



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** LB 20-045, **Version:** 1

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**DATE:** September 22, 2020

**TO:** Mayor and City Council

**FROM:** Deputy City Manager

### **SUBJECT**

Extend Commercial Evictions Moratorium: Adopt an Emergency Ordinance Amending Temporary Moratorium on Evictions to Extend the Moratorium for Commercial Evictions until January 31, 2021

### **RECOMMENDATION**

That Council adopts an Emergency Ordinance (Attachment II) amending the temporary moratorium on commercial evictions in the City of Hayward for non-payment of rent caused by the Coronavirus (COVID-19) pandemic to extend the moratorium until January 31, 2021.

### **SUMMARY**

On March 24, 2020, the City Council adopted a 90-day emergency moratorium on evictions of residential tenants due to non-payment of rent caused by the COVID-19 pandemic and on no-fault evictions, which was repealed and replaced on April 7, 2020 to expand the moratorium to also prohibit eviction of commercial tenants and homeowners facing eviction after foreclosure. On June 30, 2020, the City Council extended the moratorium on residential and commercial evictions to September 30, 2020.

On August 31, 2020, the State enacted legislation called the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (i.e., Assembly Bill 3088) that put into place a statewide moratorium on residential evictions until January 31, 2021 and precluded local governments from extending any existing moratoria on residential evictions beyond their already enacted expiration dates. As a result, the City of Hayward cannot extend its moratorium on residential evictions beyond September 30, 2020 or until after February 1, 2021. The State did not enact any protections or place any restrictions on commercial evictions. While the courts are currently not processing any residential or commercial evictions until after the end of the year, staff is still recommending extending the City's existing moratorium on commercial evictions until January 31, 2021 to provide additional protections for the City's local businesses.

The shelter-in-place orders are only partially lifted and high unemployment and business closure rates continue. The current moratorium on commercial evictions will conclude on September 30, 2020 unless extended by City Council. Staff recommends extending the commercial evictions moratorium until January 31, 2021 to allow time for commercial tenants' business situations to stabilize and for tenants to enter into repayment agreements with their landlords.

Enactment of an emergency ordinance would require at least five affirmative votes from the City Council. If only four Council members vote for the proposed ordinance, then adoption would occur at the next City Council meeting and the ordinance would go into effect 30 days after adoption.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Emergency Ordinance