

RESPONSE TO COUNCIL QUESTIONS RE: 3/31/20 CITY COUNCIL AGENDA

Agenda Item #: 1.D

Title: Approve Budget Modification No. 25 in the amount of \$464,435 for the Fair Oaks Avenue Overhead Bridge Rehabilitation and Authorize the City Manager to Execute the Construction Contract with Joseph J. Albanese

Council Question: What is the construction timeline?

Staff Response: The project is scheduled to begin May 2020, with an approximate 16-month construction timeline and would be completed in October 2021.

Council Question: I apologize but just to be clear, if Council approves the actions recommended by Staff, does that mean the Pedestrian Overcrossing would be removed as part of main/overall project? I want the POC removed ASAP, is there anything other than approving the Staff recommendation Council needs to say or do Tuesday night to make that happen?

Staff Response: The staff recommendation in the Report to Council includes the additional funding for removal of the pedestrian overcrossing (POC), thus no further action would be necessary. The POC will not be removed until later in the project, once the bridge is expanded to include the new sidewalk.

Agenda Item #: 1.G

Title: Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2019/20; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2020/21

Council Question: If a specific business has issues in paying the BID, especially considering the effects of the COVID-19 sheltering, what are the options for the business to delay? Does this need to come to council, or is this within the City Manager's authority?

Staff Response: The City Manager does not have the authority to waive assessment fees. The Business Improvement District (BID) Board is able to waive penalty, interest, and make decisions regarding the assessment as per Sunnyvale Municipal Code Section 3.60.120—Decisions of the BID Board regarding expenditure of all funds generated under this program shall be final. (Ord. 2830-07 § 1). BID businesses will have an opportunity to voice their support or opposition to the BID assessment during the public hearing tentatively scheduled for April 28. If more than 50% of the businesses oppose the assessment, the City Council will be unable to renew the BID for FY 2020-2021.

Agenda Item #: 2

Title: Adopt an Emergency Ordinance Enacting a Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; Introduce a Regular Ordinance Enacting a Moratorium on Evictions for Nonpayment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; and Provide Direction Regarding any Desired Enhanced Provisions on Temporary Moratorium on Evictions of Commercial Tenants Impacted by the COVID-19 Pandemic.

Council Question: Are Santa Clara County courts holding eviction hearings for non-payment of rent cases? Is the sheriff currently carrying out eviction orders caused by non-payment of rent?

Staff Response: No, The Santa Clara County Superior Courts suspended all non-essential hearings effective March 17, 2020, in compliance with the County shelter in place order. Eviction hearings are not included on the court's listing of essential hearings. It is our understanding the Sheriff is not currently carrying out eviction orders during this time as well.

Council Question: Do the state or county eviction moratoriums apply to mobilehome space rent?

Staff Response: They do not explicitly state that they apply to mobile homes; however Santa Clara County Planning department has informed Sunnyvale staff that the eviction moratorium applies to mobile / manufactured homes.

Council Question: Can you please send out the Governor state-wide eviction moratorium language?

Staff Response: Yes, see attached, also
<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf>

Council Question: Can Staff update the Attachment 4 spreadsheet to add the differences for the State and other cities (Mountain View, others?) that have put in measure since the Staff Report was finalized?

Staff Response: An updated spreadsheet will be sent to the Council prior to the meeting.

Council Question: Do we have any idea of the number of evictions in Sunnyvale that were currently in progress when the County eviction ban went into place?

Staff Response: Eviction data is countywide, therefore we do not have the number for Sunnyvale.

Council Question: What has been Project Sentinel efforts/case load over the last month?

Staff Response: We continue to transfer residents to Project Sentinel if they have any specific questions about their rights. We have not heard from Project Sentinel on their case load being higher than normal, no request for additional funding or support has been received by Housing staff.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

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EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

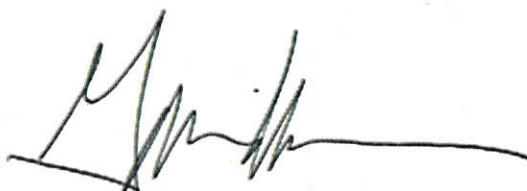
Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State