



# CITY OF HAYWARD

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## Cover Memo

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**DATE:** September 21, 2021

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

### **SUBJECT**

Eviction Moratorium Update: Review Update on the Status of the State Eviction Moratorium, Local Eviction and Foreclosure Data, and Summary of Resources Available to Prevent Evictions and Foreclosure

### **RECOMMENDATION**

That the Council reviews this update on the State eviction moratorium, data on the status of evictions and foreclosures in Hayward, and a summary of existing and upcoming tenant and homeowner protection and assistance programs to prevent evictions and foreclosures.

### **SUMMARY**

On June 22, 2021, Council directed staff to provide an update on the State eviction moratorium and the City's plans for ensuring Hayward residents can access resources necessary to prevent eviction. This report provides an update on the State eviction moratorium along with a discussion of the eviction and foreclosure landscape in Hayward and the Bay Area. The report concludes with a summary of the City's efforts to promote housing stability as the State eviction moratorium expires, and many homeowners' mortgage forbearance plans expire. While local eviction data is not readily available, regional data related to evictions suggest that Hayward residents have been unable to pay rent during the pandemic, but have been applying for available financial assistance. Available foreclosure data suggest forbearance periods are coming to an end and, to date, a small number of property owners have been unable to pay delinquent payments or to modify loans, and few foreclosures have been initiated.

The COVID-19 pandemic has resulted in a significant amount of economic instability for Hayward residents. State and local eviction moratoria have provided the necessary time to establish safeguards to protect community members affected by the pandemic from evictions and foreclosures. The Council has authorized the use of emergency funds from both the CARES Act and American Rescue Plan Act, as well as portions of the City's regular annual allocations of Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds to create a suite of programs and services to support vulnerable tenants and homeowners. The State and federal Government have also provided financial assistance to provide up to 12 months of past due rent and three months of future rent on behalf of low-income tenants. Additionally, State legislation provides the following safeguards to protect tenants from evictions and displacement once the moratorium concludes:

- Allows income-eligible tenants to receive financial assistance for past-due rent and utilities, as well as future rent;
- Protects tenants who were unable to pay rent during the protected time period (March 1, 2020 through August 31, 2020) and who pay at least 25% of past-due rent during the transition period (September 1, 2020, through September 20, 2021) from eviction. After November 1, 2021, landlords can pursue unpaid rent through small claims court, but cannot use unpaid rent from that time as the basis for an eviction;
- Requires landlords seeking to evict tenants for non-payment of rent during the COVID-19 recovery period of October 1, 2021 through March 31, 2022, to prove that they applied for rental assistance and to include language in their notices telling tenants they can avoid eviction by applying for rental assistance; and
- Does not classify state or federal rental assistance as earned income, so tenants' eligibility for other state benefit programs like CalFresh or CalWORKS is not affected.

Since the federal government has provided financial assistance and the State has enacted the above listed safeguards, much of the risk of mass residential evictions has been mitigated. These resources greatly reduce the need for an additional local moratorium. In addition, the City is planning to use a significant portion of the City's ARPA/Stimulus funds towards a foreclosure prevention program. The most critical role for the City at this juncture is to ensure that tenants and property owners are aware of protections and resources available to them. Staff is actively working on increasing outreach efforts in line with existing best practices and expanding community engagement. Given the availability of resources and supports to prevent eviction and foreclosure, staff does not recommend enacting a local moratorium as the State moratorium expires.

## **ATTACHMENTS**

Attachment I      Staff Report