



East Bay Housing Organizations

May 22nd, 2020

Honorable Supervisors
Contra Costa County
651 Pine Street
Martinez, CA 94553

Dear Members of the Board of Supervisors,

On behalf of East Bay Housing Organizations (EBHO), I urge you to extend the eviction moratorium for the duration of the state of emergency and ensure that this extension is consistent with the original ordinance to the full extent allowed by law.

EBHO is a non-profit, member-driven organization with over 500 organizational and individual members. For over 35 years, we have worked to preserve, protect, and create affordable housing opportunities for low-income communities in the East Bay by educating, advocating, organizing, and building coalitions.

The eviction moratorium is critical to the success of the shelter-in-place order as a means of protecting individual and public health. Without adequate protections against eviction, low-income tenants will be compelled to return to or search for work before it's safe to do so. This will jeopardize our collective effort to slow the spread of the coronavirus and put them and their families at disproportionate risk of infection. As long as the County continues—wisely—to place restrictions on the mobility and economic activity of residents, it needs to protect them from the impacts of those regulations, as well. Moreover, city leaders across Contra Costa are looking to the Board to establish consistent leadership and guidelines on issues that impact the County as a whole. **The eviction moratorium should thus last until 30 days after the end of the declared state of emergency, as is the case across Alameda County.**

In addition, many residents have now lost months of income due to the pandemic. Across the state, the unemployment rate has continued to rise, reaching a staggering 15.5 percent. And once the economy reopens, it's clear that it'll do so gradually and slowly. As reported in the *New York Times*, some economists predict that as many of [42 percent of the jobs lost since the start of the crisis will be permanent](#). Currently, however, the County's ordinance only allows tenants 120 days to repay missed rent. As most other cities and counties have recognized, this timetable is simply unrealistic. It'll be nearly impossible for many of the estimated [55 percent of Contra Costa renters who were already cost-burdened before the crisis](#) to pay down this debt on top of their usual rent in such a short period of time.

Without an extension of the grace period, then, the “moratorium” will be one in name only, and our communities will surely see a devastating increase in evictions, homelessness, displacement, and neighborhood distress later this year—likely at the same time that a surge of COVID and flu

cases is predicted to return. **We therefore encourage you to extend the grace period for repayment to one year from when the moratorium expires and guarantee that impacted renters can't be evicted in the future for non-payment of rent during the pandemic.** Again, this is in line with what has been enacted across all of Alameda County.

At EBHO, we're acutely aware of the impacts of this crisis on small property owners and affordable housing providers—both of which are vital to preventing further loss of community wealth and affordability in low-to-moderate-income neighborhoods. So we invite you to join us in advocating at the state and federal level for rent and mortgage relief that prioritizes renters and homeowners at risk of homelessness, small property owners, and non-profit affordable housing providers. In the interim, however, we need a true eviction moratorium to ensure that there's time for these far-reaching solutions to develop. Evicting tenants only makes them less likely to pay back rent, not more.

Finally, the Board must act to ensure that this extension of the eviction moratorium is consistent with the original ordinance to the full extent allowed by law. We understand that the County Counsel believes that the moratorium needs to be amended in order to align with State laws regarding Ellis Act evictions and the regulation of commercial rents. However, it's a matter of great concern that, rather than simply amend the existing ordinance, the agenda report published on May 22nd calls for creating *two separate ordinances*—one that runs from March 16th to May 25th and another that runs from May 26th until a later date. This approach would mean that evictions, missed rent, late fees, and repayment would be treated differently depending on whether they occurred before or after May 26th. It would create two separate grace periods—one for rent missed in April and May and another for rent missed in June and beyond.

This raises two serious concerns. First, it would take an already confusing situation and make it considerably worse. Without a comprehensive and consistent moratorium at either the federal or state level, cities and counties across California have been forced to create a patchwork of local protections for tenants, homeowners, and small businesses. Within Contra Costa County, there are eight moratoria, all of them different. This creates a chaotic situation for tenants, landlords, legal services providers, and more during a time of unprecedented confusion and stress. If the Board moves forward, as proposed, to enact a new ordinance to cover the period from May 26th onward, it would only make things that much more complicated. Whether you're a tenant or a landlord, it's hard to "know your rights" when those rights differ depending on the month or even day.

Second, creating a new ordinance would mean allowing the original moratorium (Ordinance 2020-14) to expire. This would immediately start the clock on the 120-day repayment period, meaning that tenants would need to begin to pay back rent missed in April and May. Clearly, however, the crisis hasn't passed. The threat of the coronavirus to public health and economic livelihood is alive and well. Indeed, that's why the Board needs to extend the moratorium in the first place. As such, it doesn't make sense to require tenants to begin to pay back rent while, at the same time, acknowledging that tenant protections are still needed to avoid a steep increase in evictions and homelessness.

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We've communicated these concerns to County Counsel and understand that it was neither their nor the Board's original intent to create two separate ordinances. We also understand that Counsel plans to share an amended version of the ordinance—one that's consistent with the original spirit of the eviction moratorium—on Monday. We're hopeful that the revised version will address these concerns, and we encourage you to take that revision as a much more sound starting point from which to consider the suggested extension and amendments.

Thank you for leadership in this extraordinary time,

Sincerely,

Alex Werth

A handwritten signature in black ink, appearing to read 'Alex Werth', with a long horizontal flourish extending to the right.

Policy Associate
East Bay Housing Organizations