



COUNCIL AGENDA: 6/23/20

FILE: 20-717

ITEM: 8.1

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jacky Morales-Ferrand

**SUBJECT:** SEE BELOW

**DATE:** June 16, 2020

Approved

Date

6/17/2020

**SUBJECT: EXTENSION OF EVICTION MORATORIUM, REPORT ON  
LEGISLATIVE UPDATES AT STATE AND FEDERAL LEVELS, RENT  
STABILIZATION PROGRAM OUTREACH EFFORTS, AND  
COMMUNITY DISCUSSION UPDATES**

## **RECOMMENDATION**

- (a) Adopt a resolution extending the temporary moratorium to July 31, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.
- (b) Accept the staff report providing a review of selected pending legislation affecting the rental community in response to COVID-19.
- (c) Accept the staff report providing an update for outreach and education conducted by the Rent Stabilization Program.
- (d) Accept the staff report providing an update on the convenings facilitated by Silicon Valley at Home.

## **OUTCOME**

This memo includes recommendations to: a) extend the eviction moratorium, b) accept the staff report providing a review of various legislative actions taken by the California State Legislature, and Federal government, c) summarize the outreach and education efforts of the Rent Stabilization Program, and d) summarize convenings in May and early June facilitated by Silicon Valley at Home (SV@Home) to obtain feedback and hear potential recommendations on housing solutions.

If the City Council seeks to take action to extend the Eviction Moratorium beyond the current expiration date of June 30, 2020, the City Council must take action prior to the July recess. A

resolution extending the Eviction Moratorium to July 31, 2020 has been prepared if the City Council considers to act to extend the Ordinance.

Following a six-week recess as a result of the COVID-19 pandemic, the state legislature has resumed and is considering several bills regarding housing, homelessness, and sustainable funding streams to assist Californians challenged by the effects of COVID-19. The federal government also proposed legislation to strengthen protections for rental communities across the nation.

In addition, this memo will provide a summary of outreach and education efforts by the Rent Stabilization Program, specifically multilingual efforts in Vietnamese and Spanish. Staff utilized additional methods of online outreach including hosting live webinars, posting educational videos on social media and giving virtual presentations while participating in online community meetings. Furthermore, a supplemental memorandum will be released the week of June 15, 2020 to provide information on the results of the meetings facilitated by SV@Home.

## **BACKGROUND**

### **A. Impacts of COVID-19**

The COVID-19 pandemic caused nationwide disruptions across nearly every social and economic sector. Social distancing and adherence to shelter-in-place orders has been successful in slowing the spread of the virus. Counties across the state are easing into Phase 2 and 3 of Governor Newsom's Four Stage Plan to reopen the state. As of June 5, 2020, Santa Clara County's Public Health Officer approved the reopening of additional businesses, encouraging the increase in potential job security and economic growth. However, measures to mitigate the consequences of a second wave of the virus will require the City of San José to continue to monitor the progress of COVID-19 in coordination with the County of Santa Clara County.

- ***COVID-19 Cases and Health Declarations*** – As of June 15, 2020, Santa Clara County has confirmed 3,230 cases of persons with the virus and 151 deaths due to the virus.<sup>1</sup> Across California, the Department of Public Health reported more than 151,452,191 positive cases and more than 5,089 deaths.<sup>2</sup> Santa Clara County announced an updated Shelter in Place Order effective June 5, 2020 that allows new activities and businesses to reopen, subject to limitations. However, the updated order maintains the requirement that residents stay home except for engaging in essential or allowed activities. While businesses are reopening, many cannot operate at full capacity due to the social distancing restrictions. Ultimately, the shelter in place will continue to impact businesses and economic recovery across our region, state, and country.

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<sup>1</sup> <https://www.sccgov.org/sites/covid19/Pages/dashboard.aspx>

<sup>2</sup> <https://covid19.ca.gov>

- **Individual Financial Impacts** – The COVID-19 pandemic has severely impacted many low-wage earning households, as illustrated by the unemployment numbers in many low-wage sectors the number of individuals seeking financial and food assistance, and the volume of nonpayment of rent notices served in San José. For the week ending May 16, 2020, new Unemployment Insurance claims for the San José area rose to 13,986, and 3,762 new claims for Pandemic Unemployment Assistance were filed. In the state, the unemployment rate rose to a record 15.5% in April.<sup>3</sup> In the San José-Sunnyvale-Santa Clara metropolitan area alone, unemployment rose from 4% to 12%.<sup>4</sup>

Furthermore, the data shows that specific employment sectors were especially hard hit, such as the hospitality and leisure industry, experiencing an 866,000 job loss from March to April.<sup>5</sup> Locally, employment in this industry dropped nearly 50% in April.<sup>6</sup> The restaurant industry in the metropolitan area experienced a 66% employment decrease compared to last year.<sup>7</sup> While the June 5, 2020, Public Health Order permits outside dine-in options, this is likely not feasible for every restaurant. The City will continue to find creative solutions to assist its businesses and residents face the challenges resulting from the pandemic. Consequently, a ten-year growth in the state has been halted by the pandemic resulting in a projected \$54 billion dollar.<sup>8</sup>

## **B. Council Actions Related to Housing and COVID-19**

The City Council has taken the following actions regarding the Eviction Moratorium:

**Table 1: Summary of City Council Actions regarding Eviction Moratorium**

| <b>Date</b>                  | <b>Summary of City Council Actions</b>  |
|------------------------------|---|
| <b><u>March 17, 2020</u></b> | <b>Creation of a Temporary Eviction Moratorium</b> <ul style="list-style-type: none"> <li>• City Council approved a moratorium on residential evictions for nonpayment of rent.</li> <li>• The moratorium will be in place for 30 days, and it may be extended by the City Council.</li> <li>• To stop an eviction under the moratorium, a tenant must document that their income has been reduced due to the COVID-19 pandemic.</li> </ul> |
| <b><u>April 14, 2020</u></b> | <b>Extension of the Eviction Moratorium</b> <ul style="list-style-type: none"> <li>• City Council approved extending the residential eviction moratorium through May 31, 2020.</li> </ul>   |

<sup>3</sup> <https://www.edd.ca.gov/newsroom/unemployment-may-2020.htm>

<sup>4</sup> <https://www.edd.ca.gov/newsroom/unemployment-may-2020.htm>

<sup>5</sup> <https://www.edd.ca.gov/newsroom/unemployment-may-2020.htm>

<sup>6</sup> [https://www.labormarketinfo.edd.ca.gov/file/1fmonth/sjos\\$pd.pdf](https://www.labormarketinfo.edd.ca.gov/file/1fmonth/sjos$pd.pdf)

<sup>7</sup> [https://www.labormarketinfo.edd.ca.gov/file/1fmonth/sjos\\$pd.pdf](https://www.labormarketinfo.edd.ca.gov/file/1fmonth/sjos$pd.pdf)

<sup>8</sup> <https://www.nytimes.com/2020/05/26/us/coronavirus-california-economy.html>

| Date                       | Summary of City Council Actions   |
|----------------------------|---|
|                            | <p><b>Repayment Period</b></p> <ul style="list-style-type: none"> <li>City Council directed Housing Department staff to draft an amendment to the residential eviction moratorium that would include a repayment period to pay unpaid rent accrued during the Eviction Moratorium</li> </ul>  |
| <u><b>May 19, 2020</b></u> | <p><b>Extension and Amendments to the Eviction Moratorium</b></p> <ul style="list-style-type: none"> <li>City Council extended the eviction moratorium through June 30, 2020.</li> <li>A repayment period was established for tenants to pay any unpaid rent that accrued during the eviction moratorium. Tenants must pay at least 50% of the unpaid rent in the six months following the end of the Eviction Moratorium. The remaining 50% must be paid one year after the Eviction Moratorium.</li> <li>Affected tenants and landlords may voluntarily negotiate their own repayment plans. Before a repayment plan is signed, the landlord must provide the tenant with a written notice of their rights under the eviction moratorium related to repayment of past due rent.</li> <li>During the repayment period, landlords may not charge late fees, interest or penalties for the unpaid rent that accrued during the eviction moratorium.</li> <li>Retaliation or harassment against tenants for invoking their rights under the moratorium is prohibited.</li> <li>If a landlord serves a tenant with a termination notice while the eviction moratorium is in effect, the tenant has seven days to notify the landlord that the tenant's income has been impacted by the COVID-19 pandemic.</li> </ul> |

**ANALYSIS****I. CONSIDERATION OF AN EXTENSION OF THE EVICTION MORATORIUM ORDINANCE**

San José's Eviction Moratorium will expire on June 30, 2020. Staff is recommending an extension to July 31, 2020 under recommendation (a). This extension would better align with the recently updated county, state, and federal Eviction Moratoriums (**Figure 1**). Furthermore, the extension would also more closely align with the CARES Act (H.R. 748) Section 4024, imposing a temporary eviction moratorium through July 24, 2020, for any projects that received CDBG, NSP, or CDBG-DR assistance through a long-term loan, are in repayment or period of affordability, and are secured by first or subordinate lien on residential property.

- ***County of Santa Clara*** – On June 2, 2020, Santa Clara County extended the Eviction Moratorium for residential and commercial tenancies until July 28, 2020. The County also approved a one-year rent repayment schedule, in which 50% of the unpaid debt during the eviction moratorium must be paid within the first six months, and the remaining 50% balance repaid the following six months. The moratorium also requires owners to inform tenants of their rights under the County Ordinance if owner and tenant enter into a voluntary agreement regarding a repayment plan.
- ***Judicial Council of California*** – On June 10, 2020, the Judicial Council of California suspended consideration of voting to sunset on August 3, 2020, the temporary emergency rules governing on evictions and judicial foreclosures. As California begins a phased re-opening and courts restore services, courts are resuming court operations using remote technology. However, Chief Justice Cantil-Sakauye suspended the vote to allow the executive and legislative branches more time to consider various policy proposals related to evictions and judicial foreclosures.
- ***State of California*** – On May 29, 2020, Governor Newsom signed Executive Order N-66-20, which extended for sixty days the prior Order N-28-20 that relaxed any state laws prohibiting local jurisdictions to continue existing moratoriums through July 28, 2020.
- ***Federal Government*** – On March 27, 2020, the President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law. Section 4024 of the CARES Act imposes a temporary moratorium on evictions effective immediately upon the enactment of the CARES Act and lasts for 120 days through July 24, 2020.

**Figure 1** below highlights the timeline of events local, state, and federal governments have taken since March 2020 in response to the COVID-19 pandemic and the subsequent extensions that seek to expand protections for affected tenants.

***Figure 1: Summary of Eviction Moratorium Expiration Dates from City, County, State, and Federal Levels***

|         | MAR | APR  | MAY | JUNE | JULY                   | AUG |
|---------|-----|------|-----|------|------------------------|-----|
| City    |     | 3/17 |     | 6/30 | Approve to extend 7/31 |     |
| County  |     | 3/24 |     |      | 7/28                   |     |
| State   |     | 3/27 |     |      | 7/28                   |     |
| Federal |     | 3/27 |     |      | 7/24                   |     |

In light of the City Council's July recess, staff is bringing forth for Council consideration a recommendation to extend the eviction moratorium. The approval of an extension for 30 additional days will result in eviction protections for residents until July 31, 2020. An extension to the end of the month, July 31, 2020, and not three days before will decrease confusion about when the repayment period schedule begins. Furthermore, as typical lease agreements run through a full month, the Eviction Moratorium extension will also expire at the end of the month.

## **II. HOUSING LEGISLATIVE UPDATES**

The City of San José has demonstrated leadership in developing local measures to address the needs of its rental housing community during the COVID-19 pandemic. The City Council directed staff to review pending state and federal legislation, and return to the City Council with additional information so that Councilmembers could better understand how San José can continue playing a role in developing solutions for its residents.

Staff in the City Manager's Office of Intergovernmental Relations and Housing Department, who support work on housing legislation, are currently focused on COVID-19 efforts. Therefore, staff's ability to analyze, bring forward, and work on non-COVID-related legislation this year is extremely limited. The City is heavily reliant on its lobbyists and associations to represent its interests in Sacramento and Washington D.C. at this time. Given the Housing Department Policy Team's COVID-19 focus, staff on the Rent Stabilization Program team researched pending legislation. The legislative summaries that follow reflect general information.

### **A. State Legislation**

The California Legislature has proposed several measures seeking to protect rental housing community members impacted by the COVID-19 pandemic. The bills aim to: 1) generate sustainable funding streams to stabilize housing and prevent homelessness; 2) mitigate the

consequences of COVID-19 for homeowners; and, 3) provide renters with eviction protections. The bills are summarized in **Table 2**, and more information is contained in **Attachment A**.

***Table 2: Summary of Selected Relevant State Legislation***

| <b>Legislation</b>    | <b>Summary/Title</b>   | <b>Effect of the Bill</b>   |
|-----------------------|--|---|
| <b><u>SB 1410</u></b> | COVID-19 Rental Assistance Programs  | Landlords applying for assistance will receive 80% of unpaid rent   |
| <b><u>SB 1431</u></b> | Property taxation: reassessment: disaster relief   | The definition of a “disaster” that allows local property taxation reassessment includes COVID-19   |
| <b><u>SB 939</u></b>  | Prohibit the eviction of tenants of commercial real property during the state of emergency related to COVID-19 | Extends eviction protections for commercial tenants until 90 days after end of State of Emergency, for especially hard hit industry businesses, affords extra protection        |
| <b><u>SB 915</u></b>  | Prohibit evictions of mobilehome owners and mobilehome residents   | Extends temporary protections against evictions for mobilehome owners and residents impacted by COVID-19  |
| <b><u>AB 2501</u></b> | COVID-19 Homeowner, Tenant and Consumer Relief Law of 2020   | Extends foreclosure protections to mortgage borrowers for 180 days after state of emergency is lifted and requires mortgage servicers to provide forbearance for up to 180 days |
| <b><u>AB 3300</u></b> | California Access to Housing and Services Act  | Provides \$2 billion in grants to counties and Continuums of Care to address housing challenges   |
| <b><u>AB 2406</u></b> | Homeless Accountability and Prevention Act   | Any landlord that accepts COVID-19 federal or state assistance must list their units in a statewide rental registry portal  |
| <b><u>AB 828</u></b>  | Temporary moratorium on foreclosures and unlawful detainers actions  | Statewide temporary moratorium on foreclosures and unlawful detainer actions  |
| <b><u>AB 1436</u></b> | COVID-19 Eviction Protection and Housing Stability   | Prevents residential evictions through the declared state of emergency due to COVID-19 and for 90 days after the emergency ends   |

If passed, these bills may alleviate some of the financial burden on the rental community by the pandemic and present an opportunity to establish sustainable funding streams across the state to prevent homelessness. These measures have the potential to increase housing stability and help the City’s response to prevent homelessness by infusing the City and local governments with financial resources. Additionally, these measures provide sweeping foreclosure protections to homeowners and housing service providers.

**B. Federal Legislation**

The U.S. Congress has proposed several measures that seek to enhance protections to residents impacted by the COVID-19 pandemic. Selected bills are summarized in **Table 3** and more information is included in **Attachment B**.

*Table 3: Summary of Selected Relevant Federal Legislation*

| <b>Legislation</b>    | <b>Title</b>  | <b>Effect of the Bill</b>   |
|-----------------------|---|---|
| <b><u>HR 6515</u></b> | Rent and Mortgage Cancellation Act of 2020                              | Suspends rent and mortgage obligations on primary residences until 30 days after the federal state of emergency is lifted |
| <b><u>HR 6820</u></b> | Emergency Rental Assistance and Rental Market Stabilization Act of 2020 | \$100 billion in Emergency Rental Assistance for those experiencing or at-risk of homelessness                            |

After reviewing selected federal legislation related to housing, the two issues of focus are 1) financial relief of rents and mortgages for impacted tenants and landlords, and 2) providing rental assistance to families and individuals at risk of homelessness.

### **III. RENT STABILIZATION PROGRAM MULTILINGUAL OUTREACH AND EDUCATION EFFORTS**

To notify and educate landlords and tenants about the Eviction Moratorium, the Rent Stabilization Program focused on digital engagements in English, Spanish and Vietnamese. An Outreach Dashboard that summarizes these efforts is included as **Attachment C**. Given the inability to conduct outreach through the traditional means of in-person community meetings, the Rent Stabilization Program adapted and used social media, the web, email, and traditional mail to target residents by:

- Posting 12 informational videos – four each in English, Spanish and Vietnamese;
- Sending e-blasts in English, Spanish and Vietnamese;
- Conducting webinars in all three languages with live question and answer sessions, and then posting recordings on the webinars on the Eviction Moratorium website;
- Sending postcards with information in English, Spanish and Vietnamese; and
- Posting fact sheets and forms on the website in all three languages.

Based on the available metrics for digital platforms used by the Rent Stabilization Program, staff learned the following about the reach of its communication channels.



***Table 4: Summary of Top Multilingual Outreach Platforms***

| <b>Platforms</b>                               | <b>Reach</b>  |
|--|---|
| <b>Webinars</b>                                | Over 2,000 views of live events and multilingual recordings             |
| <b>Videos on YouTube, Facebook and Twitter</b> | 16,136 views of information videos posted in three languages            |
| <b>Eviction Moratorium Website</b>             | Over 44,000 visits to website containing information in three languages |

#### **IV. SV@HOME FACILITATED CONVENINGS**

SV@HOME hosted five facilitated convenings in May and early June 2020 with regional and state leaders, local policy and nonprofit executives, and Bay Area developers. In addition, SV@Home reached out individually to targeted stakeholders to obtain feedback and hear potential recommendations. The results of these meetings will be provided in a supplemental memorandum that will be published the week of June 15, 2020.

#### **CONCLUSION**

The COVID-19 pandemic is an ongoing reality that has demanded an immediate response and creative solutions to maintain housing stability. An extension of the Eviction Moratorium through July 31, 2020 better aligns with county, state, and federal timelines. Furthermore, as residents across San José adjust to social distancing requirements and the gradual process of reopening businesses in San José continues, the extension promotes the City's commitment to: (a) stabilize housing, (b) decrease homelessness by enacting measures that decrease financial instability for individuals and families struggling to pay bills and feed their families during this pandemic, and (c) promote public peace, health, safety and public welfare in the rental community by decreasing displacement through eviction.

Legislation proposed at the state and federal levels seeks to alleviate some of the financial burdens on many individuals and families across the country as a result of COVID-19. Staff will continue to monitor the bills' progress.

Finally, due to the Shelter in Place order and inability to host traditional in-person community outreach meetings, the Rent Stabilization Program has leveraged the tools available to successfully provide multi-lingual outreach through various social media platforms, conducting webinars and posting short informative videos on Facebook to reach our non-English speaking communities. Staff will continue to disseminate critical information as well as seek innovative ways of keeping all of San José communities informed.

Finally, SV@Home hosted five convenings to obtain local and regional feedback on potential housing recommendations impacting both landlords and residents. Potential recommendations discussed by participants will be provided in a supplemental memorandum.

The City will continue its efforts to work with county and state officials to reopen in the safest manner possible, balancing the needs of its residents and monitoring opportunities for economic growth and housing stability.

### **EVALUATION AND FOLLOW-UP**

The City Manager will track the effectiveness of the ordinance and the challenges of responding to COVID-19 over the coming weeks. The Housing Department will also continue to observe the legislative actions in the State and federal government as related to the rental community.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo aligns with one or more of Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

Since the Eviction Moratorium was effective on March 18, 2020, outreach efforts included sending two mailers by postcards, hosting nine webinars, collaborating on three webinars with partners, and producing videos and information to distribute on social platforms. There were 10 outreach events cancelled due to COVID-19 Shelter in Place Order. The following highlights of outreach efforts include:

- ***14,666 informational postcards mailed to residents*** – Staff mailed notices to landlords and property managers of rental properties citywide, including mobilehome parks, rent stabilized apartments, and affordable apartments.
- ***965 COVID-19 inquiries and responses*** – Housing staff assisted tenants, landlords, and organizations with inquiries by email and phone conversation to provide information on the Eviction Moratorium and relief resources from nonprofit partners and agencies. Of the 2,604 received from March 16, 2020 to June 3, 2020, staff received 965 (37%) regarding COVID-19 moratoriums. In a typical quarter of three months, the Rent Stabilization Program would receive on average 1,000 inquiries. Staff credits the combination of mailers, e-mails, social media, and webinars that allowed the public to be informed in an unprecedented way during the Shelter in Place order.

In addition, Section III expands on the Rent Stabilization Program's multi-lingual outreach, and a summary of the public outreach is in **Attachment C**.

HONORABLE MAYOR AND CITY COUNCIL

June 16, 2020

**Subject: Extension of Eviction Moratorium, Report on Legislative Updates at State and Federal Levels, Rent Stabilization Program Outreach Efforts, and Community Discussion Updates**

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## **COORDINATION**

Preparation of this report has been coordinated with the City Attorney's Office.

## **FISCAL/POLICY ALIGNMENT**

This action is consistent with the City's *Consolidated Plan 2015-2020*, adopted by City Council on May 5, 2015, to provide homes for very low- and extremely low-income households, and with Goal H-2 of the City's *Housing Element 2014-2023*, adopted by City Council on January 27, 2015, to "increase, preserve, and improve San José's affordable housing stock."

## **CEQA**

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

/s/

JACKY MORALES-FERRAND  
Director, Housing Department

For questions, please contact Deputy Director, Rachel VanderVeen at (408) 535-8231.

## **ATTACHMENTS:**

**Attachment A** – State Legislation Summaries

**Attachment B** – Federal Legislation Summaries

**Attachment C** – Public Outreach – Social Media Dashboard

## STATE LEGISLATION SUMMARIES

The following are abbreviated summaries of selected State bills regarding potential help for landlords and tenants to cope with the COVID-19 crisis. Note that this list is not exhaustive.

| <b>LEGISLATION SHORT SUMMARY</b>   |
|--|
| <b>BILL: SB 1410 (Caballero) COVID-19 Rental Assistance Programs</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill would create a Statewide rental assistance program. Under the program, a landlord who opts to participate in the program will receive payment of rent equal to at least 80% of the rent the tenant owes. The State program would provide financial assistance for tenants affected by COVID-19, for rent due between April 1, 2020, and December 31, 2020, and cover no more than seven months of a household's missed or insufficient rent payments. The bill prohibits a participating landlord from 1) increasing the rental rate for the rental space 2) charging or attempting to collect a late fee for any rent payment due between April 1, 2020 and December 31, 2020; and, 3) requires a participating landlord to accept payment provided under the program as full payment of the missed or insufficient rent payments.</p> |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>The number of qualifying landlords; whether a landlord would agree to terms of program; whether the State could or would enforce provisions; whether this bill will go into effect in time to assist renters in 2020.</p>   |
| <b>SUPPORTERS:</b>   |
| <p>California Apartment Association (sponsor); Additional supporters: Boma California, CalChamber, California Building Industry Association, California Business Properties Association, California Council for Affordable Housing, California YIMBY, City of Mountain View, City of Paramount, Commercial Real Estate Development Association, NAIOP of California, International Council of Shopping Centers, League of California Cities Latino Caucus.</p> <p>Supporters say this legislation will assist residential property owners to pay their operating costs and also assist struggling renters.</p>   |
| <b>OPPONENTS:</b>  |
| <p>ACT-LA, Alliance of Californians for Community Empowerment (ACCE) Action, Bend the Arc-Jewish Action SLO, Berkeley Tenants Union, California Rural Legal Assistance Foundation, INC., Crenshaw Subway Coalition, Eviction Defense Network, Housing California, Housing Long Beach, Housing Now! CA, Just Cities/Dellums Institute for Social Justice, Koreatown Immigrant Workers Alliance, LA Forward. Latino Health Access, Monument Impact, One Redwood City, PICO CA, Pomona United for Stable Housing (PUSH), San Diego Tenants Union, San Francisco Tenants Union, UAW 2865, Western Center on Law &amp; Poverty</p>  |

Opponents state that this bill does not target renters most in need, and leaves a tenant with no assistance if their landlord does not want to participate in the program.

**STATUS OF BILL:**

As of 6/12/2020, this bill is set for Senate Appropriations Committee Hearing on 06/18/20.

| <b>LEGISLATION SHORT SUMMARY</b>   |
|--|
| <b>BILL: SB 1431 (Glazer) Property taxation: reassessment: disaster relief</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill would authorize local governments to increase eligibility for disaster relief reassessment to properties affected by the COVID-19 pandemic. The bill expands the definition for damage to a property eligible for reassessment, and specifies the term “majority misfortune or calamity” to include the COVID-19 pandemic. Individuals would file a claim with the county assessor within the time specified in the ordinance, or within 12 months of the damage, whichever is later. The bill would make these provisions retroactive to April 5, 2020. This bill would take effect immediately as a tax levy.</p> |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>How county assessors will uniformly measure economic loss due to COVID-19; degree to which loss in property tax revenues due to disaster reassessments would exacerbate local governments’ COVID-19 budget deficits.</p>  |
| <b>SUPPORTERS:</b>   |
| <p>California Alliance of Taxpayer Advocates, California Apartment Association, Ryan LLC</p> <p>Supporters state this bill will alleviate the financial strain on multifamily property owners as a result of COVID-19, which is needed to stabilize the housing market.</p>  |
| <b>OPPONENTS:</b>  |
| <p>California Assessors Association, California State Association of Counties, California Special Districts Association, California Tax Reform Association, League of California Cities, Rural County Representatives of California, Urban Counties Caucus</p> <p>Opponents state it is inappropriate to compensate businesses for the effects of government regulations necessary to ensure public health out of public property tax revenues, especially when the State issues the regulations.</p>  |
| <b>STATUS OF BILL:</b>   |
| As of 6/12/2020, this bill is set for Senate Appropriations Committee Hearing on 06/18/20.   |

| <b>LEGISLATION SHORT SUMMARY</b>  |
|---|
| <b>BILL: SB 939 (Weiner, Gonzalez) Emergencies Commercial Tenancies: Eviction</b>   |
| <b>BILL SYNOPSIS:</b>   |
| <p>This bill prohibits the eviction of tenants of commercial real property affected by the pandemic during the state of emergency related to COVID-19, and for 90 days after the state of emergency is lifted. The bill also establishes a one-year repayment period for debt accrued during the state of emergency, and prohibits imposition of late fees for rent due during the emergency period. For specified small businesses that have been particularly impacted by the public health protocols resulting from the pandemic, the bill creates procedures for renegotiations or lease terminations based on pre-COVID-19 expectations.</p> |
| <b>KEY FACTORS TO CONSIDER:</b>   |
| <p>The number of small businesses and non-profits that may be protected by this measure; commercial lease renegotiation issues.</p>   |
| <b>SUPPORTERS:</b>  |
| <p>Sponsor: The Bay Area Hospitality Coalition (30+ organizations).</p> <p>Supporters state this bill will help ensure that small businesses and non-profits continue to thrive once California emerges from this pandemic.</p>   |
| <b>OPPONENTS:</b>   |
| <p>Coalition of businesses and real estate trade associations (approximately 23 organizations).</p> <p>Opponents state this bill will push many commercial real estate lessors into foreclosures.</p>   |
| <b>STATUS OF BILL:</b>  |
| As of 6/12/2020, this bill is set for Senate Appropriations Committee Hearing on 06/18/20.  |

| <b>LEGISLATION SHORT SUMMARY</b>   |
|--|
| <b>BILL: SB 915 (Leyva) Mobilehome Parks: Emergency Relief: Coronavirus (COVID-19)</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill temporarily protects mobilehome residents and mobilehome owners impacted by COVID-19 from evictions. Specifically, the bill would prohibit the management of a mobilehome park from terminating or attempting to terminate the tenancy of a resident impacted by COVID-19 during a declared state or local emergency and for 120 days after the declared emergency order is lifted. Additionally, this bill requires any rent or other charges owed by a mobilehome owner or resident to be forgiven if a park's manager receives government funding relief for the loss of rent or charges due to the COVID-19 pandemic.</p> |
| <b>KEY FACTORS TO CONSIDER:</b>  |
| <p>The number of mobilehome owners and residents that could be protected against evictions; whether government funding relief would fully compensate park management for loss of rent incurred.</p>  |
| <b>SUPPORTERS:</b>   |
| <p>Golden State Manufactured Home-Owner's League (sponsor), Bay Federal Credit Union, Public Law Center</p> <p>Supporters state this bill extends protections to mobilehome owners and residents, providing greater chance of remaining in their mobilehome during and after the pandemic.</p>   |
| <b>OPPONENTS:</b>  |
| <p>Apartment Association of Orange County, Apartment Association California Southern Cities, California Association of Realtors, California Mobilehome Parkowners Alliance, East Bay Rental Housing Association, Western Manufactured Housing Communities Association</p> <p>Opponents state that mobilehome park owners have no guarantee that they will receive back due rent and are still expected to continue maintenance of the park during this crisis.</p>   |
| <b>STATUS OF BILL:</b>   |
| As of 6/12/2020, this bill is set for Senate Appropriations Committee Hearing on 06/18/20.   |



| <b>LEGISLATION SHORT SUMMARY</b>   |
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| <b>BILL: AB 2501 (Limon) COVID-19 Homeowner, Tenant, and Consumer Relief Law of 2020</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill proposes comprehensive relief to single family mortgage borrowers, multifamily mortgage borrowers, and vehicle-secured credit obligations. The bill would prohibit initiation of foreclosure measures during the COVID-19 state of emergency and for 180 days following the end of the emergency. Additionally, the bill requires residential and multifamily mortgage servicers to provide up to 180 days of forbearance upon request of a borrower experiencing hardship. Multifamily borrowers are prohibited from evicting a tenant or applying late fees for nonpayment of rent during the forbearance period, and are required to bring loans placed in forbearance current within the earlier of either 1) 12 months following the end of the forbearance period or 2) within 10 days of receipt of any business interruption insurance.</p> |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>The number of multifamily property owners with mortgages that may benefit; the number of tenants who may be protected.</p>  |
| <b>SUPPORTERS:</b>   |
| <p>California Low-income Consumer Coalition Consumer Federation of California Consumer Reports, Consumers for Auto Reliability &amp; Safety, Greenlining Institute, Housing and Economic Rights Advocates, National Housing Law Project, New Economics for Women, Public Law Center; and 38 additional “Support if Amended” organizations</p> <p>Supporters state that this measure prevents loss of family homes, and is an appropriate response to the COVID-19 crisis.</p>  |
| <b>OPPONENTS:</b>  |
| <p>California Bankers Association, California Credit Union League, New Car Dealers Association, California Financial Services Association</p> <p>Opponents state that this measure will have a detrimental effect on the credit market for new automobiles and lead to a contraction of credit.</p>  |
| <b>STATUS OF BILL:</b>   |
| As of 6/12/2020: Read a second time, ordered to third reading, in the Assembly.  |

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| <b>LEGISLATION SHORT SUMMARY</b>   |
| <b>BILL: AB 3300 (Santiago) Homelessness: California Access to Housing and Services Act</b>  |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill proposes a \$2 billion infusion from the State's General Fund to grants addressing housing challenges. Beginning with the 2020-2021 fiscal year, the bill would provide grant funds to be used to reduce and help residents to avoid homelessness. Eligible uses include homelessness prevention services. This bill carves out fund allocations as follows: 1) 55% to counties and continuums of care (CoC) applying jointly; 2) 40% to large cities for various uses: operating reserves, capital for hotel and motel conversion, rental assistance for permanent housing; 3) 5% to developers operating in unincorporated areas and cities ineligible for allocation. The bill also requires counties and CoCs to provide a 25% match to a grant from the Fund from a private, local, state and federal sources including in-kind match.</p>   |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>Amount of financial assistance the City could receive, is expected to match, and could devote to homelessness prevention assistance for vulnerable renters.</p>   |
| <b>SUPPORTERS:</b>   |
| <p>California Housing Partnership Corporation (Co-Sponsor), County of Los Angeles Board of Supervisors (Co-Sponsor), Los Angeles Mayor Eric Garcetti, City of Los Angeles (Co-Sponsor), AIDS Healthcare Foundation, California Association of Veteran Service Agencies, California YIMBY, City of Los Angeles, Corporation for Supportive Housing, County of Los Angeles, East Bay Asian Local Development Corporation, East Bay Housing Organizations, Facebook, GLIDE, Housing California, Los Angeles Homeless Services Authority, National Association of Social Workers California Chapter, Non-Profit Housing Association of Northern California, San Francisco Foundation, Silicon Valley At Home (SV@HOME), Silicon Valley Community Foundation, TechEquity Collaborative, Working Partnerships USA</p> <p>Supporters say this bill would put California on the path towards solving homelessness and build up local efforts to coordinate evidence-based solutions to provide housing and services to Californians experiencing homelessness.</p> |
| <b>OPPONENTS:</b>  |
| <p>None on file as of June 5, 2020.</p>  |
| <b>STATUS OF BILL:</b>   |
| <p>As of 6/12/2020, Read second time, ordered to third reading, in Assembly.</p>   |

| <b>LEGISLATION SHORT SUMMARY</b>  |
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| <b>BILL: AB 2406 (Wicks) Homeless Accountability and Prevention Act</b>   |
| <b>BILL SYNOPSIS:</b>   |
| <p>This bill proposes establishment of an online rental registry, providing public access to information related to residential rental units across the State. A multifamily residential landlord with more than five dwelling units that accepts rental assistance payments from COVID-19 related federal or State funds would be required to annually submit a rental registry form. The form requests information related to, among other things, number of bedrooms in the unit, whether the unit is subject to a rent control ordinance, the number of tenants for which landlord terminated a tenancy in the previous year, and the reason for each termination. Until the registry form is submitted, a landlord will be prohibited from increasing rents, issuing a termination notice for a periodic tenancy, or initiating any unlawful detainer action.</p>  |
| <b>KEY CONSIDERATIONS:</b>  |
| <p>How this registry would interact with the City’s Rent Registry; whether the registration would disincent landlords from accepting financial assistance; legal challenges to the creation of this registry.</p>   |
| <b>SUPPORTERS:</b>  |
| <p>California Housing Partnership Corporation (Co-Sponsor), TechEquity Collaborative (Co-Sponsor); ACCE Action, AIDS Healthcare Foundation, Asian Pacific Environmental Network, Bend the Arc: Jewish Action, California Association of Code Enforcement Officers, California YIMBY, Central California Asthma Collaborative, Central Valley Empowerment Alliance, Community Corporation of Santa Monica, Congregations Organized for Prophetic Engagement (COPE), CORE, Disability Rights California, East Bay for Everyone, Eviction Defense Network, Faith in The Valley, Fresno Barrios Unidos, GLIDE, Housing Equality &amp; Advocacy Resource Team (HEART), Housing Now! CA, Jakara Movement, KIWA, LA Forward, Latinos United for A New America, Leadership Counsel for Justice &amp; Accountability, MH Action, Mission Economic Development Agency (MEDA), Non-Profit Housing Association of Northern California Pacifica Housing 4 All, Peninsula for Everyone, PICO California, POWER, Power California, Public Interest Law Project, Roman Catholic Diocese of Fresno, Rural Community Assistance Corporation, Social Justice Learning Institute, Sonoma Valley Housing Group, TODCO, Transform, UAW Local 2865, Women's International League for Peace and Freedom – Fresno YIMBY Action</p> <p>Supporters state this bill will ensure proper enforcement of local and State housing rules, and provide robust data regarding rent increases across the State.</p> |
| <b>OPPONENTS:</b>   |
| <p>Affordable Housing Management Association -Pacific Southwest Apartment Association of Orange County, Apartment Association California Southern Cities, California Apartment Association, California Association of Realtors, California Rental Housing Association, East Bay Rental Housing Association, South California Rental Housing Association.</p>  |

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| Opponents state this bill will invade the privacy of owners and tenants who live in rental properties by making sensitive information available. |
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| <b>STATUS OF BILL:</b> |
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| As of 6/12/2020, this bill is in Appropriations Committee, held under submission. |
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| <b>LEGISLATION SHORT SUMMARY</b>   |
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| <b>BILL: AB 828 (Ting, Gipson, Kalra) Temporary Moratorium on Foreclosures and Unlawful Detainer Actions: Coronavirus (COVID-19)</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill would create a temporary moratorium on foreclosures and unlawful detainer actions. This bill would prohibit a person from taking any action to foreclose on a residential real property while a State- or locally-declared state of emergency related to the COVID-19 virus is in effect and for 15 days after the state of emergency has ended. During a residential unlawful detainer action, if the court finds that the tenant defendant's inability to be current on rent resulted from increased costs for household necessities or reduced household earnings due to the virus, the bill permits a tenant to stay in possession of the unit and repay past-due rent at 10% per month plus monthly rent. The bill would make these provisions effective in a jurisdiction in which a State- or locally-declared state of emergency is in effect until 15 days after the state of emergency ends and would repeal these provisions on January 1, 2022.</p> |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>How this bill interacts with City's eviction moratorium; the effect of the 10% per month repayment schedule on tenants; whether the bill is Constitutional.</p>   |
| <b>SUPPORTERS:</b>   |
| <p>(No supporters on official record that staff could locate.)</p> <p>Sponsors state that people must be able focus on their health and the health of the community during the pandemic.</p>   |
| <b>OPPONENTS:</b>  |
| <p>California Apartment Association, California Rental Housing Association (CalRHA), San Mateo County Association of Realtors</p> <p>Opponents state that this bill ignores rent control in local jurisdictions and eviction rules throughout the State.</p>   |
| <b>STATUS OF BILL:</b>   |
| <p>As of 6/12/2020, read a second time and re-referred to Committee on Rules.</p>  |

| <b>LEGISLATION SHORT SUMMARY</b>   |
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| <b>BILL: AB 1436 (Chiu) COVID-19 Eviction Prevention and Housing Stability</b>   |
| <b>BILL SYNOPSIS:</b>  |
| <p>This bill seeks to prevent evictions due to unpaid rent during the COVID-19 emergency, and for 90 days after the state of emergency ends. Tenants are expected to resume rent payments beginning 91 days after the end of the COVID-19 emergency. The bill creates a 15-month repayment schedule for rent accrued and owed during the COVID-19 emergency and encourages landlords and tenants to reach voluntary agreements for the rent repayment. Further, the bill prevents credit agencies, housing providers or tenant screening companies from using default in rent accrued during the COVID-19 emergency and for 90 days after, as a negative factor in evaluating the tenant's creditworthiness.</p> |
| <b>KEY CONSIDERATIONS:</b>   |
| <p>The end date for the state of emergency; the effect of a 15-month repayment period; the enforcement mechanism of preventing agencies and housing providers from using alleged default against a prospective tenant.</p>   |
| <b>SUPPORTERS:</b>   |
| <p>Sponsors: Western Center on Law and Poverty, California Rural Legal Assistance Foundation, Public Advocates, Public Counsel, PolicyLink, Leadership Counsel for Justice and Accountability, Housing Now! California</p> <p>Supporters say this legislation will protect residential tenants, especially low-income and extremely low-income tenants who have been hit the hardest by the pandemic, by providing stable housing. Further, preventing mass evictions will support California's economic recovery.</p>   |
| <b>OPPONENTS:</b>  |
| <p>California Apartment Association</p> <p>Opponents state that because this bill is linked to a declared state of emergency, landlords are expected to go years without rent payment because there is no end date for this state of emergency. Further, this bill raises legal concerns about contract creation and takings.</p>  |
| <b>STATUS OF BILL:</b>   |
| <p>As of June 15, 2020, this bill is in the Senate Rules Committee.</p>  |

## FEDERAL LEGISLATION SUMMARIES

The following are abbreviated summaries of selected Federal bills regarding potential help for landlords and tenants to cope with the COVID-19 crisis. Note that this list is not exhaustive.

| <b>LEGISLATION SHORT SUMMARY</b>  |  |
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| <b>BILL: H.R. 6515 (Omar) Rent and Mortgage Cancellation Act of 2020</b>  |  |
| <b>BILL SYNOPSIS:</b>   |  |
| <p>This bill proposes suspending rental and mortgage payments for primary residences. The protection would last until 30 days after the federal declaration of emergency due to COVID-19 has ended. This bill mandates the Department of Housing and Urban Development to establish both a Landlord Relief Fund and Lender Relief Fund to reimburse lessors and lenders for payments that were suspended.</p> <p>In addition, HUD will establish an Affordable Housing Acquisition Fund to support the acquisition of multifamily housing projects by nonprofit organizations, public housing agencies, cooperative housing associations, community land trusts, and state and local governments. Acquisition of land under this bill cannot be sold for five years unless specific criteria are met.</p> |  |
| <b>KEY CONSIDERATIONS:</b>  |  |
| <p>Number of eligible residences; method of reimbursement; timeliness in assisting lessors and lenders.</p>   |  |
| <b>SUPPORTERS:</b>  |  |
| <p>Supporters state that the bill helps to ease the affordable housing crisis that preceded the COVID crisis but has been made worse. The bill would stabilize the housing market and support local communities.</p>  |  |
| <b>OPPONENTS:</b>   |  |
| <p>Opponents state that by not including an income threshold, the bill would spend valuable resources on households not suffering from the COVID-19 crisis and who can pay rent, and that resources should be more carefully targeted to those in need.</p>   |  |
| <b>STATUS OF BILL:</b>  |  |
| <p>As of 6/12/2020, this bill was referred to the House Committee on Financial Services on 4/17/2020.</p>   |  |

| <b>LEGISLATION SHORT SUMMARY</b>  |
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| <b>BILL: H.R. 6820 (Denny) Emergency Rental Assistance and Rental Market Stabilization Act of 2020</b>  |
| <b>BILL SYNOPSIS:</b>   |
| <p>This measure seeks to provide emergency rental assistance under the Emergency Solutions Grants program of the U.S. Department of Housing and Urban Development. \$100 billion dollars will be appropriated for grants and each grantee must use 60% of such grants within two years of when it becomes available and expend 100% within three years of such date. Specific percentages of grants are allocated to providing assistance for individuals and families experiencing or at-risk of homelessness at either 30% or 50% of the area median income, with any remaining amounts for those with incomes not exceeding 80% of area median income.</p> |
| <b>KEY CONSIDERATIONS:</b>  |
| <p>The amount of funds the City could get; timing of funds' distribution; whether entitlement jurisdictions would be awarded funds by formula; whether ESG program's rules limiting the proportion of funds to be spent for shelters (including motel vouchers) vs. rental assistance would apply.</p>  |
| <b>SUPPORTERS:</b>  |
| <p>Supporters state this bill helps ensure renters remain safely and affordably in their homes during the COVID-19 pandemic.</p>  |
| <b>OPPONENTS:</b>   |
| <p>None on file.</p>  |
| <b>STATUS OF BILL:</b>  |
| <p>As of 6/12/2020, this bill was referred to the House Committee on Financial Services on 5/12/2020. The proposal to provide \$100 billion in emergency rental assistance was included in the Omnibus Bill 6800, Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act passed in the House 5/15/2020; H.R. 6800 is currently in the Senate.</p>  |



# SAN JOSE EVICTION MORATORIUM OUTREACH DASHBOARD

Data is current as of 6-2-2020

## SOCIAL MEDIA



**109,623**

Social media views for all moratorium related posts

**108** Tweets

**93,653** Tweet Views

**47** Facebook Posts

**15,970** Post Views



**12**

Videos produced by the RSP team

**16,136** Video views

## WEB



**44,026**

Page views for moratorium web page

## RENT STABILIZATION PROGRAM



**7**

E-blasts related to the moratorium



**5,142**

E-blast subscribers



**965**

Moratorium-related calls handled by the Rent Stabilization team



**OVER 2,000**

People who watched moratorium webinars on Zoom or Youtube



**14,666**

Informational postcards mailed to landlords and residents



**1,332**

Notices to Terminate received during moratorium

## MULTILINGUAL OUTREACH

- Posted **3** information videos in Spanish and **3** in Vietnamese
- Conducted **webinars** in three languages
- Issued **e-blasts** in three languages
- Included Spanish and Vietnamese information on **postcards**
- Posted fact sheets on **website** in three languages
- Posted webinar **presentations** on website in three languages

