



Residential Eviction Moratorium

September 8, 2020

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AGENDA/OVERVIEW

- Purpose: Provide the opportunity for the City Council to enact a moratorium on residential evictions, if it deems this action is necessary
- Background
- Actions taken by Other Governmental Agencies
- Options

- Background

- In March, the Council considered whether to enact a moratorium on residential and small business tenant evictions
- The Council adopted a moratorium on small business evictions but did not adopt a moratorium on residential evictions
- San Mateo County had already adopted a moratorium on residential evictions that applied to tenants in the City
- In August, the Board of Supervisors decided that it would not extend its moratorium on residential evictions
- The Council discussed whether to enact a moratorium, but because there were many other efforts being considered by other agencies, the Council directed staff to prepare an ordinance that could be adopted at the Council's September 8 meeting, if deemed necessary

- Actions by Other Agencies
 - San Mateo County Superior Court
 - California Legislature
 - Center for Disease Control (CDC)

- Order of Presiding Judge of San Mateo County Superior Court (issued August 26, 2020)
 - Suspended eviction proceedings between 8/28-10/2
 - No defaults may be entered
 - No writs of possession may be issued in any pending cases
 - No summons may be issued
 - All cases set for trial taken off calendar
 - No trial sooner than 10/12
 - Effects all eviction proceedings

- AB 3088 (enacted August 31, 2020)
 - Applies only to residential tenancies
 - Tenants may not be evicted for failure to pay rent between March 4- August 31, if tenant provides written declaration of hardship
 - Tenants experiencing hardship from 9/1/20-1/31/21 also protected if they pay 25% of rent due
 - Tenants must provide additional documentation if they make more than \$100,000 or more than 130% of AMI
 - Unpaid rent must be paid, but failure to pay may not be used as cause for eviction
 - Landlords may start to sue to recover unpaid rent starting 3/1/21

- AB 3088 (enacted August 31, 2020)
 - Effect on City Discretion
 - If a city adopts a moratorium, it will not go into effect until 2/1/21
 - If city adopts ordinance that provides for a repayment period for unpaid rent, repayments must commence 3/1/21
 - If city adopts ordinance that provides for a repayment period for unpaid rent, full payment of unpaid rent must be made by 3/1/21

- CDC Order (issued September 1, 2020)
 - No evictions through the end of 2020
 - To qualify for protection the tenant must certify
 - Earn no more than \$99K
 - Can't make rent because of COVID-19
 - Will make payments they can afford
 - They understand that they must pay unpaid rent when moratorium ends
 - Order does not apply to states that provide broader protection (e.g. California)

- Options

- Do nothing

- AB 3088 will apply to evictions

- Enact local moratorium

- Will not go into effect until 2/1/21
 - Payment provisions must comply with AB 3088
 - Ordinance presented will have to be revised to address AB 3088

Thank You

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