

An abstract graphic on the left side of the slide consists of several 3D rectangular blocks of varying heights and colors. The colors include teal, red, orange, and yellow. The blocks are arranged in a way that creates a sense of depth and perspective, with some blocks appearing to be stacked or connected.

90 DAY UPDATE – EVICTION MORATORIUM EXTENSION

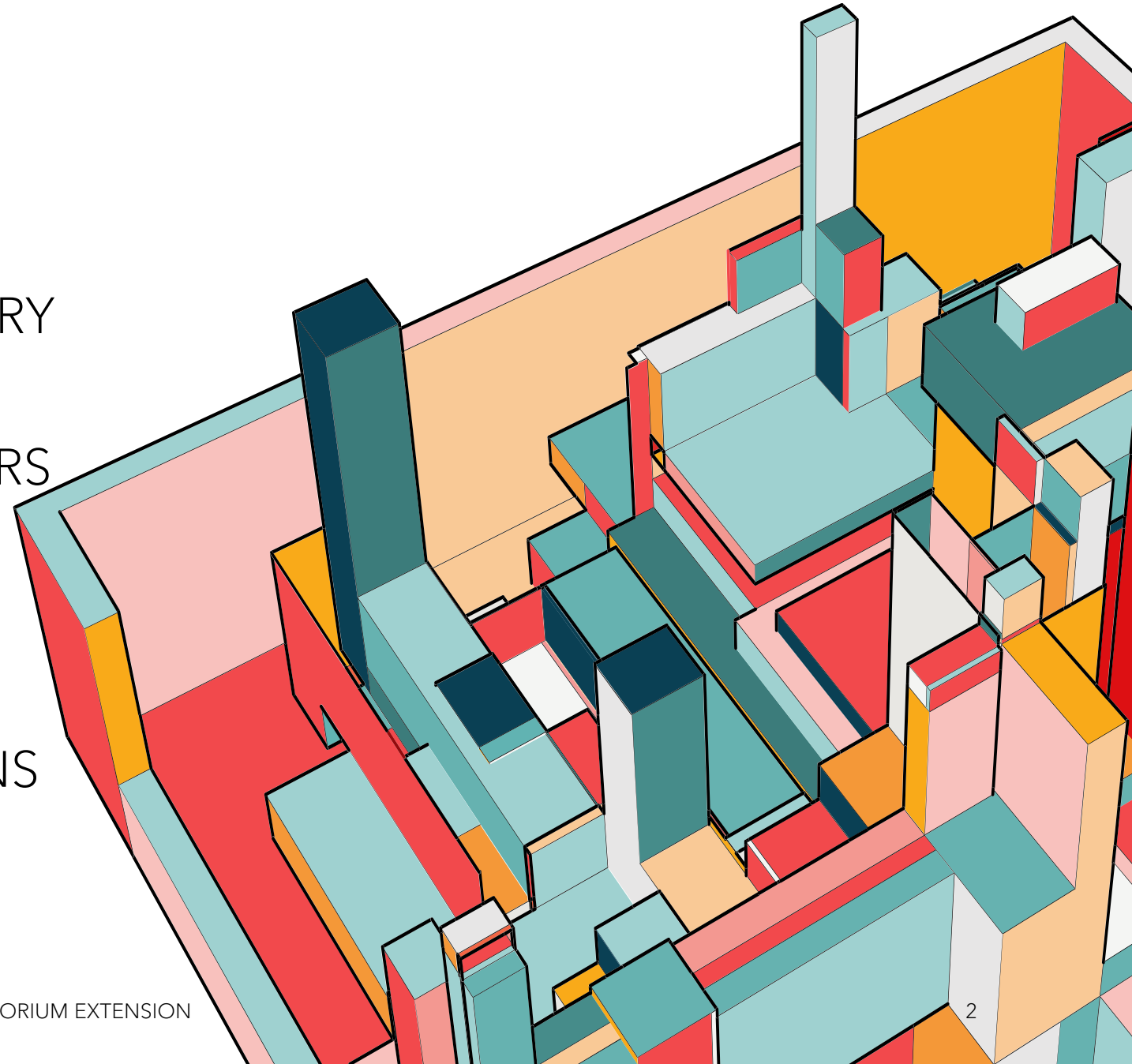
City Council

May 15, 2023

Presented by: Housing Services Division

OVERVIEW

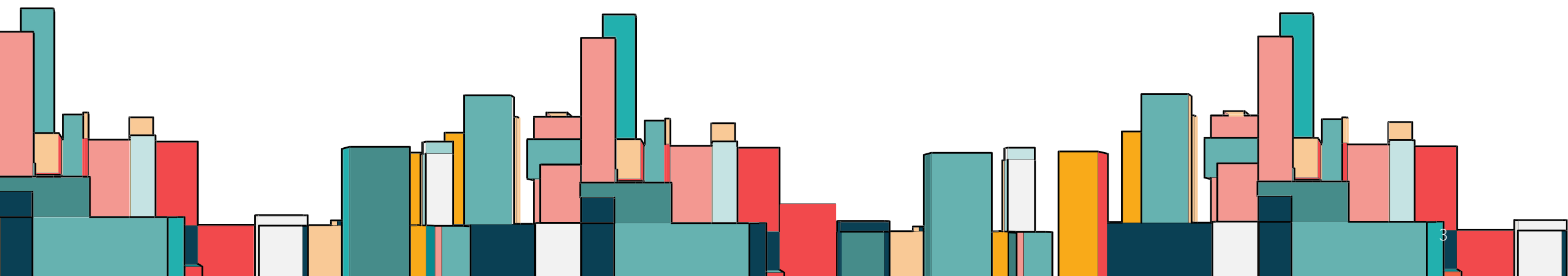
1. BACKGROUND
2. CITY RENTAL HOUSING INVENTORY
3. UNEMPLOYMENT DATA
4. IMPACTS ON HOUSING PROVIDERS
5. IMPACTS ON TENANTS
6. WRITTEN NOTICES SUBMITTED
7. MISCELLANEOUS INFO
8. RECOMMENDED POLICY OPTIONS



BACKGROUND

CITY MORATORIUM EXTENSION OUTREACH

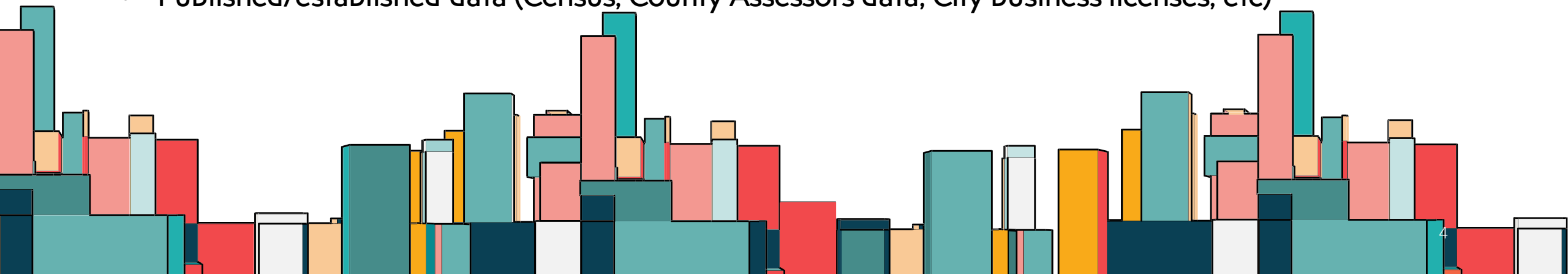
- Notification of the Eviction Moratorium extension (translated into Spanish & Chinese)
 - Posted on City's website, libraries, social media
 - Emailed to 644 people/organizations (social services, public agencies, property owners, renters, etc.)
 - Mailed to housing providers with current City business license (~25% of all rental properties)
- Created website with user-friendly info on City Housing website
 - Sample non-payment due to Covid-19 form
 - Frequently Asked Questions (FAQ) translated into Chinese and Spanish



BACKGROUND

DATA SOURCES FOR TONIGHT'S PRESENTATION

- Housing provider industry organizations
 - *East Bay Rental Housing Association (EBRHA)*
 - *Rental Housing Association of Southern Alameda County (RHA-SAC)*
 - *Bay East Realtors*
- Multi-family housing providers (private & nonprofit)
- Centro Legal de la Raza
- City Housing Public Inquiries Log
- Alameda County Survey
- Published/established data (Census, County Assessors data, City business licenses, etc)



BACKGROUND

STATUS OF AREA EVICTION MORATORIUMS

CA State of Emergency ended 2/28/23

Active

- San Leandro:
 - *Applies only to non-payment due to COVID-19*
 - *Updates to Council every 90 days*
 - *Expires Feb 28, 2024*

Phasing Out

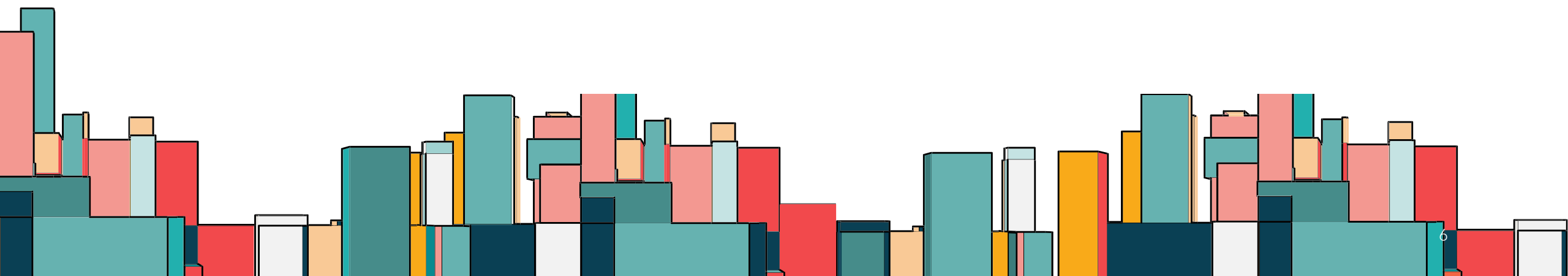
- Berkeley - 2 phases
- Oakland - "Sunset"

Ended

- Alameda County ended 4/29/23
 - *County had broader prohibitions on evictions than SL moratorium*

STATUS OF AREA EVICTION MORATORIUMS: OAKLAND “SUNSET”

- July 15, 2023 – End of Moratorium on evictions and charging late fees on past due rents.
- Added protections to Just Cause Eviction Ordinance. Following actions are prohibited:
 - 1) if the tenant owes an amount less than 1 month of HUD fair market rent for the unit,
 - 2) for outstanding rent that accrued before July 15, 2023, if the tenant’s inability to pay was due to a financial hardship caused by COVID-19.
- July 1, 2024 – Rent increase moratorium ends. (Rent increase moratorium was a 3% cap with no pass throughs or banking.)

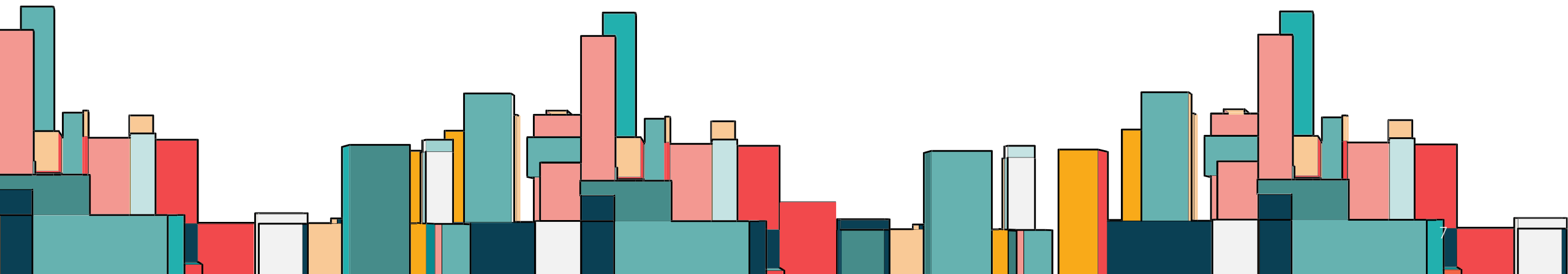


STATUS OF AREA EVICTION MORATORIUMS: BERKELEY “TWO PHASES”

1. “Covered Period” until April 30, 2023 allows evictions for Health & Safety (H&S) reasons only.

2. “Transition Period” from May 1, 2023 to August 31, 2023

- Evictions allowed for H&S
 - Owner move-In allowed
 - Evictions for non-payment of rent except for reasons due to COVID-19
(notification and documentation are required)
- Added protection to Just Cause Eviction Ordinance:
 - Evictions not allowed for past due rent that accrued between March 17, 2020 & May 1, 2023.



SAN LEANDRO RENTAL INVENTORY

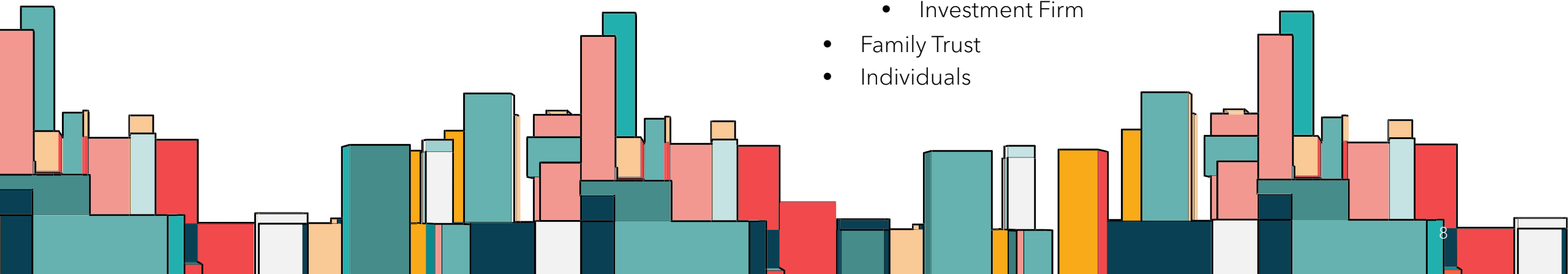
TYPES OF HOUSING PROVIDERS

DEFINITION OF “MOM & POP”

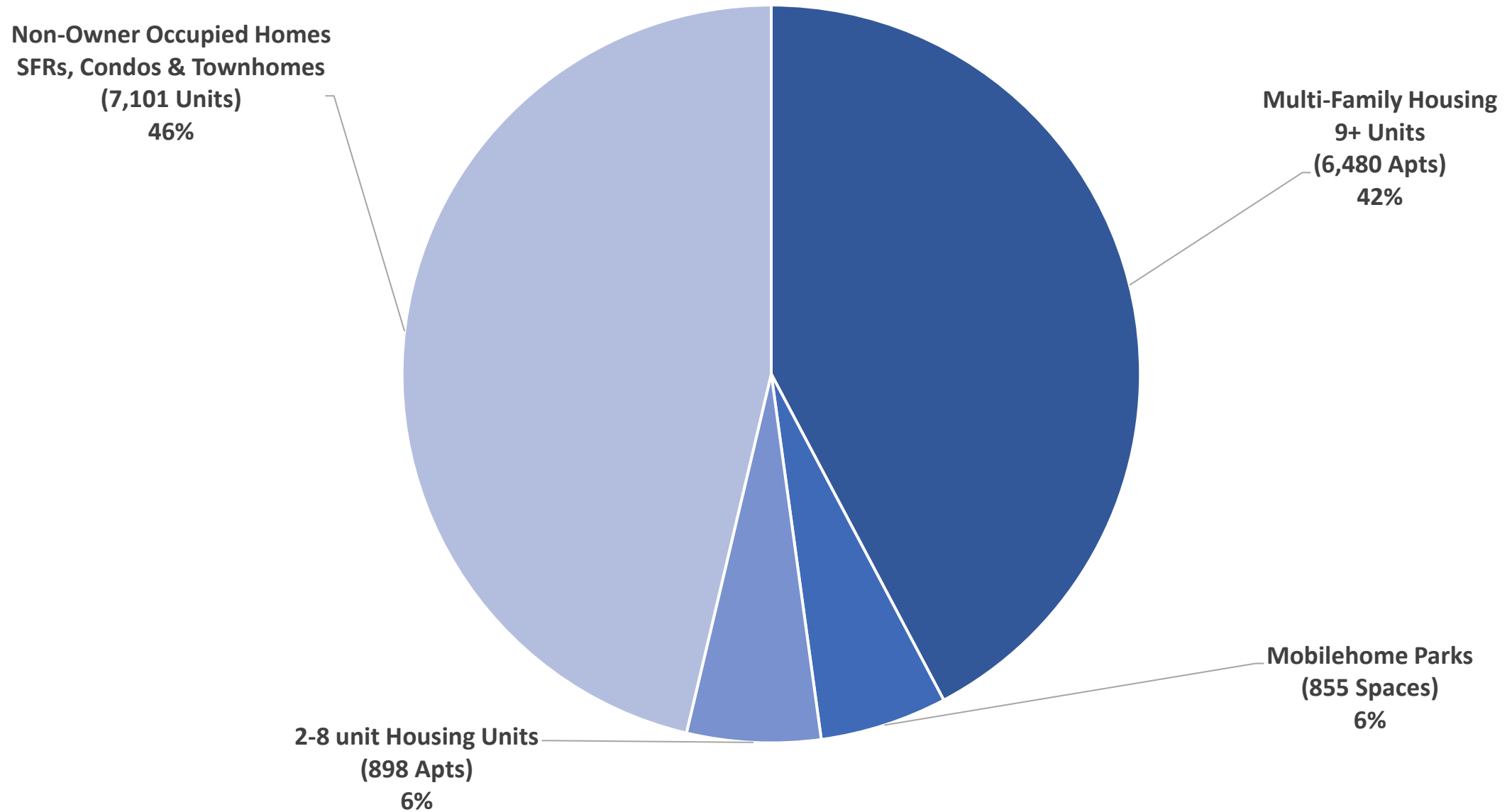
- Owns eight (8) or fewer rental housing units
- Source: City of Oakland
- Used by East Bay Rental Housing Association (EBRHA)

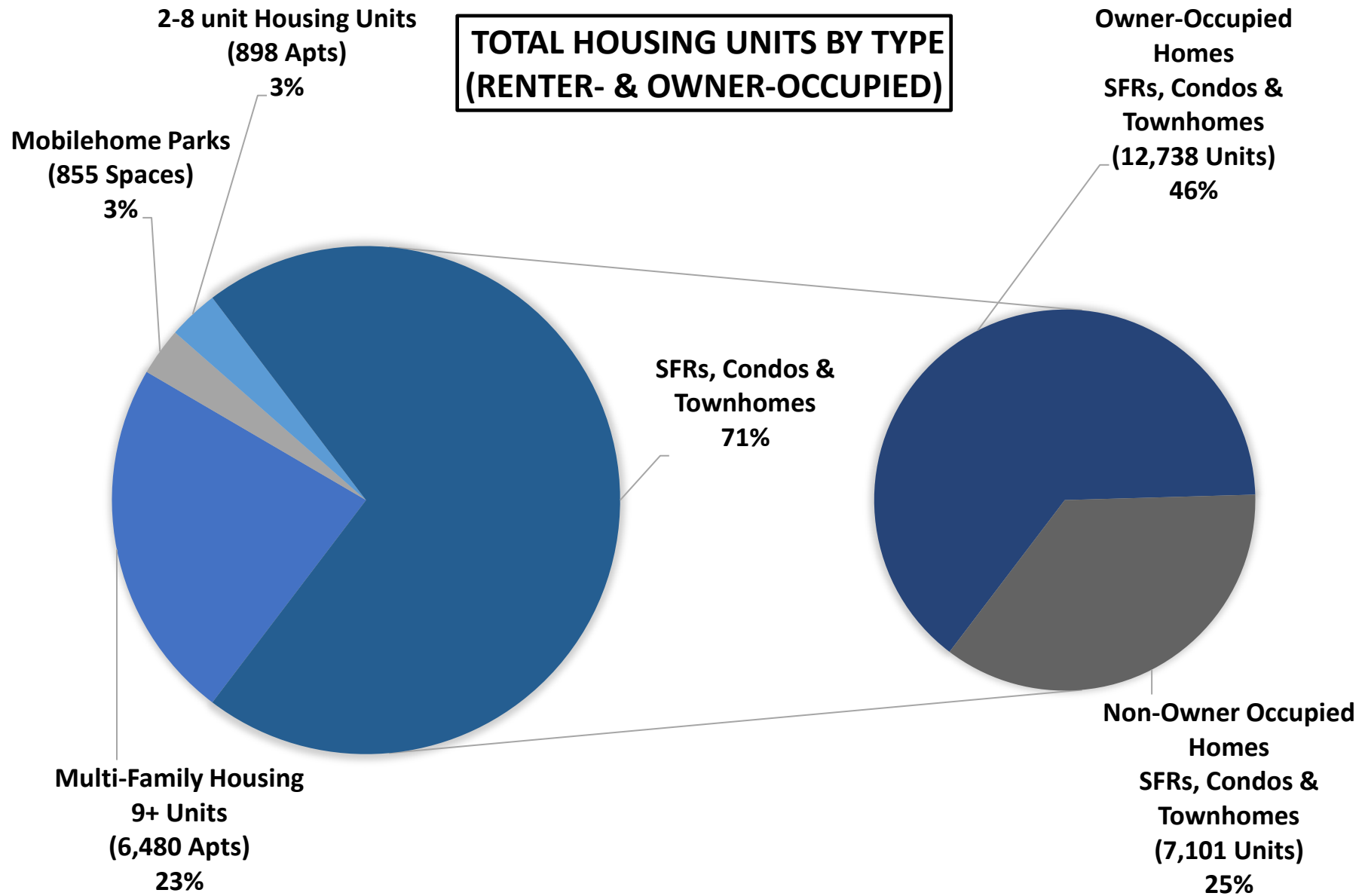
OTHER TYPES OF OWNERSHIP

- Limited Liability Corporation (LLC)
 - For-Profit Company
 - Non-profit Organization
 - (usually as the managing general partner)
 - Partnership among individual investors
 - (Limited Partnership or LP)
- Investment Firm
- Family Trust
- Individuals



Renter-Occupied Housing Units Under the City's Eviction Moratorium





***Note: Hesperian Apartments LLC owns 41 parcels each with a duplex but are counted as 5+ units since only one ownership entity.
Source: Alameda County Assessor Parcel Data & SL IT "GeoSL"**

UNEMPLOYMENT DATA (FEBRUARY 2023)



Source: U.S. Bureau of Labor Statistics

IMPACTS ON HOUSING PROVIDERS

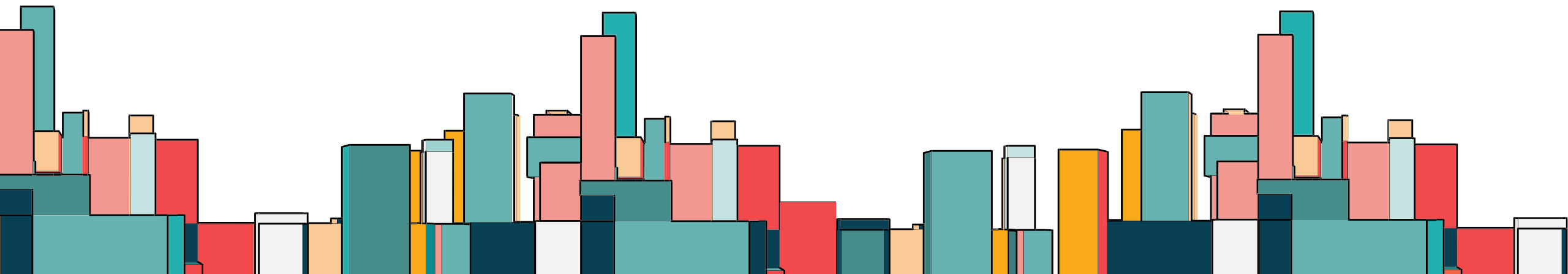
ALAMEDA COUNTY SURVEY

Survey Release Date: March 17, 2023

- As of April 25, 2023, Alameda County received 370 responses from Housing Providers
- Online survey broadly distributed
- Data on # of housing units, total unpaid rent, partial payments made, rental assistance received, plans to pursue debt repayment, plans to evict, at-risk of foreclosure

San Leandro Housing Provider Respondents: 33 (9% of total)

- 58% respondents owned rental properties only in SL
- 42% respondents owned in multiple jurisdictions



IMPACTS ON HOUSING PROVIDERS ALAMEDA COUNTY SURVEY

Of the 33 San Leandro Housing Providers Respondents:

- 58% owned rental properties only in SL (19 properties representing 2,233 homes)
 - 15% housing units currently owe back rent (336 homes)
 - Average: \$14,305/unit in past due rent
 - Majority of providers received ERAP payments
 - Renters not eligible or who didn't apply for ERAP owe a total of ~ \$107k (~33 units from 3 properties)
- 42% respondents provided housing in multiple jurisdictions



IMPACTS ON HOUSING PROVIDERS

PRIVATELY OWNED RENTAL HOUSING

					Range	
# Multi-Family Housing In SL:	7,384	Total in Past-Due Rent Owed	#Tenants with Past-Due Rents	Average Owed / Tenant	High	Low
Lakeside (affordable, but not City regulated)	830	\$ 1,000,000	169	\$ 5,917	\$ 10,000	\$ 1,250
Parkside	300	\$ 600,000	45	\$ 13,333	\$ 76,250	\$ 1,900
Emerald	375	\$ 389,886	24	\$ 16,245	\$ 30,000	\$ 2,000
Summerhill	102	\$ 184,536	8	\$ 23,067	\$ 35,500	\$ 8,740
Vasona	275	\$ 575,000	48	\$ 11,979	\$ 20,000	n/a
Subtotal:	1,882	\$ 2,749,422	294			
% of total reporting:	25%					

IMPACTS ON HOUSING PROVIDERS

CITY-REGULATED AFFORDABLE HOUSING

				Range	
# Multi-Family Housing In SL: 7,384	Total in Past-Due Rent Owed	#Tenants with Past-Due Rents	Average Owed / Tenant	High	Low
Broadmoor Plaza	132	\$ -	0	\$ -	n/a
Fargo Senior Center					
Eden Housing (7 properties)	433	\$ 200,000	41	\$ 4,878	n/a
Bridge Housing (2 properties)*	200	\$ 223,000	40	\$ 5,575	\$ 27,000
Subtotal:	765	\$ 423,000	81		
# City-regulated Multi-Family Housing In SL:	857				
% of total reporting:	89%				
*incomplete data					

IMPACTS ON HOUSING PROVIDERS

CASE STUDY: LAKESIDE APARTMENTS

- Lakeside is the largest apartment complex in the City (840 units)
- Private owned, 100% affordable, received State/federal low-income housing tax credits
- About half of the impacted tenants are paying rent on time
- Lease violations are primarily due to past due rents. Most tenants causing other lease violations have moved
- Legal actions since the pandemic outside CA (and in cities that did not have an extended eviction moratorium) are moving very slowly and are not able to evict tenants as quickly as prior to the pandemic due to the homeless crisis.

IMPACTS ON TENANTS

DATA FROM CENTRO LEGAL DE LA RAZA

	5/1/20 to 2/21/23	First 90 Day Period after 2/21/23
Residents who Received Notices of Termination of Tenancy	77	7
Residents who Received Verbal Threats of Eviction	22	1
Residents who sought assistance for Unlawful Detainer	20	2

IMPACTS ON TENANTS

DATA FROM CENTRO LEGAL DE LA RAZA

Threat of displacement	2019		2020		2021		2022		Jan-Apr 2023	
Impacted by covid-19	0	0%	12	31%	50	52%	19	19%	3	10%
Landlord harassment	7	16%	9	23%	37	38%	36	35%	4	14%
Notice of termination of tenancy	20	44%	11	28%	50	52%	29	28%	3	10%
Rent increase	5	11%	5	13%	10	10%	41	40%	6	21%
Repairs necessary for health or safety	6	13%	13	33%	19	20%	17	17%	9	31%
Unable to pay rent	0	0%	7	18%	10	10%	23	23%	7	24%
Unfair or illegal behavior by landlord	11	24%	9	23%	29	30%	29	28%	6	21%
Unlawful Detainer	19	42%	9	23%	8	8%	9	9%	2	7%

- Note that percentages will add up to more than 100% because cases can have more than one threat of displacement.

IMPACTS ON TENANTS

CASE STUDY:

- Had become unemployed when the pandemic began
- Primarily dependent on their spouse for support
- Spouse died during the pandemic and tenant struggled with grief
- Received ERAP through March 2022 but amassed past due rent in past 12 months
- Only recently got a job
- Trying to pay his past due rent but is still ~5 months behind (~\$6000 rent due)
- Low wage earner but still paying extra \$50-100 month
- Property owner had been applying rent paid to past due rents first instead of current rent first

CITY PUBLIC INQUIRIES

	First 90 Day Period (February 2023 to Present)		
	# Callers	Type of Caller	
		Tenant	Housing Providers
Eviction Moratorium	29	13	26
Tenant/Landlord Information & Referral	22	12	10
Other Requests (Ex: seeking affordable housing, rent review, code enforcement, first time homebuyer, rental assistance, mobilehome space rent stabilization, etc.)	48*	22	10

*Not all inquiries identified type of caller.

WRITTEN NOTICES SUBMITTED TO CITY - FIRST 90 DAYS

CITY OF SAN LEANDRO
NOTIFICATION TO PROPERTY MANAGEMENT
NON-PAYMENT OF RENT DUE TO COVID-19
 (Revised March 2023)
 535 East 14th Street, San Leandro, CA 94587 Email: housing@sanleandro.org

UNDER THE CITY'S EVICTION MORATORIUM TENANTS MUST PROVIDE NOTICE TO THEIR LANDLORD/PROPERTY MANAGER OF THEIR INABILITY TO PAY THE FULL RENT WITHIN THIRTY (30) DAYS AFTER THE DATE RENT IS DUE. THIS NOTICE IS DUE EACH MONTH RENT IS NOT FULLY PAID.

On February 21, 2023, the City Council approved an ordinance extending the City's Eviction Moratorium. The Eviction Moratorium prohibits property owners from evicting residential tenants (including mobilehome and RV owners) for non- or partial payment of rent due to:

- 1) a decrease in household or business income caused by the COVID-19 pandemic, OR
- 2) an increase in medical expenses caused by the COVID-19 pandemic.

You must provide documentation to support your claim of inability to pay due to COVID-19 pandemic.

TENANT INFORMATION

First Name: _____ Last Name: _____

Street Address & Unit #: _____ City: _____ State: _____ Zip Code: _____

Tenant Will Make Partial Rent Payment: YES NO If yes, what amount: _____

COVID-19 IMPACT
 My income has been substantially impacted by COVID-19 due to the following (select one):

Loss of household or business income caused by the COVID-19 pandemic.
 Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
 Increased expenses directly related to health impacts of the COVID-19 pandemic.
 Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
 Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
 Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

EXAMPLES OF DOCUMENTATION OF COVID-19 IMPACT MAY INCLUDE-BUT ARE NOT LIMITED TO THE FOLLOWING (documentation must be attached):

- Letter from employer.
- Paycheck stubs from before & after the initial COVID-19 Shelter-in-Place Order (3/16/2020) showing a decrease in income.
- Bank statements showing available balances before & after COVID-19 outbreak.

CERTIFICATION: I hereby certify that, to the best of my knowledge, the provided information is true and accurate.

Documentation for items selected above is attached: Yes No

Tenant Signature: _____ Date: _____

- ❖ City has received 21 notices from tenants and property owners/managers. Of those received:
 - 3 tenants (or 14%) are from "mom & pop" owners (SFR)
 - 18 tenants (or 86%) are from multi-family housing (>8 Housing Units)
- ❖ 9 (or 43%) of 21 tenants are paying partial rent.
- ❖ 14 (or 67%) of 21 listed COVID-19 Impact was from loss of household or business income

STATE EVICTION MORATORIUM PROVISIONS STILL IN EFFECT

Rent Due Between March 1, 2020 - and August 31, 2020

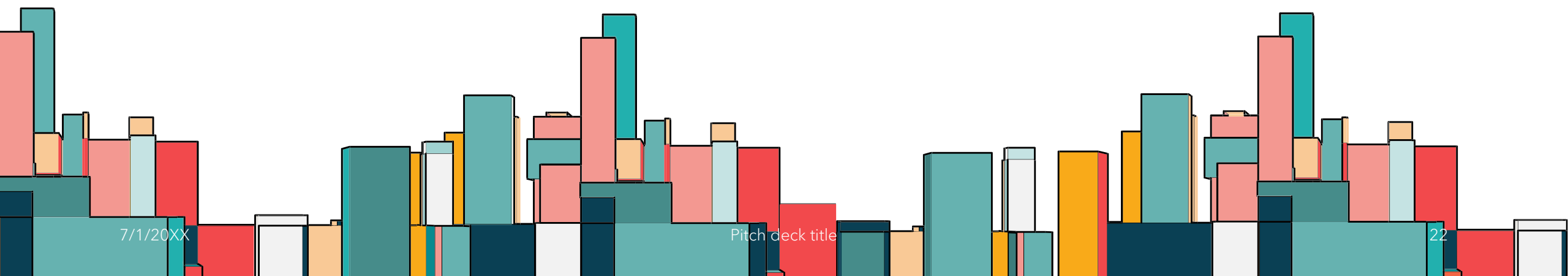
- Rent from this period is a consumer debt under State law and cannot be the basis of an eviction.

Rent Due Between September 1, 2020 - and September 30, 2021

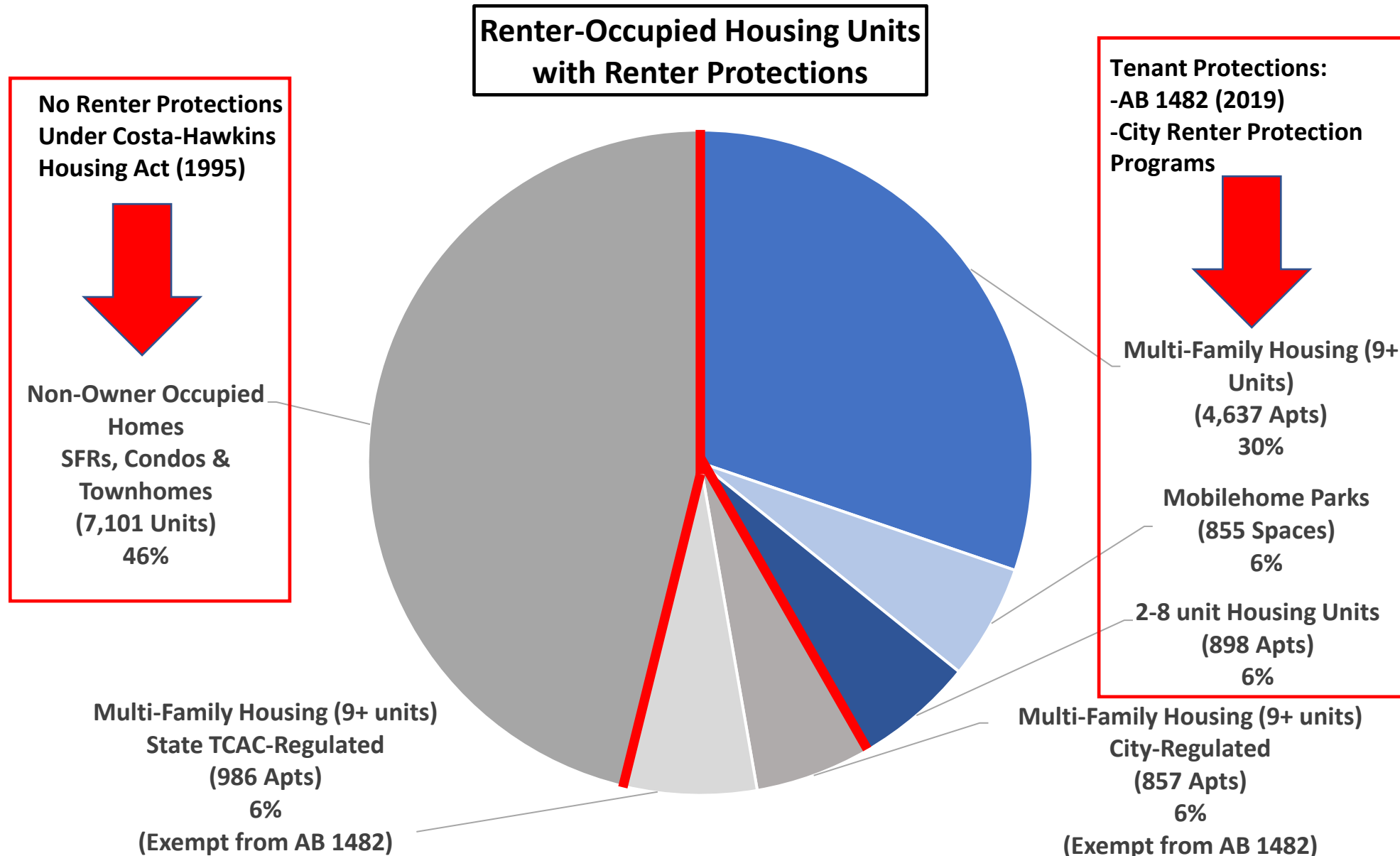
- If the tenant paid at least 25% of the amount due during this period by September 30, 2021, the remaining 75% is a consumer debt under State law and cannot be the basis of an eviction
- If the tenant did not pay at least 25% of the amount due during this period, the outstanding rent is subject to the provision below.

Rent Due After October 1, 2021

- Tenants have 180 days from the end of the eviction moratorium to repay rent accumulated during this period.
- If back rent is not repaid by the end of the 180 day period, the tenant may be evicted beginning on the 181st day.



EXISTING PROTECTIONS FOR RENTERS IF CITY EVICTION MORATORIUM ENDS



CITY RENTER PROTECTION PROGRAMS/RESOURCES

- Tenant-landlord counseling and legal aid services
- Fair Housing Services
- Rent Review Board Program (for properties with > 2 rental units)
- Tenant Relocation Assistance Ordinance (for properties with > 2 rental units)
- Mobilehome Rental Stabilization Ordinance

RESOURCES FOR LANDLORDS

- East Bay Rental Housing Association (<https://www.ebrha.com>)
- Rental Housing Association of Southern Alameda County (<https://www.rhasouthernala.com>)
- BayEast Association of Realtors (<https://bayeast.org>)
- California Apartment Association (<https://caanet.org>)

STAFF RECOMMENDED POLICY OPTIONS FOR CONSIDERATION:

1) Continue the extension and have City staff report back in 90 days (Sept 5, 2023)

- o *Issues to consider:*
 - o *Housing staff time over last 90 days: +300 hours*
 - o *Will be only remaining city in Alameda County with moratorium*
 - o *21 written notices of non-payment of rent due to COVID-19 received over last 90 days*

Or

2) End the extension by having staff return on June 5th with an ordinance

- o *Issues to consider:*
 - o *Staff focuses on other Council priorities (Navigation Center & rent control/protections)*
 - o *Tenants have 180 days after end date of eviction moratorium to repay past due rent (Jan 17, 2024)*