



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

June 8, 2021

Thomas K. Lai
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
www.marincounty.org/plan

Board of Supervisors
County of Marin
3501 Civic Center Drive, Suite 329
San Rafael, California 94903

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

Dear Board Members:

RECOMMENDATION: Consider adopting Urgency Ordinance barring evictions of residential tenants for nonpayment of rent due to the on-going impact of the Public Health Emergency arising from COVID-19 through September 30, 2021.

SUMMARY: To prevent housing displacement due to the significant and on-going impact from the COVID-19 pandemic, the proposed Urgency Ordinance (Attachment 1) would prevent evictions of residential tenants for nonpayment of rent that are related to loss of income from COVID-19. The State eviction protections are currently scheduled to expire on June 30, 2021. This Urgency Ordinance would extend the moratorium on evictions for residential tenants in unincorporated Marin through September 30, 2021.

DISCUSSION: The proposed Urgency Ordinance reestablishes the local eviction moratorium previously adopted by your Board that was superseded by the State Legislature adopting AB 3088 and SB 91. The proposed Urgency Ordinance would provide stability to the residential renter community in Marin County who face on-going impacts from COVID-19, by preventing evictions and late fees for nonpayment of rent due to COVID-19 financial loss. Federal and state rental assistance funding is available through September 30, 2021 to help mitigate the pandemics' financial impacts on Marin County property owners and renters, many of whom have not completely recovered. Extending the eviction moratorium would allow the County and its partners to make funds available from these sources. The Urgency Ordinance would apply to unincorporated areas of the County only.

BACKGROUND: Your Board has taken actions to address the impacts on renters and rental property owners during the pandemic in three significant areas detailed below: eviction protections, legal assistance, and 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 2021-03 was preempted by similar statewide eviction protections through Senate Bill 91.

Legal Assistance: On September 15, 2020, 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.

Rental Assistance: The County of Marin received two awards from the federal Consolidated Appropriations Act of 2021 for rental assistance to address the impact of the COVID-19 pandemic on low-income renters¹. On February 9, 2021, your Board accepted an award of Emergency Rental Assistance in the amount of \$7,695,346.50 from the US Treasury. On April 13, 2021, your Board accepted an award in the amount of \$9,441,174.40 for Rental Assistance from the State Department of Housing and Community Development (HCD) through the State Block Grant program, resulting in a total of \$17,136,520.90. Under the provisions of the State Senate Bill 91, when the County accepted the award from the State, the Treasury funds had to be aligned with the State funds. Generally, 65% of funds must be obligated by September 30, 2021 and will expire on December 31, 2021. However, as per the requirements of SB 91, no less than 65 percent of block grant funds must be obligated no later than June 1, 2021. At this time, jurisdictions that have not obligated 65 percent of their total must demonstrate to the HCD's satisfaction that they have the capacity and resources to contractually obligate the appropriate amount of block grant funds prior to the federal deadline and obtain a recapture waiver.

To administer the program, the County hired two coordinators and entered into contracts with local community-based organizations to provide six full-time bilingual, bicultural staff to the program. The County is also hiring five County Service Workers, three of whom are bilingual. In addition, Disaster Service Workers from the County and the City of San Rafael continue to assist with the program. As required by SB 91, the County developed software that will meet all of the requirements of the Rental Assistance Program as required by both the Consolidated Appropriations Act 2021 - the Emergency Rental Assistance Program (ERAP) and the State Senate Bill 91, including providing an on-line application for both tenants and landlords, robust program tracking, and required reporting.

The Rental Assistance program has paid out \$2,558,718.25 in seven weeks to 191 extremely low income (ELI) households². Currently over 1,200 households are waiting for assistance, including 1,063 in the County's database and approximately 150 who are not eligible and are seeking rental assistance from another source.

On May 20, 2021 the County applied for a second round of Emergency Rental Assistance 2 funds in the amount of \$9,441,174.40 from the US Treasury. These funds are through the American Rescue Plan and the award is pending.

The County's Rental Assistance program has been in operation since the start of the pandemic, which has disseminated approximately \$3,000,000 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.

¹ Low income is 80% of area median income, in Marin County a household of three with an income of \$131,750 is considered low income.

² A household of three with an income of \$49,350 or less is considered ELI.

Potential Future Legislative Action

The state reports that only \$20 million of the \$2.6 billion in the state’s Emergency Rental Assistance Program (ERAP) has been distributed to eligible landlords and tenants. With the deadline for expenditures of rental assistance and the expiration of the Statewide eviction moratorium, the California legislature is expected to pass legislation which would streamline the delivery of rental assistance and extend the expenditure deadlines and the eviction moratorium.

CONCLUSION: Because the impact of the public health emergency arising from COVID-19 is a fluid and on-going situation, staff and the Board Subcommittee, comprised of Supervisors Connolly and Rodoni 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 and property owners in Marin.

EQUITY IMPACT: The 2020 Marin County Analysis of Impediments to fair housing choice illustrated racial disparities in housing, largely tied to the impacts of historic housing policies and practices that prevented equal opportunity in housing accessibility, quality, and financing. While over two thirds of non-Hispanic white residents are homeowners, roughly three quarters of both Black/African American and Hispanic/Latinx communities in Marin are renters. The proposed Rental Assistance program will protect renters, who are disproportionately people of color, against displacement. It is a County priority that these funds are distributed in an equitable manner, ensuring that those most impacted by the COVID-19 pandemic are served with dignity, respect, and compassion regardless of their circumstances, including but not limited to their race, ethnicity, immigration status, criminal record, disability, gender or sexual identity. The County recognizes that those most in need of pandemic related rental assistance are often also those for whom barriers to accessing such a program are the highest. Staff will continue to seek to identify barriers and make adjustments to the program as needed. The program will provide priority to extremely low and very low-income households.

FISCAL IMPACT: There would be no fiscal impact on the general fund from this action.

REVIEWED BY:

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|---|---|
| <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. Urgency Ordinance barring evictions due to the Public Health Emergency arising from the COVID-19 virus