

**ORDER OF THE DIRECTOR OF EMERGENCY
SERVICES OF THE CITY OF MORGAN HILL
IMPOSING A MORATORIUM ON RESIDENTIAL RENT INCREASES**

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern due to the rapid global spread of COVID-19; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on February 3, 2020, the Health Officer for the County of Santa Clara 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; and

WHEREAS, under authority contained in California Government Code sections 8610 and 8634 and Morgan Hill Municipal Code Chapter 2.44, the Director of Emergency Services proclaimed the existence of a local emergency in the City of Morgan Hill (the "City") on March 13, 2020, which proclamation was ratified by the City Council on March 18, 2020; and

WHEREAS, on March 16, 2020, the County Health Officer ordered all residents of Santa Clara County to shelter in place to prevent the spread of COVID-19; and

WHEREAS, the COVID-19 public health crisis has significantly impacted the City, County, region, and nation; and

WHEREAS, the shelter in place orders, and public health crisis, has required many businesses to close down or reduce operations, causing widespread financial hardship to many of the City's residents, including many of the most vulnerable populations; and

WHEREAS, housing affordability was one of the greatest challenges facing the City and region even before the COVID-19 public health crisis; and

WHEREAS, adequate housing for all residents is essential to combating the COVID-19 public health crisis; and

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

WHEREAS, some residents have been informed that they will face significant rent increases during the term of the shelter in place orders; and

WHEREAS, increases in rent during the local emergency could lead vulnerable people to be displaced; and

WHEREAS, the Director of Emergency Services has determined that a temporary moratorium on rent increases is necessary for the protection of life and property as described herein; and

WHEREAS, the Director of Emergency Services is empowered, upon the proclamation of a local emergency, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, there is an urgent need for the City to enact substantive limitations to protect the health, safety, and welfare of its residents in light of the COVID-19 pandemic emergency, including the need to keep residents in their homes during the shelter in place.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. For purposes of this Order, the following definitions shall apply:

- A. *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 real property for rent, and includes a predecessor in interest.
- B. *Rent* means the financial obligation or monetary payment a tenant owes an owner for occupancy or use of residential real property, whether by written or oral agreement.
- C. *Residential real property* means any dwelling unit that is intended or used for human habitation, including senior supportive housing and mobile homes.
- D. *Tenant* means the lawful occupant of residential real property, whether by lease, sublease, or any other rental agreement.

Section 2. Effective immediately, and continuing for sixty (60) days following the revocation of the shelter in place orders, the owner of any residential real property or his or her agents are prohibited from increasing the rate of rent to any tenant above the rental amount in place on March 1, 2020.

Section 3. Tenants shall have the following remedies under this Order:

- A. Failure of an owner to comply with this Order shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the residential rental property.
- B. Failure of an owner to comply with this Order shall provide the tenant with a defense in any legal action brought by the owner to collect rent.

- C. A tenant may seek injunctive relief on his or her behalf and on behalf of other affected tenants to enjoin the landlord's violation of this Order.
- D. Remedies provided in this Order are in addition to any other existing legal remedies and are not intended to be exclusive.

Section 4. In addition to the remedies provided in this Order, the City may, but is not obligated to enforce the Order under Chapter 1.24 of the Morgan Hill Municipal Code.

DATE: 4/8/2020 _____

DocuSigned by:
Christina Turner
6D0498AF649944D...
Christina Turner
Director of Emergency Services

ATTEST:
DocuSigned by:
Michelle Bigelow
66B887310D154F2...
Michelle Bigelow
Deputy City Clerk

APPROVED AS TO FORM AND LEGALITY:
DocuSigned by:
Donald Larkin
079342BBE14943E...
Donald A. Larkin
City Attorney