



UNITED WAY BAY AREA



United Ways of California

September 28, 2021

The Honorable Gavin Newsom
Governor of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

The Honorable Toni Atkins
Senate President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, CA 95814

Re: Strategies to protect tenants after the statewide eviction moratorium expires

Dear Governor and Legislative Leaders,

While California has an unprecedented \$5.2 billion in emergency rental assistance to help tenants address COVID-19 rent debt, [753,000 residents across the state are still behind on rent](#) and may face eviction once the statewide moratorium expires on September 30th, 2021. Preemption stipulations in [AB 832](#) (Chiu), along with the deadline for the legislature's interim recess, inhibit both the legislature and local elected officials across the state from protecting tenants and homeowners beyond the end of this month. Meanwhile, US Attorney General Garland, Treasury Secretary Yellen, and Housing and Urban Development (HUD) Secretary Fudge [have issued a joint letter](#) calling on state and local governments to take further action against unnecessary evictions. As the Administration and Legislature weigh future action to protect residents across the state, the undersigned advocacy, legal aid organizations, and elected officials urge you to consider the following five recommendations:

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

AB 832 prevents local jurisdictions from extending existing local moratoria or passing new local nonpayment protections until April 2022. Given that only a few jurisdictions tied their local moratoria to the conclusion of their local emergency declaration, AB 832's preemption clause leaves the majority of California tenants without emergency protections for six months after the state's eviction moratorium expires. Meanwhile, local jurisdictions will bear the brunt of ensuring residents remain safely housed after September 30th, 2021. We urge the State to extend the moratorium through the end of the year or allow local jurisdictions to adopt policies which allow them to continue to support their residents.

Recommendation 2: Expedite disbursement of rental relief and develop a state deadline for the disbursement of funds

Despite partnering with multiple community based organizations, the state has only disbursed less than 10% of rental relief. Given the slow rollout and the lack of a deadline for the disbursement of rent relief, tenants

and landlords are ill prepared to determine future action since they don't have a sense of when they'll receive the funds. This lack of clarity and delay in receiving funds could lead to significant financial harm for both parties and potentially increase the number of evictions for tenants who are eligible but have yet to receive relief, as well as those yet to apply. To increase consistency across programs, the state could mirror the federal availability deadline of September 30th, 2022 to distribute the first round of rental relief. Providing a deadline will increase accountability and increase clarity for landlords, tenants, and advocates on next steps and support them in seeking other resources as needed to maintain housing.

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

Tenants experiencing financial hardship due to COVID must apply for rental assistance to avoid eviction. However, inconsistencies across state and local programs have led to some localities closing off applications while others developed waitlists to capture need. This skews our assessment of which communities are in immediate need of rental assistance and if the state funds will be enough to adequately support our residents in remaining housed. Additionally, inconsistencies between state and local programs puts further burden on struggling households who must attempt to navigate complex and changing ERAP systems. This can lead to several adverse outcomes for tenants, including them abandoning the process after attempting to apply for relief and, despite the fact they are eligible, not receiving it, and as a result, potentially losing their housing.

The state should require counties and corresponding cities to establish a collective deadline for any COVID related moratoria, which would increase clarity and support organizations distributing relief in understanding which resources are available for clients. The state should also require all partners distributing rental relief to continue accepting applications, even after funds are dispersed to ensure reallocations are informed by which cities and counties have the highest need.

Recommendation 4: Protect tenants until ERAP funds are fully disbursed

We urge the state to require landlords to apply for ERAP before initiating eviction proceedings, as recommended by the joint Department of Justice/Treasury/HUD directive. Given the slow rollout of rent relief funds and the need to increase awareness of ERAP, many qualified applicants will need to access these services after September 30th, 2021. Residents who were unable to get into the queue through no fault of their own (whether it's because they weren't aware of the program, because the program stopped accepting applicants in their locality, or other access barriers) will not be protected from eviction past 9/30 even if the state has more funds to disburse. Tenants must be protected until all funds are disbursed to ensure communities that could benefit from state support aren't erroneously impacted, and that courts are not inundated with unnecessary and avoidable eviction cases against ERAP-eligible tenants. Many tenants simply leave their homes when faced with an unlawful detainer notice, even if they have legal grounds to contest the eviction. The state should also use federal funds to support right to counsel to ensure tenants have access to resources and can be protected. [AB1487](#) in particular, if signed, could support the state in providing legal aid to residents.

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

The state's vast network of local partners have worked hard to support our residents during the pandemic. This collaboration can continue to support our communities even once the pandemic's effects are behind us. We urge the state to learn from and continue partnering with local organizations to serve our communities. These partnerships highlighted how greater broadband access and digital literacy could help communities address basic needs. It was also clear that the state could play a significant role in helping local organizations build capacity so communities can receive efficient, culturally competent support from organizations they already have a trusted relationship with—especially as the state anticipates an uptick in ERAP applications with the robust outreach underway. The state may consider expanding external partner's scope to facilitate the coordination across local partners and support local partners in increasing capacity.

It is undeniable that the state's intervention during the pandemic has supported many residents in finding and maintaining shelter, but these interventions have not always reached communities most in need. We urge the legislature to consider the recommendations above to ensure our neighbors can maintain safe, stable housing throughout the pandemic and even once the pandemic is behind us.

Sincerely,

Anti-Eviction Mapping Project
Asian Americans Advancing justice - Asian Law Caucus
Asian Pacific Environmental Network
BARHII
BASTA, Inc.
Berkeley Tenants Union
CADEM Renters Council
California Reinvestment Coalition
California YIMBY
Causa Justa :: Just Cause
Centro Legal de la Raza
Children's Network of Solano County
CityServe of the Tri-Valley
Community Action Marin
Community Power Collective
Council of Community Housing Organizations
Councilmember-At-Large and Vice Mayor, Rebecca Kaplan, City of Oakland
Councilmember Kalb, City of Oakland, District 1
Councilmember Thao, City of Oakland, District 4
Dolores Street Community Services
East Bay Asian Local Development Corporation (EBALDC)
East Bay Housing Organizations
East Yard Communities for Environmental Justice
Ensuring Opportunity Campaign to End Poverty in Contra Costa
Eviction Defense Collaborative
Greenbelt Alliance
Healthy & Active Before 5
Housing California
Housing Equality & Advocacy Resource Team (HEART LA)
Housing Rights Committee of San Francisco
LA Tenants Union
Mission Economic Development Agency (MEDA)
Nonprofit Housing Association of Northern California
Oakland Tenants Union
Opportunity Junction
Orange County United Way
Palo Alto Renters' Association
Pasadena Tenants Union
Raise the Roof Coalition - Contra Costa
Richmond LAND
Rubicon Programs
Sacramento Tenants Union
San Diego Tenants Union
San Francisco Anti Displacement Coalition
Senior and Disability Action
Silicon Valley at Home (SV@Home)
South Pasadena Tenants Union
SparkPoint Contra Costa
Strategic Actions for a Just Economy (SAJE)

Supervisor John Gioia, Contra Costa County, District 1
T.R.U.S.T. South LA
United Way Fresno Madera
United Way of Greater LA
United Way of Northern California
United Way of Santa Cruz County
United Way Wine Country
UpValley
West Valley Community Services
Workforce Development Board of Contra Costa County