

From: Paul Rosati [REDACTED]
Sent: Monday, August 24, 2020 8:51 PM
To: RSP [REDACTED]
Subject: Eviction Moratorium

[External Email]

Sent from [Mail](#) for Windows 10

Why continue extending the Eviction Moratorium? Landlords know their tenants best and should be ultimate decision maker on how to deal with tenants on a case by case basis. After all, the landlord has invested capital in the property, bears all expenses and risk related to the property.

From: David Eisbach [REDACTED]
Sent: Tuesday, August 25, 2020 10:38 AM
To: Morales-Ferrand, Jacky <[REDACTED]>
Subject: Moratorium Extension

[External Email]

Hi Jacky Morales-Ferrand,
Would you please see this gets into the record. Thanks
Dave

San Jose City Clerk
August 25, 2020
Re: Extension of Moratorium

Council Members:

In Jacky Morales-Ferrand's memorandum of August 18, 2020 espousing a further extension of the non-payment evictions, there were important items about stress on small property owners. I've included my thoughts on AB 1426, which you appear to be in lockstep. The real irony here is people are having their phones, water, and electricity cut off for non-payment and nothing is done. There has to be some consideration of income property owners existence.

... Individual investors, who often lack access to additional capital, may be particularly vulnerable. Nationally, "mom and pop" landlords own 47% of rental units in the housing market (22.7 million out of 48.5 million units), and more than half (58%) of mom and pop landlords do not have access to any lines of credit that might help them in an emergency.⁵ Missed and late rent payments bring risk of economic instability to "mom and pop" landlords, according to data from the National Association of Hispanic Real Professionals (NAHREP)... Short term, the lack of rental income may result in unanticipated costs, and an inability to pay mortgages, pay property taxes, and maintain the property. Long term, it places small property owners at greater risk of foreclosure and bankruptcy⁶ threatening their financial security...

Assemblyman Chiu's AB1436 places economic collapse on property owners by protecting non-paying tenants until April 2021. The California Judicial Council stopped all evictions until August 1. Cities and counties are moving to extend. The last statistical figures showed rental ownership about 80% single owners, not corporations. If you had a duplex or a triplex and one of your tenants couldn't or wouldn't pay their April rent of \$1,500, including August it's now \$12,000. AB1436 wants that owner to lose another seven months, that's \$10,500. How much is enough? That tenant will owe you \$22,500 on April 1 2021, but you can't evict because the tenant has until April 2022 to pay, He must pay full rent on April 1, 2021. AB1436 asks banks to defer mortgage payments. They may do that but for sure they will not forgive a year's principal and interest. The consequence of losing \$22,500 may end in foreclosure.

David Eisbach

From: Ellen Hill [REDACTED]
Sent: Tuesday, August 25, 2020 11:07 AM
To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 8.1 (Eviction Moratorium)

[External Email]

Mayor Liccardo-

It is vital that the City Council vote today to extend the eviction moratorium for tenants affected by Covid-19, and recommit to penalizing those landlords who harass or attempt to evict tenants despite the moratorium. Conditions for affected tenants have not improved; many are still prohibited from returning to work by county and state restrictions, and some have lost their jobs completely due to permanent business closings. Nor is government financial relief coming anytime soon, as the state unemployment system is hopelessly backlogged, and federal relief is mired in political conflict. Yes, landlords have been affected, too, but unlike many tenants, they have not lost **all** income, as only an estimated 12-18% of tenants have been unable to pay rent due to Covid 19, so the landlords' situation is not nearly as grim. Our area is already suffering from two natural disasters- Covid 19 and the wildfires. Please do not add a man-made crisis of mass evictions and homelessness by failing to extend the eviction moratorium.

Sincerely,
Ellen Hill



Advancing Justice
Housing | Health | Children & Youth

August 25, 2020

San José City Council
San José City Hall
200 East Santa Clara Street
San José, CA 95113

Re: Agenda Item 8.3, Report on Economic Indicators to Evaluate Need for Continuing the Eviction Moratorium and Extension of COVID-19 Eviction Moratorium to September 30, 2020

Dear Mayor and City Councilmembers:

The Law Foundation of Silicon Valley writes in strong support of Councilmember Peralez's memorandum, which would permanently protect renters who have lost income and cannot pay rent from eviction, while preserving a landlord's ability to seek that back rent through mediation, small claims court, or a civil lawsuit. This amendment to the City's existing eviction moratorium is a common-sense solution to the stark reality that tens of thousands of our region's most vulnerable tenants will face eviction once the eviction moratorium expires. Now, more than ever, City Council's leadership is needed to ensure that all San José renters have a chance to remain housed, sheltered from coronavirus, and ready to return to work once this crisis passes.

Several other Bay Area cities and counties have already passed the protection that Councilmember Peralez's memo proposes. The Counties of Alameda and Solano and the cities of Oakland and Berkeley, as well as the City and County of San Francisco, have all permanently removed nonpayment of rent during the COVID-19 emergency as a basis for eviction. On August 3, the San Francisco Superior Court ruled that this protection "is a permissible exercise of the City and County of San Francisco's police power to regulate the substantive grounds on which an owner of residential real property may seek to recover possession..."¹

Without this protection, over 43,000 renters in Santa Clara County will face eviction once the protections of the eviction moratorium expire.² This would be a racial justice disaster, as a disproportionate number of those at risk are Black, Latinx, or undocumented. Unfortunately,

¹ Order Denying Motion for Peremptory Writ of Mandate and Order to Show Cause at 2, *S.F. Apartment Assoc. et al. v. City and County of S.F.*, No. CPF-20-517136 (Cal. Super. Ct. Aug. 3, 2020).

² WORKING PARTNERSHIPS USA AND THE LAW FOUNDATION OF SILICON VALLEY, THE EVICTION TIME-BOMB 3 (July 2020), <https://www.wpusa.org/files/reports/EvictionTimeBomb.pdf>.

even more tenant families are now at risk of eviction and homelessness because Congress has let the expanded federal Pandemic Unemployment Assistance payments expire.³ Without additional action to address the back rent that people relying on the eviction moratorium owe, this wave of evictions could *double* or even *triple* homelessness in our area.⁴

City Council can prevent this eviction time bomb today by approving Councilmember Peralez's memo and prohibiting landlords from evicting tenants for back rent they owe due to COVID-19 and related public health orders. If Council does enact this protection, landlords will still have options for making themselves whole by seeking any unpaid rent through mediation, small claims court, or a civil lawsuit. Just like in an eviction case, the landlord would still need to go to court to get a judgment before taking additional steps to actually collect the rent debt.

The Santa Clara County Superior Court has already begun processing evictions that were filed before the pandemic hit, displacing families from their homes and creating an additional and unnecessary health risk while we are still months away from a vaccine and other measure that would curb the spread of COVID-19. Without the protection proposed in Councilmember Peralez's memo, thousands more tenants will face eviction over the coming months, adding to their risk of exposure to COVID-19 and increasing chances of community transmissions. At the Law Foundation, our tenant hotline has been seeing more and more tenants calling with concerns about how they will remain housed given the huge rent debt they have accrued under the eviction moratorium. In fact, since the crisis began, we have received over 2,300 calls from tenants, the vast majority of whom have voiced COVID-19-related housing concerns.

City Council's leadership in passing the eviction moratorium has kept families housed through the onset of this crisis. As the COVID-19 pandemic drags on and the pressures on tenant families grow, families that are relying on this protection need assurance that the rent debt they owe under the moratorium will not eventually lead to their eviction. We urge City Council to adopt Councilmember Peralez's memorandum to give these families the chance they deserve to remain in our community through these difficult and uncertain times.

We welcome an opportunity to discuss these comments with you. I can be reached at (408) 280-2454 or michael.trujillo@lawfoundation.org.

Sincerely,



Michael Trujillo, Staff Attorney

CC:

San José City Council
City of San José City Attorney
City of San José City Manager

³ *Id.* at 13.

⁴ *Id.* at 20.

Fw: Extend Eviction Moritorium Now!

City Clerk

Tue 8/25/2020 2:47 PM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
[REDACTED]

How is our service? [Please take our short survey.](#)

From: E A <elizabeth.agramont.just@cityofsanjose.org>

Sent: Tuesday, August 25, 2020 2:31 PM

To: City Clerk <[REDACTED]> Lliccardo, Sam <[REDACTED]> Jones, Chappie
<[REDACTED]> Jimenez, Sergio <[REDACTED]> Peralez, Raul
<[REDACTED]> Diep, Lan <[REDACTED]> Carrasco, Magdalena
<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>
Khamis, Johnny <[REDACTED]>

Subject: Re: Extend Eviction Moritorium Now!

[External Email]

Hello!

My name is Elizabeth and I am a member of the Sacred Heart Housing Action Committee. I'm a resident of San Jose and a constituent of Councilmember Peralez.

We demand that you extend the eviction moritorium now.

It is crucial that you take action in preventing appx. 40,000 people from becoming homeless in Santa Clara County. We already have appx. 8,000 people who are homeless in San Jose. We are in a Global Pandemic and we need all the help we can get. Black and Latinx folks are going to be disproportionately and unjustly impacted due to the failures of our nation in properly addressing racial injustices in education, healthcare, unemployment, policing, the law, & just about any area you can think of from the get (the beginning).

And so, I urge you Councilmembers and Mayor Lliccardo to make a conscientious decision with the well-being of those most oppressed in mind, understanding that doing anything less is repeating this vicious cycle and endangering and traumatizing real people.

We have the following demands for you as our elected officials:

1. Extend our local and county eviction moratorium throughout the state of emergency and permanently prohibiting landlords from evicting tenants who are unable to repay back rent due to loss of income from COVID-19.

2. To extend the repayment plan to two years or more (currently, repayment is set to one year)...
3. Ensure every tenant has access to legal assistance, education, and services to prevent displacement and homelessness.
4. Provide tenants most at-risk with relief to cancel rent debt and prevent evictions.

Thank You!

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Fw: Item 8.1 Support CM Peralez memo to stop the eviction time bomb

City Clerk

Tue 8/25/2020 3:34 PM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
[REDACTED]

How is our service? [Please take our short survey.](#)

From: Jeffrey Buchanan <[REDACTED]>
Sent: Tuesday, August 25, 2020 3:33 PM
To: City Clerk <[REDACTED]> The Office of Mayor Sam Liccardo
<[REDACTED]> Liccardo, Sam <[REDACTED]> District1
<[REDACTED]> Jones, Chappie <[REDACTED]> District2 <[REDACTED]> Jimenez,
Sergio <[REDACTED]> District3 <[REDACTED]> Peralez, Raul <[REDACTED]>
District4 <[REDACTED]> Diep, Lan <[REDACTED]> District5 <[REDACTED]> Carrasco,
Magdalena <[REDACTED]> District 6 <[REDACTED]> Davis, Dev
<[REDACTED]> District7 <[REDACTED]> Esparza, Maya <[REDACTED]> District8
<[REDACTED]> Arenas, Sylvia <[REDACTED]> District9 <[REDACTED]> Foley, Pam
<[REDACTED]> District 10 <[REDACTED]> Khamis, Johnny <[REDACTED]>
Subject: Item 8.1 Support CM Peralez memo to stop the eviction time bomb

[External Email]

Dear Mayor and Councilmembers:

We encourage your support for the 8/24 memo authored by Councilmember Peralez on Item 8.1, and to join with jurisdictions across California who have taken steps to to further protect tenants from the threat of mass evictions.

Having a safe, stable place to call home is a basic human need yet COVID-19 has cost thousands of people in San Jose— especially Black and Latinx people working in industries that pay low wages — the jobs and income they depend on to make rent.

Over 200,000 working people in Santa Clara County filed claims for Unemployment Insurance (UI) or Pandemic Unemployment Assistance (PUA) claims just between March 15 and May 30, 2020. Thousands more, including many of the estimated 95,000 undocumented workers in the county, have likely been ineligible or unable to access programs to replace their income.

Without wages, or relying on benefits that are insufficient to cover Silicon Valley's sky-high living costs, thousands of families have been unable to pay their full rent during this pandemic. While Santa Clara County's eviction moratorium means landlords cannot evict people currently, renters must still pay back any missed rent within one year after the county ends the moratorium. That bill that could easily run into the thousands of dollars for many impacted renter households.

Before the pandemic, about half of all renter households in San Jose paid more than 30% of their income to their landlord. For these already rent-burdened households, repaying numerous months of rent over a year (on top of their current rent) would force many to pay well over half of their income to rent each month, pushing many to the risk of missing back payments and facing eviction. That's far more than many families could possibly afford.

Most at risk are the estimated 43,490 households across Santa Clara County (most who live in San Jose) with people who have lost work, but do not have unemployment or other income replacement. And for thousands more families facing long-term unemployment, who now face reduced federal UI and PUA benefits we now have many more households without enough income to cover rent.

This impossible situation is the impending eviction time-bomb — when the back rent comes due, landlords (primarily big corporations) could kick thousands of families out of their homes. Unless policymakers take action, we're facing a scenario of crushing debt, mass evictions, and a surge in homelessness.

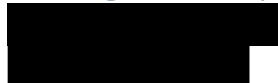
This is why San Jose should move forward with Councilmember Peralez's recommendation to extend the moratorium throughout the emergency, as San Francisco recently passed, and to prohibit landlords from evicting tenants who are unable to repay back rent due to loss of income from COVID-19. If San Jose were to follow in the path of other jurisdictions like Solano County, Oakland and San Francisco and pass such a prohibition, landlords could still file a civil lawsuit seeking the back rent if tenants miss a back rent payment, which would ensure the family is not pushed out of their home while still not limiting the rights to repayment of landlords. This protection would help families stay housed in their community where they've put down roots — near their jobs, schools, and support networks.

San Jose has an opportunity to act and provide an example of leadership for how we protect working families.

Please vote yes on the Councilmember Peralez memo.

Thanks,
Jeffrey

Jeffrey Buchanan, Director of Public Policy
Working Partnerships USA



www.wpusa.org