

Marin supervisors extend moratorium on residential evictions

By **RICHARD HALSTEAD** | PUBLISHED: May 26, 2020 | UPDATED: May 27, 2020

A countywide moratorium on residential evictions to protect tenants who can't pay rent due to the coronavirus pandemic will extend through June 30. Marin County supervisors took the action on Tuesday. It is the third extension of the moratorium, which was due to expire on May 30. On March 24, the supervisors adopted a moratorium that extended through April 30. On April 24, the supervisors moved the deadline to the end of May.



Sami Mericle, a representative of the **Marin Organizing Committee**, thanked the board for acting to further protect vulnerable renters during the health emergency but urged supervisors to “continue to explore ways to keep workers housed for the duration of the public health crisis and the economic recession that is already upon us.”

“An additional month of breathing room will still not be enough time for households who have lost several months of income,” Mericle said. “Even once the shelter-in-place is fully lifted, we expect the demand for jobs such as gardeners, house cleaners and restaurant workers will still be diminished, leaving many people unemployed.”

The latest extension does not protect commercial tenants, at the recommendation of county staff.

“The recommendation is based on feedback that we’ve received from several cities and towns,” Leelee Thomas, a Marin County planning manager, told supervisors.

When the supervisors renewed the moratorium in April, they heard from commercial property owners who argued that the moratorium was unnecessary for commercial tenants because no rational landlord would want to risk a vacancy in the middle of a pandemic.

The property owners said some sophisticated business tenants with access to credit markets were withholding rent as means of using their landlords as a source of financing.



San Rafael Mayor Gary Phillips and San Rafael Councilman Andrew McCullough both wrote emails expressing their agreement with this point of view.

When the supervisors extended the moratorium in April, they also prohibited any evictions based on nonpayment of back rent for an additional 90 days after the county's eviction moratorium ended.

Thomas said that means commercial landlords could initiate eviction proceedings against their tenants based on their failure to pay rent beginning in June, but they would have to wait 90 days to seek an eviction based on unpaid back rent.

Likewise, following Tuesday's action, residential tenants will have 90 days to pay their back rent after the moratorium expires on June 30.

"It's not going to make a huge difference," said Joby Tapia, secretary of the Marin Rental Property Association, regarding the extension for residential tenants.

Tapia said that is because on April 6, the Judicial Council of California suspended action on all eviction cases until 90 days after Gov. Gavin Newsom declares the COVID-19 state of emergency over. Tapia said even after the court begins hearing cases again there will be a large backlog that will further delay action.

Tapia said he had also seen data indicating that the number of Marin renters failing to pay their rent is lower in Marin than in some other parts of the Bay Area.

"The reality is that any impact is likely to be minimal," Tapia said. "Nevertheless, the supervisors' action is forcing one stakeholder group to subsidize the economic downturn. The majority of Marin landlords are not institutional property owners with deep pockets. For some, rents are their sole income, needed to cover day-to-day operational expenses."

Keith Stahnke, one of the members of the public to comment during Tuesday's supervisors' meeting, said his father, an 87-year-old former construction worker living on a fixed income, is struggling financially because he can't evict a tenant who owes him \$11,000 in back rent.

He said the tenant's failure to pay his rent preceded the pandemic. The tenant's eviction was scheduled on the day the Judicial Council froze the process.

Thomas said the Judicial Council's action, unlike the county's resolution, fails to prevent landlords from issuing eviction notices that will allow them to move forward as soon as legally allowed and might be used to intimidate renters in the meantime.

Mericle said the county should provide funding to Legal Aid of Marin to ensure that the moratorium is not being violated.

"This moratorium is not self enforcing," Mericle said. "Rights mean little without access to legal services."