



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**DATE:** June 22, 2021

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

### **SUBJECT**

Temporary Eviction Moratorium: Adoption of an Emergency Ordinance Enacting a Moratorium on Residential Evictions

### **RECOMMENDATION**

That Council adopts an Emergency Ordinance (Attachment II) establishing a temporary moratorium on residential evictions in the City of Hayward for non-payment of rent caused by the coronavirus (COVID-19) pandemic, or for a no-fault reason unless the eviction is necessary for the health and safety of the tenant or landlord effective July 1, 2021 through September 30, 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of residential tenants due to non-payment of rent caused by the COVID-19 pandemic and on no-fault evictions, which was repealed and replaced on April 7, 2020 to expand the moratorium to also prohibit eviction of commercial tenants and homeowners facing eviction after foreclosure.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 Governor signed the State Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088), which included a statewide moratorium on residential evictions and preempted local governments from extending any existing moratoria on residential evictions. On September 22, 2020, due to this change in State law, the City Council only extended the eviction moratorium on commercial evictions, which is to remain in effect until June 30, 2021.

While it is anticipated that the State will reopen soon, distribution of State and Alameda County rental assistance has been slow and tenants effected by the COVID-19 pandemic still need time to stabilize their financial situation to avoid eviction. The Statewide residential eviction moratorium under the State Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, and extended by Senate Bill 91 (SB 91), will conclude on June 30, 2021 unless the State Legislature votes to extend the protections.

Staff recommends enacting a moratorium on residential eviction from July 1, 2021 through September 30, 2021, absent extension of the statewide moratorium, to allow time for residential tenants to stabilize their finances, secure financial assistance, and/or enter into repayment agreements with their landlords.

Staff does not recommend extending the commercial eviction moratorium because the additional time extension is unlikely to change outcomes for commercial tenants unable to pay rent. Businesses have continued to remain open and lease interest has increased as the Bay Area region has steadily progressed consistently through less restrictive tiers outlined in the State's Blueprint for a Safe Reopening. Over the past year, commercial tenants and landlords had significant opportunity to work out payment plans or other agreements to address back rent associated with COVID-19's disruptions. Extending the commercial moratorium an additional three months will unlikely make a difference in terms of displacement of businesses and may hinder the attraction of new businesses and the recovery of commercial properties.

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

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Emergency Ordinance Residential Eviction Moratorium
Attachment II	Summary of Residential Eviction Moratorium