

California Legislature



March 25, 2020

Dear Governor Newsom,

We want to thank you for your steady leadership during these difficult times and applaud your recognition of the need to limit evictions during the COVID-19 public health emergency.

Unfortunately, since you issued your March 16th Executive Order N-28-20, the situation has rapidly evolved and it is no longer practical to rely on over 500 cities and counties to adopt measures halting evictions. Given the urgency of the housing and homelessness crises compounded by the coronavirus crisis, **we call on you to issue an executive order implementing an immediate statewide ban on all evictions for the duration of the state of emergency.** This order should prohibit the filing of evictions for all tenants except those who pose a serious threat to immediate health or safety by suspending the statutes that give rise to a cause of action for unlawful detainer that is not tied to immediate safety concerns.

During this emergency, our state needs one clear order that covers all tenants and does not require proof of a COVID-related loss of income that may be difficult to document. With many renters suddenly out of work and the rent due the first week of April, it's critical that the state act now to assure tenants that they will not be evicted. In making this request, we appreciate the concerns about whether or how the rent should be waived. Policymakers will need to grapple with how to handle unpaid rent and provide economic support for both tenants and landlords once we have put in place the immediate protections needed to respond to the unprecedented public health and economic crises. For now, we need to keep everyone who is currently housed where they are so they can shelter in place, follow recommended guidelines, and help California flatten the curve.

Here are several reasons we believe a new executive order is necessary at this time:

1. **Keeping people in their homes is crucial for the health and safety of our communities.** Your administration has taken bold and decisive action by expanding shelter and hotel capacity to house individuals experiencing homelessness during this crisis. It is equally important that we do everything possible to ensure that renters can stay sheltered during this outbreak. For the most economically vulnerable Californians, the prospect of an eviction adds stress and uncertainty to an already frightening time. Additionally, moving into shared accommodations with friends and family during this

time risks further spread of the virus, and many leasing offices are closing, leaving few new units available for rent.

2. **Local governments are not acting fast enough.** Of California's 540 cities and counties, less than 50 have acted to limit evictions during the COVID-19 emergency. We cannot expect this number to go much higher. Given the urgent need for social distancing, many local governments no longer have the ability to meet safely, and not all communities can support remote tele-meetings. In this time of grave crisis, local governments should be focused on the health and well-being of their communities and relieved of decision-making and administrative burdens whenever possible.
3. **Eviction suspension policies place an undue burden on renters impacted by COVID-19.** Currently, local measures limiting evictions require renters to have specific documentation that COVID-19 impacted their economic situation. Often this means workers need a formal letter from their employer explaining the circumstances of the business closure or hours reductions. It is simply not realistic for every renter to produce detailed documentation when small employers like restaurants and cafes struggling to stay open too often lack the resources to provide official documentation and when millions of Californians are independent contractors, gig economy workers or self-employed. Given Economic Policy Institute projections that over 600,000 Californians will be out of a job by summer, we need to act now ensure that the economic impacts of COVID-19 do not lead to unnecessary evictions and homelessness for low-income families.
4. **We cannot rely on the courts.** Unlike most states, California's lower courts operate with a wide degree of independence. As such, it is up to each presiding judge how to address the crisis, including whether to suspend eviction trials. While some courts (notably, San Francisco) have chosen to suspend eviction cases for the time being, most have not. Recent guidance from the Chief Justice has not provided clear direction as local courts encouraged to "suspend all civil trials, hearings, and proceedings for at least 60 days, with the exception of time-sensitive matters" will need to interpret whether evictions are, indeed, time-sensitive. While the Chief Justice subsequently suspended jury trials for 60 days, this does not impact eviction cases. During this time period, landlords can still file evictions and non-jury cases may still be able to proceed.
5. **A statewide approach benefits landlords.** The current patchwork of different policies makes it difficult for landlords with properties in multiple jurisdictions. Landlords who chose to evict will still be required to show up in court, which could put them at risk. Landlords who need to show units may expose themselves and their staff to risk as well. It would be better for all to have increased certainty so that we can, collectively, start working on medium- and long-term solutions to the crisis.

Given the reduced capacity and efficacy of local measures, we strongly encourage you to issue a new executive order with statewide protections. These protections must be to prevent all evictions during the emergency with a narrow exception for cases where an individual poses a

clear and imminent risk. A number of other states have implemented statewide actions to stop evictions, including New York, Oregon, Kentucky, Massachusetts, Delaware, and Minnesota. It is time for California to adopt a statewide approach to suspend all evictions in order to protect the health and safety of our communities.

Around the state, there is enormous apprehension by countless renters about the upcoming April rent due date. As you know, our Legislature is adjourned at least until April 13th and quite possibly longer, and the fastest legislative action on this topic would require weeks or months that we simply do not have. At this time of crisis, we respectfully ask you to take action immediately to provide relief to millions of California renters and to ensure that sheltering-in-place policies can flatten the curve and reduce casualties due to the coronavirus.

Sincerely,



David Chiu
Assemblymember, 17th
District



Mark Stone,
Assemblymember, 29th
District



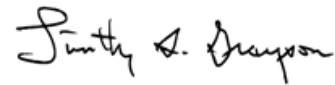
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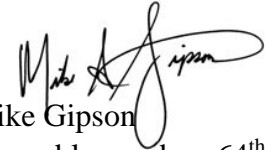
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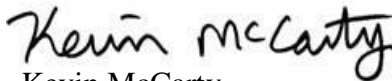
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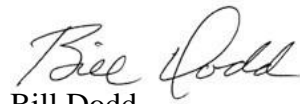
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