



Legislation Text

File #: 20-221, **Version:** 1

SUBJECT: Mayor Pro Tempore Serratto's Request to Discuss Eviction Concerns

REPORT IN BRIEF

Mayor Pro Tempore Serratto request to discuss the eviction concerns pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff to evaluate possible solutions to eviction concerns within the City of Merced.

DISCUSSION

During the COVID-19 emergency, our community is facing several medical and economic challenges. One concern in particular that continues to be shared by some individuals within our community is the fear of eviction. To address this fear, the Governor of California and the Merced County Superior Court and Presiding Judge have taken several steps to protect families during these difficult times. Below is a timeline of events that outline the protections in place for residents of Merced County:

- 03/16/20 Governor Newsom issued Executive Order N-28-20 which waived the 30 day time limitation in Penal Code section 396(f) protecting tenants from eviction after an emergency declaration and suspended any state law that would preempt or otherwise prevent local governments from exercising their police power to limit residential and commercial evictions based on non-payment of rent arising from COVID-19.
- 03/18/20 HUD authorized the Federal Housing Administration (FHA) to put a 60 day moratorium on foreclosures and evictions for single-family homeowners who can't pay their mortgage due to COVID-19. Applies to Fannie Mae and Freddie Mac loans, too.
- 03/20/20 Chief Justice Cantil-Sakauye granted Merced Superior Court's requests including deeming March 23rd to April 17th holidays for computing filing time for civil matters and for criminal detention limitations. Also extends up the time limitations on criminal matters.
- 03/20/20 Presiding Judge Proietti ordered March 23 to April 17 deemed holidays and closed all courtrooms for judicial business with certain time-sensitive exceptions. Unlawful detainers and judicial foreclosures are not on the list of exceptions. All other matters are continued by the Court; parties are to receive notice of the new date and time. Criminal time limitations are extended. Paragraph 6 of the order deems March 23 to April 17 holidays for the purpose of computing the time to respond to an Unlawful Detainer complaint, i.e., five days.
- 03/23/20 Chief Justice Cantil-Sakauye ordered all jury trials suspended and continued 60

days. The time for setting civil and criminal trials is extended 60 days. Courts can hold trials sooner for good cause or by using "remote technology".

- 03/25/20 Four national banks (Citigroup, Wells Fargo, US Bank, and JP Morgan Chase), 155 Federal credit unions, 119 State chartered credit unions, and 98 mortgage lenders all agreed to a statewide moratorium on new foreclosures and evictions from March 27 to May 31 and a 90 day forbearance from mortgage payments for those unable to pay due to COVID-19. The Bank of America agreed to a 30 day waiver.
- 03/27/20 Gov. Newsom issued Executive Order N-37-20 which provides a 60 day extension to residential tenants served with eviction notice who notified their landlord within 7 days of rent being due that they are unable to pay due to COVID-19 and can document that fact.
- 03/30/20 Chief Justice Cantil-Sakauye authorized superior courts to extend time limitations for criminal and civil matters and to use technology to conduct proceedings remotely.
- 04/01/20 Merced Superior Court adopted all the March 30th provisions authorized by the Chief Justice.
- 04/06/20 The Judicial Council issued eleven emergency Rules of Court, all scheduled to sunset 90 days after the Governor lifts the emergency declaration or the Judicial Council amends or repeals the order. Rule #1 addressed unlawful detainers and Rule #2 judicial foreclosures.
 - Rule #1: Applies to residential and commercial properties. Courts may NOT issue a summons on a complaint for unlawful detainer except to protect public health and safety. Courts may NOT enter default unless to protect public health and safety. Courts cannot set a trial date sooner than 60 days after a request for trial unless public health and safety require an earlier date. Any trials already set must be continued 60 days.
 - Rule #2: All judicial foreclosure actions on mortgages or deeds of trust are stayed until 90 days after the Governor lifts his emergency declaration or this order is amended or repealed or unless required to protect public health and safety. Statutes of limitation are tolled. The time to elect or exercise rights is extended.
- 4/10/20 Presiding Judge Proietti issued a new General Order for the Merced Superior Court, extending the effective time period of his prior orders of March 18 and 20 to now end 90 days after the Governor lifts his emergency declaration or until amended or revoked by the Presiding Judge of the Merced Superior Court.

In addition to these State and local actions, two bills are currently pending in the State legislature that would provide additional protections during the declared emergencies.

SB 939 - Provides that there can be no commercial evictions during a declaration of emergency. Also would void any evictions occurring between March 4, 2020 (Emergency Declaration date) and effective date of this bill.

AB 2887 - Protects small businesses from unlawful detainer actions during a declaration of

emergency and puts a moratorium on payment of rent by small businesses, as defined in Government Code Section 14837(d)(1)(A).