

COMMUNITY DEVELOPMENT AGENCY

HOUSING AND FEDERAL GRANTS DIVISION

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May 26, 2020

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

**SUBJECT:** Amend resolution barring evictions due to the Public Health Emergency arising from the COVID-19 virus to extend through June 30, 2020 for residential tenants only.

Dear Board Members:

**RECOMMENDATION:** Consider amending Resolution 2020-40, adopted on April 28, 2020, barring evictions for nonpayment of rent due to the Public Health Emergency arising from COVID-19 by removing protections for commercial tenants and extending protections for residential tenants through June 30, 2020.

**SUMMARY:** The proposed Resolution (Attachment 1) amends Resolution 2020-40, which extended the County's moratorium on evictions that are related to loss of income from COVID-19 for residential and commercial tenants through May 31, 2020. This updated Resolution would remove protections for commercial lease holders and extend the moratorium on evictions for residential tenants only to June 30, 2020.

**BACKGROUND:** On April 28, 2020 your Board adopted Resolution 2020-40 updating and amending Resolution 2020-27 which established a moratorium on evictions for commercial and residential tenants in Marin County due to the Public Health Emergency arising from COVID-19. Your Board adopted the prior Resolutions in response to the statewide declaration of emergency issued by Governor Newsom and the Shelter In Place order issued by the Marin County Health Officer directing residents to shelter at home and suspending all non-essential activity. The Order limits activity, travel and business functions to only the most essential needs, with certain restricted exceptions. This amended Resolution includes changes recommended by the Board Subcommittee on Affordable Housing and requested by several Marin cities and towns.

**DISCUSSION:** This Amended Resolution revises the eviction moratorium previously adopted by your Board through two significant amendments: 1) Removes applicability for commercial tenants and 2) Extends the Resolution to remain in effect through June 30, 2020. Removal of protections for commercial tenants is being recommended at this time upon request of select cities in the County. City officials have requested removal of protections for commercial tenants based on an understanding that businesses do not require protection from eviction because commercial landlords are incentivized to keep their tenants as the economic downturn has reduced demand for retail space.

The Amended Resolution would continue to operate in conjunction with the Governor's COVID-19 Emergency Declaration and the Judicial Council of California's actions to provide statewide protections to renters affected by COVID-19 who are already in eviction proceedings. On April 6, 2020, the Judicial Council of California adopted temporary emergency rules that provide additional protections for tenants in eviction court proceedings by suspending action on all eviction court cases and judicial foreclosures, except where an eviction action is necessary to protect public health and safety. These rules remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted or the order is otherwise amended. The County Resolutions provide additional protections for tenants as the Judicial Council Emergency Rules do not prevent a landlord from initiating an eviction by issuing or posting a notice to evict.

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

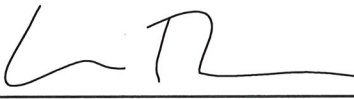
**CONCLUSION:** The proposed Resolution would amend the eviction moratorium adopted by your Board on April 28, 2020 to remove protections for all commercial tenants and to extend protections for residential tenants through June 30, 2020. The public health emergency arising from COVID-19 is a fluid and on-going situation. The Subcommittee indicated that they will continue to monitor the situation and may come back to your Board with recommended amendments as the situation develops.

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,

5/20/2020

X 

Signed by: lthomas@marincounty.org

Leelee Thomas  
Planning Manager

  
Brian C. Crawford  
Director

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