

ORDINANCE NO. 5354

**ORDINANCE AMENDING CHAPTER 8.48 OF THE SANTA CRUZ COUNTY CODE  
TO EXTEND THE LOCAL PROHIBITION AGAINST EVICTIONS OF  
COMMERCIAL TENANTS RELATED TO INCOME LOSS OR SUBSTANTIAL  
MEDICAL EXPENSES RESULTING FROM THE CORONAVIRUS PANDEMIC**

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency related to the COVID-19 pandemic, effective throughout the State of California; and

WHEREAS, on March 4, 2020, the Santa Cruz County Public Health Officer declared a local health emergency related to the COVID-19 pandemic, which remains in effect; and

WHEREAS, on March 10, 2020, the Santa Cruz County Board of Supervisors proclaimed a local emergency related to the COVID-19 pandemic, which remains in effect; and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorized local jurisdictions to suspend, through May 31, 2020, the evictions of tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic; and;

WHEREAS, in response to the Governor's Executive Order, the Board of Supervisors adopted Chapter 8.48 of the Santa Cruz County Code to implement the authorized eviction protections; and

WHEREAS, the Governor subsequently authorized local jurisdictions to suspend evictions under Executive Order N-28-20 through September 30, 2020, and the Board of Supervisors adopted an urgency ordinance to accomplish that; and

WHEREAS, the State recently enacted AB 3088, which creates protection from eviction for residential tenants experiencing an inability to pay rent due to COVID-19, and which prevents local jurisdictions from taking further protective action as to residential tenants through early 2021; and

WHEREAS, AB 3088 does not apply to commercial tenancies; and

WHEREAS, the Governor recently adopted a new executive order which authorized local jurisdictions to extend existing local protections to prevent eviction of commercial tenants through March 31, 2021; and

WHEREAS, the Board has determined that, due to the on-going COVID-19 pandemic, and the extreme impacts to local businesses resulting from State-ordered business closures and restrictions, it is appropriate to amend Chapter 8.48 of the Santa Cruz County Code to extend local protections prohibiting commercial tenants from being evicted for failure to pay rent due to COVID-19 financial losses, through March 31, 2021;

NOW, THEREFORE, the Board of Supervisors of Santa Cruz County hereby ordains as follows:

### **SECTION I**

Section 8.48.010 of the Santa Cruz County Code is hereby amended to read as follows:

#### **8.48.010 Purpose.**

This chapter prohibits evictions through September 30, 2020, for any tenant of residential real property, and through March 31, 2021, for any tenant of commercial real property, who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic.

### **SECTION II**

Section 8.48.030(A) of the Santa Cruz County Code is hereby amended to read as follows:

#### **8.48.030 Prohibition on evictions stemming from coronavirus pandemic losses.**

(A) Through September 30, 2020, the owner of residential real property, and through March 31, 2021, the owner of 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 coronavirus pandemic or any local, state, or federal government response to the pandemic.

### **SECTION III**

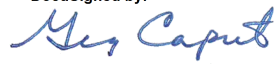
This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined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

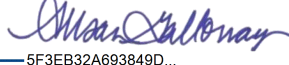
SECTION IV

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED this 6<sup>th</sup> day of October, 2020, by the Board of Supervisors of the County of Santa Cruz by the following vote:

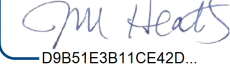
AYES:	SUPERVISORS	Leopold, Coonerty, Friend, McPherson, Caput
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

DocuSigned by:  
  
**GREG CAPUT**  
8FA3502FBE7F43C...  
 Chairperson of the Board of Supervisors

DocuSigned by:  
  
5F3EB32A693849D...  
 Attest: **SUSAN GALLOWAY**  
 Clerk of the Board

DocuSigned by:  
  
Clerk of the Board of Supervisors  
**F2707B2E5811438...**

APPROVED AS TO FORM:

DocuSigned by:  
  
D9B51E3B11CE42D...  
 \_\_\_\_\_ 9/30/2020 (AMS# 9670)  
 Office of the County Counsel

cc: Board of Supervisors  
 County Administrative Office  
 Sheriff's Office

## Certificate Of Completion

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Subject: Ordinance 5354 adopted Oct 20 BOS (ORD-5354) eSignature	
Source Envelope:	
Document Pages: 3	Signatures: 4
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Susan Galloway
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	408 St Peter Street
	Saint Paul, MN 55102
	susan.galloway@co.santa-cruz.ca.us
	IP Address: 69.5.90.9

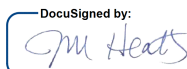
## Record Tracking

Status: Original	Holder: Susan Galloway	Location: DocuSign
10/21/2020 11:11:40 AM	susan.galloway@co.santa-cruz.ca.us	

## Signer Events

Jason M. Heath  
 Jason.Heath@co.santa-cruz.ca.us  
 Accele, Inc.  
 Security Level: Email, Account Authentication (None)

## Signature

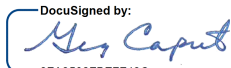
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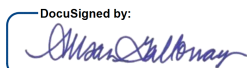
Greg Caput  
 Greg.Caput@co.santa-cruz.ca.us  
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### Electronic Record and Signature Disclosure: Not Offered via DocuSign

Susan Galloway  
 Susan.Galloway@co.santa-cruz.ca.us  
 Chief Deputy, Clerk of the Board of Supervisors  
 County of Santa Cruz  
 Security Level: Email, Account Authentication (None)

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CBD eSignature  
 CBD.eSignature@co.santa-cruz.ca.us  
 Clerk of the Board of Supervisors  
 County of Santa Cruz  
 Security Level: Email, Account Authentication (None)

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 Freeform Signing

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## In Person Signer Events

## Signature

## Timestamp

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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
County Administrative Office Nancy.Weitzel@santacruzcounty.us Accela, Inc. Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>COPIED</b>	Sent: 10/26/2020 10:17:47 AM
Caitlin Smith caitlin.smith@co.santa-cruz.ca.us Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>COPIED</b>	Sent: 10/26/2020 10:17:48 AM
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