

STATE AND COUNTYWIDE EFFORTS TO PROTECT RESIDENTIAL AND COMMERCIAL TENANTS FROM BEING EVICTED DURING THE COVID-19 EMERGENCY

Special Meeting - April 15, 2020

Background

- Many residential tenants in the City have experienced, or expect to experience, a sudden and unexpected income loss due to the COVID-19 emergency. Further economic impacts are anticipated, leaving tenants vulnerable to eviction.

Background (cont.)

- For commercial tenants, some businesses have had to stop operations, while others are seeing a sharp drop in revenue. It is now difficult for some commercial tenants to pay workers and suppliers. The loss of business income as a result of COVID-19 may inhibit City businesses from fulfilling their financial obligations, including payment of rent.

Governor's Executive Orders

- March 16, 2020 - Executive Order N-28-20
 - Permits local governments to exercise their police power to impose substantive limitations on residential and commercial evictions under specified circumstances related to the COVID-19 pandemic or government response to COVID-19.

Governor's Executive Orders (cont.)

- March 27, 2020 - Executive Order N-37-20
 - Extends the time for a residential tenant to respond to an eviction lawsuit by 60 days (from the normal 5 court days to respond) if the tenant was current on rent and demonstrates loss of income due to COVID-19.
 - Suspends execution of writs of possession by the sheriff by 60 days if the tenant satisfies the same criteria.

Alameda County Board of Supervisors

- On March 24, 2020, the Alameda County Board of Supervisors adopted an urgency ordinance establishing a temporary moratorium on residential evictions resulting from loss of income, increased medical expenses or childcare needs due to COVID-19 in unincorporated areas.
- On March 31, 2020, the Board amended the ordinance making it apply to all cities in the County in addition to the unincorporated areas.

California Judicial Council

- The Judicial Council is the policymaking body for California's state court system.
- On April 6, 2020, the California Judicial Council approved a temporary emergency order which essentially stops all unlawful detainer actions in the state.

California Judicial Council (cont.)

- The Judicial Council's order will apply to all courts in the state.
- Under the order, courts may not issue a summons on an unlawful detainer complaint until 90 days after the Governor declares the State of Emergency related to the COVID-19 pandemic is lifted.

California Judicial Council (cont.)

- This rule applies to all new unlawful detainer actions – whether or not the eviction action is related to nonpayment of rent for COVID-19 reasons.
- The only exception is for an unlawful detainer action necessary to protect public health and safety.

Recommendation

- It is recommended that the City Council adopt a resolution supporting these Statewide and Countywide efforts that have been taken to protect residential and commercial tenants from being evicted during the COVID-19 national, state, and local emergency when experiencing a loss of income, increased medical costs or childcare needs due to COVID-19.

Questions

Discussion

Motion