



EMPLOYMENT &
HUMAN SERVICES

MEMORANDUM

Kathy Gallagher, Director

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To: Board of Supervisors

Date: April 6, 2020

From: Kathy Gallagher, EHSD Director

Subject: Evictions and Tenant Protections Due to COVID 19 Pandemic

INTRODUCTION

The need for affordable housing has been an ongoing concern for Contra Costa County since before the advent of the COVID-19 health emergency. Recent research shows that renters in Contra Costa County need to earn \$43.96 per hour – nearly 3 times the minimum wage – to afford the area’s median asking rent of \$2,286¹. It is estimated that the County would need to add 32,189 additional affordable housing units to meet current demand². The economic and social impacts of the COVID-19 crisis will put additional pressure on local housing providers and landlords to meet the community’s housing needs.

In response to the current COVID-19 crisis, Governor Gavin Newsom issued an executive order on March 27, 2020 banning the enforcement of eviction orders for renters affected by COVID-19 through May 31, 2020. The order prohibits landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts. It also requires tenants to declare in writing, no more than seven days after the rent comes due that the tenant cannot pay all or part of their rent due to COVID 19. The action builds on Governor Newsom’s previous March 16 executive order authorizing local governments to halt evictions for renters impacted by the pandemic.

The following data points and stories collected from community partners by EHSD point to an urgent and emerging need for affordable housing and tenant protections. The data collected also points to the disproportionate impact the COVID-19 crisis has had on vulnerable populations such as poor families, seniors, individuals with communication barriers, undocumented residents, single parents, disabled individuals, and victims of abuse.

EVICTIONS IN THE COVID-19 EMERGENCY: DATA POINTS AND STORIES

CONTRA COSTA CRISIS CENTER (211)

¹ UC Berkeley Urban Analytics Lab

² National Low Income Housing Coalition study from 2017

The Crisis Center experienced an increase in calls related to rental assistance, evictions, and temporary financial and utility assistance when comparing March of this year to last year. The following chart shows a comparison of March 2019 to March 2020:

Type of Call	March 2019	March 2020	% Increase
Rental Assistance/Evictions	117 calls	317 calls	+171%
Temporary Financial/Utility Assistance	276 calls	562 calls	+104%
Total	393 calls	879 calls	+124%

The Crisis Center states that a majority of their recent calls (approximately 60%) involve landlords who are not willing to wait and are demanding payment. Seniors, families, single parents are among the high-risk populations that are impacted and calling due to the panic. The following is a sample of calls received by 211

Sample of Crisis Center Calls

- A family of 5 in Antioch is off work due to the shelter in place. Their landlord is adamant that rent needs to be paid or 3-day notice and eviction proceedings will start.
- A single mother in Concord says if rent not paid they will start eviction process.
- A couple with a small child was threatened by their landlord with a \$100 rent increase if this March rent is not paid in full.
- Woman renting a room unable to work said to her landlord who owns house and lives on the property has turned off her cable after finding out she would be unable to pay rent and told her she will have to move.
- Callers are scared and concerned help will not come in time and will be on the streets.
- Callers feeling sad, stressed, depressed, afraid about not being able to work and needing rent money.
- Callers saying that they are living paycheck to paycheck, with no savings.
- Callers saying that their landlords are asking them to move out if no money is received by April 1st.
- Callers saying that their landlords won't work with them or wait because they have to pay the mortgage on the house; landlords are saying that they don't have a savings cushion either.
- Callers are calling from all over the County, including San Ramon and south Contra Costa.

BAY AREA LEGAL AID (BALA)

Between March 13 and April 2, Bay Area Legal Aid (BALA) received over 100 calls from Contra Costa residents seeking legal assistance specific to housing. The following is a sample of the calls received by BALA:

Sample of Bay Area Legal Aid Calls

- A majority of the callers were from Richmond, then Concord, Oakley, Antioch and San Pablo.
- BALA identified multiple callers who received new (post-May 13) "no fault" eviction notices.
- We also had callers who received illegal "no fault" eviction notices in violation of AB 1482.
- Some callers who are behind on rent are likely covered by the EO but were unsure how to invoke its protections.
- There are multiple pending evictions and termination notices for no fault and nonpayment of rent. They will be forced to court as soon as May 3 and likely face eviction shortly thereafter.
- There are multiple post judgment evictions for a variety of underlying causes - including no cause and rent. These families will be evicted shortly after the Sheriff ends its voluntary cessation of evictions.

Additionally, BALA expressed the need for expanding badly needed tenant protections for Contra Costa residents in response to Governor Newsom's executive order authorize local governments to halt evictions. Clients may end up in a worse position once the moratorium sunsets for the reasons explained below:

1. The EO is narrow in scope. It still allows no fault evictions and rent increases for those units uncovered by AB 1482³ and evictions for minor lease violations.
2. The protections for non-payment of rent are unnecessarily complex and place the burden entirely on tenants. It lacks any enforcement teeth. Without a provision for attorney's fees or penalty, there is little drawback for a landlord to issue an illegal notice in hopes the tenant will not know their rights and surrender the unit.

EBASE

EBASE is a local non-profit that advances economic, racial and social justice by building a just economy in the East Bay based on good jobs and healthy communities.

EBASE has been receiving many calls recently from tenants who cannot afford rent due to the COVID-19 pandemic and are having trouble proving this to their landlord in order to qualify for the Concord eviction moratorium.⁴ The moratorium has many requirements to show evidence of lost income or lay-offs which a lot of the undocumented community, gig workers, subcontracted workers cannot provide.

³ These are legal units not contemplated by AB 1482 and are not covered by the EO signed by Governor Newsom and AB 1482, the Tenant Protections Act of 2019 passed last fall.

⁴ The City of Concord issued "a temporary moratorium on evictions for failure to pay rent, utilities, late fees and penalties for residential and commercial tenants" effective March 25, 2020 through May 31, 2020. Renters have 90-days after the lifting of the moratorium to pay rent owed, and landlords cannot charge late fees.

The following is a sample of recent calls that EBASE has been receiving:

Sample of EBASE Calls

- A man asking for a sample letter to send to his landlord regarding his inability to pay rent for April. He can't get any documents to prove that he hasn't been working because he usually goes to the U-HAUL parking lot and waits for people who are looking to hire him for work.
- A man who was being evicted and told verbally to leave, even though this is illegal as a written notice is needed to evict. This began prior to the moratorium going into effect. The courts are closed, which is preventing the man from being evicted now
- A single mother of 3 children is facing eviction no place to go. The mother experienced a perfect storm that is putting her on the brink of homelessness, including a high-risk pregnancy and now the COVID-19 crisis. Her current one-bedroom apartment already costs more than she can pay at \$1,500. Right now, her only source of income is CalWORKs. She does not want to return to live with the father of her two sons, as that was an abusive relationship. Now, she is unable to resume work in the restaurant industry or to provide child care because of this current COVID-19 health and economic crisis which is hitting the service sector the hardest.

MONUMENT IMPACT CENTER

The Monument Impact Center family resource center provides food, education, and referrals to individuals, families, children, and seniors in need, regardless of legal status. The Monument Impact Center created a tenant guide that has reached over 10,000 people on social media (link [here](#)).

Monument Impact Center has been receiving several calls regarding 3-day notices despite eviction moratoriums set in place in Concord, and calls from tenants in Walnut Creek and Pleasant Hill receiving these notices. They also received calls from handicapped and disabled individuals who were having a hard time gathering documentation and or writing letters to their landlord due to their inability to write. Overall, folks are having a hard time gathering documentation. The following is a specific case that the Impact Center is handling:

Sample of Monument Impact Calls

- A client who lives in subsidized housing was asked to move out in 30 days due to an inability to provide tax information. The tenant received a notice and was forced to sign on March 4th, which means that the client should be out of the unit by April 4th. The client had plans to move into a new place but was eventually declined as their current landlord provided unflattering information to the potential new landlord. The client was referred to ECHO Housing; Monument Impact Center will continue to follow up with the client.