


MEMORANDUM

Kathy Gallagher, Director

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To: Board of Supervisors and David Twa, CAO Date: June 30, 2020  
cc: John Kopchik, Director of Department of Conservation and Development (DCD)  
From: Kathy Gallagher, EHSD Agency Director   
Subject: Evictions and Tenant Protections Due to COVID 19 Pandemic

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**INTRODUCTION**

On April 21, 2020, the Contra Costa County Board of Supervisors used its emergency powers under state law to pass a comprehensive eviction protection and temporary rent freeze urgency ordinance. On May 26, 2020, the Contra Costa County Board of Supervisors passed an urgency ordinance that continues an eviction moratorium for residential properties and small businesses through July 15, 2020. The urgency ordinance also continues a temporary rent freeze for certain residential properties through July 15, 2020.

The federal CARES relief package included eviction moratoriums for most people living in federally subsidized apartments as well as homes covered by federally backed mortgages. Those categories cover about one-fourth of U.S. rental units. However, as the COVID-19 pandemic continues 1 in 5 households remain at risk. The real estate analyst firm Amherst projects that 28 million renters, or about 22.5% of all households are at risk of eviction.<sup>1</sup>

In Contra Costa County there are a total of 411,338 housing units, renters comprising 34% or approximately 139,850 of all residents. Given these projections, approximately 31,500 are at risk of eviction. Tenant advocates expect that number to significantly increase unless protections are put in place. Many of those affected will be African Americans and households led by women, both of which historically are more likely to be evicted.

Given the recent surge of COVID cases in the County and continued restrictions on shelter in place

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<sup>1</sup> From "Cash-strapped renters face eviction despite coronavirus moratoriums," June 15, 2020. <https://www.cbsnews.com/news/eviction-moratorium-coronavirus-rent-many-face-eviction/>

orders, many residents have not returned to work (or are permanently unemployed) impacting their ability to pay for housing. The data collected points to the need for ongoing rental assistance and tenant protections and 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**

### **RESIDENTIAL FEEDBACK TO CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION & DEVELOPMENT (DCD)**

One of DCD's tenant assistance contract agencies shared some concerns from the Contra Costa residents they serve:

#### *Sample of Calls to Tenant Assistance Agencies Contracting with DCD*

- One apartment complex owner undertook substantial renovations during the Shelter-in-Place (deemed essential construction), creating a disruptive atmosphere for tenants during an already stressful time. The tenants did not know who to contact about stopping the construction, and one of the end results was an "improvement" that was an effective rent increase (coin-operated machines).
- Landlords continued to make physical rounds to collect rents in some apartment complexes, scaring the tenants. With the courts having been closed, tenants who felt like they were being harassed for the rent due did not know how to enforce the moratorium.
- They are aware that tenants have been borrowing money to pay the rent.
- Undocumented tenants are not eligible for most forms of CARES Act relief and more likely to be in financial crisis when rent comes due.

### **CONTRA COSTA CRISIS CENTER (211)**

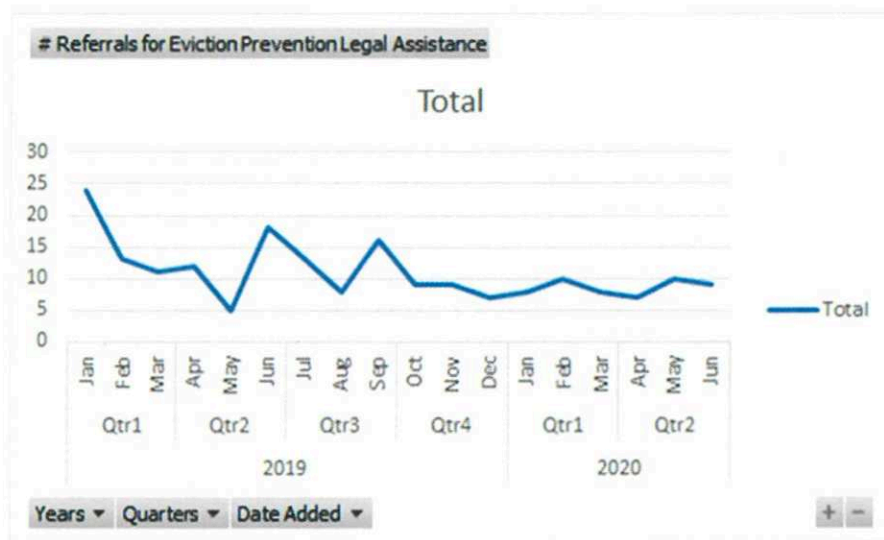
The Crisis Center experienced the following changes in the number of calls related to **rental assistance** (37% increase), **evictions** (46% decrease), and **temporary financial and utility assistance** (41% increase) when comparing May of this year to last year.

Callers contacting 211 regarding economic security, which includes calls for housing, are referred to partners on the 211 resource list. The following shows a ranking based on total number of referrals between March 1, 2020 and May 31, 2020 for Unemployment, Job Security, Financial Support and Advocacy:

1. Season of Sharing Contra Costa County - CCC EHSD
2. Prevention and Rapid Rehousing - SHELTER, Inc.

3. Concord Family Service Center - Catholic Charities of the East Bay
4. COVID-19 Hotline - SHELTER, Inc.
5. Low Income Home Energy Assistance Program (LIHEAP) - Community Services Bureau
6. REACH - Dollar Energy Fund
7. COVID-19 Assistance - Catholic Charities
8. Legal Aid at Work
9. Social Services Rapid Response Team - EHSD
10. Bay Area Legal Aid

With the moratorium on evictions extended through July 15<sup>th</sup>, the Crisis Center states that they have not been flagging many calls as eviction-related or providing many referrals for eviction-related legal assistance. However, 211 continues to receive a high number of requests for rental assistance which could foreshadow future needs for eviction assistance.



The following chart shows the number of referrals for rent payment assistance:



### BAY AREA LEGAL AID (BALA)

From April 14-June 19 BALA received approximately 200 housing calls from Contra Costa County residents. The majority of these calls were from tenants in private housing calling because they have not been able to pay their rent. BALA has noted the following trends:

- Tenants are afraid of being unable to pay accumulated rent (due to missed payments) and because economic hardship from COVID-19 continues.
- Increase in illegal lockouts as landlords turn to self-help methods. Increase in the use of in Civil Harassment Restraining Orders as a work-around for landlords to have tenants removed from a property.
- Increase in 30 and 60 day lease termination notices as an attempt to circumvent 3 day notice to pay rent or quit notices – even where 30 and 60 day notices are invalid because of eviction moratorium protections, tenants feel scared and pressured to move.
- Increase in early lease terminations where tenants are unable to negotiate with landlords after facing COVID-19 economic hardship. Tenants also face high contract lease termination penalties and outstanding rent amounts that can negatively impact their credit.
- Unusually high number of calls involving landlords refusing to renew lease agreements and refusing to allow tenants to continue on month-to-month (i.e. landlords enforcing lease expirations). For example, for a tenant *who has sheltered in place in a home/unit where a lease has already expired or where the lease was expected to expire in the middle of the SIP order. These situations often involve factors where tenants have not paid rent, where tenants have not found another place to live, and where landlords are informing tenants that their lease was not renewed and are demanding they move out.*
- Tenants having safety concerns about landlords entering to show Unit/Home to prospective tenants or buyers (includes safety concerns about prospective tenants/buyers entering).

### *Sample of Bay Area Legal Aid Calls*

- El Cerrito tenant receives 60 day lease termination notice, however, it is invalid. The tenant feels pressured to leave but cannot afford to move because she lost her job.
- Pregnant Richmond tenant receives a 60 day lease termination notice, however, it is invalid. The tenant has sacrificed to pay rent on time, feels pressured by landlord to move out, and is afraid she will have to move out near due date. In addition, the tenant fears not having a home or finding a new place to move at this time because of COVID-19 economic hardship and is worried about COVID-19 risk to her pregnancy.
- Richmond sub-tenant is locked out of house by landlord who is upset master-tenant has been unable to pay rent. The tenant and pregnant wife are struggling to find a place to live after lockout. Police have been unable to help in accessing their belongings or re-entering unit.

### **EBASE**

EBASE has reported 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. The moratorium has many requirements to show evidence of lost income or lay-offs which many of the undocumented community, gig workers, and subcontracted workers cannot provide.

### *Sample of EBASE Calls*

- A tenant in Antioch is dealing with an illegal rent increase during this pandemic. Their rent was \$2650 and it is being raised to \$2782.50. Under AB 1482, a landlord can raise the rent 5% plus CPI (Consumer Price Index). CPI in Contra Costa County is 4%. Here, the landlord did a 9.5% increase, 0.5% too high.
- A tenant in Concord and her husband lost their jobs due to COVID-19 and are being harassed because they cannot pay rent. Her rent was also raised by \$200 effective Jan. 1. She thinks it is more than the allowed by the state but we are waiting on legal consult to determine if this is true.

## VOLUNTEER EMERGENCY SERVICES (VES) – EHSD

VES operates the Season of Sharing (SOS) COVID Emergency Relief Fund which provides emergency relief and rental assistance for families and individuals adversely impacted by the COVID 19 pandemic. For the period of March 30-April 30, VES received an average of 26 calls per day (as low as 10 and as high as 35). Highlights to note are on 4/6/20 – 162 messages were received from the previous week; on 5/20/20 – 145 messages were received from the prior Saturday-Wednesday period.

SOS Emergency Relief Fund		
Dollars Issued	COVID	Non-COVID
January		\$62,762
February		\$45,076
March	\$20,585	\$40,553
April	\$57,360	\$60,214
May	\$232,412	\$20,024

Now more than ever, Contra Costa County’s ordinance on evictions and tenant protections are critically needed to help support and stabilize families hardest hit by the COVID pandemic. We will continue to monitor the impacts as our local and state public health departments respond to changing conditions.