, this Order shall serve as an order and regulation also applicable within the cities in Santa Clara County pursuant to Government Code section 8634 and the regulations contained herein shall apply to all cities within Santa Clara County and within unincorporated Santa Clara County; and

**WHEREAS**, there is an urgent need for the County to enact such substantive limitations to protect the health, safety, and welfare of its residents in light of the emergency declared regarding the COVID-19 pandemic, including but not limited to the need to keep residents in their homes during the time that they need to shelter-in-place.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

**PROHIBITION ON EVICTIONS ARISING FROM SUBSTANTIAL INCOME  
LOSS OR MEDICAL EXPENSES RELATED TO THE CORONAVIRUS  
PANDEMIC**

**SECTION 1.        Scope.**

This Ordinance is adopted to prohibit evictions through May 31, 2020, unless extended by action of the Board of Supervisors, which action shall not require amendment of this Ordinance, for any tenant in Santa Clara County who can demonstrate that they have received a notice of eviction or similar action for failure to pay rent, and that such a failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic. The regulations in this ordinance shall apply to cities within Santa Clara County and unincorporated Santa Clara County. To the extent that the governing body of a city enacts an ordinance or adopts a regulation that is more protective of residential and commercial tenants, such city ordinance or regulation shall apply in place of this Ordinance.

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## **SECTION 2.        Definitions.**

For purposes of this Ordinance, the following definitions shall apply:

- (a) *Commercial Real Property* means any real property that is used for business, income-producing purposes, or any purpose other than for residential use, however organized, that meets the size standard for a small business in the industry in which that entity operates as defined in the U.S. Small Business Administration's table of size standards by industry, codified at 13 C.F.R. section 121.201;
- (b) *Owner* 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 or commercial real property for rent, and includes a predecessor in interest;
- (c) *Rent* means the financial obligation or monetary payment a tenant owes an owner for the occupancy or use of commercial or residential real property whether by written or oral agreement;
- (d) *Residential Real Property* means any dwelling unit that is intended or used for human habitation;
- (e) *Tenancy* means the lawful occupancy of residential or commercial real property and includes a lease or sublease;
- (f) *Tenant* means the lawful occupant of residential or commercial real property whether by lease or sublease.

## **SECTION 3.        Prohibition on evictions stemming from coronavirus pandemic losses.**

- (a) Through May 31, 2020 and any subsequent extensions approved by the Board of Supervisors, the Owner of Residential Real Property or Commercial Real Property shall not terminate a Tenancy for failure to pay rent if the Tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic.

- (b) Through May 31, 2020 and any subsequent extensions approved by the Board of Supervisors, the Owner of Residential Real Property or Commercial Real Property shall not terminate a Tenancy for any no-fault cause for eviction, as those causes are defined in Civil Code Section 1946.2(b)(2), if the Tenant demonstrates that the Tenant has suffered a substantial loss of income or substantial out-of-pocket medical expenses associated with the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic.
- (c) For this Section to apply, a Tenant must demonstrate through documentation or other objectively verifiable means:
  - (1) Substantial loss of income from: (i) job loss; (ii) layoffs; (iii) a reduction in the number of compensable hours of work; (iv) a store, restaurant, office, or business closure; (v) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (vi) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (vii) other similarly-caused loss of income, where the conditions listed in (i) through (vii) resulted from the 2020 COVID-19 pandemic or related guidance or public health orders from local, State, or federal authorities; or
  - (2) Substantial out-of-pocket medical expenses for themselves or their immediate family members related to the 2020 COVID-19 pandemic.
  - (3) This prohibition shall also apply to an Owner's action that constitutes constructive eviction under California law. The Owner shall immediately correct any conditions of the property that could be considered to constitute cause for a constructive eviction under California law.
  - (4) An Owner's failure to comply with this Ordinance shall render any notice of termination of Tenancy, where the termination would be in violation of this Section, void. Any notice of termination served on a Tenant during the 2020 COVID-19 pandemic must contain the reason for the termination of Tenancy. Any notice of termination served on a Tenant during the 2020 COVID-19 pandemic must also include a notice of Tenant's rights under this Ordinance as well as a notice of emergency rental assistance programs. These notices shall be provided on a form approved by the Santa Clara County Office of

Supportive Housing. An Owner's failure to comply with this Ordinance shall render any notice of termination of Tenancy, where the termination would be in violation of this Section, void.

- (5) This Section may be asserted as an affirmative defense in an unlawful detainer action.
- (6) Nothing in this Ordinance shall relieve a Tenant of the obligation to pay Rent, nor restrict an Owner's ability to recover Rent due.
- (7) Upon expiration or termination of this Ordinance, a Tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses as required under this Ordinance shall pay all past-due Rent within 120 days from the date of expiration of this Ordinance.
- (8) An Owner's failure to comply with this Ordinance does not constitute a criminal offense, but will subject an Owner to civil fines and penalties as set forth in Division A1 of the County Ordinance Code.
- (9) Whenever an Owner endeavors to recover possession or recovers possession of Residential Real Property or Commercial Real Property in violation of this Ordinance, retaliates against a Tenant for the exercise of any rights under this Ordinance, or attempts to prevent a Tenant from acquiring any rights herein, the Tenant may institute a civil proceeding for injunctive relief, money damages of not more than three times actual damages (including damages for mental or emotional distress), and whatever other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled if the trier of fact finds that the Owner acted in knowing violation of or in reckless disregard of the limitations of this Ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court.
- (10) An Owner may not charge or collect a late fee for Rent that is delayed during this Ordinance and for a period of 120 days thereafter.
- (11) For the purposes of this Ordinance, adequate documentation of lost income or out-of-pocket medical expenses from the 2020 COVID-19

pandemic shall include, but not be limited to: letters from employers citing the 2020 COVID-19 pandemic or related government action as the basis for termination of employment or reduced work, employer paycheck stubs, bank statements, or letters or notifications from schools in which the Tenant has a dependent enrolled regarding COVID-19-related closures that substantially affected the Tenant's income. Any Tenant eligible for protection under this Ordinance can provide documentation of lost income or out-of-pocket medical expenses at any time prior to execution of a judgment for possession of their rental unit to stop such eviction from going forward.

**SECTION 4.      CEQA not applicable.**

This Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

**SECTION 5.      Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be held invalid.

**SECTION 6.      Effective date.**

This Ordinance shall take effect immediately upon adoption by a four-fifths vote of the Board of Supervisors as an Urgency Ordinance. This is based on the Board of Supervisors finding that this Ordinance is adopted in compliance with Government Code section 25123, that it is necessary for the protection of the public peace, health, or safety for the reasons contained in the findings set forth at the beginning of this Ordinance, which are incorporated by reference herein, and that it is necessary to prevent Santa Clara County from suffering potentially irreversible displacement of tenants resulting from the evictions that this Ordinance is designed to prevent.

//

**SECTION 7.        Expiration, Repeal.**

This Ordinance shall expire and shall be repealed as of May 31, 2020, unless shortened or extended by the Board of Supervisors based on the existence of a local emergency.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


\_\_\_\_\_  
CINDY CHAVEZ, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

\_\_\_\_\_  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

 For JAMES WILLIAMS  
\_\_\_\_\_  
JAMES R. WILLIAMS  
County Counsel

2189425

## Cyrah Caburian

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**From:** Jeffrey Buchanan <jeffrey@wpusa.org>  
**Sent:** Sunday, March 22, 2020 9:28 PM  
**To:** Darcy Paul; Rod Sinks; Jon Robert Willey; Steven Scharf; Liang Chao  
**Cc:** Priscilla Acuna  
**Subject:** Support for Eviction Moratorium for Non-Payment of Rent  
**Attachments:** Cupertino Moratorium.pdf

**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 and Council,

Please see the attached letter on behalf of Working Partnerships USA and our Silicon Valley Rising coalition of labor and community partners urging the City of Cupertino to pass the proposed moratorium on evictions for non-payment of rent for the duration of the COVID-19 state of emergency. This is the action we need to keep our communities whole and our people in their homes during the crisis.

We welcome the opportunity to discuss these comments with you. I can be reached at (408) 221-3570 or by email at [jeffrey@wpusa.org](mailto:jeffrey@wpusa.org).

Best,  
Jeffrey

Jeffrey Buchanan, Director of Public Policy  
Working Partnerships USA  
Office: 408.809.2135  
Cell: 408.221.3570  
[www.wpusa.org](http://www.wpusa.org)

# WORKING PARTNERSHIPS USA

March 22, 2020

Mayor Scharf and Members of the City Council  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

## **RE: SUPPORT FOR EVICTION MORATORIUM FOR NON-PAYMENT OF RENT DURING COVID-19 EMERGENCY**

Dear Mayor and Council:

On behalf of Working Partnerships USA and our Silicon Valley Rising Coalition, working to build a just economy across Silicon Valley, we urge the City of Cupertino **to pass an immediate moratorium (freeze) on evictions for non-payment of rent for the duration of the COVID-19 state of emergency**. This is the action we need to keep our communities whole and our people in their homes during the crisis.

As elected officials, we call on you to take immediate action to halt evictions resulting from our current crisis. We need consistent steps at all levels of government to respond to this uncertainty and hardship. While additional action is needed by state and federal authorities, now is the time for cities to take critical steps to ensure that working families do not face eviction and the risks of homelessness at a time when we need all our families to be seeking shelter-in-place. Evictions could further the spread the virus and further threaten public health.

As leaders of the County's Office of Labor Standards worker helpline, our organization has heard from hundreds of hourly workers in recent days across the county who have been laid off as a result of businesses shutting down from the County's public health orders and are worried about their family's security amid this disaster. Our brothers and sisters in union hospitality, building service and construction jobs have been hit especially hard, facing lost hours, layoffs and loss of income. An immediate moratorium is needed to help stabilize the health of our families and communities as public health officials take the necessary steps to slow the virus.

In addition to moving quickly passing an eviction moratorium as an urgency ordinance, City Council must also ensure that landlords and tenants are aware of the moratorium and the urgency ordinance. Tenants must be given notice that these emergency protections are in place. One way that the City can ensure tenants receive this notification is to require landlords to provide their

tenants written notice advising them of their rights during this public health crisis. In this notice, landlords should also be required to tell their tenants about organizations where a tenant can go to access emergency financial assistance to help them pay rent.

Governor Newsom's [Executive Order](#) issued Monday 3/16 recognizes the severe 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. Now is the time for the City of Cupertino to act.

Thank you for all you are doing to keep our communities safe during this difficult time. 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. Please center them in your response to this crisis. We believe this emergency will require a number of actions from all levels of government to protect working families, we believe a moratorium is an important first step.

We welcome the opportunity to discuss these comments with you. I can be reached at (408) 221-3570 or by email at [jeffrey@wpusa.org](mailto:jeffrey@wpusa.org).

Best,

A handwritten signature in blue ink, appearing to read "Jeff Buchanan", with a long horizontal flourish extending to the right.

Jeffrey Buchanan, Director of Public Policy  
Working Partnerships USA



## Cyrah Caburian

---

**From:** Frank Geefay <myvoice@oneclickpolitics.com>  
**Sent:** Monday, March 23, 2020 8:05 PM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

I am writing to you as a concerned member of the community. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Frank Geefay  
fgeefay@yahoo.com

7961 Sunderland Dr,  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Emily Fan <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 12:30 AM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

I am writing to you as a concerned member of the community. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Emily Fan  
emilyfan8@gmail.com

10460 Glenview Avenue  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Ryan Carrigan <rcarrigan@silvar.org>  
**Sent:** Tuesday, March 24, 2020 8:48 AM  
**To:** City Council  
**Subject:** 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.

Hi Mayor and Council,

On behalf of SILVAR's members, I want to thank you for your hard work and guidance during the current "Shelter in Place" order and appreciate that you are taking action tonight to help protect coronavirus impacted tenants. SILVAR certainly does not oppose you taking action to support tenants and homeowners who are suffering from loss of income or otherwise dealing with a medical emergency related to the virus.

However, I wanted to provide you with an example of a similar ordinance that provides a balance between property owner and tenant requirements related to inability to pay rent. Sacramento was one of the first cities to pass an eviction moratorium and requires notification of hardship when rent is due. This allows property owners, particularly those who still have mortgage and other expenses related to the property, to plan for a loss of rental income over the coming months.

Second, clarifying that the protections should end, and be tied to, the Governor's executive order on evictions would be a better approach. That is currently extended to May, but could be extended if the Governor feels progress isn't being made related to the health emergency.

The Sacramento ordinance also requires tenants to pay what portion of the rent during the deferral period that they can. While that certainly helps property owner recover some of the costs they may still have, it could be difficult to determine what is a fair prorated amount. I would just ask that it be made clear that once the executive order is rescinded, it be made clear to tenants they are then required for the full amount of prospective rent. As the Governor said, "this is a rent deferral, not a rent holiday."

Here is a link to Sacramento's ordinance: <https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Code-Compliance/Programs/FINAL-FAQ-TEMPORARY-MORATORIUM-ON-TENANT-EVICTIONS-DUE-TO-COVID--19.pdf?la=en>

Again, thank you for your leadership during this time. Please don't hesitate to reach out to me if I can help with reaching out to property owner's once this ordinance is passed.

Thank you,

Ryan Carrigan  
Government Affairs Director  
Silicon Valley Association of REALTORS

## **TEMPORARY MORATORIUM ON TENANT EVICTIONS DUE TO COVID-19**

On March 17, 2020, the Sacramento City Council adopted an emergency ordinance to establish a temporary moratorium on evicting tenants unable to pay rent due to a loss of income caused by the Coronavirus Disease 2019 (COVID-19). **This moratorium will end once the Governor's Executive Order N-28-20 issued on March 16, 2020 terminates on May 31, 2020, unless it is extended.**

### **WHO IS PROTECTED?**

All residential tenants regardless as to when the rental unit was built. Single family residences and condominiums that are rented are included in this ordinance.

### **WHAT WAGE LOSS REASONS ARE COVERED?**

The loss of income must be related to the impacts of COVID-19. Either:

1. The tenant is sick with COVID-19 or has to care for a member of the household who has COVID-19;
2. The tenant experienced a lay-off, loss of hours, or other income reduction due to COVID-19;
3. The tenant complied with a recommendation from a government agency to stay at home, self-quarantine, or avoid congregating with others; or
4. Tenant had to miss work to care for a home-bound school-age child.

### **WHAT IS THE TENANT REQUIRED TO DO?**

A tenant that has suffered a loss in income due to COVID-19 may pay a landlord less than the full amount of rent owed if the tenant:

1. Notifies the landlord in writing before the day rent is due that the tenant has suffered a loss of income due to COVID-19 and will be unable to pay the full amount of rent due.
2. Provides the landlord with verifiable documentation to support the loss of income claim. Documentation includes copies of payroll checks or a supervisor's statement of a reduction in business to support a reduction in tips. This documentation may be submitted after the tenant provides the landlord with the notice that the tenant is unable pay the full amount of rent.
3. Pays the remaining portion of rent owed based on the amount of income received. For example, if the tenant owes \$1,500 in rent and the tenant suffered a \$500 wage loss in March, the tenant must pay the landlord \$1,000 for April rent.

### **WHEN MUST TENANT PAY BACK RENT?**

Tenants who were afforded eviction protection will have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 120-day period, the protections against eviction apply for such tenants.

### **WHAT IF A TENANT WAS LATE PAYING RENT BEFORE THE ORDINANCE WAS ADOPTED?**

The ordinance does not prevent a landlord from evicting a tenant who failed to pay rent when due before the ordinance was adopted or for any other lease violation.

**WHAT HAPPENS IF THE LANDLORD MOVES FORWARD WITH AN EVICTION?**

If a tenant complies with the requirements, a landlord cannot serve an eviction notice, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent. A tenant may use this ordinance as an affirmative defense in an unlawful detainer or other action brought by landlord to recover possession of the rental unit. A landlord who violates this eviction prohibition is subject to administrative penalties up to \$25,000 pursuant to chapter 1.28 of the Sacramento City Code.

## Cyrah Caburian

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**From:** John Zhao <myvoice@oneclickpolitics.com>  
**Sent:** Monday, March 23, 2020 7:02 PM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

I am writing to you as a concerned member of the community and the former Chair of the Housing Commission. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well.

Sincerely,  
John Zhao

Sincerely,  
John Zhao  
jzhao098@gmail.com

10411 Lansdale Avenue  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Ian Greensides <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 1:07 PM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

I am writing to you as a concerned member of the community. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Ian Greensides  
ian@greensides.com

19925 Stevens Creek Boulevard, Suite 100  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Jean Bedord <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 2:04 PM  
**To:** Steven Scharf  
**Subject:** Approve Eviction Moratorium+Provide Relief at Council, Mar. 24

**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.

Re: Approve Eviction Moratorium+Provide Relief at Council, Mar. 24

Dear The Honorable Scharf,

As a member of the community, I would like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Please expand this further to work with local utility companies for a moratorium against utility shutoffs.

I also urge you to provide for additional funds to provide rent assistance for renters through West Valley Community Services. WVCS does an excellent job of providing social services for our community, and are best set up to administer such a program. Time is of the essence since rent will be due on April 1, and employees are likely to have lost at least at least half a month of income.

Protecting our businesses and their employees is more challenging, and I urge the city to assist them in applying for local, state and federal monies. Understandably the city is not in a position to develop its own programs - plus solutions need to be tailored to the individual business.

I urge you to do the right thing for for community, and enact relief for our at-risk families.

Sincerely,  
Jean Bedord  
jean@bedord.com

11120 Santa Teresa Drive  
Cupertino, CA 95014  
Constituent



## Cyrah Caburian

---

**From:** Connie Cunningham <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 2:48 PM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

Dear Mayor, Vice-Mayor, and Councilmembers:

I am writing to you as a concerned member of the community. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Connie Cunningham, Housing Commission, self only

Sincerely,  
Connie Cunningham  
cunninghamconniel@gmail.com

1119 Milky Way  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Dennis Cunningham <BikeC2C@Comcast.net>  
**Sent:** Tuesday, March 24, 2020 2:36 PM  
**To:** City Council  
**Subject:** Support "Eviction Moratorium" & "Emergency Funding for Tenants"

**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.

Council members,

I urge you to vote "yes" tonight on two important issues on the Agenda:

- 1) Urgency Ordinance Imposing a Moratorium on Evictions for Non payment of Rent by Tenants Impacted by the COVID-19 Pandemic
- 2) Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of the Novel Coronavirus COVID-19

I'm sure you don't need me to list all of the reasons why these issues are critical, nor what the thinking is behind the proposed actions. You already know the Pros & Cons quite well.

What you do need to know is if your constituents want you to support the actions. This 40+ year resident does.

Thank you for all the work you are doing on behalf of the people of Cupertino  
These are scary times; let's do what we can to reduce the adverse impacts.




Dennis Cunningham

\*\*\*\*\*

*Dennis Cunningham*

\*\*\*\*\*



Wash  your hands  

Stay home 

## Cyrah Caburian

---

**From:** Connie Cunningham <cunninghamconniel@gmail.com>  
**Sent:** Tuesday, March 24, 2020 2:43 PM  
**To:** City Council  
**Subject:** Special Council Meeting, Mar 24, Agenda Item 1, Moratorium on Evictions

**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,

Subject

Urgency Ordinance Imposing a Moratorium on Evictions for Nonpayment of Rent by Tenants Impacted by the COVID-19 Pandemic

Thank you for this special meeting to address the needs of city residents who are in danger of losing their homes because of the loss of income due to COVID-19. It is the right thing to do to avoid increasing the number of people who are homeless. Paired with Item 2, Emergency Assistance Funds, the City can keep people in their homes, and keep landlords from an undue burden, or perhaps, inability to pay their own mortgage.

My question is about the Enforcement of this ordinance.

### "Enforcement

The City would not directly enforce the ordinance. A tenant could raise the ordinance as a defense to an unlawful detainer action filed in court by the landlord, or a tenant file a private civil lawsuit against the landlord to enforce the provisions of the ordinance.

In the event Council approves the ordinance, staff will immediately prepare outreach materials to publicize the tenant protection measures in the ordinance."

**Question #1:** Since the tenant must take action against an unlawful detainer action OR file a private civil lawsuit, how will the City assure that all affected tenants will:

- a) Have enough money to file a lawsuit?
  - i) Note that, besides money, someone who is laid off due to impact of the COVID-19 virus may have many issues that will impede their ability to pursue a court settlement.
- b) Know that Project Sentinel is an organization paid by the City to mediate the issue between them and their landlord?
  - i) Grant services include: Fair Housing and Tenant-Landlord Counselings and Dispute Resolution Services

**Question #2:** To be effective, this ordinance should have the widest dissemination possible. Please tell us what the outreach will be made to ensure that all tenants are aware of this ordinance.

Sincerely,  
Connie Cunningham  
Housing Commission (self only)

## Cyrah Caburian

---

**From:** Ryan Carrigan <rcarrigan@silvar.org>  
**Sent:** Tuesday, March 24, 2020 4:32 PM  
**To:** City Council  
**Subject:** Re: 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.

Hi Mayor and Council,

Just a follow up to my previous email...the County Board of Supervisors has passed protection that would extend to within incorporated cities. This ostensibly makes any action tonight by the city council duplicative.

Here is a quick write up from MV Voice: <https://mv-voice.com/news/2020/03/24/santa-clara-county-passes-ban-on-evictions-to-protect-renters-hard-hit-by-the-coronavirus>

And here is the ordinance: <https://www.mv-voice.com/news/reports/1585085000.pdf>

Thank you,  
Ryan

---

**From:** Ryan Carrigan  
**Sent:** Tuesday, March 24, 2020 8:47 AM  
**To:** citycouncil@cupertino.org <citycouncil@cupertino.org>  
**Subject:** Emergency Eviction Moratorium

Hi Mayor and Council,

On behalf of SILVAR's members, I want to thank you for your hard work and guidance during the current "Shelter in Place" order and appreciate that you are taking action tonight to help protect coronavirus impacted tenants. SILVAR certainly does not oppose you taking action to support tenants and homeowners who are suffering from loss of income or otherwise dealing with a medical emergency related to the virus.

However, I wanted to provide you with an example of a similar ordinance that provides a balance between property owner and tenant requirements related to inability to pay rent. Sacramento was one of the first cities to pass an eviction moratorium and requires notification of hardship when rent is due. This allows property owners, particularly those who still have mortgage and other expenses related to the property, to plan for a loss of rental income over the coming months.

Second, clarifying that the protections should end, and be tied to, the Governor's executive order on evictions would be a better approach. That is currently extended to May, but could be extended if the Governor feels progress isn't being made related to the health emergency.

The Sacramento ordinance also requires tenants to pay what portion of the rent during the deferral period that they can. While that certainly helps property owner recover some of the costs they may still have, it could

be difficult to determine what is a fair prorated amount. I would just ask that it be made clear that once the executive order is rescinded, it be made clear to tenants they are then required for the full amount of prospective rent. As the Governor said, "this is a rent deferral, not a rent holiday."

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Again, thank you for your leadership during this time. Please don't hesitate to reach out to me if I can help with reaching out to property owner's once this ordinance is passed.

Thank you,

Ryan Carrigan  
Government Affairs Director  
Silicon Valley Association of REALTORS



55°

High: 57° Low: 41°



Wed



Thu



Fri



Sat

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1

Uploaded: Tue, Mar 24, 2020, 3:35 pm

## Santa Clara County passes ban on evictions to protect renters hard hit by the coronavirus

Residential and commercial properties included in moratorium that runs through May 31

*In order for all area residents to have important local information on the coronavirus health emergency, MV-Voice.com has lifted its pay meter and is providing unlimited access to its website. We need your support to continue our important work. Please join your neighbors and [become a subscribing member today](#).*

by Kevin Forestieri / Mountain View Voice

The Santa Clara County Board of Supervisors voted unanimously Tuesday, March 24, to halt evictions that would displace families and businesses as a direct result of the novel coronavirus, which has ravaged the local economy in a matter of weeks.

The [moratorium on evictions](#), which takes effect immediately and lasts through the end of May, applies to both residential and commercial renters who can prove they've had a substantial loss of income as a result of the coronavirus. All cities within the county are included in the evictions ban.

"Extraordinary times require extraordinary measures, and that's what a moratorium is," said County Supervisor Joe Simitian at the board's teleconference meeting.

The moratorium is meant to mitigate the economic damage caused by efforts to contain the coronavirus, which causes COVID-19, namely, public health officials' order to temporarily shut down schools and all nonessential businesses, resulting in high unemployment and lost wages.

Home evictions would worsen the health crisis by increasing the county's already significant homeless problem, according to county officials, and the depressed local economy would be exacerbated if a high number of commercial renters are ousted due to failure to pay rent during the temporary shutdown.

In order to stave off an eviction under the county ordinance, tenants have to show proof of a "substantial" loss in income -- which will be determined on a case-by-case basis -- including job loss, reduction in work hours, a business closure or a significant decrease in business income caused by a reduction in open hours or consumer demand. Large medical expenses for immediate family members can also be used to justify nonpayment of rent. Once the moratorium is over, tenants have 120 days to pay all the rent that's due.

"It is important to note that nothing in this urgency ordinance relieves a tenant of the obligation to pay rent or restricts a landlord's ability to recover rent due," according to a county staff report. "The measure does, however, prevent evictions from occurring in the midst of this crisis."

Some residents say the moratorium doesn't go far enough and simply kicks the can down the road, with an inevitable wave of evictions likely once the 120-day grace period expires. Palo Alto resident Kevin Ma told supervisors in an email that the moratorium must be coupled with greater access to renter aid, or else the ordinance would only be a quick Band-Aid fix to the problem.



The Santa Clara County Board of Supervisors voted unanimously March 24 to halt evictions that would displace families and businesses as a direct result of the novel coronavirus. Voice file photo



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"We don't know how long the situation would last, and we see, based on the housing crisis, that many were living already close to the edge anyway," Ma said. "It'll be very hard for some to make up for lost time."

Palo Alto resident Angie Evans urged supervisors to give renters as much flexibility as possible, granting them "minimal" requirements to prove economic hardship. Income verification alone does not take into account the high cost of child care, health services and other expenses that vulnerable families have to budget for each month.

Cities, counties and private companies have rallied this week to raise funds for Santa Clara County residents out of work due to the coronavirus, announcing on Monday [more than \\$11 million](#) in financial support for the homeless and the unemployed. Cities including Mountain View have also launched their own [renter relief](#) programs aimed at keeping people housed during the disruption.

Even before the Bay Area's regionwide [shelter in place](#) order on March 17 had shut down nonessential business, many storefronts on the Peninsula reported major losses and dwindling foot traffic. While some restaurants remain open for take-out orders -- they are considered essential and permitted to stay open -- others have temporarily shuttered.

Gov. Gavin Newsom issued an executive order on March 16 clearing the way for California cities and counties to enact eviction moratoriums, suspending state laws that would have preempted or restricted such ordinances in the past. Some Bay Area cities moved quickly to enact a temporary ban on evictions, including [Palo Alto](#), while others were less eager to pass renter protections.

The county's moratorium does not supersede stronger renter protections imposed by individual cities. Emily Hislop of Project Sentinel, who works with Mountain View landlords and tenants, said the county should urge cities to consider mediation programs to help renters manage months of unpaid rent.

"Stopping the evictions is one thing, but we would like to encourage jurisdictions to look at dispute resolution programs to negotiate repayment or even reduced rent," Hislop said. "Everything is not going to magically be better after 120 days."

Supervisor Susan Ellenberg said she supported the moratorium, but worried that having all unpaid rent due right after 120 days of the moratorium ending would be "catastrophic." She wondered whether the county could pass some kind of ordinance that could allow renters to pay for past rent over the course of a year.

But going above and beyond what Gov. Newsom prescribed in his executive order last week may be difficult for Santa Clara County to implement without running afoul with state laws. County Counsel James Williams said that his office would look at the available legal options in the event that supervisors want to supplement the moratorium with additional protections in the coming months.

Supervisor Mike Wasserman said he doesn't think it will be a huge problem, and that tenants can and likely will be able to pay back portions of unpaid rent during the roughly four-month grace period between the end of the ordinance and when unpaid rent is due.

Any landlord who attempts to carry out an eviction in violation of the county's ban faces civil fines and penalties. Landlords are also barred from imposing late fees for unpaid rent if the tenant endured economic hardship caused by the virus.

We need your support now more than  
ever. Can we count on you?

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## Comments

Posted by **SRB**  
a resident of St. Francis Acres  
37 minutes ago

2 people like this

Thank you Joe for your prompt and decisive leadership in the midst of this crisis. Hoping it will inspire the Mountain View City Council .... which as of now is not scheduled to meet until April 14 !!!

[Email Town Square Moderator](#) [Report Objectionable Content](#)

**Don't miss out on the discussion!**  
**Sign up to be notified of new comments on this topic.**

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**SUBMIT**

**ORDINANCE NO. NS-9.287**

**AN UNCODIFIED URGENCY ORDINANCE  
OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
TEMPORARILY BANNING EVICTIONS FOR NON-PAYMENT OF RENT BY  
RESIDENTIAL AND COMMERCIAL REAL PROPERTY TENANTS IN SANTA  
CLARA COUNTY DIRECTLY IMPACTED BY THE COVID-19 PANDEMIC,  
AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

**Summary**

This Urgency Ordinance imposes a temporary moratorium on evictions in Santa Clara County for non-payment of rent by residential and commercial real property tenants directly impacted by the COVID-19 pandemic and sets forth the facts constituting such urgency.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
FINDS AND DECLARES AS FOLLOWS:**

**WHEREAS**, in late December 2019, several cases of a novel coronavirus known as COVID-19 emerged in the Hubei province of China;

**WHEREAS**, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern;

**WHEREAS**, on January 31, 2020, in the wake of the spread of COVID-19, the United States Secretary of Health and Human Services declared a Public Health Emergency;

**WHEREAS**, on February 3, 2020, the County of Santa Clara (“County”) Health Officer declared a local health emergency, and the County’s Director of Emergency Services proclaimed a local emergency, to respond to the COVID-19 pandemic and manage its spread throughout the County;

**WHEREAS**, on February 10, 2020, the Board of Supervisors ratified the local health emergency and local emergency;

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom (“the Governor”) issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic;



**WHEREAS**, Government Code section 8634 authorizes the County Board of Supervisors to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency;

**WHEREAS**, on March 16, 2020, the County Public Health Officer issued an order requiring County residents to shelter in place through April 7, 2020, in order to stop community spread of COVID-19, subject to exceptions for the provision and receipt of essential services, and this order may be continued as necessary to address the pandemic;

**WHEREAS**, as of 5:00 p.m. on March 21, 2020, the County confirmed 302 cases of infection and 10 deaths from COVID-19;

**WHEREAS**, the COVID-19 pandemic and associated public health orders from the County Health Officer and from the State Health Officer are expected to result in the closure of many local businesses until at least April 7, 2020, and result in extreme restrictions on other local businesses until then, and likely thereafter;

**WHEREAS**, the COVID-19 pandemic and associated public health orders are expected to result in a significant loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and may also result in substantial medical expenses for certain County residents;

**WHEREAS**, the County is already experiencing a humanitarian crisis of homelessness and is one of the least affordable communities in the world;

**WHEREAS**, the County is also experiencing a housing affordability crisis, which is driving homelessness and displacement of residents;

**WHEREAS**, many of the County's renters are rent-burdened, paying over 30 percent of their income on rent, and some renters are severely rent-burdened, paying over 50 percent of their income on rent, which leaves less money for families to spend on other necessities like food, healthcare, transportation, and education;

**WHEREAS**, in light of the COVID-19 pandemic and his state of emergency Proclamation, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions;

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

**WHEREAS**, the Board has determined that it is appropriate to temporarily prohibit evictions, through May 31, 2020, for any tenant (residential or commercial) who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic;

**WHEREAS**, the Board has determined that adoption of such a temporary moratorium prohibiting evictions is necessary for the protection of life and property as described herein;

**WHEREAS**, this Order shall serve as an order and regulation also applicable within the cities in Santa Clara County pursuant to Government Code section 8634 and the regulations contained herein shall apply to all cities within Santa Clara County and within unincorporated Santa Clara County; and

**WHEREAS**, there is an urgent need for the County to enact such substantive limitations to protect the health, safety, and welfare of its residents in light of the emergency declared regarding the COVID-19 pandemic, including but not limited to the need to keep residents in their homes during the time that they need to shelter-in-place.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

**PROHIBITION ON EVICTIONS ARISING FROM SUBSTANTIAL INCOME  
LOSS OR MEDICAL EXPENSES RELATED TO THE CORONAVIRUS  
PANDEMIC**

**SECTION 1.        Scope.**

This Ordinance is adopted to prohibit evictions through May 31, 2020, unless extended by action of the Board of Supervisors, which action shall not require amendment of this Ordinance, for any tenant in Santa Clara County who can demonstrate that they have received a notice of eviction or similar action for failure to pay rent, and that such a failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic. The regulations in this ordinance shall apply to cities within Santa Clara County and unincorporated Santa Clara County. To the extent that the governing body of a city enacts an ordinance or adopts a regulation that is more protective of residential and commercial tenants, such city ordinance or regulation shall apply in place of this Ordinance.

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## SECTION 2. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

- (a) *Commercial Real Property* means any real property that is used for business, income-producing purposes, or any purpose other than for residential use, however organized, that meets the size standard for a small business in the industry in which that entity operates as defined in the U.S. Small Business Administration's table of size standards by industry, codified at 13 C.F.R. section 121.201;
- (b) *Owner* 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 or commercial real property for rent, and includes a predecessor in interest;
- (c) *Rent* means the financial obligation or monetary payment a tenant owes an owner for the occupancy or use of commercial or residential real property whether by written or oral agreement;
- (d) *Residential Real Property* means any dwelling unit that is intended or used for human habitation;
- (e) *Tenancy* means the lawful occupancy of residential or commercial real property and includes a lease or sublease;
- (f) *Tenant* means the lawful occupant of residential or commercial real property whether by lease or sublease.

## SECTION 3. Prohibition on evictions stemming from coronavirus pandemic losses.

- (a) Through May 31, 2020 and any subsequent extensions approved by the Board of Supervisors, the Owner of Residential Real Property or Commercial Real Property shall not terminate a Tenancy for failure to pay rent if the Tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic.

- (b) Through May 31, 2020 and any subsequent extensions approved by the Board of Supervisors, the Owner of Residential Real Property or Commercial Real Property shall not terminate a Tenancy for any no-fault cause for eviction, as those causes are defined in Civil Code Section 1946.2(b)(2), if the Tenant demonstrates that the Tenant has suffered a substantial loss of income or substantial out-of-pocket medical expenses associated with the 2020 COVID-19 pandemic or any local, State, or federal government response to the pandemic.
- (c) For this Section to apply, a Tenant must demonstrate through documentation or other objectively verifiable means:
  - (1) Substantial loss of income from: (i) job loss; (ii) layoffs; (iii) a reduction in the number of compensable hours of work; (iv) a store, restaurant, office, or business closure; (v) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (vi) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (vii) other similarly-caused loss of income, where the conditions listed in (i) through (vii) resulted from the 2020 COVID-19 pandemic or related guidance or public health orders from local, State, or federal authorities; or
  - (2) Substantial out-of-pocket medical expenses for themselves or their immediate family members related to the 2020 COVID-19 pandemic.
  - (3) This prohibition shall also apply to an Owner's action that constitutes constructive eviction under California law. The Owner shall immediately correct any conditions of the property that could be considered to constitute cause for a constructive eviction under California law.
  - (4) An Owner's failure to comply with this Ordinance shall render any notice of termination of Tenancy, where the termination would be in violation of this Section, void. Any notice of termination served on a Tenant during the 2020 COVID-19 pandemic must contain the reason for the termination of Tenancy. Any notice of termination served on a Tenant during the 2020 COVID-19 pandemic must also include a notice of Tenant's rights under this Ordinance as well as a notice of emergency rental assistance programs. These notices shall be provided on a form approved by the Santa Clara County Office of

Supportive Housing. An Owner's failure to comply with this Ordinance shall render any notice of termination of Tenancy, where the termination would be in violation of this Section, void.

- (5) This Section may be asserted as an affirmative defense in an unlawful detainer action.
- (6) Nothing in this Ordinance shall relieve a Tenant of the obligation to pay Rent, nor restrict an Owner's ability to recover Rent due.
- (7) Upon expiration or termination of this Ordinance, a Tenant who demonstrated substantial loss of income or substantial out-of-pocket medical expenses as required under this Ordinance shall pay all past-due Rent within 120 days from the date of expiration of this Ordinance.
- (8) An Owner's failure to comply with this Ordinance does not constitute a criminal offense, but will subject an Owner to civil fines and penalties as set forth in Division A1 of the County Ordinance Code.
- (9) Whenever an Owner endeavors to recover possession or recovers possession of Residential Real Property or Commercial Real Property in violation of this Ordinance, retaliates against a Tenant for the exercise of any rights under this Ordinance, or attempts to prevent a Tenant from acquiring any rights herein, the Tenant may institute a civil proceeding for injunctive relief, money damages of not more than three times actual damages (including damages for mental or emotional distress), and whatever other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled if the trier of fact finds that the Owner acted in knowing violation of or in reckless disregard of the limitations of this Ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court.
- (10) An Owner may not charge or collect a late fee for Rent that is delayed during this Ordinance and for a period of 120 days thereafter.
- (11) For the purposes of this Ordinance, adequate documentation of lost income or out-of-pocket medical expenses from the 2020 COVID-19

pandemic shall include, but not be limited to: letters from employers citing the 2020 COVID-19 pandemic or related government action as the basis for termination of employment or reduced work, employer paycheck stubs, bank statements, or letters or notifications from schools in which the Tenant has a dependent enrolled regarding COVID-19-related closures that substantially affected the Tenant's income. Any Tenant eligible for protection under this Ordinance can provide documentation of lost income or out-of-pocket medical expenses at any time prior to execution of a judgment for possession of their rental unit to stop such eviction from going forward.

**SECTION 4.      CEQA not applicable.**

This Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

**SECTION 5.      Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be held invalid.

**SECTION 6.      Effective date.**

This Ordinance shall take effect immediately upon adoption by a four-fifths vote of the Board of Supervisors as an Urgency Ordinance. This is based on the Board of Supervisors finding that this Ordinance is adopted in compliance with Government Code section 25123, that it is necessary for the protection of the public peace, health, or safety for the reasons contained in the findings set forth at the beginning of this Ordinance, which are incorporated by reference herein, and that it is necessary to prevent Santa Clara County from suffering potentially irreversible displacement of tenants resulting from the evictions that this Ordinance is designed to prevent.

//

**SECTION 7.        Expiration, Repeal.**

This Ordinance shall expire and shall be repealed as of May 31, 2020, unless shortened or extended by the Board of Supervisors based on the existence of a local emergency.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


\_\_\_\_\_  
CINDY CHAVEZ, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

\_\_\_\_\_  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

 For JAMES WILLIAMS  
\_\_\_\_\_  
JAMES R. WILLIAMS  
County Counsel

2189425

## Cyrah Caburian

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**From:** Erika Fairfield <erika.fairfield@lawfoundation.org>  
**Sent:** Tuesday, March 24, 2020 4:42 PM  
**To:** City Council  
**Subject:** Public comments for 3/24/20 Special City Council Meeting re: 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 and members of the City Council,

I write to thank the City of Cupertino for taking swift and strong action to protect its residents by proposing an eviction moratorium and urgency ordinance, and to further urge you to enact an such an ordinance so as to protect those who are most vulnerable.

As people across the Bay Area have been ordered to shelter in place, so many are in fear of, or are already facing, a reduction in or total loss of employment. In our tight housing market where the high cost of rent was already a concern, many of our neighbors are now wondering how they will remain housed with even less – or perhaps no – money coming in for the foreseeable future. At this time especially, and in the months that follow this unprecedented public health crisis, it is of the utmost importance that our neighbors are protected from eviction as this we navigate the fallout of this crisis together.

Although the County of Santa Clara has just enacted a county-wide urgency ordinance, we urge the City of Cupertino to pass one of its own. This is especially important considering the proposed ordinance would provide residents of Cupertino additional time to pay back rent after the resolution of the emergency, and given that the County's ordinance only lasts through the term of Governor Newsom's emergency order, which expires May 31, 2020. While it is uncertain how long this health crisis will last, what is clear is that the economic effects upon the City's residents, especially those who are low-income or otherwise especially vulnerable populations, will continue on in the months that follow.

Therefore, we ask that the City of Cupertino moves forward and enacts its own urgency ordinance to provide additional protections to residents during these uncertain and difficult times.

Thank you,

**Erika Fairfield | Senior Attorney | Housing**

Pronouns: she/her/hers

[erika.fairfield@lawfoundation.org](mailto:erika.fairfield@lawfoundation.org) | p 408-280-2464 | f 408-293-0106

 **Law Foundation** OF SILICON VALLEY

4 North Second Street, Suite 1300  
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**We have moved! Please note our new address.**



## Kirsten Squarcia

---

**From:** Joseph Fruen <jrfruen@gmail.com>  
**Sent:** Tuesday, March 24, 2020 5:24 PM  
**To:** Kirsten Squarcia; City Council; Deborah L. Feng; City Clerk  
**Subject:** For comment re: Council meeting 3/24/2020 Agenda Item 1

**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.

Madam City Clerk and City Council:

Thank you for the appearance of this item on the agenda. At the March 17 city council meeting, Vice-Mayor Darcy Paul asked that the urgency ordinance protecting resident tenants from eviction on account of the Covid-19 pandemic include a provision making the ordinance retroactive to the city manager's declaration of a local emergency. The ordinance under consideration today does not include such retroactivity. Could the city attorney please explain--for the sake of the public's understanding--how and why eviction notice procedures affect the need for such retroactivity?

This ordinance is a good baseline. I encourage you to continue to examine developments in other jurisdictions and in the county to ensure that all our families are sufficiently protected during this time. Please approve the urgency ordinance.

Many thanks!

J.R. Fruen  
Cupertino resident

## Cyrah Caburian

---

**From:** Joseph Fruen <jrfruen@gmail.com>  
**Sent:** Tuesday, March 24, 2020 5:24 PM  
**To:** Kirsten Squarcia; City Council; Deborah L. Feng; City Clerk  
**Subject:** For comment re: Council meeting 3/24/2020 Agenda Item 1

**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.

Madam City Clerk and City Council:

Thank you for the appearance of this item on the agenda. At the March 17 city council meeting, Vice-Mayor Darcy Paul asked that the urgency ordinance protecting resident tenants from eviction on account of the Covid-19 pandemic include a provision making the ordinance retroactive to the city manager's declaration of a local emergency. The ordinance under consideration today does not include such retroactivity. Could the city attorney please explain--for the sake of the public's understanding--how and why eviction notice procedures affect the need for such retroactivity?

This ordinance is a good baseline. I encourage you to continue to examine developments in other jurisdictions and in the county to ensure that all our families are sufficiently protected during this time. Please approve the urgency ordinance.

Many thanks!

J.R. Fruen  
Cupertino resident

## Cyrah Caburian

---

**From:** Meina Young <meinayoung1@gmail.com>  
**Sent:** Tuesday, March 24, 2020 6:19 PM  
**To:** City Clerk  
**Subject:** No eviction moratorium for Cupertino

**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 city council,

The CA and federal restrictions are already in place; city moratorium is not needed.

Thanks,  
Meina Young  
Small property owner

## Cyrah Caburian

---

**From:** Bonnie Liu <bonnieliu2006@yahoo.com>  
**Sent:** Tuesday, March 24, 2020 6:49 PM  
**To:** City Clerk  
**Subject:** Please Vote No on Urgency Ordinance Imposing a Moratorium on Evictions for Nonpayment of Rent by Tenants Impacted by the COVID-19 Pandemic

**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 Cupertino Mayor and City Councils,

While everyone of us are suffering this Covid-19 crisis, we urge the Council to NOT consider this urgent moratorium. Since both the Federal and State have already passed similar laws, there is a waste of resources for the City of Cupertino to have a triplet law. It will do nothing good, instead it will further confuse renters and property owners while our life is already very stressful.

The City shall focus on providing real help to your residents and small business owners, to help them going through this difficult time financially. Many rental property owners especially mom and pops are also struggling, since we have to keep doing all necessary repairs and maintenance, paying our property taxes and mortgages while our rental income are not guaranteed due to this crisis.

We believe rental property owners will act in goodwill and try our best to help our renters to survive, since many of us are already offering rent discounts and freezing rent increases. Please save your time and efforts on other important things and let us work with out renters. We are all in this together!

Thank you for your consideration!

Sincerely,  
Bonnie Liu of Cupertino

## Cyrah Caburian

---

**From:** BAHN Org <bahn.org@gmail.com>  
**Sent:** Tuesday, March 24, 2020 6:14 PM  
**To:** City Clerk; Bay Area Homeowner network  
**Subject:** Public Input about agent item #1 Eviction Moratorium of 3/24/20 Cupertino council meeting

**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 Cupertino Mayor and City Councils,

While everyone of us are suffering this Covid-19 crisis, we urge the Council to NOT consider this urgent moratorium. Since both the Federal and State have already passed similar laws, there is a waste of resources for the City of Cupertino to have a triplet law. It will do nothing good, instead it will further confuse renters and property owners while our life is already very stressful.

The City shall focus on providing real help to your residents and small business owners, to help them going through this difficult time financially. Many rental property owners especially mom and pops are also struggling, since we have to keep doing all necessary repairs and maintenance, paying our property taxes and mortgages while our rental income are not guaranteed due to this crisis.

We believe rental property owners will act in goodwill and try our best to help our renters to survive, since many of us are already offering rent discounts and freezing rent increases. Please save your time and efforts on other important things and let us work with out renters. We are all in this together!

Thank you for your consideration!

Jenny Zhao/President

**BAHN Representative**

**Phone:** [408-475-8498](tel:408-475-8498)

The Bay Area Homeowners Network (BAHN) is a non-profit, grassroots organization representing mom and pop rental property owners in the Bay Area. BAHN advocates property rights and housing friendly policies. It promotes education and professional development among members for their daily property management needs. It provides a platform for homeowners to connect and help each other. Its mission is to help members achieve greater success in their rental housing business.

## Cyrah Caburian

---

**From:** Steve <reddevilcichlids@gmail.com>  
**Sent:** Tuesday, March 24, 2020 6:58 PM  
**To:** City Clerk  
**Subject:** Oppose additional restriction which damage home owners

**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 Sir/Madam,

Due to the state already have enough renter's protection, and the home owners already faced the same difficult time to make their obligations to pay mortgages, we oppose to add additional restrictions on top what the state already has.

It is unnecessary and put home owner to be in more dangerous situations.

I believe all home owners will help and work out with their tenants at this difficult time under the state's order.

Thanks,  
Shu

## Cyrah Caburian

---

**From:** Liz Mulford <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 8:54 PM  
**To:** Darcy Paul  
**Subject:** We Need A COVID-19 Eviction Freeze!

**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.

Re: We Need A COVID-19 Eviction Freeze!

Dear Darcy Paul,

Dear Cities, Counties, and Public Officials,

As a collaborative of community serving organizations in Santa Clara County, we are coming together to call for an immediate moratorium (freeze) on evictions for the duration of the COVID-19 state of emergency. This is the action we need to keep our communities whole and our people in their homes during the crisis.

As elected officials and government staff, we call on you to take immediate action to halt evictions resulting from our current crisis. We need consistent steps at all levels of government to respond to this uncertainty and hardship. We each have a role to play in protecting our community. Cities hold the authority to prevent landlords from issuing evictions, and to notify both tenants and landlords of their rights and responsibilities. Counties hold the authority to protect tenants and homeowners by declaring an end to the enforcement of evictions for the duration of the state of emergency. Governor Newsom's Executive Order issued Monday 3/16 recognizes the severe 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. We call on the Governor to take the next step and take statewide action on an eviction freeze.

In order to be effective, news of the eviction freeze must be disseminated as widely as possible, to make sure that all parties understand their rights and obligations.

Thank you for all you are doing to keep our communities safe during this difficult time. 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. Please center them in your response to this crisis.

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

Sincerely,  
Liz Mulford  
lmulford@pacbell.net

10366 Tonita Way  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Liz Mulford <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 8:54 PM  
**To:** Rod Sinks  
**Subject:** We Need A COVID-19 Eviction Freeze!

**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.

Re: We Need A COVID-19 Eviction Freeze!

Dear Rod Sinks,

Dear Cities, Counties, and Public Officials,

As a collaborative of community serving organizations in Santa Clara County, we are coming together to call for an immediate moratorium (freeze) on evictions for the duration of the COVID-19 state of emergency. This is the action we need to keep our communities whole and our people in their homes during the crisis.

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Sincerely,  
Liz Mulford  
lmulford@pacbell.net

10366 Tonita Way  
Cupertino, CA 95014  
Constituent



## Cyrah Caburian

---

**From:** Liz Mulford <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 8:54 PM  
**To:** Jon Robert Willey  
**Subject:** We Need A COVID-19 Eviction Freeze!

**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.

Re: We Need A COVID-19 Eviction Freeze!

Dear Jon Willey,

Dear Cities, Counties, and Public Officials,

As a collaborative of community serving organizations in Santa Clara County, we are coming together to call for an immediate moratorium (freeze) on evictions for the duration of the COVID-19 state of emergency. This is the action we need to keep our communities whole and our people in their homes during the crisis.

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

Sincerely,  
Liz Mulford  
lmulford@pacbell.net

10366 Tonita Way  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Liz Mulford <myvoice@oneclickpolitics.com>  
**Sent:** Tuesday, March 24, 2020 8:54 PM  
**To:** Liang Chao  
**Subject:** We Need A COVID-19 Eviction Freeze!

**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.

Re: We Need A COVID-19 Eviction Freeze!

Dear Liang Chao,

Dear Cities, Counties, and Public Officials,

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Sincerely,  
Liz Mulford  
lmulford@pacbell.net

10366 Tonita Way  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Justin Li <myvoice@oneclickpolitics.com>  
**Sent:** Wednesday, March 25, 2020 2:18 AM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

**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.

Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

Dear The Honorable Scharf,

I am writing to you as a concerned member of the community. I would first like to thank Council for directing staff to draft an ordinance for providing an eviction moratorium for renters within the city of Cupertino. Additionally, I would ask that we do even more to make this resolution as strong as possible, such that we are protecting small businesses and their workers. This should at least include a ban against utility shut offs, a foreclosure moratorium for primary residential and commercial properties, strong recommendations for paid sick leave, along with direct relief assistance—likely administered through existing channels like West Valley Community Services.

With some studies showing a potential higher rate of unemployment than at the peak of the great depression, we must implement every safeguard imaginable to protect all members of the community—whether at the federal, state, or local level. With no definite end in sight to this crisis, the question of necessity should no longer be up for debate. As a city, it would be an absolute shame if we looked back years from now—when thousands in the community lose their jobs, income, and livelihood—and recognize that we could have done so much more.

I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Justin Li  
justinhli830@gmail.com

10220 Calvert Dr  
Cupertino, CA 95014  
Constituent

## Cyrah Caburian

---

**From:** Ava Chiao <myvoice@oneclickpolitics.com>  
**Sent:** Wednesday, March 25, 2020 2:57 AM  
**To:** Steven Scharf  
**Subject:** Tell City Council to Enact an Eviction Moratorium+Provide Relief

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Re: Tell City Council to Enact an Eviction Moratorium+Provide Relief

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I optimistically ask you to not only pass an eviction moratorium, but to also strengthen the language to include the above relief as well!

Sincerely,  
Ava Chiao  
heyphoenix@gmail.com

20804 Hanford Drive  
Cupertino, CA 95014  
Constituent

CC 03-24-20

#2 Emergency  
Assistance Funds for  
Tenants

Written  
Communications

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF CUPERTINO CREATING THE EMERGENCY ASSISTANCE FUNDS PROGRAM FOR TENANTS AT RISK OF EVICTION DUE TO IMPACTS OF THE NOVEL CORONAVIRUS (“EMERGENCY ASSISTANCE FUNDS”)

WHEREAS, on February 3, 2020 and pursuant to Section 101080 of the California Health and Safety Code, the Santa Clara County Health Officer (the “Health Officer”) declared a local health emergency throughout Santa Clara County (the “County”) related to the novel coronavirus (“COVID-19”); and

WHEREAS, on February 3, 2020, and pursuant to Section 8630 of the California Government Code, the Santa Clara County Director of Emergency Services proclaimed a local emergency throughout the County related to COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including: 1) suspend nonessential employee travel; and 2) minimize the number of employees working within arm’s length of one another, including minimizing or canceling large in-person meetings and conferences. The County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

WHEREAS, on March 11, 2020, the City Manager of the City of Cupertino (“City”) declared a local emergency throughout the City related to COVID-19; and

WHEREAS, on March 17, 2020, the Council ratified and continued the City Manager’s declaration of a local emergency; and

WHEREAS, on March 13, 2020, the County issued a new Order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons. California Governor Gavin Newsom also called for bar, wineries, and brewery pubs to close. These restrictions impact how businesses operate that rely on customer patronage and

will result in loss of revenue for those that cannot continue to operate their businesses during this time or must operate under severe restrictions; and

WHEREAS, also on March 16, 2020 the County, along with five other Bay Area counties, issued a sweeping Shelter in Place Order; and

WHEREAS, the County Superintendent of Schools and all district superintendents in the County decided to close schools to students for three weeks beginning Monday, March 16, 2020. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, on March 19, 2020, Governor Newsom ordered all individuals living in the State of California to stay home or at their place of residence, with limited exceptions, to stop the spread of COVID-19; and

WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings, and shelter in place orders, many City residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Cupertino's residents by uprooting children from schools, and disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress, and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness; loss of community; stress and anxiety caused by the experience of displacement; interruption of the education of any children in the home; increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19; and

WHEREAS, given the severe consequences to public health and safety throughout the City that would result from evictions of residential tenants during the City-wide local health emergency, the City finds and determines that an Emergency Assistance Funds program ("Program") is necessary to assist tenants at risk of eviction due to COVID-19; and

WHEREAS, West Valley Community Services, a Bay Area nonprofit dedicated to housing and food services for Cupertino and surrounding communities, reports that the recent outbreak of COVID-19, and the subsequent impacts on employment in service-sector jobs, are having a dire impact on these communities' most vulnerable residents; requests for rental assistance have significantly increased, as both current and new clients are laid off or furloughed without pay; these families are at risk of becoming homeless, as they are unable to pay their rent at the end of the month; and a moratorium on evictions would help keep residents housed; and

NOW THEREFORE BE IT RESOLVED that the City Council finds that the adoption and implementation of this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action to enact tenant protections would have no or only a de minimis effect on the environment because it helps preserve the status quo and reduce displacement. The foregoing determination is made by the City Council in its independent judgment; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino hereby recommends approval of the Emergency Assistance Funds program; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino authorizes \$350,000 in [Below Market Rate (BMR) Affordable Housing Funds (AHF) or General Fund Human Services Grant (HSG) funds] be directed towards the Emergency Assistance Fund for tenants at risk of eviction due to impacts of COVID-19; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino



authorizes the City Manager to negotiate and execute an agreement with West Valley Community Services to implement the Emergency Assistance Funds program.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 24th day of March, 2020 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Steven Scharf, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	  _____ Date
APPROVED AS TO FORM:  _____ Heather Minner, City Attorney	  _____ Date



10104 Vista Drive, Cupertino, CA 95014  
Tel: (408) 255-8033 Fax: (408) 366-6090  
[www.wvcommunityservices.org](http://www.wvcommunityservices.org)

March 24, 2020

City Council, City of Cupertino  
c/o Mayor Steven Scharf  
c/o City Manager Deborah Feng  
10300 Torre Avenue  
Cupertino, CA 95014

Dear Honorable Cupertino City Council Members,

For the last 47 years, West Valley Community Services has been providing critical lifeline services to Cupertino residents. Throughout that time, our partnership with the City of Cupertino has been strong, and we have worked together to provide food, housing resources, financial assistance, and a host of other services to our community's low income and homeless population.

The recent outbreak of coronavirus/COVID-19, and the subsequent impacts on employment in the service sector jobs particularly, are having a dire impact on our community's already most vulnerable folks. Requests for rental assistance have significantly increased, as both current and new clients are laid off or furloughed without pay from their jobs. These families, already on the brink, are at risk of becoming homeless as they are unable to pay their rent when it comes due at the end of the month. While a moratorium on evictions would help keep people housed, working class families without savings will be driven deep into debt they will be unable to repay long after this crisis has abated. They need our help in order to make it through this challenging time.

As a result, we are asking the City of Cupertino to invest resources in emergency financial assistance for Cupertino residents to help them remain housed during this pandemic, and ensuring the safety and stability of our community's most vulnerable residents.

Sincerely,

Josh Selo, Executive Director

**OUR MISSION:** Uniting the community to fight hunger and homelessness.

**OUR VISION:** A community where every person has food on the table and every person has a roof over their head.

**OUR VALUES:** Compassion, Dignity, Integrity, Service, Diversity

## Cyrah Caburian

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**From:** Dennis Cunningham <BikeC2C@Comcast.net>  
**Sent:** Tuesday, March 24, 2020 2:36 PM  
**To:** City Council  
**Subject:** Support "Eviction Moratorium" & "Emergency Funding for Tenants"

**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.

Council members,

I urge you to vote "yes" tonight on two important issues on the Agenda:

- 1) Urgency Ordinance Imposing a Moratorium on Evictions for Non payment of Rent by Tenants Impacted by the COVID-19 Pandemic
- 2) Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of the Novel Coronavirus COVID-19

I'm sure you don't need me to list all of the reasons why these issues are critical, nor what the thinking is behind the proposed actions. You already know the Pros & Cons quite well.

What you do need to know is if your constituents want you to support the actions. This 40+ year resident does.

Thank you for all the work you are doing on behalf of the people of Cupertino  
These are scary times; let's do what we can to reduce the adverse impacts.




Dennis Cunningham

\*\*\*\*\*

*Dennis Cunningham*

\*\*\*\*\*



Wash  your hands  

Stay home 

## Cyrah Caburian

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**From:** Connie Cunningham <cunninghamconniel@gmail.com>  
**Sent:** Tuesday, March 24, 2020 3:15 PM  
**To:** City Council  
**Subject:** Special Meeting, Agenda Item 2, Emergency Assistance Funds for Tenants at Risk of Eviction

**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,

Subject: Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of by the Novel Coronavirus ("Emergency Assistance Funds")

Paired with Item 1, Moratorium on Evictions for tenants impacted by the COVID-19 pandemic, this emergency assistance fund will not only help tenants through this stressful time, but it will help landlords pay their mortgages as well.

Keeping everyone in the economic cycle safe from this economic downturn will be good for tenants, good for landlords, and good for businesses who will want to re-hire those tenants after the COVID-19 crisis is over. Last, but not least, it will be good for the City. Not only will the City be safeguarding many residents in the community as a moral good, it will be safeguarding the on-going economic life of our City.

Please approve this use of Emergency Assistance Funds.

Provide as many funds as possible from the City budget.

Provide MORE than has been set-aside in the past for Human Services.

Please safeguard our people and our economy as we move together through this unprecedented COVID-19 pandemic.

Sincerely,

Connie Cunningham, Housing Commission, self only

## Cyrah Caburian

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**From:** viji.ilango@yahoo.com  
**Sent:** Tuesday, March 24, 2020 4:27 PM  
**To:** City Council  
**Subject:** Written Communication agenda Item#2

**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 Council Members,

I support agenda item #2 which provides \$350k to West Valley Community Services. However, I have some clarifying questions.

1. Is the City funding \$350k or \$325k to West Valley?
2. Is 25% administrative costs the norm for non profits ?
3. Does \$350k include administrative costs?
4. Why limit the funding to 25 households ? What is the logic behind that number ? An explanation during your discussion tonight would help in understanding the logic.

Thanks,  
Viji

## Cyrah Caburian

---

**From:** viji.ilango@yahoo.com  
**Sent:** Tuesday, March 24, 2020 4:27 PM  
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Thanks,  
Viji

## Cyrah Caburian

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**From:** Joseph Fruen <jrfruen@gmail.com>  
**Sent:** Tuesday, March 24, 2020 5:55 PM  
**To:** Kirsten Squarcia; Deborah L. Feng; City Clerk; City Council  
**Subject:** For comment re: Council meeting 3/24/2020 Agenda Item 2

**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.

Mr. Mayor and Members of the City Council:

Thank you for considering financial support for renters through the auspices of West Valley Community Services in line with the suggestion action in the 3/17/2020 Cupertino for All letter. I would further encourage you to mobilize the resources of the Public Information Office, its public relations consultant, and other city and community resources to ensure that people know where they can go for assistance. If affected residents don't know that help is available to them, then they may continue to needlessly suffer and engage in risky behavior (like attempting to work when they shouldn't) that could be a public health threat to everyone.

Please support this item. It deserves your unanimous and fullest approval.

J.R. Fruen  
Cupertino resident

CC 03-24-20

#3 Tenant  
Protection to  
Commercial  
Tenants

Written  
Communications



## Cyrah Caburian

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**From:** Anjali Kausar <anjali@cupertino-chamber.org>  
**Sent:** Tuesday, March 24, 2020 5:55 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** Comments to the Cupertino City Council Regarding Emergency Measures

**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.

Good Evening Mayor & Council Members

On behalf of the Cupertino Chamber of Commerce, its board, its members, and all the businesses and employees in Cupertino, please accept our profound appreciation for the willingness of the Council to deal with the first of many issues from the Covid-19 pandemic.

While the situation is clearly bigger than our community, working together we can lessen the pain of social isolation and economic dislocation. Every day since the shelter-in-place order Cupertino Chamber staff has been calling businesses to have the most accurate information possible for customers. Unfortunately, this situation is changing hourly. This morning we were sharing information on take-out deals from Eureka!. Earlier this afternoon the restaurant announced it's closing.

As indicated in the staff report, there are options. Your initiative will go a long way to show compassion and resilience.

The Chamber will continue its work to help the community so that it may have the best possible information with which to successfully navigate the virus and its aftermath.

Sincerely  
Anjali



Anjali Kausar • C.E.O.  
O. 408-252-7054  
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[anjali@cupertino-chamber.org](mailto:anjali@cupertino-chamber.org)  
[www.cupertino-chamber.org](http://www.cupertino-chamber.org)

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disclosure, dissemination, distribution or copying of it or the attachments is strictly prohibited. If you have received this communication in error, please contact me and destroy all copies of the communication and attachments. Thank you.

## Cyrah Caburian

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**From:** Joseph Fruen <jrfruen@gmail.com>  
**Sent:** Tuesday, March 24, 2020 6:03 PM  
**To:** Kirsten Squarcia; City Clerk; City Council; Deborah L. Feng  
**Subject:** For comment re: Council meeting 3/24/2020 Agenda Item 3

**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.

Mr. Mayor and Members of the City Council:

This is a worthy item that deserves your attention and consideration. While I realize that landlords leasing their property out to commercial tenants would have little economic incentive to evict their tenants during a period such as this where re-tenanting a building would be especially difficult, creating security for this class of business operators would strengthen community solidarity and continuity. For businesses that provide essential services, the public should also not have to worry about their potential closure due to a slump in business. On that basis alone, an eviction moratorium for commercial renters is merited.

Whatever you ultimately decide, please mobilize the city's public relations resources to ensure that local business owners are aware of their options. It would compound the current human tragedy to see businesses needlessly close for good because their owners were simply unaware of their options.

Many thanks,

J.R. Fruen  
Cupertino resident