To: Honorable Members of the Berkeley Rent Board

From: Commissioners Igor Tregub, Chair Laverde, Vice Chair Simon-Weisberg, Commissioner Poblet

Subject: Support for Strong Anti-Displacement Policies and the #CancelRent Campaign During the COVID-19 Crisis

RECOMMENDATION

The Berkeley Rent Board shall express its support for:

1. House Resolution (H.R.) 6515, the Rent and Mortgage Cancellation Act of 2020;
2. The Alameda County Temporary Moratorium on Residential Evictions as a floor for anti-displacement policies in Berkeley
3. Local and statewide efforts calling on Governor Newsom to enact decisive action on evictions, rents, and mortgage payments during the COVID-19 crisis and its immediate aftermath; and
4. Support for statewide actions in support of the #CancelRent Movement

The Berkeley Rent Board shall communicate these respective positions through (1) a letter to Speaker Pelosi and Representatives Lee and Omar; (2) a letter to the Berkeley Mayor and Berkeley City Council; and (3) a letter to Governor Newsom, Senator Skinner, and Assembly Member Wicks.

FISCAL IMPACTS OF RECOMMENDATION

Minimal staff time to transmit letters to the appropriate recipients.

BACKGROUND

The immediate and longer-term aftermath of the COVID-19 pandemic have deeply affected many tenants and homeowners alike. According to data released by the National Multifamily Housing Council, almost a third of renters nationwide did not pay any of their rent in April 2020.\(^1\) Simultaneously, millions of mortgage holders have lost their employment and/or income, and were not in a position to make monthly mortgage payments this month.\(^2\) While the City of Berkeley was one of the first to pass what at


the time was one of the strongest anti-displacement policies in the nation\(^3\), it is incumbent that every branch of government takes decisive action to protect tenants, homeowners, and small property owners in the midst of an economic recession whose impacts are widely projected to be worse than those of the Great Depression.\(^4\) While the Berkeley Rent Board is statutorily limited in its power and ability to stabilize rents to the extent possible, it calls upon every branch of government to take decisive action to aid the millions of struggling tenants and property owners across the state and nation (some of whom include its constituents).

Consequently, it is recommended that the Rent Board express its support for:

1. House Resolution (H.R.) 6515, the Rent and Mortgage Cancellation Act of 2020.\(^5\)

Introduced by Representative Omar (D-MN), H.R. 6515 proposes to “cancel rents and individual mortgage payments nationwide until one month after the national emergency declaration is lifted.”\(^6\) This bill “would establish funds, which would be managed by [the U.S. Department of Housing and Urban Development, to which property owners and lenders could apply for relief based on their lost income. That relief would make up the entire amount of lost payments, but would come with stipulations—for example, property owners accepting the relief must not increase rent for five years, follow just-cause eviction guidelines, and not discriminate against tenants based on their source of income, immigration status, conviction or arrest record, sexuality or gender, or credit score. The bill would prioritize payments to nonprofit owners and small landlords first, and require financial disclosures in order to determine this prioritization.”\(^7\)

2. The Alameda County Temporary Moratorium on Residential Evictions as a floor for anti-displacement policies in Berkeley; and

On April 21, 2020, the Alameda County Board of Supervisors unanimously passed one of the strongest temporary evictions moratoria in the state.\(^8\) The tenant protections in this ordinance apply countywide and provide a new set from minimum requirements for eviction protections (municipalities are prohibited from opting out of any of its provisions, unless their respective ones are stronger than those of the countywide ordinance. The Rent Board calls on the City Council to use this ordinance as a floor and enact the

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\(^3\) [https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_02_Urgency_Ordinance_Adopting_BMC - Rev.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_02_Urgency_Ordinance_Adopting_BMC - Rev.aspx)


\(^5\) [https://www.congress.gov/bill/116th-congress/house-bill/6515/text?q=%7B%22search%22%3A%5B%226515%22%5D%7D&r=1&s=2](https://www.congress.gov/bill/116th-congress/house-bill/6515/text?q=%7B%22search%22%3A%5B%226515%22%5D%7D&r=1&s=2)


\(^7\) Ibid.

strongest possible evictions protections ordinance (including provisions that would be stronger than those of the countywide ordinance).

3. Local and statewide efforts calling on Governor Newsom to enact decisive action on evictions, rents, and mortgage payments during the COVID-19 crisis and its immediate aftermath

On April 7, 2020, the California Judicial Council made an emergency determination, and Attorney General Becerra issued guidance for renters who cannot afford to pay, their rent due to the COVID-19 crisis.\(^9\) While this is an important action, it is also incumbent on our Governor to issue a strong executive order on further tenant and homeowner protections in this time of crisis. This recommendation calls on him to do so.

4. Support for statewide actions in support of the #CancelRent Movement

As a growing number of tenants are unable to pay their rent, statewide pressure is growing on the State of California and local jurisdictions to take the actions described in (3) above. It is recommended that the Berkeley Rent Board declare its solidarity with the tenants taking these actions.\(^10\)

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\(^10\) This is a symbolic declaration of support. The Rent Board encourages all tenants who are able to pay their rent in full to do so.