

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CUPERTINO CONTRIBUTING \$50,000 IN EMERGENCY ASSISTANCE FUNDS TO WEST VALLEY COMMUNITY SERVICES AND \$100,000 IN EMERGENCY ASSISTANCE LOAN FUNDS TO MERIWEST CREDIT UNION FOR TENANTS AT RISK OF EVICTION DUE TO IMPACTS OF 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; 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 Emergency Assistance Funds are necessary to assist tenants at risk of eviction due to COVID-19; and

WHEREAS, West Valley Community Services (WVCS), 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, Meriwest Credit Union has partnered with the City of Cupertino to to provide low interest loans to help Cupertino residents with rental assistance during the COVID-19 Shelter in Place Order. Based off of a \$100,000 contribution from the City, Meriwest has drafted a low interest loan program proposal for City of Cupertino income qualified residents to provide rental assistance payments to help keep them housed during these very uncertain times; 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; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino authorizes a \$50,000 contribution in emergency assistance funds [Below Market Rate (BMR) Affordable Housing Funds (AHF) or General Fund Human Services Grant (HSG) funds] to WVCS for tenants at risk of eviction due to impacts of the novel coronavirus; 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 WVCS.

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino authorizes a \$100,000 contribution in emergency assistance loan funds [Below Market Rate (BMR) Affordable Housing Funds (AHF) or General Fund Human Services Grant (HSG) funds] to Meriwest Credit Union for the Renter's Assistance Low Interest Loan Program to assist tenants at risk of eviction due to impacts of the novel coronavirus; 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 Meriwest Credit Union.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 28th day of April, 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
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