



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: LB 21-002, **Version:** 1

DATE: January 26, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Temporary Evictions Moratoria: Adoption of Emergency Ordinance Amending the Temporary Moratorium on Commercial Evictions to Extend the Moratorium and Enacting a Moratorium on Residential Evictions

RECOMMENDATION

That Council adopts:

1. An Emergency Ordinance (Attachment II) amending the temporary moratorium on commercial evictions to extend the moratorium 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 imminent health and safety of the tenant or landlord effective through June 30, 2021; and
2. An Emergency Ordinance (Attachment III) 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 through June 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of residential tenants due to non-payment of rent caused by the COVID-19 pandemic and on no-fault evictions, which was repealed and replaced on April 7, 2020 to expand the moratorium to also prohibit eviction of commercial tenants and homeowners facing eviction after foreclosure.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, 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.

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 January 31, 2021 unless extended by City Council and the Statewide residential eviction moratorium under the State Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 will conclude on January 31, 2021 unless the State Legislature votes to extend the protections.

Staff recommends:

- Extending the commercial evictions moratorium through June 30, 2021, or the date of the expiration of the Governor's Executive Order N-28-20 and any extensions thereof, whichever occurs earlier to allow time for commercial tenants' business situations to stabilize and for tenants to enter into repayment agreements with their landlords; and
- Enacting a moratorium on residential eviction from February 1, 2021 through June 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.

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: Commercial Eviction Moratorium
Attachment III	Ordinance: Residential Eviction Moratorium
Attachment IV	Summary of Commercial and Residential Moratoria