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Subject: FW: SCRHA Letter - Item 22: Eviction Moratorium
Attachments: SCRHA Ltr. CV City Council Eviction Moratorium 7-28-2020.pdf

From: Molly Kirkland <mkirkland@socalrha.org>
Sent: Tuesday, July 28, 2020 10:45 AM
Cc: CityClerk <CityClerk@chulavistaca.gov>
Subject: SCRHA Letter - Item 22: Eviction Moratorium

**Warning:
External
Email**

Hello,

Please find attached a letter regarding Item 22 on today's council agenda.

Best,

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Southern California Rental Housing Association

July 28, 2020

Mayor Mary Casillas Salas and Councilmembers
City of Chula Vista
276 4th Avenue, Building A
Chula Vista, CA 91910

RE: OPPOSITION – ITEM 22: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA EXTENDING THE CITY’S EVICTION

Dear Mayor and Councilmembers,

On behalf of the Southern California Rental Housing Association (SCRHA), we are writing to recommend that the City Council not extend the existing eviction moratorium and seriously consider the ramifications of extending the moratorium ordinance. While well-intended, the policies fail to consider short and long-term implications for rental property owners, individuals and companies they employ, and their ability to continue to provide housing.

The rental housing industry has no interest in displacing residents; that benefits no one. Furthermore, those financially impacted by COVID-19 are encouraged to contact their landlord and come to a workable solution. SCRHA members, most of whom are small independent property owners, have been working proactively with their residents to come up with payment agreements and other solutions that benefit both parties. The City’s mandate, however, has thwarted much of the communication necessary to facilitate those solutions. According to a survey of our members, half of tenants who have not paid rent have had no communication at all with their landlord as required by the ordinance; the other half has communicated, resulting in payment plans and other options being implemented by individual property owners. The staff report cites a city survey that specifically notes a significant number of residents simply refusing to pay rent. “A total of 139 tenants for the 35 properties are utilizing eviction protection and an additional 50 tenants of these properties are just not paying their rent due.”

The further extension of the eviction moratorium is creating serious legal concerns for property owners. The City of Chula Vista Eviction Moratorium Ordinance fails to account for the requirements set forth in California Code of Civil Procedure 1161(2), which states that a landlord may serve a three-day notice only within one year of the rent due date. Chula Vista’s ordinance explicitly states that a landlord may not serve such notice if a tenant has complied with the ordinance. By extending the moratorium, which does not allow for the delivery of notices required under the law, landlords may find themselves in a position in which they can never recover past due rent in an unlawful detainer filing.

No property owner wants to evict a resident for no reason, especially during these unprecedented times. However, the unlawful detainer process is often the only recourse property owners may employ to recoup unpaid rent, provide other tenants with a reasonable level of quiet enjoyment and safety in their homes, and/or recover possession of the rental unit. The emergency rule implemented by the Judicial California of California effectively prohibits unlawful detainers unless needed to protect public health and safety. Thus far, that has been a very high hurdle to get over.



Southern California Rental Housing Association

As a result of this, many property owners have been unsuccessful in being approved to pursue evictions, even for tenants threatening to murder and rape neighbors.

We respectfully request the City Council to take the following actions:

- Direct the City Attorney's office to examine California Code of Civil Procedure 1161(2) and how the eviction moratorium ordinance may impact property owners' ability to recover rent via an unlawful detainer filing. We believe the current ordinance may result in landlords never being able to recoup rent dating back to the implementation date of the eviction moratorium.
- Implore federal representatives to create a rental assistance program as Congress is likely considering its last relief package of the year. A robust and targeted rental assistance program will help keep residents who have a COVID-related hardship in their homes and keep rental communities stable and solvent.
- Request that the Judicial Council revisit the emergency rule that is preventing property owners and managers from keeping their communities safe for residents.

We hope the City Council will continue to encourage communication and cooperation among tenants and landlords. The SCRHA continues to advocate for rental assistance from all levels of government. The city can play a significant role in directly helping those in need, versus a broad-brush regulatory approach that might be politically expedient but does more harm than good in the long run.

Thank you in advance for your consideration.

Sincerely,

Kendra Bork
2020 President

Alan Pentico
Executive Director