



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: January 30, 2024

01

TO: Board of Supervisors

SUBJECT

COMMUNITY RESPONSE AND RECOVERY; AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S POLICE POWER TO PROHIBIT RESIDENTIAL EVICTIONS WITHOUT JUST CAUSE AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES; FEE WAIVERS; CONTRACT AMENDMENTS (DISTRICTS: ALL)

OVERVIEW

On January 22, 2024, San Diego County experienced the heaviest rainfall in a single day in over one hundred years. As the rain subsided, our communities were left with significant damage.

One of the biggest responsibilities we have as local governments is to protect the health and safety of our community members. In the San Diego region, we have worked to strengthen the partnerships across federal, state and local agencies, and with non-profit and private sectors to come together in times of emergencies. Our first responders, public servants and volunteers who work tirelessly during the diversity of emergencies we have faced in our region are a testament to our County of San Diego (County) Motto: The Noblest Motive is the Public Good. But more can be done to support them in their efforts. According to FEMA, there are four phases to emergency management: mitigation, preparedness, response, and recovery.

Mitigation involves the type of activity that can be taken to prevent future emergencies or minimize their effects. This can include activities that prevent an emergency, reduce the chance of an emergency happening, or reduce the damaging effects of unavoidable emergencies. Mitigation activities take place before and after emergencies occur.

Preparedness is about how we prepare to handle an emergency. This includes plans or preparations made to save lives and to help response and rescue operations such as evacuation plans and stocking food and water. Preparedness activities take place before an emergency occurs.

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Response includes actions taken to save lives and prevent further property damage in an emergency situation. It is about putting the preparedness plans into action. Response activities take place during an emergency.

Recovery from an emergency includes actions taken to return to a normal or even safer situation following an emergency. It includes obtaining resources needed to help rebuild and restore a community.

To successfully navigate these four phases, also referred to as the life cycle of an emergency, we must know and understand the unique needs of our communities during each phase. This can be achieved by partnering with trusted community partners, conducting trainings in threshold languages, increasing Community Emergency Response Teams, and completing Emergency Plans for communities, families, and individuals.

Additionally, planning for the Recovery phase of an emergency cannot wait until after the Response phase. Protocols and plans for Recovery should be in place and activated at the same time the Response is occurring so that the Recovery phase can begin immediately based on the needs of the community and the type of emergency. It could mean providing for housing or standing up Local Assistance Centers within the first 24 hours of an emergency.

Today’s recommendations seek to help with both the immediate need in aftermath of the most recent catastrophic atmospheric river, as well as ensure the resiliency of our communities for the future.

RECOMMENDATION(S)

CHAIRWOMAN VARGAS AND SUPERVISOR MONTGOMERY STEPPE

1. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorize the Director, Department of Purchasing and Contracting, subject to successful negotiations and a determination of a fair and reasonable price, to amend the contracts’ terms to expand services, subject to the availability of funds; and amend the contracts as required in order to reflect changes to services and funding allocations, subject to the approval of the Director of the Office Emergency Services and Interim Director of the Health and Human Services Agency.
 - a. Arbor E&T, LLC dba Equus Workforce Solutions (Contract #564750)
 - b. Legal Aid Society of San Diego Inc. (Contract #567549)
 - c. Hagerty Consulting, Inc. (Contract #564118)
2. Adopt the Ordinance:

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN DIEGO EXERCISING THE COUNTY’S POLICE POWER TO**

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PROHIBIT RESIDENTIAL EVICTIONS WITHOUT JUST CAUSE AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES (4 VOTES)

3. Direct the Interim Chief Administrative Officer to work with community stakeholders to develop a plan to avoid unjust evictions and/or provide rental or other assistance to those affected by the storm. A plan may include an additional ordinance to protect unjust evictions on a case-by-case basis as well as other possibilities.
4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, for the waiver of plan check, building, septic system and water well permit fees for homes and plan check fees for hazmat or restaurant businesses affected by the catastrophic storm event for a five-year trial period commencing January 31, 2024 until January 31, 2029. During this five-year trial, fees would be waived provided there is sufficient funding remaining to cover the fees charged. Once funding has been used the fees would no longer be waived.
5. Authorize the Director of Environmental Health and Quality to waive the fee required for hazmat facilities impacted by the catastrophic storm event for hazardous materials non-notification.
6. Authorize the Director of Planning & Development Services (PDS) to work with the Office of Emergency Services (OES) and the Office of Evaluation, Performance and Analytics (OEPA) and other entities as needed to finalize the map to be used to determine the exact boundaries of the geographic areas eligible for the fee waivers based on the data collected during the emergency response effort for the 2024 catastrophic storm event.
7. Adopt a resolution entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THE REBUILDING OF STRUCTURES IN THE UNINCORPORATED AREA DAMAGED BY JANUARY 2024 CATASTROPHIC STORM EVENT TO BE ELIGIBLE FOR PERMIT FEE WAIVERS.

8. Direct the Interim Chief Administrative Officer to assess and report back within 60 days on what more can be done to strengthen our regional capabilities in the four phases of emergency management, including but not limited to resources needed to establish a Recovery division in the County’s Office of Emergency Services,

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9. Convene community outreach meetings to understand the needs of our diverse communities during emergencies and throughout the recovery so that their input can be incorporated into the assessment.
10. Revise the American Rescue Plan Act (ARPA) Framework to reallocate \$10 million of the Evergreen component of the ARPA Framework to make funding available to meet the emergency caused by the severe atmospheric river resulting in conditions of extreme peril to the safety of persons and properties as described in the proclamation ratified by the Board of Supervisors on January 24, 2024 (8).
11. Direct the Interim Chief Administrative Officer to utilize a lost revenue strategy under the final ARPA guidance based on previously allocated General Purpose Revenue, which includes the following actions:
 - a. Transfer revenue of \$10 million from Finance Other, Intergovernmental Revenue to the Public Defender based on ARPA revenue to replace previously allocated General Purpose Revenue and;
 - b. Transfer appropriations of \$10 million from Finance Other, Other Charges to Office of Emergency Services, Services and Supplies, to fund immediate relief for those impacted by the emergency based on General Purpose Revenue.
12. Authorize the Interim Chief Administrative Officer or designee(s) to seek reimbursement from federal, State, or other possible resources, for funds expended by the County for emergency relief in the region.
13. Direct the Interim Chief Administrative Officer to have all County departments continually assess opportunities to assist the community as they recover from this storm, and to come back to the Board for additional action on any items identified.

EQUITY IMPACT STATEMENT

The consequences of years of inequitable community investments become starkly apparent during natural disasters, disproportionately affecting communities of color and low income. When disasters strike, these underfunded communities face disastrous outcomes, exacerbating the already existing disparities. To combat the lack of resources and preparedness that significantly amplifies the impact on residents, compounding the challenges they face during and after natural disasters, we will take a whole community approach in emergency management.

SUSTAINABILITY IMPACT STATEMENT

A critical component to the sustainability of the region is resiliency, as outlined in the County’s Strategic Plan. The ability to respond to, and recover from, disasters is essential. Repairs of needed infrastructure such as homes and roads are essential, as well financial security for those who

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experience loss. Today’s actions support immediate assistance and long-term planning to ensure the viability of our communities as future storms are inevitable due to climate change.

FISCAL IMPACT

Funds associated with this request are included in the Fiscal Year 2023-24 Operational Plan. If approved, this request will result in one-time costs of up to \$10 million to fund immediate relief for those impacted by the emergency. The funding source will be General Purpose Revenue. \$10 million of American Rescue Plan Act (ARPA) funds allocated to the Evergreen component of the ARPA Framework will be recognized as lost revenue and redirected to the Public Defender to replace previously allocated General Purpose Revenue, which will in turn be available for the Office of Emergency Services. Staff will return to the Board as needed with recommendations to transfer these appropriations to other County departments from the Office of Emergency Services based on needs of the community. There will be no change in net General Fund cost and no additional staff years. This action will impact the amount of remaining balance of the Evergreen Fund, for which the Board directed, on January 9, 2024 (12), the CAO to return with recommendations.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On January 22, 2024, San Diego County experienced the heaviest rainfall in a single day in over one hundred years. Our region experienced three inches of rainfall in just three hours, which resulted in an overwhelming of our existing stormwater infrastructure. According to the National Weather Service, the intensity of downpour was “double what was expected.” On that day, the Interim Chief Administrative Office Proclaimed a Local State of Emergency, which was ratified by the Board of Supervisors on January 24. Additionally, Governor Newsom issued an emergency proclamation for our region on January 23.

As the rain subsided, our communities were left with significant damage. More than 300 people reported significant damage and dozens of vehicles were destroyed by the deluge. Mud and other debris inundated neighborhoods and roadways. The County of San Diego’s (County) online damage reporting tool received nearly 2,800 submissions and that number continues to grow. From these reports, it is evident that much of the storm’s impact was centered on some of our most vulnerable communities where the overwhelming majority of residents do not hold flood insurance policies.

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Many residents of District 1 and District 4 were severely impacted, but there were reports of damage across the region in every Supervisorial district. Many residences and cars were flooded, cars were carried away by the flooding, and residents were displaced due to the destruction.

Both districts represent communities of color, who historically have been impacted by systemic inequitable policies. In 2021, the County’s Supervisorial District Demographic Profiles showed 61.1% of District 1 residents were Hispanic, 5.8% Black, and 11.4% Asian. District 4’s residents were 33.6% Hispanic, 8.9% Black, and 18.5% Asian. Furthermore, of majority percentage of residents had a household income of under \$35,000. When compared to the other Supervisorial Districts within the County, residents of Districts 1 and 4 have a disproportionately lower median household income compared to their counterparts.

As County staff continue to work with impacted communities by removing debris and assisting those who have been displaced with finding vital resources at this difficult time, it is clear more needs to be done to help put our communities back together.

Today’s recommended actions, detailed below, address the primary areas of need facing the communities hit hardest by this catastrophic atmospheric river. As more continuous days of rain are forecasted this week, it is critical we fill the duty we have to keep our residents safe and resilient.

Housing Options

Natural disasters have the potential to occur at any time and may displace a segment of population from their homes. Although local governments and non-governmental organization have plans in place to assist people during an emergency, there can be an additional need to shelter households impacted by the storm in non-congregate sheltering options. To meet the anticipated increased sheltering need, the County seeks to work with a contractor Arbor E&T (Contract 564750) to provide non-congregate sheltering to impacted households and case management services to assist households in the program with connections to available resources. The program is anticipated to provide qualified households with non-congregate sheltering for 30 days while case managers work with the households to connect them to available resources. Any extensions beyond 30 days will be evaluated based on the very specific household circumstances. If approved by the Board, this program will serve impacted households whose home experienced major damage and is not habitable, and who are not currently receiving temporary housing through other sources such as homeowners or renters’ insurance and are in need of temporary housing while their home is restored and able to be safely habitable again. The County will work with Hagerty Consulting, Inc., recognized experts in the field of disaster recovery, in order to maximize efficiencies and opportunities for cost recovery when implementing the program.

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Protecting People from Predatory Evictions

Numerous residents affected by the flooding have reported their landlords have failed to make necessary repairs to make their housing meet basic requirements of habitability, have demanded full rent despite uninhabitable conditions, and have evicted or threatened to evict tenants who clearly suffered economic hardship because of the storm damage. In one example reported by local media, tenants at an apartment complex were given 10-days’ notice to relocate and informing them that relocation expenses would only be paid through the end of January, after which point their leases would be cancelled.

Economic hardship caused by the storm may result from property damage, the need to take time off from work to address property damage and engage in property cleanup, the inability to get through flooded streets to get to work, and a variety of other negative effects from flooding. Tenants faced with the economic hardships resulting from the storm are less able to pay rent than normal, exposing them to risk of eviction as a consequence of the flooding and its devastating effect on the local economy.

For these reasons, it is necessary for a brief and limited period of time to provide protection to those tenants in areas devastated by the storm by proscribing evictions that exacerbate their economic hardship. Without sufficient eviction protections, many tenants “self-evict” and move out even without adequate replacement housing, rather than face an eviction that could impact their ability to find new housing.

Proposed is a temporary 60-day restriction on evictions and delay in rent increases that is limited only to those areas most affected by the catastrophic atmospheric river, and to tenants who have suffered economic loss as a result of the catastrophic atmospheric river. Residents living in the specific zip codes will not have to worry about losing their lease or being evicted as they repair their lives and their homes during this stressful and difficult time. Understanding that repairs take time, we also need longer term solutions for tenants who may face difficult situations in the future and plans to dissuade predatory landlords from taking advantage of their tenants. Also proposed is for the County amend its contract with Legal Aid Society of San Diego to expand outreach and legal services for tenants struggling with their landlords over repairs, relocation assistance, rent payments or anything else related to damage caused by the catastrophic atmospheric river.

To ensure long term stability for tenants, it is proposed the Interim Chief Administrative Officer work with community stakeholders to develop a plan to avoid unjust evictions and/or provide rental or other assistance to those adversely affected by the storm. That plan may include an additional ordinance to protect unjust evictions on a case-by-case basis as well as other possibilities.

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Fee Waivers

Funding of Existing Planning & Development Services (PDS) Fee Waivers for Minor Construction Homeowner Relief Act (HRA) in the Unincorporated Area

The County has an existing fee waiver program called the Homeowner Relief Act (HRA) that waives permit costs for many of the repairs needed for most water damage. This includes permit costs for water heater replacements, drywall replacement, exterior siding or plastering, and other related items. HRA is an existing Board directed program that began in 1995. This program does not require further Board direction but would require additional funding. Program funds have been expended and additional funding would be needed to cover the costs of additional waivers related to the flooding event.

Establishment of a New PDS Fee Waiver Program for Major Repairs and Rebuilds

There will likely be damage to homes and businesses that is not covered under HRA, such as structural impacts, substantial damage to retaining walls not covered under the HRA, or more significant damage. The number of buildings that must be rebuilt is likely considerably lower than the number that will need to be remediated or repaired based on the nature of the flood damage and early field assessments. However, there are some homes and businesses that will sustain substantial enough damage to require complete demolition and reconstruction. To waive fees in those cases, it would require Board direction to establish a new fee waiver program in PDS flood victims for this purpose.

More minor repairs under HRA are likely to occur sooner than full rebuilds. If authorized, the new fee waiver program for Major Repairs and Rebuilds is proposed to last for five (5) years, with allocations to be assessed annually, or at the Board’s discretion, based on demand.

Regionwide DEHQ Fee Waivers

There may be residential properties that have damaged or destroyed septic systems or water wells. As part of the rebuilding process, the requested action would provide appropriations to the Department of Environmental Health and Quality (DEHQ) to offer permit fee waivers for disaster survivors who need to repair or remove septic systems or water wells on their property.

Initial damage assessments show there are potentially 14 hazmat facilities and nine food facilities that may have experienced major flood damage resulting from the January 2024 catastrophic atmospheric river and may require DEHQ plan check permit fees to rebuild. Today’s action requests an appropriation to waive associated permit fee waivers to assist these impacted hazmat or food facilities in their recovery process.

DEHQ fee waivers will be provided until the funding for this specific waiver program has been expended.

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Hazmat facilities are required to notify DEHQ when they have hazardous materials or waste on site and when notification does not occur, DEHQ assesses a fee. The Board is requested to authorize the Director of DEHQ to waive the fee required for hazmat facilities impacted by the catastrophic storm event for hazardous materials non-notification.

Other Fee Waivers Countywide

The County Assessor/Recorder/Clerk’s Office also issues Vital Records and reassessment of property damaged by misfortune or calamity. These fees are already waived via the Governor’s declaration of emergency.

The Future of Response/Recovery

Response includes actions taken to save lives and prevent further property damage in an emergency situation. It is about putting the preparedness plans into action. Response activities take place during an emergency.

Recovery from an emergency includes actions taken to return to a normal or even safer situation following an emergency. It includes obtaining resources needed to help rebuild and restore a community.

To successfully navigate these four phases, also referred to as the life cycle of an emergency, it is imperative for us to know and understand the unique needs of our communities during each phase. This can be achieved by partnering with trusted community partners, conducting trainings in threshold languages, increasing Community Emergency Response Teams, and completing Emergency Plans for communities, families, and individuals.

Additionally, planning for the Recovery phase of an emergency cannot wait until after the Response phase. Protocols and plans for Recovery should be in place and activated at the same time the Response is occurring so that the Recovery phase can begin immediately based on the needs of the community and the type of emergency. It could mean providing for housing or standing up Local Assistance Centers within the first 24 hours of an emergency.

Today’s action directs the Interim Chief Administrative Officer to report to the Board within 60 days with additional actions that can be taken to support these efforts.

Fiscal Actions

Due to the emergency caused by the catastrophic atmospheric river resulting in conditions of extreme peril to the safety of persons and properties, it is recommended that \$10.0 million of funds allocated to the Evergreen Fund be used to provide emergency relief or to alleviate the immediate negative economic impacts of this natural disaster. The recommendations before the Board make appropriations available to the Office of Emergency Services, Services and

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Supplies, to fund the immediate actions necessary to meet the community’s needs. Staff will return to the Board as needed with recommendations to transfer these appropriations to other County departments from the Office of Emergency Services based on the needs of the community.

The recommendation before the Board today is to be incorporated into the Evergreen Fund framework when staff returns to the Board. On January 9, 2024 (12), the Board directed the CAO to return on February 27, 2024, with Evergreen Fund recommendations for the remaining balance allocated to the Evergreen Fund. Since this time Board members have provided priorities to the Chief Administrative Officer to consider when formulating options for the full Board’s consideration. Staff are to continue the work related to the January 9, 2024 (12) direction from the Board, and should return to the Board to provide recommendations for the remaining amount allocated to the Evergreen Fund, anticipated to be \$35.6 million if today’s recommendations are approved.

In addition, in order to meet the immediate needs of the community that has been impacted, it is recommended that the Board direct the Chief Administrative Officer to utilize a lost revenue strategy under the final ARPA guidance based on previously allocated General Purpose Revenue. Approval of this action will ensure there is funding available to support our communities through this difficult time. County staff should continue to pursue other funding or reimbursement opportunities that could be used for the current community needs. Other emergency funding sources that need to be explored include all FEMA emergency funding sources and funding through the California Disaster Assistance Act. Additionally, County staff must continue to research and seek out other funding sources to help our community recover.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed actions support the County of San Diego’s 2024-2029 Strategic plan by supporting the Strategic Initiatives of Sustainability and Justice. Sustainability is supported in the area of Resiliency by ensuring the capability to respond and recover to immediate needs for individuals, families, and the region. Justice is supported in the Environmental component by placing an urgent focus on communities of color and low-income communities recognizing they historically lacked the same degree of protection from environmental and health hazards.

Respectfully submitted,



NORA VARGAS
Chairwoman, First District



MONICA MONTGOMERY STEPPE
Supervisor, Fourth District

ATTACHMENT(S)

Attachment A - AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY’S POLICE POWER TO PROHIBIT RESIDENTIAL EVICTIONS WITHOUT JUST CAUSE AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES

Attachment B - A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THE REBUILDING OF STRUCTURES IN THE UNINCORPORATED AREA DAMAGED BY JANUARY 2024 CATASTROPHIC STORM EVENT TO BE ELIGIBLE FOR PERMIT FEE WAIVERS.