



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

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January 12, 2021

Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Resolution barring evictions due to the Public Health Emergency arising from the COVID-19 virus.

Dear Board Members:

RECOMMENDATION: Consider adopting Resolution barring evictions of residential tenants for nonpayment of rent due to the Public Health Emergency arising from COVID-19 effective February 1 through June 30, 2021.

SUMMARY: In order to prevent housing displacement while the significant increase in COVID-19 cases is occurring, the proposed Resolution (Attachment 1) would prevent evictions of residential tenants that are related to loss of income from COVID-19. This Resolution would take effect when the State protections expire on February 1, 2021, and extend the moratorium on evictions for residential tenants to June 30, 2021.

DISCUSSION: The proposed Resolution reinstates the local eviction moratorium previously adopted by your Board on July 28, 2020 which expired on September 30, 2020 and was replaced by Statewide protections. This date aligns with the expiration of the Statewide protections under Assembly Bill 3088.

The proposed Resolution would provide stability to the residential renter community in Marin County who are impacted by COVID-19 by preventing evictions and late fees. The Resolution would continue to apply to all cities, towns, and unincorporated areas of the County.

Canal Policy Working Group

The proposed Resolution would support the work of the Canal Policy Working Group (CPWG). In August 2020, a coalition of organizations representing community, health, education, and business sectors sent a letter to local elected officials highlighting the disproportionate impact that the COVID-19 pandemic has had on low income Latinex communities in Marin County. The collaboration called for action to protect Marin County residents hardest hit by the COVID-19 pandemic, with the aim to best position the community for recovery. With local elected officials and staff from the City of San Rafael and the County, they formed the Canal Policy Working Group to consider policies to address the needs of those hardest hit by the pandemic. On November 3, 2020 your Board adopted Resolution 2020-119, affirming the Board's commitment to support the historically marginalized residents who have been disproportionately impacted by the COVID-19 pandemic.

The policies under consideration by the CPWG which are focused on housing include:

- Temporary extension of eviction moratorium
- Temporary expansions of protections provided under the current eviction moratorium
- Temporary rent freeze or cap

If moved forward, the last two of these policies would be considered and adopted by each town or city council in the County, and by your Board for unincorporated areas of Marin. Only the eviction moratorium would apply countywide.

BACKGROUND: Your Board has taken actions to protect tenants during the pandemic in three significant areas detailed below: eviction protections, rental assistance and legal assistance.

County Eviction Protections & Rental Assistance

Eviction Protections: Beginning on March 24, 2020, your Board barred evictions of residential tenants for nonpayment of rent due to the Public Health Emergency arising from COVID-19. The last Resolution 2020-84 expired on September 30, 2020. Prior to expiration of those protections, on August 31, 2020 the California Legislature extended similar eviction protections statewide through January 31, 2021, as described in greater detail below.

Rental Assistance: The County and the Marin Community Foundation established an Emergency Rental Assistance Program which has disseminated approximately \$3,000,000 since mid-March 2020 in rental assistance to over 1,470 households with funds from County General funds, Marin Community Foundation and Federal CARES Act through the Community Development Block Grant (CDBG) program. The program received an additional \$2,800,000 in funding through a combination of Marin Community Foundation and CDBG CARES Act funds considered by your Board in December 2020. This program acts in alignment with California’s eviction moratorium (Assembly Bill 3088) by prioritizing assistance to households that have been unable to meet the financial prerequisite of this law, which includes paying at least 25% of total rent due between September 1, 2020 and January 31, 2021 by January 31, 2021. There are approximately 1,500 open inquiries for rental assistance, with about 1,000 new calls that have been added since re-launching the program on December 17, 2020.

Legal Assistance: On September 15, your Board authorized an additional \$310,000 to Legal Aid of Marin for legal services to low-income renters regarding rental modification agreements, rental repayment plans, and potential evictions, and \$90,000 in additional support to the District Attorney’s Consumer Protection Unit to provide mediation services to landlords and tenants to help facilitate rental repayment to modification agreements prior to the initiation of eviction proceedings.

State Eviction Moratorium

On September 1, Governor Newsom signed AB 3088, the COVID-19 Tenant Relief Act of 2020. This law, effective August 31, 2020, provides protections against eviction for tenants who have been unable to pay rent due to financial hardship related to COVID-19 through January 31, 2021, and operates in three phases:

- *Phase One:* September 2, 2020 through October 4, 2020, landlords could not proceed with any evictions unless necessary due to urgent habitability problems with the premises.
- *Phase Two:* October 5, 2020 through January 31, 2021, landlords were unable to proceed with eviction cases based on nonpayment of rent following a notice period of 15 days, during which time the tenant may return a declaration to the landlord indicating that the tenant cannot pay rent due to COVID-19 related financial hardship. Tenants who demonstrate this financial hardship cannot be evicted for rental debt accrued between March 1, 2020 and August 31, 2020. The tenant also cannot be evicted for COVID-19 rental debt accrued between September 1, 2020 and January 31, 2021 under these same protections if the tenant pays 25% of the rent and other charges due during this period before this period ends.
- *Phase Three:* Beginning February 1, 2021, landlords will be able to proceed with eviction cases for tenants who failed to pay at least 25% of their rent which came due between September 1, 2020 and January 31, 2021, as well as any tenant who fails to pay timely rent going forward.

Landlords are prohibited from evicting a tenant for unpaid rent accrued between March 1, 2020 and August 31, 2020, if the tenant provided the landlord with a declaration stating their finances have been negatively impacted by COVID-19 (high income tenants may be required to submit documentation to verify their financial hardship). Any unpaid rent that is accrued during that time period is converted to consumer debt, which landlords may recover through small claims court.

The Tenant Relief Act includes several other notable provisions:

- Eviction judgments in non-payment of rent cases filed between March 4, 2020 – January 31, 2021, are subject to masking and are not publicly available, regardless of the outcome.
- It prevents local jurisdictions from extending, modifying, or establishing additional eviction protections in response to COVID-19 to protect tenants from eviction not already in place as of August 19, 2020 until after the State protections expire on February 1, 2021.

In addition, on September 1, 2020, the federal Center for Disease Control and Prevention (“CDC”) issued an agency order generally barring evictions throughout the nation through December 31, 2020, and which has been extended to January 31, 2021. The CDC order was not directly applicable in California as it did not apply to States with equal or greater eviction protections already in place.

Potential Future Legislative Action

The California legislature is considering two bills which would provide additional Statewide protections, Assembly Bills 15 and 16. If these bills or other Statewide protections are passed, and/or if additional federal action on evictions occurs, staff would bring this issues back to your Board for further consideration.

CONCLUSION: Because the public health emergency arising from COVID-19 is a fluid and on-going situation, staff and the Board Subcommittee will continue to monitor the situation and may come back to your Board with recommended amendments based on COVID-19 related circumstances affecting the stability of renters in Marin.

REVIEWED BY:

- | | |
|---|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Administrator's Office | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

Respectfully submitted,

Leelee Thomas

Leelee Thomas
Planning Manager

Attachments:

1. Resolution barring evictions due to the Public Health Emergency arising from the COVID-19 virus
2. Memo from the Marin County Health Officer re: County Eviction Moratorium