

LOCAL NEWS

Marin supervisors urged to head off eviction surge

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Advocates for renters are warning that Marin County could face a wave of eviction proceedings beginning Tuesday unless supervisors act quickly.

“With the Judicial Council’s ban on evictions set to expire on Sept. 1, Marin’s courts will open for some types of evictions next month,” Sami Mericle, a representative of the Marin Organizing Committee, told supervisors at their meeting Tuesday. “We hear that hundreds of evictions will be initiated in the coming weeks for tenants not covered by the moratorium.”

“Thousands more may be evicted in October when the (county) moratorium expires,” Mericle said, “and in January when the repayment period ends unless the board acts now.”

The countywide moratorium on evictions remains in effect through the end of September. Under the moratorium, renters will have an additional three months after the eviction ban expires to pay back missed rent.

Lucie Hollingsworth, a senior attorney with Legal Aid of Marin, said that doesn’t mean that no eviction proceedings can begin before January.

“What we’re really concerned about,” Hollingsworth said, “is that there are landlords out there that will allege that the tenants didn’t provide notification or adequate backup documentation within the seven-day time limit.”

“Those cases can start Sept. 2,” she said. “And those cases will have to be individually litigated on the facts, which is going to be very time consuming.”



Under the resolution that mandated Marin's moratorium, renters who can't pay their rent are required to provide their landlord with documentation "or other information" to demonstrate that COVID-19 is the reason for their failure to pay. The resolution says the tenants who lack access to documentation "can describe and verify the adverse financial impacts."

Hollingsworth said she has discussed the situation with the three Marin County Superior Court judges who handle eviction cases.

"Their concern is that there could be 100 to 200 cases just in September," she said.

In addition to evictions involving failure to pay rent, there are evictions where landlords assert that the tenant is causing a nuisance or violating the lease.

In some cases, there are also "no-fault" evictions where tenants are forced to vacate due to no fault of their own. This might occur, for example, if the landlord decides to live in the home.

Also, Hollingsworth said, there are eviction cases left over from before the Judicial Council's ban took effect.

Under the Judicial Council's Rule 1, which ends Sept. 1, all eviction proceedings were prohibited except for unlawful detainer actions necessary to protect public health and safety.

Hollingsworth said she expects a high percentage of the eviction proceedings in Marin to involve members of the county's Latino community, which has accounted for a majority of Marin's coronavirus infections and is suffering economic damage from the pandemic.

She said Latinos accounted for two-thirds of the 3,000 Marin residents who have sought financial assistance to pay their rent since the pandemic began.

Mericle told supervisors, "Being forced out of their homes poses a serious health threat both to these families and the broader community. And as we head into another harrowing fire season that will create many evacuees and refugees the demand for cheaper housing and temporary accommodations is going to be stretched."

Omar Carrera, executive director of Canal Alliance in San Rafael, wrote in an email that the importance of "meeting the housing needs of essential workers, who are the engine of the economy, can't be understated."



“Now more than ever,” Carrera wrote, “we need our local leaders to implement policies to prevent mass evictions and to invest in organizations like Legal Aid of Marin to ensure that all low-income tenants have access to legal representation.”

The Marin Organizing Committee is calling for the supervisors to take five steps to protect renters: amend Marin’s eviction moratorium through December; prohibit evictions based on rental debt accrued during the coronavirus crisis; freeze rent increases and late fees during the state emergency; provide more time for renters to pay back rent; devote more funds to rental assistance and legal services.

Mericle said, “Part of our emergency response needs to be keeping people who are already housed in their homes. Evictions are not just a housing problem. They are an economic problem, a public health problem, an emergency response problem and a racial justice problem.”

Hollingsworth said the Marin Superior Court, which is hearing cases online because of the pandemic, is trying to figure out the logistics of how to handle all the eviction cases, particularly since many of them will require translators.

She said Legal Aid of Marin’s three housing attorneys are already working 10- and 12-hour days.

On Friday, Gov. Gavin Newsom and state Assemblyman David Chiu, D-San Francisco, announced a new compromise bill, AB 3088, that would provide a greater level of statewide protection to tenants who have been unable to pay their rent.

The bill — the result of negotiations between the governor’s office and advocates for tenants and landlords — would provide fewer renter protections than Chiu’s AB 1436.

Under AB 3088, known as the COVID-19 Tenant Relief Act of 2020, rent unpaid between March 1 and Aug. 31 would be converted to civil debt so landlords could take tenants to small claims court but not evict them.

Tenants who fail to pay at least 25% of their rent between Sept. 1 and Jan. 31, however, will be subject to eviction. The remaining 75% of their rent will likewise be converted to civil debt.

If the bill becomes law, cities and counties will no longer be allowed to extend their eviction moratoriums, although existing eviction bans will be grandfathered in.

The aim is to get the AB 3088 passed by both houses of the Legislature and approved by the governor before Monday, when the Judicial Council’s moratorium ends. The bill must be approved by a two-thirds vote of the Legislature in order for it to take effect immediately.



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