



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: LB 20-016, **Version:** 1

DATE: April 7, 2020

TO: Mayor and City Council

FROM: City Manager

SUBJECT

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

RECOMMENDATION

That Council adopts an emergency ordinance repealing the existing temporary moratorium on evictions (Ordinance No. 20-06) and imposing a new temporary moratorium in the City of Hayward for non-payment of rent or mortgage payments caused by the COVID-19 pandemic, which includes prohibitions on commercial evictions, lender evictions of homeowners, and retaliation against tenants and homeowners.

SUMMARY

As a result of the State of Emergency declarations and Alameda County Shelter-in-Place Order during the COVID-19 pandemic outbreak, many residential tenants, homeowners, and commercial businesses have experienced or will experience sudden income loss, leaving them vulnerable to eviction. During the State of Emergency, the public interest in preserving peace, health, and safety, and preventing further transmission of COVID-19 will be served by avoiding unnecessary loss of jobs, displacement, and homelessness. 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. At that meeting, the City Council also directed staff to evaluate further the potential of including prohibitions on commercial and homeowner evictions. As a result, staff recommends repealing the existing moratorium (Ordinance No. 20-06) and adopting a replacement emergency ordinance imposing a temporary moratorium that prohibits residential and commercial evictions and lender evictions of homeowners due to non-payment of rent or mortgage payments related to loss of income or increased expenses related to COVID-19, as well as to include explicit prohibitions on retaliation against tenants and homeowners who are protected under this moratorium.

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	Ordinance