

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2179 (Grayson)
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Fiscal: Yes
Urgency: Yes
TSG

SUBJECT

COVID-19 relief: tenancy

DIGEST

This bill extends, through June 30, 2022, two key components of California’s answer to the economic hardship that the COVID-19 pandemic brought upon residential landlords and tenants: (1) protections against eviction for nonpayment of rent¹, but only in cases where an application for emergency rental assistance to cover the unpaid rent was pending as of March 31, 2022; and (2) preemption of additional local protections against eviction for nonpayment of rent that were not in place on August 19, 2020.

EXECUTIVE SUMMARY

As part of its response to the financial fallout from the COVID-19 pandemic, California enacted policies designed to prevent tenant households from losing their homes if they fell behind on rent. At their core, those policies now consist of two components: (1) legal protections against eviction for nonpayment of rent; and (2) an emergency rental assistance program (ERAP) to compensate landlords for that unpaid rent. Since October 2021, these two components have been linked: landlords may proceed to evict tenants who have failed to pay rent, but only after properly demonstrating to the court that they unsuccessfully attempted to obtain emergency rental assistance to cover the debt owed to them. Both the legal protections against eviction and the ERAP are currently set to expire on March 31, 2022. The problem is that there will be between 165,000 and 190,000 California households with viable applications for emergency rental assistance

¹ In California, tenants can be evicted for failure to pay the rent itself or any other financial obligation under the lease – frequently the payment of utilities. (Code Civ. Proc. § 1161(2) and (3).) Accordingly, California’s legal protections against eviction based on pandemic-era financial hardship have always protected tenants for nonpayment of either the rent or any other financial obligation of the tenant under the tenancy. Similarly, emergency rental assistance has always been available for both rent and utility payments. For simplicity and ease of reading however, the word “rent” is used throughout this analysis to refer both to the rent itself *and* any other financial obligation the tenant has under the tenancy.

still pending on that date.² As a result, absent legislative action to extend eviction protections for them, those households are at high risk of losing their homes for nonpayment of rent, even though full compensation for the landlord may be only days away. This bill provides a fix. For those who requested emergency rental assistance by the last day to apply and who are still awaiting a response, the bill extends legal protections against eviction through June 30, 2022. During this extension period, the bill also preempts any local laws that might otherwise provide additional protections against eviction for nonpayment of rent, unless the local law predates August 19, 2020.

The bill is authored-sponsored. Support comes from some cities and a county government who worry that thousands of residents in their jurisdictions with emergency rental assistance applications pending will be evicted if the bill does not pass. Opposition comes from some regional landlord trade associations who contend that no further limitations on eviction are necessary and that landlords have been made to wait too long for compensation or the opportunity to recover their property. This bill contains an urgency clause. Votes from the Assembly were not available at the time this analysis was published and are therefore not included here.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Appropriates \$5.2 billion in emergency rental assistance funds to California, for distribution through states, tribes, and local governments with a population of at least 200,000, as directed. (Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act of 2021 (Public Law 116-260) § 501; American Rescue Plan Act of 2021 (Public Law 117-2) § Section 3201.)
- 2) Establishes the state Emergency Rental Assistance Program (ERAP) for the distribution of rental assistance funds in response to the COVID-19 pandemic. (Health and Saf. Code §§ 50897-50897.6.)
- 3) Establishes the COVID-19 Tenant Relief Act of 2020, which provides temporary protection against eviction for nonpayment of rent that accrued from March 1, 2020 to September 31, 2021 as follows:
 - a) From March 1, 2020 to August 31, 2020: to tenants who timely sign and return declarations of COVID-19-related financial hardship in response to a demand for payment from their landlord.
 - b) From September 1, 2020 to September 30, 2021: to tenants who timely sign and return declarations of COVID-19-related financial hardship in response to a demand for payment from their landlord and pay 25 percent of the rent that came

² These figures are based on California Department of Housing and Community Development estimates based on the state emergency rental assistance program and do not include additional applications that may be pending before local emergency rental assistance programs as of April 1, 2022 as well.

due during this time period by September 30, 2021. (Code Civ. Proc. §§ 1179.01 – 1179.07.)

- 4) Establishes the COVID-19 Rental Housing Recovery Act, which provides temporary protection against eviction for nonpayment of rent that accrued during the time period between October 1, 2021 and March 31, 2022, with specified exceptions, as follows: in order to obtain a summons or judgment for eviction, the landlord must demonstrate to the court, through specified declaration or evidence, that the landlord has unsuccessfully endeavored to obtain emergency rental assistance from the pertinent government program (Code Civ. Proc. §§ 1179.08 – 1179.15.)
- 5) Preempts the application of local laws adopted in response to the COVID-19 pandemic after August 19, 2020, if those local laws would otherwise provide additional protection against eviction because of nonpayment of rent. (Code Civ. Proc. § 1179.05.)

This bill:

- 1) Extends, through June 30, 2022, procedural legal protections against eviction based on nonpayment of rent or other financial obligations under the lease that accumulated between March 1, 2020 and March 31, 2022, provided that, as of March 31, 2022, there is an application pending for emergency rental assistance corresponding to all or part of the amount demanded. (Unless otherwise indicated, all further references to “rent” should be understood to include both rent and all other financial obligations under the tenancy.)
- 2) Updates the content of notices that landlords must provide to tenants after March 31, 2022, and before July 1, 2022, prior to seeking a court order for eviction based on nonpayment of rent, so that the information is accurate in light of the extension of protections against eviction and expiration of the deadline to apply for emergency rental assistance.
- 3) Extends, through June 30, 2022, statewide preemption of local laws as follows:
 - a) Local ordinances adopted before August 19, 2020, in response to the COVID-19 pandemic to provide protection against eviction for nonpayment of rent remain grandfathered in and are applicable according to their own terms, subject only to specified state modifications to any timeline for repayment that the local ordinance provides.
 - b) Local jurisdictions are preempted from applying new or additional local additional protections against eviction for nonpayment of rent, if that rent accrued on or before March 31, 2022.
 - c) For rent that accrues on or after April 1, 2022, local jurisdictions are free to establish additional protections against eviction. (Code Civ. Proc. Sec. 1179.05.)

- 4) Includes a severability clause.
- 5) Contains an urgency clause.

COMMENTS

1. A brief history of California's response to the COVID-19 pandemic as it relates to residential rental housing

Before the COVID-19 pandemic struck, California faced a serious housing affordability crisis. A huge fraction of tenants were considered rent-burdened, many of them severely rent-burdened. Average rent increases were outpacing average earnings by a wide margin. Many Californians were struggling to afford housing and the other basic necessities of life. As a result, the housing affordability crisis had also become a homelessness crisis.

Then the COVID-19 pandemic struck. When Governor Newsom ordered Californians to shelter in place in March 2020, it immediately became apparent that many workers would lose their livelihoods through no fault of their own. In the context of an already rent-burdened populace, this meant that missed rent payments were sure to follow. Absent preventative action, widespread nonpayment of rent would lead to a tidal wave of evictions and a catastrophic surge in homelessness. On top of the humanitarian crisis this would have entailed, there were counterproductive public health consequences to consider as well: overcrowding in shared housing and communal quarters in homeless shelters would create ideal conditions for rapid transmission of the COVID-19 virus.

In the face of these serious problems and the risk that doing nothing could be catastrophic, California took extraordinary measures to keep people from losing their housing during the pandemic. Many local governments enacted ordinances and the Governor issued executive orders giving legal blessing to those ordinances. Ultimately, against a patchwork of local responses and a slow response from the other branches of state government, the Judicial Council intervened, issuing Emergency Rule 1. Emergency Rule 1 halted all residential evictions except those based on risks to public health and safety.³

Emergency Rule 1 provided the Legislature with the necessary time to craft a statewide policy, which it eventually passed in late August of 2020. That bill, AB 3088 (Chiu, et al., Ch. 37, Stats. 2020), protected tenants against eviction for nonpayment of rent or other financial obligations under the tenancy for rent that accumulated between March 1, 2020 and January 31, 2021. To receive these protections, tenants had to respond to any demand for rent from their landlord with a declaration indicating that the tenant was unable to pay the rent due to COVID-19 related hardship. In addition, tenants had to

³ *Emergency Rules Related to COVID-19* (April 6, 2020) Judicial Council <https://www.courts.ca.gov/documents/appendix-i.pdf> (as of Mar. 26, 2022).

pay at least 25 percent of the rent that accumulated between September 1, 2020 and January 31, 2021 before that period of time came to an end. AB 3088 also froze all local laws protecting tenants against eviction for nonpayment of rent in whatever form they took as of August 19, 2020, with a few specified modifications to any timelines for repayment in those local laws.

Throughout this initial period, landlords bore the primary financial burden in the equation between landlords and tenants⁴ because no funding was made available to compensate them for the rent that was going unpaid. In December 2020, the federal government passed legislation providing the rental assistance money needed for California to relieve much of the financial burden that landlords had been bearing. With this money on its way, California extended the protections of AB 3088 for an additional five months through June 2021 and established new rental assistance programs to distribute the federal money. (SB 91, Committee on Budget and Fiscal Review, Ch. 2, Stats. 2021)

Under the rental assistance programs, both landlords and tenants could apply for money to cover back rent and utilities that the tenant owed. All landlords are eligible to obtain rental assistance, provided that their tenants are eligible as well. Tenant eligibility is means-tested: tenant households only qualify if their income is at or below 80 percent of the annual median income for their area.

The rental assistance programs were carefully designed with the intention of striking a balance: enabling landlords and tenants to access the money they desperately needed with a minimum of bureaucracy on the one hand, while erecting sufficient barriers and controls to mitigate against the risk of fraud on the other. In spite of the good intentions, the ERAP programs in California (and in most other states) have been criticized for processing applications too slowly.⁵ There have been improvements to the California rental assistance programs over time, and the Legislature modified and extended them in the early summer of 2021 after the federal government appropriated a second round of funding for that purpose. (AB 832, Chiu, Chap. 27, Stats. 2021.) According to recent HCD data, the state program has “stabilized more than 214,000 households across the state, amounting to nearly \$2.5 billion in direct assistance.”⁶ Still, there remains a substantial backlog and some landlords and tenants have reported waiting to hear back about their applications for months.

⁴ It should be acknowledged that, in the broader sense, the heaviest and most acute burden was born by the many low-wage workers – disproportionately people of color – who either lost jobs because those jobs could not be performed remotely, or were deemed essential and therefore had to continue working, but only at significant risk to the health and safety of themselves and those with whom they had close, personal contact.

⁵ DeParle, “Federal Aid to Renters Moves Slowly, Leaving Many at Risk” (Sep. 21, 2021) *The New York Times* <https://www.nytimes.com/2021/04/25/us/politics/rental-assistance-pandemic.html> (as of Mar. 26, 2022.)

⁶ Velasquez. *Letter to Senator Umberg and Assemblymember Stone Regarding Request to Extend Eviction Protections Beyond June 30, 2022* (Mar. 25, 2022). On file with the Committee.

At the same time that it extended its emergency rental assistance programs, California also set the stage for entry into a new phase – the so-called recovery phase -- for its protections against residential evictions for nonpayment of rent. (AB 832, Chiu, Chap. 27, Stats. 2021.) COVID-19 vaccines had become widely available by that time and it appeared that the worst of the COVID-19 pandemic was over. A gradual reopening and economic recovery had begun to take hold. Accordingly, beginning on October 1, 2021, California law no longer permitted tenants to use declarations of COVID-19 hardship and partial rent payments to avoid eviction. Instead, the recovery phase policy allowed to proceed with evictions for nonpayment of rent, but only after attempting to obtain rental assistance to cover the unpaid amount. These recovery phase protections against eviction for nonpayment of rent apply today, but they are set to expire on March 31, 2022.

Finally, in January of this year, California appropriated additional state funds to pay for all emergency rental assistance applications submitted to the state program by March 31, 2022. (SB 115, Skinner, Chap. 2, Stats. 2022.) Therefore, unless additional money were appropriated to extend the program beyond that date – something this bill does *not* propose – the state emergency rental assistance program will stop receiving new applications as of April 1, 2022. The March 31, 2022 deadline to apply for emergency rental assistance through the state is made clear on the program’s website, housingiskey.com, and in other program materials.

2. Where things stand today

The recovery period legal protections against eviction for nonpayment of rent that accumulated from March 2020 to the end of March 2022 are set to expire on March 31, 2022. The state emergency rental assistance program will stop accepting new applications as of that time as well. Meanwhile, according to the California Department of Housing and Community Development which oversees the rental assistance programs, there are an estimated 165,000 to 190,000 California tenant households who have submitted viable applications for rental assistance that the emergency rental assistance programs are still processing. If the recovery period protections against eviction for nonpayment of rent are not extended for these households, they face the imminent prospect of eviction beginning April 1, 2022.

3. What this bill proposes

The bill is composed of three basic parts.

- a. *Three month extension of eviction protections for those who submit rental assistance applications by the March 31, 2022 deadline*

Existing law provides that a landlord who wants to remove a tenant in California for failure to pay the rent or any other financial obligation under the lease that accrued

between March 1, 2020 and March 31, 2022 may file in court requesting a court order for eviction. However, the court is not supposed to proceed with the case unless the landlord affirms, through specified procedures, that the landlord applied for rental assistance to cover the unpaid rent, but was unable to obtain it. Furthermore, once the case proceeds, a judge is not supposed to order the requested eviction in the form of a judgment until the court is satisfied that, indeed, the landlord tried but could not get compensation from the rental assistance program for the unpaid amount. (Code Civ. Proc. § 1179.11.)

This bill extends those same protections for three months, but only in those cases where a rental assistance application was submitted by the March 31, 2022, deadline and is still pending. The idea is to protect everyone who has applied on time for long enough for their applications to be processed and their rent paid. This should spare from eviction the roughly 165,000 to 190,000 low-income California households who will still have rental assistance applications pending on April 1, 2022.⁷

It is important to highlight what the three-month extension proposed by this bill does not do. It does not provide any protection against eviction for tenant households that do not pay their rent from April 2022 on as it accrues. Unless there is a local ordinance in effect that pre-dates August 19, 2020,⁸ tenants who are unable to pay their rent for April 2022 onward will face eviction just as they would have prior to the pandemic. The extension also does not offer protection against eviction in scenarios in which the tenants fell behind on rent during the period from October 1, 2021 and March 31, 2022, but neither the landlord nor the tenant submitted an application for emergency rental assistance to cover the unpaid amount.

b. Three month extension of local ordinance preemption

When California first enacted statewide statutory eviction protections in the late summer of 2020, the bill included provisions preempting the ability of local jurisdictions to go farther than whatever protections against eviction for nonpayment of rent they already had on the books as of August 19, 2020. (AB 832, Chiu, Ch. 27, Stats. 2021; Code Civ. Proc. § 1179.05(a).) Each time that the state has extended statewide eviction protections since then, the state has also extended these preemption provisions for an equivalent length of time. Here is a summary of where existing law stands today and how it will remain if this bill does not pass:

- Local ordinances adopted before August 19, 2020, in response to the COVID-19 pandemic to provide protection against eviction for nonpayment of rent remain

⁷ But see Comment 5, below, regarding HCD's concern that three months may not be sufficient time for it to process all of the applications it has received.

⁸ See Comment 3(b), below for further discussion about the effect of preemption on the applicability of local ordinances.

grandfathered in and are applicable according to their own terms, subject only to specified state modifications on repayment timelines.

- Local jurisdictions are preempted from applying new or additional local protections against eviction for nonpayment of rent, if that rent accrued on or before March 31, 2022.
- For rent that accrues on or after April 1, 2022, however, local jurisdictions are once again free to establish additional protections against eviction. (Code Civ. Proc. Sec. 1179.05. Again, this is the *current* state of the law which will *change* if this bill is enacted.)

This bill, AB 2179 (Grayson), pushes the preemption date out three months to June 30, 2022. The bill would therefore modify the framework laid out above as follows:

- Local ordinances adopted before August 19, 2020, in response to the COVID-19 pandemic to provide protection against eviction for nonpayment of rent remain grandfathered in and are applicable according to their own terms, subject only to specified state modifications on repayment timelines.
- Local jurisdictions are preempted from applying new or additional local additional protections against eviction for nonpayment of rent, if that rent accrued on or before June 30, 2022.
- For rent that accrues on or after July 1, 2022, however, local jurisdictions are once again free to establish additional protections against eviction.

As a result of these preemption provisions, the impact of this bill varies significantly depending on the jurisdiction in question.

If the local jurisdiction in question adopted protections against eviction for nonpayment of rent prior to August 19, 2020, *and* those protections are still applicable, then they will apply to tenants who cannot pay rent accruing from April 1, 2022 forward. The City of Los Angeles, the City of Oakland, and the County of Alameda are good examples of jurisdictions like this.

By contrast, if the local jurisdiction in question did *not* adopt eviction protections against eviction for nonpayment of rent prior to August 19, 2020, *or* the protections adopted prior to August 19, 2020 have elapsed, then tenants in those jurisdictions who are unable to pay the rent accruing from April 1, 2022, onward will be subject to eviction on the old, pre-pandemic terms. That will remain true at least until July 1, 2022, when the local jurisdictions will once again be free to impose their own anti-eviction protections. San Francisco is a good example of a jurisdiction where these rules would apply to rent accruing from April 1, 2022 on, as are any parts of Los Angeles County

that are not covered by a pre-August 19, 2020 city ordinance with protections against eviction for nonpayment of rent that are still in effect.

Here is how the old, pre-pandemic rules regarding eviction for nonpayment of rent worked. If a tenant is late or short on the rent, they are entitled to receive a notice and a short window in which to either pay the rent owed in full or vacate the premises. (Code Civ. Proc. § 1161(2).) If the tenants do neither within just three court days, then the landlord may proceed to court seeking an order for the tenants' eviction.

These old, pre-pandemic rules are pretty unforgiving for tenants, though from the landlord's point of view, they provide important leverage to ensure full and relatively speedy payment of the rent. Some other states give tenants a longer opportunity to cure a missed rent payment. Massachusetts, for example, provides tenants with 14 days to cure a rent default before the landlord may proceed to evict (Mass. Gen. Laws Ann. Ch. 186 § 11) though other states provide no opportunity to cure at all.

c. Updates to the information in relevant notices

The extension of protections against eviction proposed by this bill necessitate updates to the information contained in certain notices that landlords must provide to tenants before proceeding to court to seek an order for eviction. Currently, some of those notices advise tenants that they should apply for emergency rental assistance, for example. After March 31, 2022, when the state program will stop accepting new applications, it would be misleading and cruel if tenants continued to receive notices urging them to apply. Accordingly, the bill provides alternative required content for notices that landlords deliver to their tenants beginning April 1, 2022. The new notices simply inform tenants of the scenarios in which they may have protections against eviction and provide the tenant with an entry point for seeking out further legal advice. To be clear, landlords would only have to include this content if they are demanding rent that accrued on or before March 31, 2022, since no additional state protections apply to rent that accrues after that date.

4. Application to the mobilehome context

Since California first established statewide protections against eviction for nonpayment of rent due to COVID hardship, those protections have applied to both the "stick built" and mobilehome contexts equally. Mobilehome park owners and residents of mobilehomes have also been able to apply for emergency rental assistance on the same terms as their stick built counterparts. This bill is no different in that regard. It, too, applies to both the mobilehome and stick built contexts.

5. Housing and Community Development Department Input

This bill was only very recently gutted and amended to reflect its current content. Since that time, the California Department of Housing and Community Development (HCD) has issued a letter indicating that, while it strongly supports the extension of legal protections against eviction that are contemplated by the bill, it urges the Legislature to make the extension last four months, rather than just three. According to HCD, three months is insufficient time for it to clear the emergency rental assistance backlog, which it estimates at 165,000 to 190,000 viable applications. According to HCD:

If viable applications are closer to the higher end of that range, the state program will need to more than double its weekly pace of assistance, a pace that is already twice as fast compared to any other program operating across the country. A critical component of the program's success is having the needed time to deploy this emergency assistance while maintaining the program's robust quality assurance standards, which will be under immense stress based on the proposed June 30 timeline. While still an aggressive timeline, the provision of an additional month beyond June 30 would continue to protect tenants as we expedite the processing of pending applications. [...] Without additional time, there is a significant risk that tenants who have been notified of payment approval, but who have not yet received their payment, may self-evict. Unlike other relief programs, the timing of the receipt of rental assistance is inextricably linked to potential legal actions, with serious consequences if the timing is not perfectly aligned.⁹

Committee staff notes that, while it would not be ideal from the point of view of legislative efficiency and it could cause some confusion among California landlords and tenants, there is no procedural reason why the Legislature could not pass this bill as it appears in print, monitor how quickly the remaining applications are being processed, and then increase the extension to a fourth month through subsequent legislation if necessary.

6. Beyond this bill

In the longer term, it may be worth bearing in mind that, unless California or any of its local jurisdictions is prepared to become more lenient about the rules governing eviction for nonpayment of rent or to offer some sort of emergency rent assistance program in perpetuity, eventually the old, pre-pandemic rules will return everywhere. The reality is that such a return will almost certainly come with a significant uptick in evictions, presumably back to their old, pre-pandemic levels at least.

⁹ Velasquez. *Letter to Senator Umberg and Assemblymember Stone Regarding Request to Extend Eviction Protections Beyond June 30, 2022* (Mar. 25, 2022). On file with the Committee.

California's experience during the pandemic has shown that such high levels of eviction are not inevitable. Though far from perfect, our state's response to the pandemic, made possible through the infusion of federal appropriations for this purpose, has demonstrated that the combination of legal protections against eviction for nonpayment of rent with a robust emergency rental assistance program can dramatically reduce rates of eviction.

Though the impetus for this experiment was the economic fallout from the pandemic and the collective sensation that tenants' resulting failure to pay rent was due to "no fault of their own," it can be argued that, in truth, few Californians are ever fully masters of their financial fate at all times. Illness or injury, an unexpected job loss, a surge in inflation, conflict abroad, an economic recession -- all of these things are just as beyond tenants' control as the sudden spread of a contagious and potentially fatal virus. Going forward, the Legislature may wish to examine how the lessons from this pandemic could inform future policy to reduce the prevalence of evictions based on nonpayment of rent and the harm they inflict on all involved -- landlords, tenants, courts, and communities alike.

7. Arguments in support of the bill

According to the author:

The economic fallout from the COVID-19 pandemic raised the chilling prospect of a tidal wave of evictions and a catastrophic surge in homelessness. Fortunately, no such calamity has taken place. Emergency rental assistance programs, legal protections against eviction, mortgage forbearance initiatives, and sacrifices by landlords and tenants alike have combined to keep the overwhelming majority of households in their homes. Now that our economy is in recovery and job offerings are plentiful, the time has come to wind down heightened pandemic-era eviction protections and return to the usual rules. As we do that, however, we must appropriately take care of the thousands of Californians -- landlords and tenants alike -- whose applications for emergency rental assistance are still pending. It would be cruel, wasteful, and unfair to subject these Californians to eviction or the loss of rental income now, when they have done everything asked of them and distribution of their emergency rental assistance is imminent. AB 2179 prevents that outcome by temporarily extending COVID-19 recovery period eviction protections to those landlords and tenants with emergency rental assistance applications pending as of the March 31, 2022, deadline. In this way, AB 2179 seeks to maximize

every last emergency rental assistance dollar to keep people housed, even as the program comes to an end.

In support, the City of Mountain View writes:

In Mountain View, 917 households have applied for State rent relief. However, as of March 23, 2022, only 410 households have received funding thus far, leaving over 500 households in jeopardy of being evicted as the AB 832 expiration date approaches. Although Mountain View has provided over \$4 million in rent relief, has implemented a multilingual eviction prevention center, and is collaborating with the County of Santa Clara and other external partners to help our renters, these efforts will not be enough to prevent an eviction cliff if protections expire at the end of the month. Furthermore, in discussions with other jurisdictions, nonprofit organizations, and community members, we understand that this issue is prevalent throughout the region.

In support, the County of Santa Clara writes:

[...] [H]undreds of thousands of people fell behind on their rent payments during the pandemic. The County of Santa Clara has and continues to work with our city, nonprofit, and community partners to help renters in our communities remain in their homes. However, more than 15,300 residents in our County have applications pending review to receive rent relief from the State. Without this relief, they face eviction. The County is aware that the Department of Housing and Community Development (HCD) received a significant volume of rent relief applications. This demonstrates the resounding need our residents have for assistance. Your AB 2179 will extend the expiration date for three months for people with pending applications to provide HCD more time to process them and disburse funding.

8. Arguments in opposition to the bill

In opposition to the bill, the California Rental Housing Association writes:

Any further extension of the statewide eviction moratorium will hurt housing providers who have continued to house tenants with no rental income or rent relief. As the state has reopened and the pandemic is regressing, there is no longer a need to have a statewide eviction moratorium because there have not been a significant number of Unlawful Detainer (eviction) actions filed

since the eviction moratorium ended last year. Furthermore, residents have had many months to seek rental assistance from the state.

In further opposition to the bill, the Apartment Association, California Southern Cities, writes:

Property owners statewide, many of whom have not received any rental income for two years in some cases, saw the March 31 expiration of protections under AB 832 as their first opportunity in a long while to reclaim their properties, or potentially take legal action after March 31, may potentially have to endure more losses until the summer. AB 2179 prolongs the financial burdens of rental property owners across the state with no certainty that their applications would be approved even by the proposed June 30 deadline. Many property owners across the state with pending ERAP applications have not received a response from their respective programs in months. AB 2179 is more of the same without the promise of making good on their offer, even in the time proposed.

SUPPORT

City of Mountain View
City of San Diego
County of Santa Clara

OPPOSITION

Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Berkeley Property Owners Association
California Rental Housing Association
East Bay Rental Housing Association
Nor CAL Rental Property Association, Inc.
North Valley Property Owners Association
Santa Barbara Rental Property Association
Small Property Owners of San Francisco Institute
Southern California Rental Housing Association

RELATED LEGISLATION

Pending Legislation: SB 847 (Hurtado, 2022) establishes the framework, without appropriation, for a program that would provide grants to landlords who were unable

to obtain compensation for their tenants' unpaid pandemic-era rent because their tenant either did not apply for or did not qualify for emergency rental assistance.

Prior Legislation:

SB 115 (Skinner, Ch. 2, Stats. 2022) authorized cash flow loans to the state Emergency Rental Assistance Program and to locally-administered rental assistance programs to pay for all qualifying rental assistance applications submitted by March 31, 2022, with these loans to be paid back with federal funds for rental assistance reallocated to California from other jurisdictions. Requires the Department of Finance to forgive any amounts lent that are not covered by the federal reallocation.

AB 832 (Chiu, Ch. 27, Stats. 2021) extended and modified residential eviction protections for tenants facing COVID-19-related financial hardship, extended and revised certain aspects of the state's Emergency Rental Assistance Program, and established a process for connecting tenants with rental assistance funds and forestalling their eviction between October 1, 2021 and March 31, 2022.

AB 81 (Budget, Ch. 5, Stats. 2021) made technical and conforming changes to SB 91.

SB 91 (Budget, Ch. 2, Stats. 2021) extended and modified protections initially established under AB 3088, and established a government rental assistance program to help landlords and tenants address COVID-19 financial hardship.

AB 3088 (Chiu, et al., Ch. 37, Stats. 2020) established protections for nonpayment of rent due to COVID-19-related financial hardship, subject to numerous conditions, until January 31, 2021.

PRIOR VOTES:

Votes from the Assembly were not available at the time this analysis was published and are therefore not included here.
