

Eviction moratorium extension 6/21/22 meeting agenda item 5

Gina Guillemette [Redacted]

Mon 6/20/2022 1:58 PM

To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>

📎 2 attachment (411 KB)

Housing Advocacy 6.20.22 Marin CBO sign-on - San Rafael.pdf; Community Action Marin - rental assistance needs 6.20.22.pdf;

Hello -

Attached please find two documents submitted as public comment for the San Rafael City Council's June 21, 2022 meeting, agenda item 5

- Updated sign-on letter in support of the eviction moratorium extension
- Provider data from Community Action Marin

Thank you,
Gina Guillemette



Gina Guillemette
 Chief of Staff
 555 Northgate Dr. Suite 201
 San Rafael, CA 94903
 O 415 526 7538
 M 312.805.2743

camarin.org





Families lead, kids succeed.



June 20, 2022

City of San Rafael

Mayor Kate Colin

Councilmember Maika Llorens Gulati

Councilmember Eli Hill

Councilmember Maribeth Bushey

Councilmember Rachel Kertz

RE: Eviction Moratorium and Protecting Tenants

Dear Esteemed Elected Officials:

We represent a broad coalition of Marin social service, legal aid, tenants' rights, affordable housing, community economic development, and social justice organizations working alongside or on behalf of thousands of Marin residents, especially those with low-incomes, Latino, Black, Indigenous, and People of Color (BIPOC) residents, and people with disabilities who are disproportionately impacted by the current housing crisis.

With the pending expiration of the eviction moratorium on June 30, we write to urge you to take immediate action to protect vulnerable tenants in Unincorporated Marin. Approximately one-third of Marin residents are renters, a percentage which is much higher in communities like the Canal, Southern Marin and Central Novato. Rents are

rising in Marin and throughout the region. We are deeply concerned about the plight of Marinites who may be forced from their homes as a result of the moratorium ending and the negative ripple effects this will create for children and families, as well as on employers and our local social fabric and economy. Other jurisdictions, such as Chula Vista and San Francisco, are enacting affirmative measures to provide relief to low-income tenants. Marin must do the same.

As a matter of urgency, we ask you to adopt the following:

- 1. Extend a non-payment eviction moratorium through September 30, 2022.**
- 2. Provide support for tenants and small landlords** still struggling with the impact of the pandemic by seeking additional rental assistance funding to serve those on the waiting list, and continued support for the CBO/County ERAP collaborative.
- 3. Enact a strong Just Cause eviction ordinance.** This ordinance should close eviction loopholes for substantial repairs and renovations, owner move-ins, and sale of the building, including but not limited to requiring longer notice periods for elderly and persons with disabilities, higher relocation costs, and the right of a displaced tenant to return.

These short-term initiatives are essential to protect low-income Marin renters facing rising rents and precarious living arrangements and are well within the City/County's legal and financial capabilities. They are feasible in the short term and build on successful emergency measures put in place during the ongoing COVID crises.

Extend the Eviction Moratorium to September 30, 2022

Marin's Emergency Rental Assistance Program ("ERAP") and the meaningful partnership with CBOs is one of the most barrier-free and tenant-centered programs in the state. However, the logistical problems of getting the money from ERAP into the hands of landlords are well-documented. The County created the waitlist to capture those ERAP was unable to fund at the time but has taken no discernable steps to apply for the available additional funding. 200+ tenants and landlords have languished on the waitlist since the beginning of January with the reasonable expectation that they would receive help. Then Omicron happened.

Court evictions for non-payment have spiked for those unable to pay April and May 2022 rent, many of whom are also in the ERAP queue prior months. Landlords can still receive large ERAP payments while their tenants are evicted for non-payment after April 2022 rent. The Census Household Pulse Survey estimates that 32 percent of California renter households with pending rental assistance applications were "not at all confident" in their ability to pay April rent. The program is supposed to prevent homelessness but is instead leaving many eligible tenants vulnerable to eviction. Eligible tenants should receive up to the 18 months of assistance provided by law and remain in their homes.

In partnership with the County, we have tirelessly spread the word about ERAP and encouraged tenants to take this lifeline. Now tenants are about to have the rug pulled out from them on June 30. Stop evictions for non-payment through September 30, apply for the additional available ERAP funding, and do what ERAP was intended to do, which is keep people in their homes while they regain their financial footing.

Support Tenants and Landlords Still Struggling with Pandemic Impacts

ERAP has a silver-lining. Previously siloed County departments and CBOs worked closely to support tenants during the Pandemic through weekly meetings and constant communication. This collaboration must be allowed to formally continue as we transition from ERAP to long-running rental assistance programs that benefit tenants as well as landlords. Funding both the collaboration and additional, low-barrier rental assistance programs is necessary to support low-income tenants recovering from the pandemic.

CBOs also need more time to help tenants. A 3-day notice to pay or quit does not give tenants or CBOs adequate time to pay arrearages and halt an eviction. When the 3 days expires, landlords will no longer accept rent and the tenant is forced into mandatory mediation, which means they either must agree to pay attorney's fees or agree to pay back rent and move out. Both options set a tenant up for failure. Give this crucial safety net more time to work by requiring a 7-day warning notice to tenants behind in rent that includes clear instructions on how to access rental help.

Strengthen Just Cause Protections

Prior to the Pandemic, there existed a lack of affordable housing in California, including Marin. According to 2018 American Community Survey data, 55% of tenants were paying more than 30% of their income towards rent and are disproportionately represented by people of color, seniors, and persons with disabilities. Failure to build sufficient low-income housing and significant rent increases in the neighborhoods that could least afford it are threatening Marin's naturally occurring affordable housing stock. Low-income renters are forced to leave Marin, further exacerbating patterns of segregation, congestion, recruitment challenges for local employers, or adding to Marin's homeless population.

In 2019, California passed the Tenant Protection Act (AB 1482) which gave long-term tenants just-cause protections. However, it's clear that AB 1482 does not go far enough. AB 1482 states the allowable reasons for eviction - including reasons that are no fault of the tenant. AB 1482 further provides relocation costs for no-fault evictions in the amount of one month's rent and a required 60-day notice period. Current rents, Pandemic-led pressures that make owners vulnerable to outside investors, and the lack of affordable housing inventory, have placed renters at imminent risk of homelessness.

Action is needed now to close the gaps low-income tenants are falling through. For example, tripling the relocation payments to displaced tenants to 3 months' rent and basing the amount of that rent on current HUD FMV would give tenants the money

needed to sign a lease elsewhere, and could possibly disincentivize the eviction in the first place. Requiring longer notice periods, especially for seniors and persons with disabilities, would provide the time needed for social service safety nets to seek new housing for a displaced tenant. Finally, providing a displaced tenant the right to return if the unit is returned to the rental market within 5 years and, if the no-fault just cause is “withdrawal from the rental market,” require the owner to pay to the displaced tenant 6 months of the HUD FMV rent.

In Conclusion

Beyond these short term and immediate protections, longer term protections are also needed. In the longer term, jurisdictions should also include clear and concrete language in their Housing Elements that chart a path towards stronger renter protections, as part of the larger push for more effective housing policy that we referenced in our letter on April 11, 2022. We will be in contact under separate cover regarding a full set of housing policies, but the Housing Element should include language to continue the above programs, to build a countywide alternative to eviction such as an eviction diversion program, and to explore stronger rent regulations as permitted under the Costa Hawkins act.

We are committed to being partners in the above process, and are happy to provide draft ordinance language, research assistance or aid in seeking outside resources. We look forward to continuing our longstanding partnership with the City/County in the coming months, and to working together to protect Marin’s most vulnerable residents.

Sincerely,

Cheryl Paddack
Chief Executive Officer
North Marin Community Services

Omar Carrera
Chief Executive Officer
Canal Alliance

Chris Cabral
Executive Director
Legal Aid of Marin

Chandra Alexandre
Chief Executive Officer
Community Action Marin

Caroline Peattie
Executive Director
Fair Housing Advocates of Northern California

Anne Grey
Chief Executive Officer
Vivalon

Eli Gelardin
Chief Executive Officer
Marin Center for Independent Living

Robert Pendoley
Board Member
Marin Environmental Housing Collaborative

Socorro Romo
Executive Director
West Marin Community Services

Felecia Gaston
Executive Director
Performing Stars

Liz Hall
Lead Organizer
Marin Organizing Committee

Mark Shotwell
Executive Director
Ritter Center

Balandra Fregoso
Executive Director
Parent Services Project

Tanis Crosby
Executive Director
San Francisco-Marín Food Bank

Mitesh Popat
Chief Executive Officer
Marin Community Clinics

(Original letter dated June 6, 2022. This June 20, 2022 letter includes additional signatures.)

Housing crisis fuels financial instability among Marin's low-income tenants

Combination of continued pandemic-related economic challenges and shrinking resources create urgent needs for rental assistance and tenant protections.

Community Action Marin is the largest human services agency in Marin County, serving over 5,000 households and approximately 20,000 children, families, and individuals each year. We work to ensure that all of us have an equal opportunity to live our lives with dignity and respect. We help individuals and families meet their basic needs and get on a path to self-sufficiency and thriving.

In partnership with the County, Community Action Marin has been a frontline access point for tenants seeking assistance from the County's Emergency Rental Assistance Program (ERAP). We also administer the Chronicle Season of Sharing (SOS) fund which provides short-term, one-time assistance to help resolve an immediate crisis.

- In April and May 2022, we have received **300 to 400 unique/unduplicated contacts for rental assistance/month**. This is in addition to approximately 150 repeat callers who are trying to get information, talk to a live person for status update. This is a significant increase from January – March 2022 where we were averaging 150 to 200 inquiries per month. This increase coincided with the closure of the ERAP waiting list.
- Since mid-March 2022 we are **typically only able to serve 10-15%** of the unduplicated requests with some sort of rental assistance due to the closed ERAP waiting list, program limitations (subtenants with no lease, needing current months' rent vs. past months allowable under the ERAP program), and other funding sources available for rental assistance have been quickly depleted.
- SOS funds are allotted to CAM on a quarterly basis. Typically, these funds will last for 3-4 months and allow us to serve eligible clients. However, **we are currently depleting a quarter's worth of SOS funds in approximately two weeks**. These funds are only available to those who have minor children, have a disability, or are over 55.

In addition to the growing unmet need for rental assistance across Marin County, several troubling themes have emerged from our direct service work assisting tenants, including:

Many tenants have incurred debt to remain housed

- Approximately 30-40% of those served by Community Action Marin have borrowed money to remain housed, many at high interest.

- People on the ERAP waitlist were assured that those funds could be applied toward debt incurred to cover past rents.
- However, people are getting increasingly desperate as they've been waiting for assistance/on the waitlist for months and months while their debts are building up and coming due leaving them in increasingly precarious financial and housing situations.

Self-eviction is common, and tenants do not know their rights

- Approximately 30% of those we assist self-evict and lose housing, which happens when a tenant is notified by their landlord of pending eviction and chooses to leave their unit.
- Tenants do not know their rights and are at the mercy of information given to them by their landlord.
- Information given by the landlord is not always accurate or inclusive of tenant's legal options and is often not in writing.
- There is fear to push back against a landlord's notification for families who do not have documentation as well as those who face other barriers.
- The long ERAP waiting list is making this worse – people who have been waiting for help for up to one year lose hope that they will receive assistance and may choose to self-evict.

Rental market realities create additional challenges for those with low incomes

- Even those who receive assistance with deposits to find new units are unable to find rental properties they can afford.
- Those tenants with poor credit or without a social security number face multiple barriers to getting into a new rental unit.
- When families find themselves homeless, there has been almost consistently a zero-vacancy rent in the family shelter.

Many of those we serve received County rental assistance prior to the application cutoff date but are still in need of assistance going forward. When rental assistance funds go to pay back rent but do not to address more recent/current needs, landlords receive funds but tenants still face eviction and loss of housing. This adds to the low-income housing churn with devastating consequences for tenants.

SOLUTIONS

Extend response period for clients on the ERAP waitlist and expand outreach efforts

- Current 2-week window for people to respond to notice of eligibility for payment doesn't address realities of the clients – many don't use email and aren't getting notices.
- Follow-up outreach by phone and through CBO partnerships is needed to reach and inform these tenants.
- With approximately 500+ tenants who have not responded to the initial email requesting a response to get rental assistance help, there is a need for increased outreach efforts as well as time.

Broaden eviction moratorium so all tenants are eligible, not just those on ERAP wait list

- Tenants with past due rent for months of April, May, June 2022 are not eligible to receive ERAP funds for those months but there are large numbers of people still in need and at risk of losing housing.
- Broad eligibility of the moratorium is needed to effectively address local displacement of low-income tenants.

Housing navigators are needed to help tenants understand their rights, piece together assistance options, and find affordable units for those who are displaced

- Example: Following a fire in the Canal neighborhood, 8 families lost their housing. They had nowhere to go. Many received \$500 from the Red Cross but given the immediate need and lack of shelter availability in Marin, those funds were quickly spent on motel stays during the first few nights of the crisis.

For more information, please contact Gina Guillemette at [REDACTED]

Monday's City Council Meeting

Joan Hanna [REDACTED]

Sun 6/19/2022 12:52 PM

To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>

Please forward to the Council my support of the Urgency Ordinance barring Evictions in the City of San Rafael through September 30, 2022 due to the Public Health Emergency rising from COVID-19. I am a resident of the City of San Rafael, a member of the Marin Interfaith Council and Marin Organizing Committee and a Dominican Sister of San Rafael.

Thank you for this action.

Joan Hanna, O.P.

[REDACTED]
San Rafael, CA 94901

Extend the Deadline for Rental Assistance Application and Evictions

Marguerite Moriarty [REDACTED]

Mon 6/20/2022 3:51 PM

To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>

Dear San Rafael City Council,

As a resident of San Rafael since 1980, I am writing to ask you to support the extension of the Eviction Moratorium until September 30, 2022. The Staff Report recommending support of this extension expresses the reasons well

ANALYSIS:

The proposed urgency ordinance would provide stability to the tenants residing in residential rental units in San Rafael who face on-going impacts from COVID-19, by preventing evictions and late fees for nonpayment of rent due to COVID 19 financial loss. Federal and state rental assistance funding is available through the County's Emergency Rental Assistance program through September 30, 2022 to help mitigate the pandemic's financial impacts on property owners and renters and for essential workers and those who live in under resourced communities. Community partners report that court evictions for SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page 3 non payment have spiked for those unable to pay April and May 2022 rent many of whom have submitted applications for the Emergency Rental Assistance program.

Thank you for supporting San Rafael renters and landlords,

Marquerite Moriarty

[REDACTED]
San Rafael, Ca. 94901

ICARE
[REDACTED]

Eviction Moratorium

patty burke [REDACTED]

Sun 6/19/2022 12:41 PM

To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>

Dear Board of Supervisors,

As a resident of San Rafael, I am writing to ask you to support the extension of the Eviction Moratorium until September 30, 2022. The Staff Report recommending support of this extension expressed the reasons very well.

Thank you for supporting San Rafael renters and landlords,

Patricia Burke

[REDACTED] San Rafael, CA 94901

06/19/20

Dear San Rafael City Council (or Board of Supervisors),

As a resident of San Rafael, I am writing to ask you to support the extension of the Eviction Moratorium until September 30, 2022. The Staff Report recommending support of this extension expresses the reasons well:

ANALYSIS:

The proposed urgency ordinance would provide stability to the tenants residing in residential rental units in San Rafael who face on-going impacts from COVID-19, by preventing evictions and late fees for nonpayment of rent due to COVID-19 financial loss. Federal and state rental assistance funding is available through the County's Emergency Rental Assistance program through September 30, 2022 to help mitigate the pandemic's financial impacts on property owners and renters, and for essential workers and those who live in under-resourced communities. Community partners report that court evictions for SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3 non-payment have spiked for those unable to pay April and May 2022 rent, many of whom have submitted applications for the Emergency Rental Assistance program.

Thank you for supporting San Rafael renters and landlords,

Susan Guy Brown

██████████

San Rafael, CA 94901