



CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION  
*Advocates for Justice*



WESTERN CENTER  
ON LAW & POVERTY



**PolicyLink**

**PUBLIC ADVOCATES**  
MAKING RIGHTS REAL

August 10, 2020

Honorable Gavin Newsom  
Governor, State of California  
State Capitol  
Sacramento, CA 95814

**RE: Action Urgently Needed to Protect Renters, Small Landlords, and Affordable Housing Providers**

Dear Governor Newsom:

We are writing to urge your leadership on one of the most critical issues facing California: the looming eviction crisis for hundreds of thousands of tenants as a result of the COVID-19 pandemic. Just as you have been leading California's response to a global public health crisis, we need similar leadership to avoid the catastrophe of mass evictions, foreclosures, and long-term damage to California's rental housing market due to that crisis. It is critical that we put these protections in place before the Legislature adjourns on August 31. It is equally important that your office act to ensure that there is no gap in protections for tenants should the Judicial Council repeal its emergency rule of court before new laws to protect tenants and assist property owners are enacted by replacing it with an executive order similar to that rule.

Over the past several months, millions of Californians have lost their jobs and don't know when or whether they'll go back to work. Some have remained in their jobs, but at heavily reduced hours. While wage replacement programs and private donations have helped some, many in California's workforce have been unable to access these resources. Many households have been unable to pay their rent, with the numbers steadily growing each month. For others that have managed to hold on, the options are running out. Enhanced federal unemployment benefits are slated to be reduced in a few days. Short-term solutions like borrowing from family, accessing meager savings, or putting all of their reduced income toward rent are not sustainable. Even where there are employment opportunities, parents cannot return to work while schools are closed and childcare options are limited. Time is running out.

A substantial number of households in California are at risk of losing their housing when the Judicial Council repeals the emergency rule of court that is currently preventing unlawful detainer actions from proceeding. The state has not put any substantive protections or defenses in place to protect renters when this stop-gap measure is lifted. We urgently need action in the remaining weeks of this legislative session on this issue to avoid a tidal wave of evictions and increased homelessness.

Increased homelessness is only one consequence of failing to act. Absent action this legislative session to establish effective protections for renters, we will see long-term impacts for both renters and

landlords. For low-income households, inaction will mean deepening debt and increased difficulty securing replacement housing as a result of long-term marks on their credit and rental history. For smaller landlords and affordable housing providers, with so many tenants unable to make the rent, a wave of foreclosures looms as mortgages go into arrears. Failure to forestall foreclosures and evictions will also exacerbate stark inequities that impact Californians based on race, ethnicity, national origin, immigration status, gender identity, and disability, undermining recent legislative efforts to eradicate these disparities. We urge you to work with leadership in the Senate and Assembly to bring stakeholders together to craft a workable solution. Several other states have already acted to do this. California must join them. Our organizations believe that any solution this legislative session must include, at a minimum, three key components:

- 1. Take eviction for nonpayment off the table:** With no statewide protection from eviction for nonpayment of rent during the COVID crisis, when unlawful detainer cases can proceed again, tenants owing back rent will be subject to swift eviction proceedings that will result not only in the loss of their housing, but orders to pay several months of back rent. Out of fairness to those suddenly thrust into joblessness, we must make sure that doesn't happen. No societal interest is furthered by allowing families to be pushed into homelessness, and doing so would undermine California's chances at an equitable and full economic recovery. To protect families, neighborhoods, and the economy, any policy must make clear that past nonpayment of rent during the COVID crisis is not a basis for eviction. The eviction court, with its swift timelines, is not the place to resolve this. Landlords can seek to recover the unpaid rent through other remedies, but not through the eviction court.
- 2. Make the protections unconditional:** Any renter household in need of assistance or protection from eviction should receive it. We should not erect unnecessary burdens to relief, such as requiring written documentation of income loss. In addition, access to relief should not be conditioned on assent from the renter's landlord. For example, if financial assistance is provided to the tenant, it should be provided without regard to whether the landlord is willing to accept it. State law already prohibits landlords from refusing to accept rental payments and housing subsidies paid on behalf of a tenant; proposals to address COVID-19 rents should remain consistent with that important policy. Indeed, vulnerable low-income tenants are most at risk if a landlord can unilaterally prevent protections or assistance from reaching those households and proceed to an eviction.
- 3. Protect renters, small landlords, and affordable housing providers:** For low-income households, many small landlords, and those who own and operate subsidized affordable housing, the loss of income during the stay-at-home orders is going to have long-term impacts. Nearly four out of five extremely-low-income renters and over half of very low-income renters in California were paying more than half of their income on rent before this pandemic. These families will likely never recoup weeks or months of lost wages. Even as we provide protection from summary eviction and shift the unpaid rent to civil debt, we must also protect those most in need from the consequences of that debt. This means the state must provide debt relief to lower-income households and ensure it does not impact their credit, while also providing financial assistance to landlords to ensure they can pay their bills and retain their property. Particular care must be taken to support providers of subsidized affordable housing, who have unique financial considerations.

Several bills that are moving through the process now, if taken together, could provide the framework for a permanent solution. However, with little time left in the legislative session and concerns about the imminent removal of the emergency rule of court, we need swift action. We urge your leadership to

both help ensure that legislation to address this critical issue is enacted before the end of session and to swiftly replace the Judicial Council's emergency rule to prevent any gaps in protections for tenants, who need to remain housed and out of court as part of ongoing efforts to control the spread of the virus.

Sincerely,

**Statewide Organizations:**

- ACLU of California—Maya Ingram, Legislative Attorney
- Alliance of Californians for Community Empowerment (ACCE)—Christina Livingston, Executive Director
- Asian Americans Advancing Justice-CA—Liza Chu, California Policy Manager
- California LGBT Arts Alliance—Dante Alencastre, Executive Director
- California Alliance for Retired Americans—Nancy “Nan” Brasmer, President
- California Association of Food Banks—Andrew Cheyne, Director of Government Affairs
- California Coalition for Rural Housing—Robert Wiener, Executive Director
- California Council of the Blind—Gabe Griffith, President
- California Housing Consortium—Ray Pearl, Executive Director
- California Housing Partnership—Mark Stivers, Director of Advocacy
- California Reinvestment Coalition—Paulina Gonzalez- Brito, Executive Director
- California Rural Legal Assistance Foundation—Brian Augusta, Legislative Advocate
- California YIMBY—Louis Mirante, Legislative Director
- Childcare Law Center—Stephen Rosenbaum, Senior Staff Attorney
- ClimatePlan—Chanell Fletcher, Executive Director
- Coalition of California Welfare Rights Organizations—Kevin Aslanian, Executive Director
- Communities for a New California—Pablo Rodriguez, Executive Director
- Corporation for Supportive Housing— Sharon L. Rapport, Director, California State Policy
- County Welfare Directors Association of California—Frank Mecca, Executive Director
- Disability Rights California—Curtis Child, Legislative Director
- Drug Policy Alliance— Jeannette Zanipatin, California State Director
- Family Violence Appellate Project— Carolyn Walker, Housing Outreach Attorney
- Housing California— Lisa Hershey, Executive Director
- Housing Now!—Francisco Duenas, Executive Director
- Human Impact Partners— Sophia Simon-Ortiz, MPH, Public Health Organizer
- Latino Coalition for a Healthy California— Abigail Ramirez, State Policy Senior Manager
- Leadership Counsel for Justice and Accountability—Ashley Werner, Senior Attorney
- Lutheran Office of Public Policy-California—Regina Q. Banks, Director
- National Association of Social Workers, California Chapter—Rebecca Gonzales, Director of Government Relations and Political Affairs
- National Housing Law Project—Deborah Thrope, Deputy Director
- NOLSW, UAW Local 2320--Pamela L. Smith, President
- Parent Voices CA— Mary Ignatius, Statewide Organizer
- PolicyLink—Chione Flegal, Managing Director
- Power California— Luis Sanchez, Executive Director
- Public Health Justice Collective—Katherine Schaff, Organizer
- Public Advocates—Michelle Pariset, Policy Advocate
- Public Counsel—Doug Smith, Supervising Staff Attorney
- Public Interest Law Project—Michael Rawson, Director
- SEIU California—Libby Sanchez, Legislative Advocate

- UFCW Western States Council—Jassy Grewal, Legislative Advocate
- Vision y Compromiso—The Network of Promotoras and Community Health Workers - Maria Lemus, Executive Director
- Western Center on Law and Poverty—Anya Lawler, Policy Advocate

**Regional Organizations:**

- Affordable Housing Network of Santa Clara County—Sandy Perry, President
- Alianza Coachella Valley—Sahara Huazano, Director of Programs
- Bay Area Community Services—Jamie Almanza, CEO
- Bend the Arc: Jewish Action, Southern California—Madeline Miller and Amy Tannenbaum, Co-Chairs Housing Justice Committee
- Central California Asthma Collaborative—Kevin D Hamilton, RRT, CEO
- Clergy and Laity United for Economic Justice—Michelle Seyler, Executive Director
- Community Action Partnership of Orange County—Mark Lowry, Director
- East Bay Community Law Center—Linda Yu, Interim Housing Director
- East Bay Housing Organizations—Jeff Levin, Policy Director
- Ensuring Opportunity Campaign Contra Costa—Hector Malvido, Policy, Advocacy, and Community Engagement Manager
- Fair Housing Advocates of Northern California—Caroline Peattie, Executive Director
- Faith in the Valley—Janine Nkosi, Regional Advisor
- Inland Equity Partnership—Maribel Nunez, Executive Director
- Inland Fair Housing and Mediation Board—Carmen I. Garcia, CEO
- Kennedy Commission—Cesar Covarrubias, Executive Director
- Law Foundation of Silicon Valley—Nadia Aziz, Directing Attorney
- Legal Aid of Marin—Stephanie Haffner, Executive Director
- Legal Aid of Sonoma County—Suzanne Dershowitz, Housing Policy Attorney
- Legal Aid Society of San Mateo County—Shirley Gibson, Directing Attorney
- Lift To Rise—Araceli Palafox, Deputy Director
- National Lawyers Guild SF Bay Area Legislative Reform Committee—Stephen Bingham
- Non-Profit Housing Association of Northern California—Amie Fishman, Executive Director
- Physicians for Social Responsibility-Los Angeles—Martha Dina Argüello, Executive Director
- Public Law Center—Ugochi Anaebere-Nicholson, Directing Attorney
- Sacramento Housing Alliance—Kendra Lewis, Executive Director
- Sacramento Regional Coalition to End Homelessness—Bob Erlenbusch, Executive Director
- San Diego Housing Federation—Stephen Russell, Executive Director
- South Bay Community Land Trust—Milt Krantz, Founding Board Member
- Southern California Association of Nonprofit Housing—Alan Greenlee, Executive Director
- Showing Up for Racial Justice (SURJ) Bay Area—Lisa Schottenfeld, Organizer

**Local Organizations:**

- Building Healthy Communities-Kern—Alejandra Garcia, Policy and Strategic Facilitator
- Centro Legal de la Raza—Monique Berlanga, Directing Attorney, Tenants' Rights
- Community Legal Services in East Palo Alto—Jason Tarricone, Director, Housing Program
- Democratic Socialists of America, Los Angeles—Arielle Sallai, Housing & Homelessness Co-Chair
- Eviction Defense Collaborative—Martina Cucullu Lim, Executive Director
- First Unitarian Church of Los Angeles—Keola Whittaker, Board President
- Fresno Barrios Unidos—Ashley C. Rojas, Executive Director
- Fresno Building Healthy Communities—Kimberly McCoy, Project Director

- Foothills Kitchen in Monrovia and Lario Park Riverbed Outreach—Carol Daley, Janie Duncan & Pam Werner, Co-Founders
- Greenfield Walking Group—Gema Perez, Executive Director
- Ground Game LA—Tabatha Yelos, President
- Housing Long Beach—Angel George, Treasurer
- Hunger Action LA—Frank Tamborello, Director
- Inner City Law Center—Alexander Harnden, Public Policy Advocate
- InnerCity Struggle—Maria Brenes, Executive Director
- Koreatown Immigrant Workers Alliance (KIWA)- Alexandra Suh, Executive Director
- LA Forward—David Levitus, Executive Director
- Mountain View Coalition for Sustainable Planning—Bruce England, Executive Committee Member
- Mountain View Housing Justice Coalition—Janet Werkman, Steering Committee Member
- Mujeres Unidas y Activas—Lourdes Martinez, Political Director
- One Redwood City—Stasha Powell, Director
- Open Door Legal—Alex Lemberg , Senior Housing Attorney
- Parable of the Sower Intentional Community Cooperative—Aleta Alston Toure, Cooperative Member
- Pasadena Tenants Union—Ryan Bell & Matthew Sorrenti, Organizers
- People Organized for Westside Renewal (POWER)—Bill Przylucki, Executive Director
- Richmond Community Foundation/RCF Connects—James Becker, President and CEO
- San Francisco Tenants Union-Tenant Action Committee—Susan Marsh, Tenant Advocate