

**SPECIAL CITY COUNCIL MEETING  
TUESDAY, APRIL 7, 2020**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

# **AGENDA QUESTIONS & ANSWERS**

**Items 4 & 5**

**AGENDA QUESTIONS & ANSWERS**  
**MEETING DATE: April 7, 2020**

**Item #4: [LB 20-016](#)** Repeal and Replacement of Temporary Moratorium on Evictions: Repeal of Existing Moratorium and Adoption of Emergency Ordinance Establishing a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (COVID-19) Pandemic to Include Prohibitions on Commercial Evictions, Lender Evictions of Homeowners, and Retaliation against Tenants (Report from City Manager McAdoo)

Why don't we include all homes with mortgages in the moratorium even if the homeowner doesn't live in the housing unit?

The City only has the authority to regulate evictions. The City does not have the authority to regulate financial institutions and to prevent foreclosures. As a result, only the household living in the housing unit can be protected by the City's eviction moratorium whether that is the homeowner itself or a residential tenant. It is also our understanding that the Governor is working with 200+ financial institutions to sponsor a program to prevent foreclosure for borrowers whose ability to pay has a COVID-19 nexus.

**Item #5: [LB 20-015](#)** Minimum Wage Ordinance: Introduce an Ordinance to Amend Chapter 6 "Minimum Wage Ordinance" of the City of Hayward Municipal Code Delaying the Implementation Date and Modifying the Yearly Adjustment Date for Increases in Response to Significant Impacts to Businesses Caused by the COVID-19 Pandemic (Report from City Manager McAdoo)

For Item 5 Regarding Minimum Wage, am I reading SEC. 6-15.12 correctly that CPI increases for large businesses are capped at 5%, but small businesses are not?

That is correct. CPI increases for large businesses are capped at 5%. The proposed ordinance does not apply a CPI cap for small businesses because the wage rate will be set by the State of California. This ensures small businesses will always be in alignment with the State wage rate in 2023 and onwards. The State can elect not to apply a CPI increase if the Governor's office finds we are in a recession. Note that the City's wage rate for large businesses will always be out of alignment with the State.

# **eCOMMENTS RECEIVED**

**Items 2, 4, & 5**

## eComments received for April 7, 2020 Hayward City Council Meeting:

Item	Name	Comment	Position
2. CONS 20-192 Adopt a Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to an Amount Not-to-Exceed \$10,748,182 to Purchase and Install Additional Water Meter Materials for the Advanced Metering Infrastructure Project No. 07025	Ricardo Prada	Why are we authorizing almost \$11 million for water meters during a pandemic? We can't even collect on water bills, so why spend on granular tracking? Why send workers to do non-essential installations, exposing people to disease? Instead of cutting minimum wage, let's use the money on bridge loans to small businesses, so we don't cut pay for employees. \$10.7MM covers hundreds of \$50k loans that would keep our economy afloat, rather than gadgets that don't help.	Oppose
4. LB 20-016 Repeal and Replacement of Temporary Moratorium on Evictions: Repeal of Existing Moratorium and Adoption of Emergency Ordinance Establishing a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (COVID-19) Pandemic to Include Prohibitions on Commercial Evictions, Lender Evictions of Homeowners, and Retaliation against Tenants (Report from City Manager McAdoo)	Audrey Boissonou	We are concerned that many tenants and homeowners may not realize that missing payments has severe long time consequences for a short term problem. CAMP would like to add to this discussion and the potential impact on homeowners, tenants and property owners in Hayward. We would like to encourage the Council to promote the link from the Consumer Financial Protection Bureau: <a href="https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/">https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/</a>	Neutral
5. LB 20-015 Minimum Wage Ordinance: Introduce an Ordinance to Amend Chapter 6 "Minimum Wage Ordinance" of the City of Hayward Municipal Code Delaying the Implementation Date and Modifying the Yearly Adjustment Date for Increases in Response to Significant Impacts to Businesses Caused by the COVID-19 Pandemic (Report from City Manager McAdoo)	Michael LeBlanc	Raising the minimum wage is needed in the war to equalize demographic disparities. A delay helps win the War. Hayward employees need support from employers. Hayward businesses need support from you. If you favor maximizing the number of Hayward employees that can be the beneficiaries of a minimum wage increase, delay... And support by shopping locally...now. Lets keep more people employed. We are in this together. All of us have to SACRIFICE & SUPPORT!	Support

**ITEM #3 CONS 20-193**

**ADOPT A RESOLUTION APPROVING PLANS  
AND SPECIFICATIONS AND CALL FOR BIDS FOR  
THE SULPHUR CREEK MITIGATION PROJECT AT  
HAYWARD EXECUTIVE AIRPORT**

**PUBLIC COMMENTS**

**From:** Ann E. Maris  
**Sent:** Tuesday, April 7, 2020 2:59 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** 4/7/20 City Council Agenda Item 3 CONS 20-196

Dear Mayor Halliday and Councilmembers,

I am writing with regard to the 4/7/2020 agenda item #3, involving a mitigation site for creek damage along Sulfur Creek at the Hayward Airport.

Mitigation for creek damage in the greater Hayward area should be performed at creek locations in the greater Hayward area, not at distant locations. Through my recent involvement with the Friends of San Lorenzo Creek, I have learned how complicated creek projects can be, particularly in the vicinity of an airport. These competing laws, rules, interests, and jurisdictions should not be an excuse for poor planning. Like a pandemic, we know these complex waterway issues occur and the interacting agencies should be prepared to manage them. It is not reasonable and places a disappointing burden on a non-profit, volunteer citizen group, such as the Friends of San Lorenzo Creek, to expect them to solve the problem. On the other hand, I am thankful that the agencies and City of Hayward consider their input as protectors of the creek.

Creeks are a component of public health. Creek health is a strong indicator of a healthy environment. In my lifetime, I have seen the creek life die in the Hayward area. While at CSUEB, I analyzed fecal bacteria in the creek and their antibiotic resistance. The most damaging impact to a healthy creek is nearby development, and more development is constantly being allowed up to the creek setbacks and beyond. It is absurd to say there is absolutely no local site that could need some help and to allow this mitigation funding to go elsewhere.

If County Flood Control is disallowing work anywhere in the Hayward area, perhaps the City of Hayward needs to work more closely with County Supervisor Richard Valle and other supervisors, who also serve as the Flood Control Board of Directors. What projects are County Flood Control already planning to improve our damaged local creeks? Perhaps this mitigation funding for work at the airport could contribute to a larger, more complex project that is already in the works.

Our creeks certainly need pollution barriers/catchs, cooling trees, improved channels, widened riparian corridors, and improved native habitat.

Much needed mitigation is being disallowed at the SF Bay end of Sulfur Creek because it is too close to the airport to receive the FAA funding. What is the distance within which habitat may not be restored? Goals of a healthy SF Bay involve restoring its marshland habitat and having contiguous habitat. So may we not ever restore/improve the Sulfur Creek terminus here in Hayward because of the airport? Again, this is outrageous and hard to believe that some compromise could not be reached to improve local habitat here.

Please, I am asking you to work harder to keep creek mitigation funds in the greater Hayward area. Concerned citizens will help support your efforts, but we need a clear pathway to success that we can support. Please consider adding the requirement to the funding that the mitigation project be within the greater Hayward area, and not at a distant site.

Sincerely,

Ann E. Maris, PhD

Organizer, Grove Way Neighborhood Association  
Director, Friends of San Lorenzo Creek  
Director, Eden Community Land Trust  
Chair, My Eden Voice! Parks and Recreation Committee

**ITEM #4 LB 20-016**

**REPEAL AND REPLACEMENT OF  
TEMPORARY MORATORIUM ON  
EVICTIONS: REPEAL OF EXISTING  
MORATORIUM AND ADOPTION OF  
EMERGENCY ORDINANCE ESTABLISHING A  
TEMPORARY MORATORIUM ON  
RESIDENTIAL AND COMMERCIAL  
EVICTIONS IN THE CITY OF HAYWARD FOR  
NON-PAYMENT OF RENT OR MORTGAGE  
PAYMENTS CAUSED BY THE CORONAVIRUS  
(COVID-19) PANDEMIC TO INCLUDE  
PROHIBITIONS ON COMMERCIAL  
EVICTIONS, LENDER EVICTIONS OF  
HOMEOWNERS, AND RETALIATION  
AGAINST TENANTS (REPORT FROM CITY  
MANAGER MCADOO)**

**MEMO**





## INTEROFFICE MEMORANDUM

**TO:** Mayor and City Council  
**FROM:** City Attorney  
**THROUGH:** City Clerk  
**SUBJECT:** Additional Language for Agenda Item #4, Repeal and Replacement of Temporary Moratorium on Evictions  
**DATE:** 4/7/2020

The purpose of this memorandum is to advise the City Council of a proposed substantive change to the ordinance referenced in Agenda Item #4, Repeal and Replacement of Temporary Moratorium on Evictions. Staff proposes to add clarifying language to section 7 of the ordinance, relating to criminal penalties for violation, so that it reads as follows (added language is underlined):

### SECTION 7. Enforcement

The City, at its sole discretion, may choose to enforce the provisions of this ordinance through administrative fines and any other administrative procedure set forth in Hayward Municipal Code Chapter 1, section 1-3.00. Violations of the provisions of this ordinance may be subject to administrative fines of up to \$4,000. The City's decision to pursue or not pursue enforcement of any kind shall not affect a tenant's rights to pursue civil remedies. The City Attorney is authorized to institute a civil action or pursue criminal prosecution to enforce any provisions of this Ordinance. A violation of this ordinance is a misdemeanor and is punishable by a fine not to exceed \$1000 or imprisonment not to exceed six (6) months, or both.



## **ITEM #4 LB 20-016**

**REPEAL AND REPLACEMENT OF TEMPORARY  
MORATORIUM ON EVICTIONS:  
REPEAL OF EXISTING MORATORIUM AND  
ADOPTION OF EMERGENCY ORDINANCE  
ESTABLISHING A TEMPORARY MORATORIUM  
ON RESIDENTIAL AND COMMERCIAL  
EVICTIONS IN THE CIYOF HAYWARD FOR  
NON-PAYMENT OF RENT OR MORTGAGE  
PAYMENTS CAUSED BY THE CORONAVIRUS  
(COVID-19) PANDEMIC TO INCLUDE  
PROHIBITIONS ON COMMERCIAL EVICTIONS,  
LENDER EVICTIONS OF HOMEOWNERS, AND  
RETALIATION AGAINST TENANTS  
(REPORT FROM CITY MANAGER MCADOO)**

**PUBLIC COMMENTS**

**From:** Ben Schweng  
**Sent:** Tuesday, March 31, 2020 3:29 PM  
**To:** Paul Nguyen <[Paul.Nguyen@hayward-ca.gov](mailto:Paul.Nguyen@hayward-ca.gov)>  
**Subject:** Commercial tenant eviction moratorium comment

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ben Schweng, member of the DHIA.

I don't think Hayward should extend the moratorium to commercial tenants. Any reasonable landlord knows that commercial rents are moving sharply down, and no one is signing a new commercial lease in this environment. There is very little financial sense to evict a commercial tenant today, given that a landlord may have a very long vacancy. All the landlords I know are doing everything they can to keep their commercial tenants knowing even some money now is better than no money.

It is my opinion that any evictions happening during this 90 day period are not COVID-19 related--they are ongoing situations due to either long standing payment issues, damage to property, or nuisance issues. In those cases, the property owner has the right to clear their property of problems.

--

Ben Schweng  
Cyclepath Hayward  
22510 Foothill Blvd  
Hayward CA 94541

**From:** Keanu Estrada  
**Sent:** Monday, April 6, 2020 10:05 AM  
**To:** List-Mayor-Council  
**Subject:** [ITEM 4] Stop ALL Evictions in Hayward

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

**Please cancel all eviction notices during the crisis and protect tenants from future evictions for inability to pay rent.**

This is our opportunity to prevent mass displacement and ensure our most vulnerable community members are not made more vulnerable in the aftermath of this crisis.

**We need a full moratorium on all evictions now.**

Please act now.

Thank you,  
Keanu



April 6, 2020

**RE: Repeal and Replacement of Temporary Moratorium on Evictions:**

Dear Mayor Halliday and City Council Members,

We are supportive of the changes being made to protect small businesses, as well as home and property owners. However, we are disappointed that **no changes are being considered to protect ALL tenants from evictions during this state of emergency.** During this period in which sheltering-in-place has been deemed the most important public health policy position to slow the spread of COVID-19, the staff report makes it clear that **Hayward City Council and staff find it acceptable for people to be evicted for reasons other than those outlined in the temporary moratorium.**

As stated in our March 22, 2020 letter, we maintain the following changes are necessary from a Public Health and Anti-Displacement perspective.

- Apply the moratorium to **all causes of evictions**
- Apply the moratorium **to any notice served after the local emergency was declared - March 11, 2020 - or expiring during state of emergency**

***Once a notice is served, the tenant is legally required to comply, regardless of the state of the courts. Currently, there are numerous barriers to compliance (ex: leasing offices closed).***

Attached you will find a redlined copy of the ordinance, produced by Centro Legal de la Raza, which would align the ordinance with our recommendations.

We also demand **a freeze on rent increases** to ensure no one is subjected to a raise in rent during this pandemic.

I am available to discuss these changes further, should anyone want to arrange a call with me.

Sincerely,  
Alicia G. Lawrence  
Housing Justice Advocate  
The Hayward Collective

ORDINANCE NO. 20-

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD REPEALING ORDINANCE No. 20-06 AND ADOPTING A TEMPORARY MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS IN THE CITY OF HAYWARD FOR NON-PAYMENT OF RENT OR MORTGAGE PAYMENTS CAUSED BY THE CORONAVIRUS (COVID-19) PANDEMIC, OR FOR A NO-FAULT REASON UNLESS THE EVICTION IS NECESSARY FOR THE IMMINENT HEALTH AND SAFETY OF THE TENANT OR LANDLORD

THE CITY COUNCIL OF THE CITY OF HAYWARD hereby ordains as follows:

**SECTION 1.**

**Repeal of Existing Moratorium.**

Ordinance No. 20-06, adopted by the Hayward City Council as an emergency ordinance on March 24, 2020 is hereby repealed and replaced with the ordinance enacted herein.

**SECTION 2.**

**Findings and Statement of Urgency.**

A. Pursuant to Article XI, Sections 5 and 7 of the California Constitution, Government Code Sections 36934 and 36937, and section 617 of the Charter of the City of Hayward, the City may make and enforce all regulations and ordinances using its police powers to regulate municipal affairs and may enact emergency ordinances for the immediate preservation of the public peace, health, or safety.

B. In late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness.

C. On January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.

D. On March 4, 2020 the Governor of California declared a State of Emergency due to the COVID-19 pandemic.

E. On March 11, 2020, the City Manager declared a Local Emergency in the City of Hayward due to the COVID-19 pandemic, which was affirmed by resolution of the Hayward City Council on March 17, 2020.

F. On March 13, 2020, the President of the United States declared a National Emergency due to the COVID-19 pandemic.

G. On March 16, 2020, the health officers of seven jurisdictions in the San Francisco Bay

Area, including the County of Alameda, issued an Order to all residents of the respective jurisdictions to shelter in their homes in an effort to slow the progression of the COVID-19 pandemic. As of 5:00 p.m. on March 15, 2020, 15 cases of COVID-19 were known to exist in Alameda County, as well as at least 258 confirmed cases and at least three deaths in the seven Bay Area jurisdictions jointly issuing the Order, including a significant and increasing number of suspected cases of community transmission and likely further increases in transmission.

H. On March 16, 2020, the Governor issued Executive Order N-28-20, authorizing local jurisdictions to prohibit commercial and residential evictions due to non-payment of rent or mortgage payments, where failure to pay is related to the COVID-19 pandemic. The Executive Order also requested all financial institutions holding mortgages to implement an immediate moratorium on foreclosures and related evictions when the default by the borrower was caused by the COVID-19 pandemic and directed certain state agencies to work with financial institutions to identify tools to be used to afford borrowers relief from the threat of residential foreclosures.

I. On March 24, 2020 the Hayward City Council adopted Ordinance No. 20-06, an emergency ordinance imposing a moratorium on residential evictions where non-payment of rent is due to a substantial decrease in household (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work,) or substantial out-of-pocket medical expenses caused by the COVID-19 pandemic, or by any local, state, or federal government response to the COVID-19 pandemic, or evictions for a no-fault reason unless the eviction is necessary for the imminent health and safety of the tenant and landlord.

J. The City of Hayward has one of the least affordable housing markets in California and the United States. Renters occupy about 49 percent of the City's housing stock and 57 percent of renters spend more than 30 percent of their income on housing.

K. During the COVID-19 pandemic outbreak, as a result of the State of Emergency declarations and the Shelter in Place Order, many tenants and homeowners have experienced sudden income loss and further income impacts are anticipated, leaving tenants vulnerable to eviction due to failure to pay rent or mortgage payments.

L. Affected tenants and homeowners who have lost income due to impact on the economy or their employment as a result of the State of Emergency declarations and the Shelter in Place Order are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted.

M. Displacement through eviction destabilizes the living situation of tenants and homeowners and impacts the health of Hayward's residents by uprooting children from schools, disrupting the social ties and networks that are integral to the community's welfare and the stability of communities within the City.

N. Displacement through eviction creates undue hardship for tenants and homeowners

through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing.

O. During the COVID-19 pandemic outbreak, as a result of the State of Emergency declarations and the Shelter in Place Order, bars and restaurants have been ordered to only serve food for delivery or pick-up; many other businesses have been determined to be non-essential, and thus ordered to effectively cease operations. Consequently, many businesses have experienced sudden income loss due to reduced business hours, business closure, or reduced consumer demand, and further income impacts are anticipated.

P. The loss of income caused by the effects of COVID-19 and the public health orders have, and will, impact commercial tenants' ability to pay rent when due, leaving them vulnerable to eviction.

Q. Providing commercial tenants with short-term protection from eviction due to the inability to pay rent will help avoid further business closures and job losses

R. Eviction of commercial tenants disrupts the social ties and networks that are integral to the community's welfare and the stability of communities within the City.

S. Eviction of commercial tenants creates undue hardship for business owners through additional relocation costs, stress and anxiety, and the threat of losing residential housing due to lack of business income.

T. The City Council finds and determines that during this state of emergency the public interest in preserving peace, health, and safety and preventing further transmission of COVID-19, would be served by avoiding unnecessary displacement and homelessness.

U. The City Council further finds and determines that a temporary moratorium on residential and commercial evictions is necessary to protect public health and safety, where inability to pay is due to a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand) or substantial out-of-pocket medical expenses caused by the COVID-19 pandemic, or by any local, state, or federal government response to the COVID-19 pandemic, or evictions for a no-fault reason unless the eviction is necessary for the imminent health and safety of the tenant and landlord.

V. Based upon the above-described facts and circumstances, and for these same reasons, the City Council finds that this ordinance is necessary as an emergency measure for preserving the public peace, health and safety, and therefore it may be introduced and adopted at one and the same meeting, and shall become effective immediately upon its adoption by five (5) or more affirmative votes of the Hayward City Council but shall be of no further force or effect 90 days from its date of adoption unless otherwise extended



by the City Council.

### **SECTION 3. Definitions.**

A. Commercial Rental Agreement. An oral, written, or implied agreement between a Landlord and a Tenant for use or occupancy of a Commercial Rental Unit.

B. Commercial Rental Unit. Any building, structure, or part thereof, or appurtenant thereto, or any other rental property rented or offered for rent, other than for living or dwelling purposes.

C. Covered Reason for Delayed Payment. A tenant's or homeowner's inability to pay rent or mortgage payments which arises from a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or was unable to work because their children were out of school, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand) or substantial out-of-pocket medical expenses **or other expenses** and the decrease in household or business income or ~~the out-of-pocket medical~~ expenses were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

D. Homeowner. The owner or owners of a Residence subject to a mortgage payment or similar loan secured by the residential unit. Homeowner includes the owner of a Mobile home.

E. Housing Service. A service provided by the Landlord related to the use or occupancy of a Residential Rental Unit, including but not limited to, insurance, repairs, replacement, maintenance, painting, lighting, heat, water, elevator service, laundry facilities, janitorial service, refuse removal, furnishings, parking, security service, and employee services.

F. Landlord. Any owner, lessor, or sublessor of real Property who receives or is entitled to receive Rent for the use or occupancy of any Residential or Commercial Rental Unit or portion thereof in the City of Hayward, and the designated representative, agent, or successor of such owner, lessor, or sublessor.

G. Lender. The mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more Residences, which person has the right to mortgage or similar payments from the Homeowner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

H. Moratorium Period. The period from the effective date of this Ordinance and continuing for ninety (90) days thereafter unless extended by the City Council. Mobile home. A structure transportable in one or more sections, designed and equipped to contain no more than one dwelling unit, to be used with or without a foundation system.

I. Mortgage Payment. The predetermined set of payments that a borrower is obliged to pay to a lender pursuant to a debt instrument, which is secured by specified real estate property as collateral.

~~J. No-Fault Eviction. No-fault eviction refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to, the circumstances described in Hayward Municipal Code section 12-1.13(b)(7)–(10) or any notice served pursuant to Code of Civil Procedures 1161, et seq, or other applicable law.~~

K. Rent. All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord for use or occupancy of a Residential Rental Unit and Housing Services under a Rental Housing Agreement or a Commercial Rental Unit under a Commercial Rental Agreement, as the case may be.

L. Rental Housing Agreement. An oral, written, or implied agreement between a Landlord and a Tenant for use or occupancy of a Rental Unit and Housing Services.

M. Residence. A structure, including a mobile home, or the portion thereof that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household, and which person or household pays mortgage payments to a lender for the use and/or occupancy of the structure or Mobile home, or the space where a Mobile home is located.

N. Residential Rental Unit. Any building, structure, or part thereof, or appurtenant thereto, or any other rental Property Rented or offered for Rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other real properties used for living or dwelling purposes, together with all Housing Services connected with the use or occupancy of such Property. For purposes of this ordinance a Residential Rental Unit shall also include a mobile home or mobile home space.

O. Tenant. A Tenant, subtenant, lessee, sublessee, or a person entitled under the terms of a Rental Housing Agreement or Commercial Rental Agreement, to the use or occupancy of a Residential Rental Unit, or a Commercial Rental Unit, respectively.

#### **SECTION 4. Imposition of Temporary Moratorium on Certain Non-Payment and No-Fault Evictions**

A. During the Moratorium Period, no Landlord shall evict a tenant, nor shall any lender evict a homeowner, under either of the following circumstances: (1) for nonpayment of rent or mortgage payments if the tenant or homeowner demonstrates that inability to pay arises out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or was unable to work because their children were out of school, or a substantial decrease in business income caused by a reduction in

opening hours or consumer demand) or substantial out-of-pocket medical expenses ~~or other expenses~~ and the decrease in household or business income or the ~~out-of-pocket medical~~ expenses were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented, or (2) for a no-fault eviction unless necessary for the imminent health and safety of tenants, neighbors, or the landlord. **This protection shall extend to all notices that expire, are served or filed during the effective period of this Ordinance, even after the effective period of the Ordinance.**

B. A landlord or lender who reasonably knows that a tenant or homeowner cannot pay some or all of the rent or mortgage payments temporarily for the reasons set forth in paragraph A of this section shall not serve a notice informing a tenant or homeowner of the termination of their right to occupy a Residential Rental Unit, Commercial Rental Unit, or Residence, in accordance with applicable California law, including but not limited to a 3- or 30-day notice to pay or quit, or otherwise seek to evict for nonpayment of rent or mortgage payments. A landlord or lender knows of the tenant's or homeowner's inability to pay within the meaning of this Ordinance if the tenant or homeowner notifies the landlord or lender in writing of lost income and inability to pay full rent or mortgage payments and is able to provide documentation to support the claim. Requirements to notify the landlord or lender do not preclude the tenant or homeowner from protections under the Moratorium if the tenant or homeowner was unable to notify the landlord or lender in writing.

C. For purposes of this section, "in writing" includes email or text communications to the landlord or lender, or the landlord's or lender's representative with whom the tenant or homeowner has previously corresponded by email or text.

D. For the purposes of this section, documentation to support a claim of inability to pay due to the COVID-19 pandemic may include, without limitation: a statement signed under penalty of perjury that the inability to pay is due to a Covered Reason for Delayed Payment as defined herein; medical bills or reports; documents showing reduced income such as pay stubs or unemployment benefit documents; correspondence from an employer citing COVID-19 as a basis for reduction in work hours or termination of employment; documents showing reduced business income; correspondence by a business owner citing COVID-19 as a basis for reduced business hours or business closure Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

E. Nothing in this Ordinance shall relieve the tenant or homeowner of liability for the unpaid rent or mortgage payments, which the landlord or lender may seek after expiration of the moratorium, unless the parties agree otherwise. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance.

F. A tenant or landlord may request to participate in a mediation process through the City of Hayward Rent Review Office, to assist the parties with negotiating, among other things, reduced rental payment amounts during the moratorium period and repayment schedules for unpaid rent during the moratorium period. Any negotiated reduced rent during the mediation process would not affect the base rent calculation of rent-controlled

units pursuant to Chapter 12, Article 1 of the Hayward Municipal Code. The parties may request the assistance of the Rent Review Office, to renegotiate agreements as circumstances change. This paragraph shall only apply to tenants and landlords of residential rental units.

## **SECTION 5. Application**

A. This Ordinance applies to all residential rental units, commercial rental units, and residences in the City of Hayward.

B. This Ordinance applies to nonpayment eviction notices, no-fault eviction notices, unlawful detainer actions under California Code of Civil Procedure section 1161, termination of tenancy in a Mobile home park under the Mobile home Residency Law (see Civil Code sections 798.55, et. seq.), petition for writ of possession, or any other action to recover possession of the Residential Rental Unit, Commercial Rental Unit, or Residence, or to otherwise cause tenants or homeowners to vacate the Residential Rental Unit, Commercial Rental Unit, or Residence, based on such notices served, **expired** or filed during the effective period of this Ordinance. **This protection shall extend to all notices that expire, are served or filed during the effective period of this Ordinance, even after the effective period of the Ordinance.** With respect to delayed payment covered by this Ordinance, a landlord may seek such rent after expiration of the moratorium. No landlord or lender may institute unlawful detainer proceedings under California Code of Civil Procedure section 1161, termination of tenancy in a Mobile home park under the Mobile home Residency Law (see Civil Code sections 798.55, et. seq.), petition for writ of possession, or any other action to recover possession of the Residential Rental Unit, Commercial Rental Unit, or Residence, or to otherwise cause tenants or homeowners to vacate the Residential Rental Unit, Commercial Rental Unit, or Residence, for non-payment for a period of 90 days after expiration of the moratorium, unless the tenant or homeowner has breached the terms of a rental or mortgage payment agreement negotiated during the term of this moratorium. In any event the landlord or lender must meet and confer with the tenant or homeowner prior to commencement of any proceedings described in this section.

C. Non-compliance by a landlord or lender with any applicable provision of this Ordinance shall constitute an affirmative defense for a tenant or homeowner against any proceeding instituted by a landlord or lender described in this section.

## **SECTION 6. Retaliation Prohibited.**

A landlord or lender shall not retaliate against a tenant or homeowner for nonpayment of rent or mortgage payments caused by COVID-19 or for exercising their rights under this Ordinance, including but not limited to shutting off any utilities or reducing services or amenities to which the tenant or homeowner would otherwise be entitled.

## **SECTION 7. Enforcement**

The City, at its sole discretion, may choose to enforce the provisions of this ordinance through administrative fines and any other administrative procedure set forth in Hayward Municipal Code Chapter 1, section 1-3.00. Violations of the provisions of this ordinance may be subject to fines of up to \$4,000. The City's decision to pursue or not pursue enforcement of any kind shall not affect a tenant's rights to pursue civil remedies. The City Attorney is authorized to institute a civil action or pursue criminal prosecution to enforce any provisions of this Ordinance.

#### **SECTION 8. Civil Remedies.**

A Tenant or homeowner may bring a civil suit in the courts of the state alleging that a Landlord or lender has violated any of the provisions of this Ordinance or any regulations promulgated hereunder. In a civil suit, a Landlord or lender found to violate this Ordinance shall be liable to the Tenant or homeowner for all actual damages, which may include an award for mental and/or emotional distress and/or suffering, or for minimum damages in the sum of one thousand dollars (\$1,000.00), whichever is greater, and whichever other relief the court deems appropriate. A prevailing Tenant or homeowner in a civil action brought to enforce this Ordinance shall be awarded reasonable attorneys' fees and costs. Additionally, upon a showing that the Landlord or lender has acted willfully or with oppression, fraud, or malice, the Tenant or homeowner shall be awarded treble damages. No administrative remedy need be exhausted prior to filing suit pursuant to this Section.

#### **SECTION 9. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION 10. Effective Date and Expiration Date.**

This Ordinance shall become effective immediately upon its adoption by five (5) or more affirmative votes of the Hayward City Council but shall be of no further force or effect 90 days from its date of adoption unless otherwise extended by the City Council.

#### **SECTION 11. California Environmental Quality Act (CEQA)**

The City Council independently finds and determines that this action is exempt from CEQA pursuant to Public Resources Code section 21065, based on the finding that this Ordinance is not a "project" within the meaning of Section 15378 of the CEQA Guidelines. The City Council further independently finds and determines that this action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed

amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

INTRODUCED at a special meeting of the City Council of the City of Hayward, held the day of April, 2020, by .

ADOPTED at a special meeting of the City Council of the City of Hayward, held the day of April, 2020, by the following votes of members of said City Council:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**From:** Bill Mulgrew  
**Sent:** Monday, April 6, 2020 10:14 AM  
**To:** List-Mayor-Council  
**Cc:** Lee McEachern; Mina Gill; Marc Crawford; Kelly McAdoo; Jennifer Ott; Christina Morales  
**Subject:** Agenda Item 4 on April 7th Council Agenda

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Madam Mayor and Respected Council,

The Rental Housing Association of Southern Alameda County still supports the need and desirability of an Emergency Ordinance providing a ban on Evictions for COVID-19-related economic hardship. We believe that the City of Hayward is among the more enlightened cities in your solutions to the problems we are jointly facing. The new proposed Emergency Ordinance takes valuable steps in protecting our precious commercial tenants and **most** of our homeowners.

Unfortunately, the proposed ordinance ignores the plight of a significant segment of homeowners: the people who own single family residences and condominiums and rent them to the citizens of Hayward. We understand there are more than 4,000 such properties in Hayward. There is no reason to treat these people and families any differently than you would a resident who lives in a mortgaged home as their primary residence. These Mom and Pop housing providers have been contacting us in a panic about how they will pay their mortgages, taxes, utilities and fund their living expenses when their renters are granted a moratorium on their rents. They deserve the same eviction and foreclosure protections as any homeowner.

People who oppose this inclusiveness often cite the mortgage forbearance available through the CARES Act. We would point out that the same forbearance is available to any homeowner. If mortgagees who live in their homes are worthy of additional protections, so are mortgagees who rent out their homes or condominiums. The same would apply to ADU's that are mortgaged.

We support the proposed Emergency Ordinance with the provision that Applicability is set as "All residential rental units, commercial rental units, and any residence or ADU subject to a mortgage payment."

Thank you for your good work on behalf of the renters, businesses and homeowners in Hayward.

Sincerely,

Bill Mulgrew  
Vice President of Public Affairs  
Rental Housing Association  
1264 A Street  
Hayward, CA 94541  
(510) 537-0340 ext 102

The Rental Housing Association does not make any representation or warranty any advice as to its legal effect. Our services are not intended to serve as a replacement for professional legal advice. Consult with an attorney when making important decisions that could impact your business or rental properties

**From:** ChefG 510  
**Sent:** Tuesday, April 7, 2020 7:58 AM  
**To:** List-Mayor-Council  
**Subject:** I Support...

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"I support the Hayward collective recommendations. We need an eviction moratorium that protects OUR community from ALL evictions, regardless of the cause"

Sincerely, a concerned Hayward tenant



**From:** Alicia Lawrence  
**Sent:** Tuesday, April 7, 2020 11:35 AM  
**To:** List-Mayor-Council  
**Cc:** The Hayward Collective; Christina Morales  
**Subject:** Comments on Presentation for Item 4: Repeal and Replace of Temporary Emergency Moratorium

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor, Council, and Staff,

The presentation for tonight was published this morning. I would like to address a few things regarding the slides related to "Other Stakeholder Comments."

Slide 6

**Stakeholder Comment:** *Prohibit all evictions, not just evictions related to non-payment or no-fault evictions.*

**Staff Response:** *Staff does not recommend expanding to prohibit all evictions as this may incentivize disregard for other important lease terms. That said, the courts are not processing any unlawful detainers.*

Just because the courts aren't processing unlawful detainers (UDs), doesn't mean eviction notices are not a threat to the health and well-being of an individual or family. Leases are not necessarily consumer-friendly contracts. It is commonly a violation of one's lease for a family member to move-in, if the property manager/landlord is not notified. We now have families with children home all the time which may now pose a "nuisance" to neighbors. Retaliatory evictions are not unheard of. There are clear and distinct barriers for those served with notices to legally comply with those notices. **NO ONE DESERVES THE THREAT OF EVICTION DURING A STATE OF EMERGENCY.**

Slide 7

**Stakeholder Comment:** *Extend protections to all evictions notices that expire, are served or filed during or after the effective period of the ordinance.*

**Staff Response:** *This ordinance already protects eviction notices that are served or filed during the effective period due to COVID-19 crisis; this added language would expand protections to other non-related causes and to eviction notices filed or served prior to the crises. Staff recommends maintaining nexus to COVID-19 crisis consistent with Governor's Executive Order.*

The previous and proposed emergency ordinances still required people who received eviction notices immediately prior to the declarations of emergency, to comply with the notices. As mentioned above, there are clear and distinct barriers to compliance as stated by one of the commenters during the March 24th meeting. Governor Newsom's Executive Order clarified what General Cities could do, and did not prohibit more expansive protections that Charter Cities (like Hayward) were already legally able to do. **ANYONE SERVED AN EVICTION NOTICE IMMEDIATELY PRIOR TO THE STATE OF EMERGENCY DESERVES A REPRIEVE UNTIL THE STATE OF EMERGENCY ENDS.**

Slide 8

**Stakeholder comment:** *Enact a rent freeze*

**Staff Response:** *The City's existing rent stabilization ordinance prevents rent gouging and includes specific civil and criminal violation penalties. Additionally, the City Attorney has unique authority to criminally enforce egregious behavior. As a result, staff does not recommend an across-the-board rent freeze at this time.*

The rent stabilization ordinance permits rent increases up to 5% and applies to units built before 1979. Our most vulnerable community members live in those units. Hayward can enact an emergency measure that would halt rent increases for - at minimum - those units. Hayward could even explore more creative measures to ensure tenants in stabilized and non-stabilized units are given a reprieve. **NO ONE DESERVES A RENT INCREASE DURING A PANDEMIC.**

The City of Oakland just passed an extensive emergency ordinance that includes a halt to all evictions and invalidates all notices.

The City of Los Angeles passed an emergency ordinance prohibiting rent increases on rent controlled units.

City of Hayward is exploring myriad and creative options to ensure small businesses stay afloat, and the local economy rebounds quickly. Yet the only measure of vision or creativity directed towards residential tenants has been the length of applicability of the ordinance and the ability to self-certify loss of income. **The parameters of applicability are, in fact, quite strict and do little to support public health initiatives to shelter-in-place and minimize contact with people outside one's home during this crisis.**

**And how are you preserving small businesses if more efforts are not directed towards patrons of those business; like tenants who compromise roughly 50% of Hayward households.**

I appreciate the work done by staff. Christina Morales has been proactive in her efforts to communicate timely and efficiently with The Hayward Collective. But it is within your ability to respectfully disagree with staff recommendations and do more for Hayward tenants.

Sincerely,  
Alicia

--

**Alicia G. Lawrence**  
*she/her/hers*  
Housing Justice Advocate  
The Hayward Collective

**From:** monzella curtis  
**Sent:** Tuesday, April 7, 2020 11:51 AM  
**To:** List-Mayor-Council  
**Subject:** Moratorium Item # 4

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Items Number 4, changes does not extend the evictions moratorium to cover ALL OF HAYWARD TENANTS  
So it appears that there are evictions that will still be permissible during this state of emergency, I am PLEDGING That  
ALL HAYWARD TENANTS WILL BE PROTECTED FROM BEING EVICTED

Thanks  
Monzella  
The Hayward Collective

**From:** Eric Vance  
**Sent:** Tuesday, April 7, 2020 3:15 PM  
**To:** List-Mayor-Council  
**Subject:** Today, Tue. 04/07/20 - [ITEM 4] Stop ALL Evictions in Hayward

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Hayward City Council,

As a Hayward resident, community member, and voter, I want to see the Hayward City Council immediately correct its previous actions and move to protect ALL tenants during this COVID-19 pandemic. Many of us, our friends, and family are struggling right now from the effects of the public health crisis and are worried about being evicted, even after the crisis is over. No matter the cause, no one deserves an eviction notice during this pandemic. No one should be forced to scramble for new housing during a time of statewide quarantine, and when so little resources are available to find new housing. **We need a full moratorium on all evictions now.**

Communities throughout the Bay Area, the state, the nation, and internationally are already organizing for a rent strike, you have the power to do something about this at the City level in terms of legislation that protects working-class people. I live in an apartment complex owned by one of the most evil corporations to exist, Blackstone, and their local property management company is notorious for being uncommunicative, irresponsible, and predatory. It should not fall to working-class tenants, already struggling to make ends meet and provide and care for their families, to also worry about evictions.

**City Council should cancel all eviction notices during the crisis and protect tenants from future evictions for inability to pay rent.**

During this pandemic we must act quickly to help ensure everyone is stable in their homes, and that fear of eviction post-pandemic is not hanging over tenants' heads.

This is your opportunity to prevent mass displacement and ensure our most vulnerable community members are not made more vulnerable in the aftermath of this crisis. I challenge you to not only cancel all eviction notices during the pandemic -- which should be the bare minimum at the City level -- but to enact a rent freeze. Landlords do not deserve to have their income be solely based on their tenants' income, particularly those landlords and property management firms who do not provide any labor in return.

I am in full support of The Hayward Collective's efforts on this matter, and urge you to listen to Alicia Lawrence.

Please act now.

Thank you for your leadership.

Best of luck, and best wishes to you and yours.

Sincerely,

Eric Vance



April 7, 2020

RE: New Evictions Ordinance

Dear Mayor Halliday and Councilmembers Lamnin, Márquez, Mendall, Salinas, Wahab, and Zermeño:

I write regarding the newly updated evictions ordinance. As I have mentioned several times before, I am concerned that the ordinance does not go far enough to protect Hayward tenants during the public health crisis. It unfortunately does not close any of the loopholes in the original ordinance. Those loopholes mean that landlords can serve Hayward tenants with eviction notices right now or make them liable to be evicted later on if they don't move out of their homes right now.

Notably, the ordinance still does not cover previously existing eviction notices that had not yet expired. At the last Council meeting, we heard from a tenant who had been served a no-fault eviction notice requiring her to move out this month. She was not able to find any housing, although she had tried. While the ordinance covers no-fault notices, it currently does not cover her and others like her. It easily could if it were changed to include notices that were previously served but had not yet expired as of the date of the original ordinance. The County Shelter-in-Place order is clear that no persons should be moving except under very limited circumstances. I do not want any tenants to violate the order because they were served an eviction notice before the emergency period, or to take any actions that are unsafe rather than focus on their families and their health.

The ordinance is also limited in its scope compared to other jurisdictions, some of which have stopped landlords from serving eviction notices right now for almost every reason, outside of imminent health and safety threats. Tenants who receive eviction notices now may not be able to comply with them -- but because of how the eviction process is structured in California, notices now can mean eviction later without the legal right to cure any violations. Having the ordinance invalidate all eviction notices removes this issue while preserving landlords' right to serve eviction notices once the crisis has ended.

As an eviction defense attorney, I am worried about tenants in cities where these protections are not provided. Our ability to defend tenants depends strongly on the legal protections their cities grant them.

I am therefore asking you to invalidate all eviction notices served before the State of Emergency was declared or that expire during the State of Emergency, by making it a defense to an eviction action that the action was filed in reliance on such notice.

Sincerely,

Jackie Zaneri, Esq.  
Centro Legal de la Raza

**From:** Lucia Aguilar-Navarro  
**Sent:** Tuesday, April 7, 2020 4:49 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Cc:** Joe Navarro; hehaywardcollective  
**Subject:** [ITEM 4] Stop ALL Evictions in Hayward

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and City Council members,

As a Hayward community member, I want to see the Hayward City Council immediately correct its previous actions and move to protect ALL tenants during this pandemic. Many of us, our friends, and family are struggling right now from the effects of the public health crisis and are worried about being evicted, even after the crisis is over. No matter the cause, no one deserves an eviction notice during this pandemic. No one should be forced to scramble for new housing during a time of statewide quarantine, and when so little resources are available to find new housing. **We need a full moratorium on all evictions now.**

**City Council should cancel all eviction notices during the crisis and protect tenants from future evictions for inability to pay rent.**

During this pandemic we must act quickly to help ensure everyone is stable in their homes, and that fear of eviction post-pandemic is not hanging over tenants' heads.

This is your opportunity to prevent mass displacement and ensure our most vulnerable community members are not made more vulnerable in the aftermath of this crisis.

Please act now.

Sincerely,

Lucia Aguilar-Navarro &  
Joe Navarro  
Hayward Residents



980 9th Street, 16th Floor | SACRAMENTO, CALIFORNIA 95814  
916.448.8236 | [info@thecampsite.org](mailto:info@thecampsite.org) | [WWW.THECAMPSITE.ORG](http://WWW.THECAMPSITE.ORG)

April 6, 2020

Re: Moratorium on Residential and Commercial Evictions

Dear Hayward City Council;

As the California Association of Mortgage Professionals (CAMP) our mission is to advocate on behalf of responsible mortgage professionals and consumers for the availability of affordable financing, while promoting expert knowledge, accountability, sound lending and ethical conduct throughout the mortgage industry.

We appreciate your recent ordinance "Adoption of Emergency Ordinance Establishing a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (COVID-19) Pandemic to Include Prohibitions on Commercial Evictions, Lender Evictions of Homeowners, and Retaliation against Tenants."

We ask that you remove the "Lender Evictions Provisions" in the Ordinance and instead promote State and Federal Programs aimed at promoting home ownership. We ask the City of Hayward to encourage residents who may be unable to make their mortgage payments due to loss of income to contact their servicer. We are concerned that many tenants and homeowners may not realize that missing payments has severe long time consequences for a short term problem. CAMP would like to add to this discussion and the potential impact on homeowners, tenants and property owners in Hayward. There will also be consequences for the City and surrounding areas.

This situation is complicated because many of the fixes being proposed by the government aren't permanent and numerous details of the programs being offered aren't known at this time. We are deeply concerned because often the consumer hears "you don't have to make your payments" without a clear understanding of what that means. The programs vary from lender to lender and there are currently no programs that allow the payments be forgiven which means everyone is going to owe the money eventually. The question is only when is it due and often the consumer doesn't know the answer. The message to everyone really needs to be "if you can make your payments now, pay now." It needs to be the headline to the consumer. The first line of every memo, publication and direction given. It is much more difficult to make up payments and all of these temporary solutions requirement repayment eventually.

The U.S. government has stepped in to offer homeowners financial relief during this unprecedented time with the Coronavirus Aid, Relief, and Economic Security (CARES) Act. With this new Act, government-sponsored agencies such as Fannie Mae and Freddie Mac will offer forbearance agreements with protections for those homeowners in need. It is important to note that many borrowers do not have loans through a government sponsored entity and the terms from these lenders will vary.

A forbearance is an agreement between a homeowner and their mortgage servicer (to whom they send their mortgage payments) to suspend payments for a period of time. The homeowner does not incur late fees or other penalties during the forbearance. The terms of the mortgage agreement are unchanged, and the homeowner agrees to make up the accrued interest and payments in the future. Normally, a forbearance will affect a homeowner's credit rating, however, there are a few differences in forbearances during COVID-19 which can be found on the Fannie Mae and Freddie Mac websites.

Loan servicers of government sponsored loans have been instructed to provide mortgage relief options which include:

- Ensuring payment relief by providing forbearance for up to 12 months.
- Waiving assessments of penalties or late fees.
- Halting foreclosures and evictions of borrowers living in homes owned by the mortgage servicer until at least May 17, 2020 (Freddie Mac).
- Suspending the reporting to credit bureaus of past due payments of those in forbearance due to the COVID-19 emergency.
- Offering loan modifications for payment relief to keep mortgage payments the same after the forbearance period.
- Borrowers are eligible regardless of whether their property is an investment, second home, or owner-occupied.

We would like to encourage the Council to promote the link from the Consumer Financial Protection Bureau: <https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/>

Please note that the guideline states the payments can be delayed "up to 12 months" which doesn't mean every servicer will grant the borrower 12 months. It may be less and although the consumer does not have to pay their mortgage for 3 months they could potentially be required to pay the entire amount due in month four. We believe this is unworkable for many consumers, especially those who have been out of work for several months. Potentially, it could lead to massive defaults impacting the consumer and lowering the value of all property in the area. Families will lose their homes, revenue to local governments will decrease and more citizens will require government resources.

Of additional concern is the property tax payments and insurance payments due during this forbearance period which has not sufficiently been addressed.

It is also worth noting that with mortgage rates at historic lows, it would likely benefit homeowners to refinance to take advantage of extremely low interest rates and/or take cash out of their property for expenses. If they are in a forbearance program, they will be unable to refinance.

We can temporarily stop evictions and foreclosures but if homeowners and tenants don't make their payments, the consequences are devastating. Tenants don't pay rent, landlords can't make their payments on their loans or pay their property taxes. When they eventually lose their properties, tenants are evicted and displaced, properties are sold at a discount, property taxes decrease which lowers the income to local governments. The entire community loses.

Please consider this as supportive of information for your efforts but helps share information needed by consumers to the best avenues to protect their homes, equity and credit ratings going into the future. Please encourage residents who may be unable to make their mortgage payments due to loss of income to contact their servicer. We are here to be a resource during this difficult time.

Very truly yours,



Audrey Boissonou  
President  
California Association of Mortgage Professionals

cc: Mayor, Barbara Halliday; City Manager, Kelly McAdoo



-----Original Message-----

From: sandra garcia <sandragarcia372@gmail.com>  
Sent: Tuesday, April 7, 2020 5:54 PM  
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
Subject: Frenar la renta

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Buenas Sra, Bárbara Consejal de la Ciudad de Hayward:

Me atrevo a escribirle, y saber que usted tiene el poder de frenar el pago de renta por lo menos 2 o 3 mese ya que mucha gente de nuestra comunidad estamos sin trabajo o no podemos completar para la renta y aunque den una extensión, no sería posible pagarla ya que si no podemos pagar un mes mucho menos podríamos pagar 2 o 3 meses juntos, podría proponerlo así como lo estan haciendo en San José, California le agradecería pronta respuesta a esta inquietud. Gracias y bendiciones

---

**TRANSLATION**

**Subject: Stop rent (payments)**

Good afternoon Mayor Halliday,

I'm writing to you knowing that you have the power to stop rent payments for at least two or three months since many people in our community are out of work or cannot make rent payments. Even if an extension is in place, it would be impossible to make rent payments because if we cannot pay the rent for one month, much less we could pay two or three months together. I would propose an approach similar to San Jose, California. I would appreciate a prompt response to this concern. Thanks and blessings.

**From:** griselda cornejo <>

**Sent:** Tuesday, April 7, 2020 9:35 PM

**To:** Info <[Info@hayward-ca.gov](mailto:Info@hayward-ca.gov)>

**Subject:** A favor de lo extra en la moratoria y que se apruebe el aumento del sueldo minimo

Buenas noches mi nombre es Griselda Cornejo .

Este correo es para dejarles saber que estoy a favor de lo extra en la moratoria y de que se apruebe el aumento del sueldo mínimo.

Como comunidad estamos pasando una situación muy difícil , debido a esta pandemia del coronavirus.

Muchas familias estamos sufriendo al ver como muchos an quedado sin un empleo,

Y peor aún familia que no saben que va a pasar al no poder tener un ingreso para solventar sus gastos .

Es por eso que le pido tomen en cuenta nuestros peticiones y se apruebe el aumento al sueldo mínimo para que familia se puedan beneficiar un poco en estos momento .

A FAVOR DE LO EXTRA EN LA MORATORIA .

Y QUE SE APRUEBE EL AUMENTO AL SULDO MINIMO .

Gracias.

---

#### **TRANSLATION**

Subject: In favor of the additions to the moratorium and in favor of the minimum wage increase

Good evening. My name is Griselda Cornejo.

This email is to let you know that I am in favor of the additions to the moratorium and in favor of the minimum wage increase.

The community is going through a very difficult situation due to the coronavirus pandemic.

Many families are suffering seeing how we are being laid off.

And even worse, when families do not know what will happen because they won't have an income to cover their expenses.

That is why I ask you to take into account our requests and approve the minimum wage increase so that families can benefit a little at this time.

IN FAVOR OF THE ADDITIONS TO THE MORATORIUM.

AND IN SUPPORT OF THE MINIMUM WAGE INCREASE.

Thank you.

**From:** Gustavo Michelena < >  
**Sent:** Tuesday, April 7, 2020 6:52 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Congelamiento rentas

Muy apreciados concejales:

Necesitamos pedirles con urgencia se dicte una norma que nos proteja a quienes no podemos pagar la renta por haber perdido nuestros trabajos, pagarla en partes ( moratoria) no ayuda mucho porque al igual está deuda se acumula y traerá mucha dificultades a nosotros los residentes de Hayward y un posible desalojo.

Espero que en la reunión que tendrán hoy Abril 7 se llegue a determinar algún alivio para nosotros

Saludos cordiales

Gustavo Michelena

---

**TRANSLATION**

Subject: Rent freeze

Dear members of the City Council,

We urgently urge you to enact protections for those of us who cannot make rent payments because of lost jobs, paying it in parts (moratorium) does not help much because the debt will accumulate making it more difficult for Hayward residents and possibly causing evictions.

I hope that during today's meeting, April 7, there be consensus to obtain some relief for us.

Best regards

Gustavo Michelena

**From:** remberto < >  
**Sent:** Tuesday, April 7, 2020 6:48 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** Renta congelada

Muy apreciados concejales:

Necesitamos pedirles con urgencia se dicte una norma que nos proteja a quienes no podemos pagar la renta por haber perdido nuestros trabajos, pagarla en partes ( moratoria) no ayuda mucho porque al igual está deuda se acumula y traerá mucha dificultades a nosotros los residentes de Hayward y un posible desalojo.

Espero que en la reunión que tendrán hoy Abril 7 se llegue a determinar algún alivio para nosotros

Saludos cordiales

Remberto Lopez

---

**TRANSLATION**

Subject: Rent freeze

Much appreciated Council Members:

We urgently urge you to enact protections for those of us who cannot make rent payments because of lost jobs, paying it in parts (moratorium) does not help much because the debt will accumulate making it more difficult for Hayward residents and possibly causing evictions.

I hope that during today's meeting, April 7, there be consensus to obtain some relief for us.

Best regards

Remberto Lopez

From: Matias R <>  
Sent: Tuesday, April 7, 2020 6:25 PM  
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
Subject: Ayuda con el pago de la renta

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Muy apreciados concejales:

Necesitamos pedirles con urgencia se dicte una norma que nos proteja a quienes no podemos pagar la renta por haber perdido nuestros trabajos, pagarla en partes (moratoria) no ayuda mucho porque al igual está deuda se acumula y traerá muchas dificultades a nosotros los residentes de Hayward y un posible desalojo.

Espero que en la reunión que tendrán hoy Abril 7 se llegue a determinar algún alivio para nosotros

Saludos cordiales  
Nancy Respaldiza

---

**TRANSLATION**

Subject: Help with rent payment

Dear Council Members:

We urgently urge you to enact protections for those of us who cannot make rent payments because of lost jobs, paying it in parts (moratorium) does not help much because the debt will accumulate making it more difficult for Hayward residents and possibly causing evictions.

I hope that during today's meeting, April 7, there be consensus to obtain some relief for us.

Best regards

Nancy Respaldiza

**ITEM #5 LB 20-015**

**MINIMUM WAGE ORDINANCE:  
INTRODUCE AN ORDINANCE TO AMEND  
CHAPTER 6 "MINIMUM WAGE ORDINANCE"  
OF THE CITY OF HAYWARD MUNICIPAL CODE  
DELAYING THE IMPLEMENTATION DATE AND  
MODIFYING THE YEARLY ADJUSTMENT DATE  
FOR INCREASES IN RESPONSE TO  
SIGNIFICANT IMPACTS TO BUSINESSES  
CAUSED BY THE COVID-19 PANDEMIC  
(REPORT FROM CITY MANAGER MCADOO)**

**PUBLIC COMMENTS**

**From:** sid  
**Sent:** Monday, April 6, 2020 3:43 PM  
**To:** List-Mayor-Council  
**Cc:** Kelly McAdoo; Jennifer Ott  
**Subject:** Follow up. Deferring Accelerated minimum wage

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

The Honorable Mayor Halliday, distinguished city council members,

I am writing today to thank you for your in-depth evaluation of the best option to the proposal to delay the implementation of accelerated minimum wage .

Due to the covid-19 pandemic many things have dramatically changed with a devastating impact on people's personal life and financial wellbeing.

As much as every earned dollar matters, it is our obligation as members of Hayward community, business community and elected officials to have an exceptionally inclusive approach to the accelerated minimum wage in a sensible and a fair manner.

1. As you know, I was not vocal in support or objection on accelerated minimum wage. I truly believe it is a just cause. My argument, that most of council members know, is to protect both minimum wage earners and small/micro businesses (less than 25 employees) mainly charming mom and pop businesses.
2. The \$14 minimum wage impact on those small/micro businesses can be described as "Paying the Most vulnerable employees from the Most vulnerable employers". These Mom and pops in many cases do not have ends meet and some make less then minimum wage themselves or in debt to keep going.
3. Now we have a new reality in covid-19 that created an economical carnage on small businesses. Despite all grants, the recovery phase will be challenging and very likely painful. The federal government created a 10K grant fro small businesses. The fund pool is \$10 billion. Which makes it cover 1 million businesses nationwide. CA alone has more than 1 million small businesses. As such, not all small businesses will benefit from this grant. Then the SBA small business loan at 3.75% - PPP- In fact this is a loan (not a grant) and it will add more financial pressure on payroll. A small business is now lending with an interest rate to cover a payroll. ==> Wage + interest.
4. Please remember, every small business (micro business) less then 25 employees that goes out of business it will lead to a minimum 5 employees going out of a paycheck. The \$14 minimum wage acceleration will be an additional burden.
5. I heartily call on the council to help saving jobs and protecting those mom and pop's businesses from additional financial pains.
6. I hope your decision to vote yes, to delay the accelerated minimum wage, will help those micro businesses, especially those who survive this economical carnage, and to give them a break to rebuild and keep their employees employed with a paycheck to take home.

On a final note, in 2020 very important additional state requirements that are required and it will have additional financial impact:

1. Sexual harassment trainings avg cost \$40 + 2 paid training hours per employee
2. Omitting "arbitration" from employment contracts. Which means increase in EPLI insurance from customary \$10k to \$100k

I hope to get your yes vote to approve deferral.

Thank you  
Sid Hamadeh  
eko



**From:** Jennifer Sommer  
**Sent:** Monday, April 6, 2020 5:35 PM  
**To:** CityClerk <[CityClerk@hayward-ca.gov](mailto:CityClerk@hayward-ca.gov)>  
**Subject:** Item discussion of delay for minimum wage

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Hi city council members and Mayor Halliday,

I was too late on calling in to express my opinion regarding the minimum wage increase during the meeting the other night. Of course, there are two valid sides to this discussion and I truly feel for both. However, I am a small business who works hard to keep afloat.

This minimum wage increase may not make or break some of the bigger businesses, but it definitely will have a severe affect on mine and other smaller businesses. It is already going to be hard to pick up the pieces after being completely closed with absolutely no revenue coming in, and bills continuing to pile. So to add this to our already stressful attempt to rebuild will be difficult to say the least.

I feel that this increase should definitely be postponed. I understand that people earning minimum wage would prefer this to go through sooner than later, but they will still be getting it, just at a delayed date. I believe the bigger picture lies within keeping the places they work for open and running.

Please consider going through with this motion to move the minimum wage increase to January 2021.

Kindly,  
Jenny Sommer  
Dark Horse Lounge, LLC  
24018 Hesperian Blvd  
Hayward, CA 94545

**From:** Darrell Thornhill  
**Sent:** Monday, April 6, 2020 6:25 PM  
**To:** List-Mayor-Council  
**Cc:** Kim Huggett  
**Subject:** Sugar Bowl Baker ask for your consideration

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Dear Mayor Halliday and City Council Members,

We ask that on Tuesday night's City Council meeting, that the City Council rescinds its vote on imposition of an accelerated minimum wage increase in July 2020 and votes to delay implementation until 2021. The complexity of being off-cycle vs. the State causes too much excess work for both the city and the business community, even during normal business conditions, and with COVID-19, every business is inundated with incremental work and cost pressures that will make complying with a July 1 date overly onerous.

Thank you for your consideration,

*Thank You,*  
*Darrell Thornhill*  
1963 Sabre Street  
Hayward, CA 94545



*SBB Safety: Improving The Culture Step by Step.  
It's not just a job, it's a journey and we are in it to win it!  
We will never give up!*

**From:** Chris Zaballos  
**Sent:** Monday, April 6, 2020 9:30 PM  
**To:** List-Mayor-Council  
**Subject:** Minimum Wage Acceleration

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Mayor Halliday and Hayward Council Members,

On behalf of small businesses throughout Hayward I respectfully request that you vote in favor of delaying the minimum wage acceleration at tomorrow evening's Council meeting.

The economic reality that every small business is current facing due to The Covid-19 pandemic could put many of them out of business. I ask that you give every business and business owner a fighting chance to get back on their feet, reopen their businesses when safe to do so and rehire employees who are currently out of work or working very reduced hours. Increasing the minimum wage at this point will only make it that much harder for small businesses to recover from the current situation.

Finally, I want to thank each and every one of you for the leadership you have shown in making tough decisions at this critical time. Getting frequent updates via email on the state of the City and its citizens and the implementation of the drive-up virus testing facility shows a city that is working together despite very difficult circumstances.

Respectfully submitted,

Chris Zaballos

**From:** randyjwright  
**Sent:** Tuesday, April 7, 2020 12:39 PM  
**To:** List-Mayor-Council  
**Subject:** minimal wage ordnance topic for Tuesday, April 7th Council Meeting

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

I respect the Council's suggestion to amend the minimal wage ordinance by delaying the activation date. I understand this was suggested out of respect of the financial impact the COVID virus has had on businesses as well as all sectors of commerce.

I respectfully disagree with delaying this out of support for the hourly employees to make a living wage that is still not up to the cost of living in the Bay Area.

The reports submitted do not address those businesses that have already increased costs of goods offered to the patrons due to the tariffs, raw materials etc which helps to support the payrolls.

As a Hayward Business person for over 26 years with an hourly staff of over 20 employees, we have adjusted our minimum hourly wages to meet the \$15.00 standard to retain our employees.

Here in the Bay Area everyone working an hourly wage will continue to seek better wages for themselves by going where the better wages are offered. We have found our turn over of employees has now been stabilized because of this hourly adjustment. I know from experience with the wage increase businesses will retain employees longer, turnover will decrease and they will have stability with their workforce.

There have been businesses in Hayward that have closed while paying only \$11.00 per hour with the payroll not having the direct affect but other cost negative factors such as increased rents due to lack of rent stabilization and unsuccessful models.

The submitted reports don't reflect this data of employment turnover or specific reasons for closures.

Thank you for allowing me to speak but more import, let's all continue to work together to support one another's strength's and successes as we navigate these challenging times as an ever evolving world as it is today.

Respectfully,

Randy Wright

Randy J. Wright  
Senior Vice President  
Taymor

**From:** Jorge Espinosa  
**Sent:** Tuesday, April 7, 2020 1:22 PM  
**To:** List-Mayor-Council  
**Cc:** Kelly McAdoo; Paul Nguyen; Chris Zaballos; Kim Huggett  
**Subject:** Deferring Minimum Wage

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

The Honorable Mayor Halliday, and Distinguished City Council Members,

Let me begin by hoping that you and your families are safe and in good health.

It needs to be stressed, that the current COVID-19 pandemic has wreaked havoc and disrupted the lives and businesses of our community, as well as the entire country. We find ourselves in a state of uncertainty as to what lies next in all our economic lives. The last thing any business needs is another economic blow. Therefore, I call upon each of you to support the delay of the accelerated minimum wage, until January 1<sup>st</sup>, 2021.

As a small business owner, the economic reality is simple to understand; business normalcy has stopped, sales are a small fraction of what they were, and employees, who in many cases are like family, have been furloughed or their hours cut back drastically. These dire conditions are actually best case scenarios considering many of my peers are among numerous businesses that have closed completely, and may never again reopen. The businesses that are open are utilizing whatever reserves are available to cover costs and stay afloat.

Although Federal and state government(s) are working hard to make emergency funds available to assist businesses with expenses, those funds are not guaranteed, and not all businesses will receive those funds. While all this adds to uncertainty of what the future may hold, one thing is for sure... an increase in the minimum wage during this time defies both economic and common sense.

Should the accelerated wage increase continue as planned, it's fairly simple to predict the future; some businesses that survived the initial economic shutdown will have to close. These shuttered businesses will greatly decrease tax revenue to the city, add to unemployment, strain an already strained housing shortage, and a longer and more serious crises will reverberate through our community.

When the accelerated minimum wage was first introduced to Hayward businesses, it was something that could be absorbed in a robust economy. The situation has now changed, quickly and dramatically, and by delaying the wage increase for an additional six months, allows time to reassess the financial impact, business recoveries, and a normalcy to return.

I am hopeful that you all will do the right thing and vote to delay the implementation of the accelerated wage increase.

Respectfully submitted,

Jorge Espinosa  
El Taquito Dos

-----Original Message-----

From: Ed Mullins Workforcedge, LLC <[emullins@workforcedge.com](mailto:emullins@workforcedge.com)>

Sent: Monday, April 6, 2020 3:29 PM

To: List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>

Cc: Kim Huggett <[kimh@hayward.org](mailto:kimh@hayward.org)>

Subject: Hayward's Minimum Wage Delay

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Mayor Halliday and Councilmembers,

Much of the business community is in turmoil with the COVID-19 crisis.

Those who had to close down completely will find it difficult and expensive to restart. Many of those which reduced staff, hours, and or products/services will have to find ways to be competitive again when the crisis is over. The planned increase of minimum wage will be an additional economic burden. It is not just the minimum wage increase, but the expectation of all wage earners that they should have an increase also that will challenge those businesses most fragile in recovering..

Hayward wants to be seen as a caring city. Caring about the livelihood of workers is not just about wages. It is also about maintaining jobs for workers. Deferring the minimum wage increase to 2021 is one step in helping employers keep jobs in their businesses. Assumptions about what will be normal after COVID-19 is guesswork at best.

I urge you to defer the minimum wage increase to January 2021.

Ed Mullins

Workforcedge, LLC

22693 Hesperian Blvd., Suite 170

Hayward, CA 94541

From: Mireya Baltierra <>  
Sent: Tuesday, April 7, 2020 7:09 PM  
To: Info  
Subject: Salario minimo

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hola buenas tardes mi nombre es mireya baltierra y no estoy de acuerdo que retrasen el salario minimo , con esta pandemia por la que estamos pasando eso seria fatal para quienes vamos a quedar endeudados muchas gracias por su atencion

Sent from my iPhone

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**Subject: Minimum wage**

**TRANSLATION**

Hello, good afternoon, my name is Mireya Baltierra. I do not agree to delay the implementation of the minimum wage. With this pandemic we are going through, it will be lethal for those of us who are going to be in debt.

Thank you very much for your attention.



**From:** griselda cornejo <>

**Sent:** Tuesday, April 7, 2020 9:35 PM

**To:** Info <[Info@hayward-ca.gov](mailto:Info@hayward-ca.gov)>

**Subject:** A favor de lo extra en la moratoria y que se apruebe el aumento del sueldo minimo

Buenas noches mi nombre es Griselda Cornejo .

Este correo es para dejarles saber que estoy a favor de lo extra en la moratoria y de que se apruebe el aumento del sueldo mínimo.

Como comunidad estamos pasando una situación muy difícil , debido a esta pandemia del coronavirus.

Muchas familias estamos sufriendo al ver como muchos an quedado sin un empleo,

Y peor aún familia que no saben que va a pasar al no poder tener un ingreso para solventar sus gastos .

Es por eso que le pido tomen en cuenta nuestros peticiones y se apruebe el aumento al sueldo mínimo para que familia se puedan beneficiar un poco en estos momento .

A FAVOR DE LO EXTRA EN LA MORATORIA .

Y QUE SE APRUEBE EL AUMENTO AL SULDO MINIMO .

Gracias.

---

#### **TRANSLATION**

Subject: In favor of the additions to the moratorium and in favor of the minimum wage increase

Good evening. My name is Griselda Cornejo.

This email is to let you know that I am in favor of the additions to the moratorium and in favor of the minimum wage increase.

The community is going through a very difficult situation due to the coronavirus pandemic.

Many families are suffering seeing people being laid off.

And even worse, when families do not know what will happen because they won't have an income to cover their expenses.

That is why I ask you to take into account our requests and approve the minimum wage increase so that families can benefit a little at this time.

IN FAVOR OF THE ADDITIONS TO THE MORATORIUM.

AND IN SUPPORT OF THE MINIMUM WAGE INCREASE.

Thank you.