

Marin County extends eviction ban through September

By **MATTHEW PERA** | July 30, 2020 at 6:33 a.m.

Marin County supervisors have extended a ban on renter evictions through the end of September in an effort to prevent tenants from losing their homes during the coronavirus pandemic.

Supervisors voted unanimously on Tuesday to approve the two-month extension. The temporary ban was first enacted in March and extended in April, May and June. It was set to expire July 31.

Under the countywide moratorium, a landlord cannot evict a residential tenant who is unable to pay rent due to financial losses stemming from the pandemic. Those can include increased child care expenses because of school closures, or lost wages due to reduced hours or layoffs.

A tenant must notify a landlord of inability to pay rent within 30 days after rent is due and provide documentation of coronavirus-related financial hardship. Tenants have three months to pay back missed rent after the eviction ban expires, and landlords cannot charge late fees.

Julia Kiely, a member of the **Marin Organizing Committee**, urged the supervisors to bolster funding for legal services for tenants facing eviction. She said the moratorium is “not self-enforcing.”

“Safe, secure housing is critical to both healthy outcomes and controlling community spread of the virus,” Kiely said.

Lucie Hollingsworth, a senior attorney with Legal Aid of Marin, urged the supervisors to consider ways to help renters who are unable to pay back missed rent after the ban expires to “stem the tidal wave of evictions that looms.”

“An extension only serves as a temporary Band-Aid,” Hollingsworth said. “Expecting tenants to come up with thousands of dollars in back-rent when the moratorium expires is unrealistic.”

Barbara Squires, a renter in Greenbrae, asked the supervisors to enact a ban on rent hikes. She said she is facing a rent increase in September at the apartment complex where she lives.

“This is causing tremendous stress among all of us,” Squires said.

Marin has recorded unprecedented unemployment rates during the pandemic, highlighting the economic toll of the health crisis. The highest-ever recorded rate was in April, at 11.3%. Last month, one in 10 workers in the county was jobless.

Statewide, more than 7.1 million Californians applied for unemployment benefits since stay-at-home orders in March plunged the economy into a downturn.

With so many out of work, rent collections tumbled. Sixteen percent of California renters said they failed to pay their June rent on time, according to the U.S. Census' latest Household Pulse Survey. Thirty-five percent said they have little or no confidence they'll be able to pay the rent on time in August.

A statewide moratorium on evicting tenants during the coronavirus pandemic could end in the next two and a half weeks, unless lawmakers reinstate the ban.

California Chief Justice Tani Cantil-Sakauye, who chairs the state Judicial Council, announced last week she plans to hold a vote "very soon," ending the ban on Aug. 14. She said it's up to the governor and state lawmakers to fashion future tenant protections during the pandemic.

The Judicial Council, which oversees the state's court system, imposed the eviction ban on April 6, effectively freezing court action on all eviction cases, except to protect public health and safety.

The emergency order was set to expire 90 days following the end of the coronavirus state of emergency, which still is in effect.

The April vote also included a ban on court-processed foreclosures, although foreclosure proceedings typically take place outside the California court system.

In her statement Friday, Cantil-Sakauye emphasized the bans were temporary. The court system acted to keep people in their homes during the shelter-in-place orders, she said.

The Legislature was not in session at the time and, therefore, was unable to respond to those needs, she said. But lawmakers were scheduled to return Monday.

"The remedies ... are best left to the legislative and executive branches of government," Cantil-Sakauye said. "I want to give the two branches enough notice that the council will very soon resume voting to terminate these temporary orders."

Two bills aimed at protecting renters from evictions while giving them more time to repay back rent are pending in the Legislature.

SB 1410 by Sen. Anna Caballero, D-Salinas, would halt evictions and give tenants until 2034 to repay missed rent by making payments to the state along with their taxes. It also would give landlords tax credits equal to the amount they failed to collect from their tenants. The bill passed the Senate on June 26 and is now before the Assembly Judiciary Committee.

Under AB 1436 by Assembly member David Chiu, D-San Francisco, evictions would be banned until three months after the state of emergency ends or April 1, 2021, whichever comes first. Tenants will have an additional 12 months to repay back rent if they experienced COVID-related hardships. That bill passed in the Assembly on May 29 and is now before the Senate Judiciary Committee.

“Preventing a wave of evictions and foreclosures is critical to stabilizing our economy and keeping our communities healthy,” Chiu said in a statement Tuesday.

Landlord groups, meanwhile, have opposed eviction bans, saying some small landlords are being devastated by missed payments and arguing that some tenants are taking advantage of the pandemic to skip rent.

The Southern California News Group contributed to this report.