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Marin tenants given extra 90 days to repay back rent

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Residential and commercial tenants in Marin will have 90 days after a countywide moratorium on evictions expires on May 31 to repay back rent.

The Marin County Board of Supervisors unanimously approved a resolution on Tuesday granting the additional time over some public objections. Tenant advocates called for a longer repayment period to prevent displacement. Commercial landlords said no action was needed.

“Our goal was to strike the right balance,” said Supervisor Damon Connolly. “On the one hand providing strong tenant protections in this unprecedented crisis but also not driving small landlords out of business.”

Connolly said it was important that extra time for repayment be provided to commercial tenants as well as residential tenants.

“There are programs providing some relief to small businesses through the CARES Act and related Small Business Administration loan programs,” he said, “but as we know that has been sporadic in actually addressing the funding needs for small businesses.”

The resolution also encourages landlords and tenants to agree on a payment plan during the moratorium period and provides additional protections to tenants, such as prohibiting landlords from harassing or intimidating them in hopes of extracting rent during the moratorium.



The supervisors' action amends the resolution adopted on March 24 placing a moratorium on evictions for nonpayment of rent if tenants can demonstrate economic hardship due to the coronavirus emergency. It applies to all cities and towns in Marin as well as the unincorporated areas.

So far, Marin County and the Marin Community Foundation have jointly allocated more than \$2.5 million to provide loans to Marin residents who are unable to pay their rent due to the economic fallout from the virus.

"It's important to remember that it's helping small businesses and larger businesses who are the landlords," Leelee Thomas, a Marin County planning manager, told supervisors Tuesday. "When tenants receive that rental assistance those landlords are getting paid with the money."

Advocates for renters, such as the Marin Organizing Committee and Legal Aid of Marin, have called on supervisors to adopt an ordinance giving tenants at least 180 days after the local state of emergency expires to repay rent owed to landlords. No date has been set for the emergency declaration to be lifted.

On April 6, the Judicial Council of California suspended action on eviction cases until 90 days after Gov. Gavin Newsom declares the state of emergency over. Thomas said the council's action, however, does not prevent landlords from issuing notices related to eviction that might be used to intimidate renters in the meantime.

The supervisors conducted the Tuesday meeting by video conference to maintain social distancing. Members of the public participated by submitting email comments, and the comments were read aloud by a supervisors' aide.

Tom Gable, pastor of Marin Lutheran Church and a member of the Marin Organizing Committee, wrote, "We are particularly supportive of the new language that prohibits harassment, allows tenants to self-certify their inability to pay, and requires tenants to be notified of their rights before an landlord can take action in court."

"However," Gable said, "we know 90 days is an impossible timeline for renters to repay rent they missed during the shelter-in-place order. We risk spawning a second public health crisis if we allow Marin families to be thrown out of their homes as a result."

The Marin Organizing Committee submitted statements from nearly a dozen low-income families who are out of work and on the brink of homelessness because of the virus crisis.



Although no commercial landlords submitted comments during the meeting, several supervisors mentioned they had received negative feedback.

In an email sent to Connolly prior to the meeting, Roger Smith, a commercial property owner, asked the supervisors to postpone the action with respect to commercial leases.

“No rational landlord would want to risk a vacancy in the middle of this pandemic,” Smith wrote, “In fact, every commercial property owner I know is working very hard to accommodate their tenants’ needs during the crisis while balancing that against their own obligations.”

Smith added that he knows of “large, sophisticated business tenants with access to credit markets” who are withholding rent and effectively using their landlords as a source of financing.

In another email to Connolly, Stephanie Plante, also a Marin commercial property owner, wrote, “I have received more than one solicitation from large, national retail chains asking for rent forgiveness of 50% or more because ‘we understand many landlords are providing short-term rent relief.’”

“Often, these tenants were also recipients of the first round of federal monies through the PPP loans,” she said, referring to the federal Paycheck Protection Program.

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