

REC 1: Repeal the provision to preempt any further extension of local eviction moratoriums

TOOL:

- New legislation with emergency clause
- Eviction diversion programs

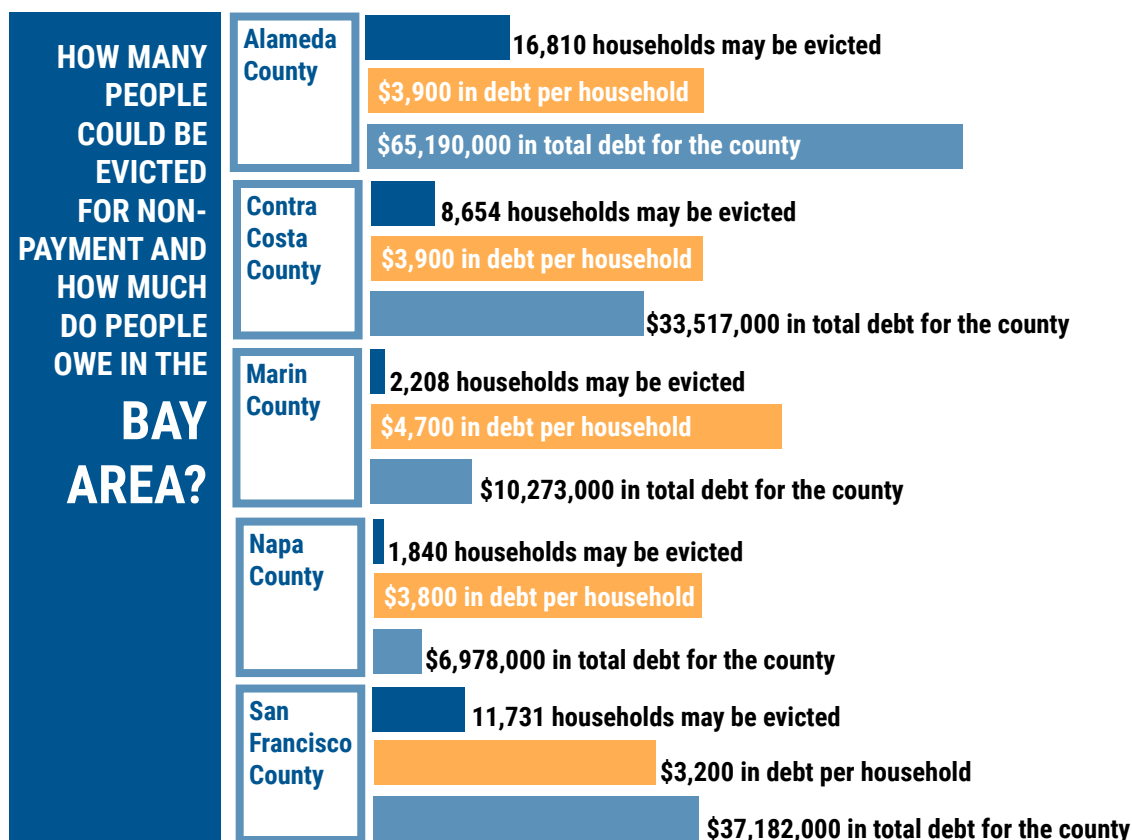
KEY PLAYERS:

- Assembly Housing and Community Development
- Senate Housing Committee

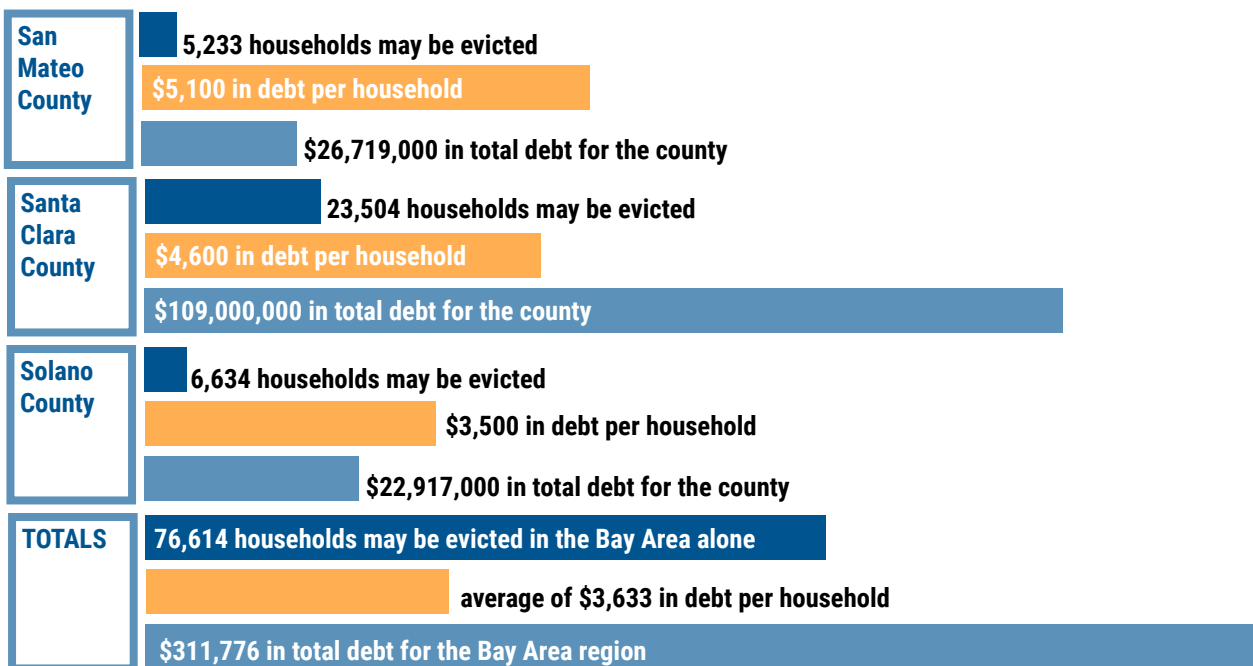
The statewide moratorium's expiration on September 30th leaves many vulnerable tenants without emergency protections for the next six months as AB832's preemption clause stripped local jurisdictions' ability to extend local moratoria or pass new nonpayment protections until April 2022. Only a small number of jurisdictions who adopted a local emergency eviction moratorium remain unaffected since their moratorium is in place until their local emergency declaration concludes. **This means many tenants, especially those who have yet to apply to or were denied from receiving ERAP funds, are no longer protected by either the state or the local government.**

32% of renters across the state anticipate eviction in the next few months. To avoid eviction, tenants have to pay at least 25% of their owed rent from the past year (September 2020 to September 2021) or apply for rental assistance.

Landlords can start pursuing evictions for unpaid rent October 1st and can pursue unpaid debts in small claims court starting Nov. 1st.



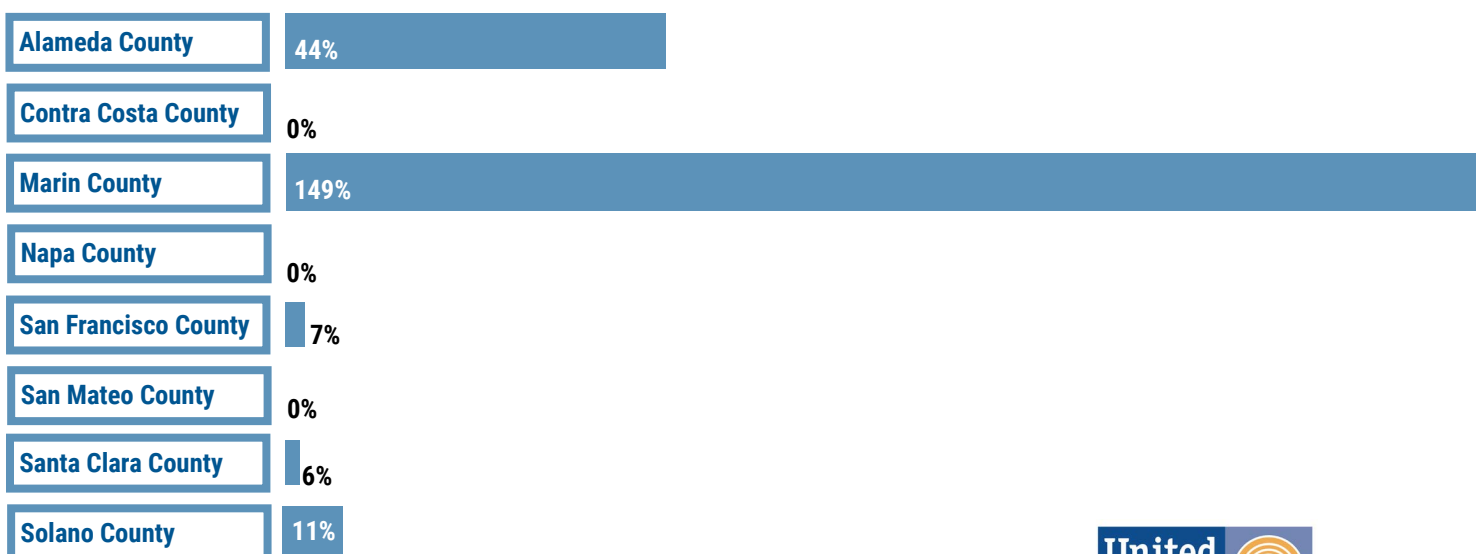
HOW MANY PEOPLE COULD BE EVICTED FOR NON-PAYMENT AND HOW MUCH DO PEOPLE OWE IN THE BAY AREA?



Santa Clara has the highest total households behind on rent with 23,000+ households. This is followed by Alameda County with 16,000+ households. When looking at the average rent debt per households, San Mateo has the highest average with \$5,100. This is followed by Marin county with \$4,700.

HOW MUCH ERA1 FUNDS HAVE COUNTIES ALLOCATED IN THE BAY AREA?

Rental assistance distribution has been extremely slow. As of July 31, 2021, Contra Costa County and San Mateo County had the lowest percent of allocated ERA1 funds with 0%. This is followed by Santa Clara County with 6% and San Francisco County with 7%.



United Way Bay Area

REC 2: Expedite rent relief disbursement and develop a state deadline for the disbursement of funds

TOOL:	<ul style="list-style-type: none"> - Expand partnerships with trusted nonprofits who have experience distributing funds. - Have the Governor announce a deadline for when funds should be dispersed.
KEY PLAYERS:	<ul style="list-style-type: none"> - LISC and other nonprofits with experience in distributing funds - The Governor

Motivated by the overwhelming demand and urgency needed to support tenants in remaining housed, the state partnered with an unprecedented number of organizations to disperse rent relief. However, not all nonprofit partners have the experience or the capacity to distribute large sums of money. Hiring and onboarding new staff has been a costly and time consuming endeavor, delaying the distribution process by at least 6 months in some cases. To ensure a smoother and faster distribution, **the state should identify key regional nonprofits who have experience handling large distributions.** The identified regional nonprofits should be responsible for administering funds, either by contracting out, or using their own staff to disperse funds. The state should be prepared to provide financial support for any capacity constraints (hiring, developing the infrastructure, etc.) that may limit progress. **By spending time to initially identify which nonprofits are best poised to handle the disbursement, the state will save costs in the long-run.** A thoughtful partnership that prioritizes expertise and experience will ensure tenants receive funding in a timely fashion without significant hiccups.

Given the varying levels of experience with distributing funds and the varying levels of need across the state, it's crucial that the state provides a deadline for all funds to be dispersed. **Should the governor announce a phased deadline, localities can determine outstanding needs and identify which households should be prioritized in the next round of disbursement.** This will help the state accurately track the distribution and, with the support of the enlisted nonprofits handling disbursement, provide targeted outreach and support to the neediest areas based on the funds dispersed compared to outstanding need. A phased deadline will also support the selected nonprofits in identifying which partners to elicit for the next round of rent relief based on experience, geography, clients served, etc. A deadline will also support landlords' and tenants' financial planning since this would allow them to anticipate when they will receive funds.

WHAT DO THE STATE NUMBERS LOOK LIKE?	more than 309,000 households have applied for assistance
	ASKING for roughly \$3.2 billion of the \$5 billion total
	\$650 million has been PAID by the state
	this \$650 million has gone to 55,000 households
	another \$950 million in assistance has been approved to be paid

The state should invest in eviction diversion programs as recommended by President Biden. Additionally, new emergency legislation around COVID-related eviction protections should not prevent local jurisdictions from responding to the upcoming rise in evictions. Any preemption clause that aims to tie the hands of local governments should be removed since local jurisdictions bear the true brunt of ensuring residents are housed.

REC 3: Establish consistent procedures across rental relief programs throughout the state

TOOL:	- Develop a guide for nonprofits administering funds and have state staff support with implementation to increase consistency across programs
KEY PLAYERS:	- Legislature and staff - The Governor

Inconsistencies across programs vary from differences in the application process, to some courts ignoring the state's declaration to protect tenants from eviction if they've paid 25% of rent owed or applied for ERAP. These inconsistencies have increased confusion for tenants, advocates, and legal organizations who have been working overtime to keep tenants housed.

Following AB832 should not vary across the state. **The state should develop a guide for all programs administering funds outlining basic, consistent, principles that each program must have. This will set a baseline and increase consistency across programs.** Should localities not follow the guideline set, the state could consider withholding funds, or the governor could instate an executive order under Government Code § 8628 to use the guide as a baseline for how funds should be administered. The state should also be prepared to support the identified regional organizations administering funds with implementation by having state staff who can answer questions and oversee the implementation across the 8 regions of California.

As programs undergo changes, the state should also increase transparency and announce changes in order to increase consistency across programs and minimize confusion. Local programs in San Francisco and Los Angeles, for example, were encouraged to roll back into the state program. Programs that are using Option C must ask tenants to reapply. However, tenants have not been properly informed of these changes. Investing in public information campaigns that track changes to programs can support tenants, landlords, advocates, and legal aid all working to keep tenants housed.

REC 4: Protect tenants until ERAP funds are fully disbursed

TOOL:	- Judicial Council increase consistency across courts
KEY PLAYERS:	- Judicial Council - The legislature

Current stipulations in AB832 state tenants will be protected from eviction if they apply to ERAP and demonstrate financial hardship, or pay 25% of the rent owed from September 2020 to October 2021. Landlords are also required to apply for rental assistance before evicting a tenant for nonpayment. However, court clerks are not equipped to vet if landlords have filed legally sufficient paperwork (as opposed to checking off boxes) before issuing a summons. The Judicial Council should develop stronger guidelines and consistent procedures for all courts to follow throughout the state, prioritizing the need to keep tenants housed given the state's existing, exacerbated, housing crisis.

Furthermore, the state still holds over \$2 billion in unclaimed financial support. The state should protect tenants until all funds are claimed, given that there are thousands of qualified tenants who have yet to apply for ERAP, but may avoid eviction if they had applied prior to September 30th. It is unclear if tenants who apply for ERAP after September 30th will be protected from eviction for nonpayment. The thousands of tenants who could benefit from unclaimed funds and avoid eviction should be given the opportunity to apply before losing their homes. Judicial Council should instruct courts to . Furthermore, to ensure landlords don't try to work around Judicial Council's instructions, the state should pass stronger anti-harassment protections.

REC 5: Develop plans to provide adequate staffing and training support for partners distributing services

TOOL:	- The legislature should develop a fund to support nonprofit partnerships
KEY PLAYERS:	- Budget Committees (both Senate and Assembly) - The Governor

Despite being notoriously underfunded and under-resourced, nonprofits are often tapped to support the state in carrying out emergency protections and supporting tenants. Given the close partnership, the state should set aside funds for a safety net that would support nonprofits in carrying out the state's requests like distributing funds, providing know your rights campaigns, and legal support. Many tenants, especially low-income tenants and non-English speakers, need specific forms of outreach and often lack access to adequate legal support, resulting in a higher percentage of these communities being evicted. Stronger state support in increasing capacity and resources for partnering nonprofits would secure a stronger, two-sided relationship that works to serve our residents.