



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

Brian C. Crawford
DIRECTOR

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

www.marincounty.org/cda

April 28, 2020

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

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

Dear Board Members:

RECOMMENDATION: Amend Resolution 2020-27, adopted on March 24, 2020, to include clarify and incorporate additional tenant protections against evictions for nonpayment of rent due to the Public Health Emergency arising from the COVID-19 virus.

SUMMARY: The proposed Resolution (Attachment 1) amends Resolution 2020-27, which established a moratorium on evictions that are related to loss of income from the COVID-19 virus until May 31, 2020, and adds a provision providing up to 90 days after the expiration of the Resolution to repay back rent.

BACKGROUND: On March 24, 2020 your Board adopted Resolution 2020-27 barring evictions due to the Public Health Emergency arising from with the COVID-19 virus (Attachment 2). Your Board adopted the Resolution in response to the statewide declaration of emergency issued by Governor Newsom, and a Shelter In Place order directing residents to shelter at home. The order limited activity, travel and business functions to only the most essential needs. Since that time, the Shelter In Place Order has been extended and expanded. The amended Resolution addresses changes as recommended by the Board Subcommittee on Affordable Housing.

DISCUSSION: This Resolution amends the eviction moratorium previously adopted by your Board, and builds upon actions taken on the state level by the Governor of California and the Judicial Council of California. On March 27, 2020, California Governor Gavin Newsom issued Executive Order N-37-20, which seeks to minimize residential evictions for renters through May 31, 2020. This Order establishes procedural protections for renters who are already in the process of being evicted and those affected by COVID-19. Specifically, this Executive Order extends the deadline for a tenant to formally respond to an eviction complaint from 5 days to 60. Additionally, the Order temporarily prohibits the eviction of a residential tenant who is able to demonstrate that nonpayment of rent is directly caused by COVID-19-related reasons.

On April 6, 2020, the Judicial Council of California adopted emergency rules suspending the action on eviction cases once they have been filed as part of an effort to create consistency in the state court system. Under these rules, courts may not issue a summons on a tenant, or enter a judgment against a tenant who doesn't respond to a summons. Additionally, the rules suspend judicial foreclosures, postpone hearing dates for pending eviction trials by at least 60 days, and will apply to all cases

except where an eviction action is necessary to protect public health and safety. The emergency rules will remain in effect through 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council. However, it does not prevent a landlord from issuing a notice related to an eviction. The proposed Resolution provides additional protection by preventing a landlord from initiating any eviction actions.

The proposed Resolution is intended to provide stability to the renter community in Marin County who are impacted by the COVID-19 virus. The Resolution would apply to all cities, towns and unincorporated areas of the County and includes the following amendments:

- Adds definitions to provide clarity for landlords and tenants
- Adds a provision providing up to 90 days after the expiration of the Resolution to repay back rent; in recognition that financial impacts from COVID-19 will extend beyond the expiration of the Resolution
- Adding language to encourage landlords and tenants to agree on a payment plan during the Moratorium period, including payment of partial rent, if tenants are able to make such payments
- Before taking any action or changing the terms of the lease, requiring a landlord to provide a written notice of the Eviction Moratorium Resolution using a form developed by the County
- Prohibits landlords from harassing or intimidating tenants for acts or omissions expressly permitted pursuant to the Eviction Moratorium Resolution.

CONCLUSION: The Resolution amends includes the eviction moratorium adopted by your Board on March 24, 2020 and expands on the protections included in that Resolution to address concerns related to the ongoing COVID-19 pandemic.

REVIEWED BY:

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

Respectfully submitted,

 Expired certificate

X 

Signed by: lthomas@marincounty.org

Leelee Thomas
Planning Manager

Attachments:

1. Resolution barring evictions due to the Public Health Emergency arising from the COVID-19 virus
2. Board packet from March 24, 2020