

LOCAL NEWS

Marin interests call state eviction law insufficient

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Marin advocates for both tenants and landlords said Tuesday that they view a new state law restricting evictions as an imperfect attempt to address the state's housing crisis.

AB 3088, titled the Tenant, Homeowner, and Small Landlords Relief and Stabilization Act, was approved by both houses of the Legislature on Monday, the final day of the legislative session. Gov. Gavin Newsom signed it.

The law extends eviction protections for renters statewide to Feb. 1, but there are a number of caveats.

"It's certainly a step in the right direction," said Sami Mericle, a representative of the Marin Organizing Committee, "but it is really only a temporary fix. It doesn't address the problem of evictions unrelated to nonpayment of rent. We know there is still a lot more to be done."

Omar Carrera, executive director of Canal Alliance in San Rafael, said, "We welcome the decision to extend eviction protections for another five months. But what the state does should be the floor and not the ceiling. We still need local policies to complement the work the state is doing."

Lucie Hollingsworth, a senior attorney with Legal Aid of Marin, said, "I'm supportive of it, but we definitely need more. It still leaves our low-income communities and communities of color very vulnerable to evictions."



Joby Tapia, secretary of the Marin Rental Property Association, said, “It feels like they’re kicking the can down the lane. It doesn’t do anything to help the small landlords that own more than four units in a building.”

Under AB 3088, rent unpaid between March 1 and Aug. 31 will be converted to civil debt if delinquent renters submit a sworn declaration that COVID-19 was the reason for their nonpayment within 15 days of being served an eviction notice. The law permits landlords to begin seeking payment of unpaid rent in small claims court beginning in March.

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.

Supervisor Dennis Rodoni wrote in an email Tuesday that while he was pleased the state took action, he is “concerned that many families will not be able to make the repayments in the time allowed or even pay 25% of their rent when due.”

“The eviction restrictions may not be broad enough,” Rodoni wrote, “reflecting not only the pandemic, but now the fires, and the slow recovery of many sectors of our economy, leaving many tenants unemployed.”

Under the new law, cities and counties are barred from extending moratoriums on evictions that are caused by nonpayment of rent. Existing eviction bans, however, have been grandfathered in. Marin County’s moratorium on evictions is due to expire at the end of September.

On Aug. 25, the Marin Organizing Committee called on supervisors to take a number of actions to prevent a flood of evictions when the Judicial Council’s ban on evictions ended on Tuesday. The Marin County Sheriff’s Office already has two eviction enforcement actions in progress. Extending the county’s moratorium through December was one of the actions.

Mericle said while that is no longer possible, MOC continues to urge supervisors to take immediate action to declare a moratorium on evictions unrelated to nonpayment of rent. MOC is also calling on the supervisors to freeze rent increases and late fees for the duration of the state of emergency, and to provide funding for rental assistance and legal services.

“We’re absolutely still seeing rent increases,” Mericle said. “It’s bad public policy right now to allow people to be kicked out of their homes for any reason if we want to get a handle on COVID-19.”



Carrera said he hopes local government officials will use the breathing space provided by the new law to develop “new policies that will protect essential workers who are the engines of our economy.”

Carrera said renters will need to be educated about the new law and many will need legal representation.

Hollingsworth said, “It’s going to be really hard to put that information into a user-friendly format and disseminate it.”

Tapia said AB 3088 provides some temporary relief to landlords who own up to four rental units.

“The measure prevents foreclosure actions against single-family homeowners and owners of multi-family properties up to four rental units through Jan. 1, 2023,” Tapia said, “provided they can document pandemic-related financial hardships.”

However, he said no foreclosure protection is provided for property owners who own more than four units. In addition, he said a significant portion of the back rent being converted to civil debt might not be collectable by landlords.

“They’re putting a Band-Aid on a very, very large open wound,” Tapia said. “This is not a single-sided issue. It is a very complex economic issue that needs more complex legislation to assist all parties involved.”

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