Resolution supporting California State Assembly Bill No. 1436, authored by Assembly Member David Chiu, and co-authored by Assembly Members Rob Bonta, Lorena Gonzalez, Miguel Santiago, and Buffy Wicks, to protect tenants from rental payment default during the COVID-19 State of Emergency.

WHEREAS, On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to help California prepare for the COVID-19 pandemic by making additional resources available, formalize emergency actions underway across multiple state agencies and departments and to help the state prepare for a broader spread of COVID-19; and

WHEREAS, On March 27, 2020, Governor Gavin Newsom issued an executive order banning the enforcement of eviction orders for renters affected by COVID-19 through May 31, 2020, prohibiting landlords from evicting tenants for nonpayment of rent and prohibiting enforcement of evictions by law enforcement or courts and requiring tenants to declare in writing, no more than seven days after the rent comes due, that the tenant cannot pay all or part of their rent due to COVID-19; and

WHEREAS, On May 29, 2020, Governor Gavin Newsom issued an executive order extending authorization for local governments to halt evictions for renters impacted by the COVID-19 pandemic, through July 28, 2020; and

WHEREAS, The Judicial Council of California in April put a hold on evictions and foreclosures as part of a response to the pandemic, which is scheduled to expire on August 3, 2020; and

WHEREAS, California has nearly 17 million renters, and San Francisco has nearly 600,000 renters; and
WHEREAS, Over half of the state’s renters, and over 80% of low-income renters, are rent-burdened, meaning they pay over 30% of their income towards rent and therefore have less money to spend on other necessities like food, healthcare, transportation, and education; and

WHEREAS, Many Californians were already struggling to afford high rents even before the COVID-19 pandemic and now risk becoming homeless adding to the surging unhoused population in the state; and

WHEREAS, The COVID-19 pandemic has pushed nearly 6 million Californians into unemployment since March; and

WHEREAS, While it is unknown how many tenants have been unable to meet their rent obligations for the past three months of rent that have come due so far, a recent U.S. Census Bureau survey found that nearly 14% of California tenants did not pay or deferred their rent last month, and more than 31% had no or only slight confidence that they would be able to pay in June; and

WHEREAS, A wave of mass evictions following the COVID-19 pandemic will be catastrophic to California; and

WHEREAS, On June 10, 2020, Assembly Member David Chiu introduced California State Assembly Bill No. 1436 (AB 1436) to prevent a possible wave of evictions once temporary protections are lifted for millions of Californians who have lost their jobs in recent months due to the COVID-19 pandemic; and

WHEREAS, AB 1436 will extend expiring tenant protections from Governor Gavin Newsom’s executive order; and

WHEREAS, While AB 1436 will not provide tenants with direct financial aid, it will provide tenants fifteen months to pay back rent, prevent credit or default actions against tenants for failure to pay rent during the State of Emergency, and will disallow the use of the
unlawful detainer clause, which defines "continuing to possess the property without
permission of the landlord after defaulting on rent" as illegal and subject to court proceedings
in the case of a tenant who cannot pay rent during COVID-19; and

WHEREAS, AB 1436 will remove the threat of mass evictions during and after the
COVID-19 pandemic; and

WHEREAS, On June 16, 2020, the San Francisco Board of Supervisors passed similar
legislation, File No. 200375, an ordinance amending the Administrative Code permanently to
prohibit landlords from evicting residential tenants for non-payment of rent that was not paid
due to the COVID-19 pandemic and to prohibit landlords from imposing late fees, penalties, or
similar charges on such tenants; and making findings as required by the California Tenant
Protection Act of 2019; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors urges the California State
Legislature to adopt a preemptive clause in the California Assembly Bill 1436 so that it does
not affect local government laws that are stronger than the state law; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors support the
California Assembly Bill 1436 and urges the State Assembly and Senate to pass the bill if
amended to include the preemptive clause allowing stronger local government laws on tenant
protections relating to the COVID-19 pandemic; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
Board to transmit a copy of this Resolution to the California State Assembly and the California
State Senate as well as the Bill’s primary sponsor, Assembly Member David Chiu.
Resolution supporting California State Assembly Bill No. 1436, authored by Assembly Member David Chiu, and co-authored by Assembly Members Rob Bonta, Lorena Gonzalez, Miguel Santiago, and Buffy Wicks, to protect tenants from rental payment default during the COVID-19 State of Emergency.

June 30, 2020 Board of Supervisors - ADOPTED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 6/30/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

7/13/2020