
Public Comment for 7.A

1 message

Jenni Veitch-Olson <[REDACTED]>

Thu, Mar 19, 2020 at 4:36 PM

To: [REDACTED]

Cc: Irwin Ortiz [REDACTED]

READ OUT LOUD AT MEETING

Public Comment for 7.A

Good morning, Mayor and Councilmembers, I'm Jenni Veitch-Olson, and I live and work in Watsonville. I would like to offer my sincerest gratitude to our city staff for their rapid response in order to keep all members of our community safe in this unprecedented time. Specifically, I commend the City Manager's Office, police department, and fire department for their outreach and education efforts to share accurate and reliable information with our community on social media. I would also like to thank you, Mayor and Councilmembers, for your acknowledgment of the severity of impact that this crisis has on our city, and for your swift action today to aid our residents and businesses. Based on the report and additional documents included in the agenda, there is widespread community support for eviction protections for residential properties, and I also support these protections for all people who reside here.

Furthermore, I ask that you enact eviction protections for commercial properties as well. We will only be able to maintain our vibrant local economy by supporting our business owners, and this new coronavirus reality presents long term, sustained challenges to their viability. Local business owners should be able to provide reasonable circumstances related to the impact of COVID-19 in order to qualify for the eviction protection. For example, the business owner can notify the landlord in writing prior to the due date that the tenant will need to delay the rent payment. Please do not make the process confusing or overly burdensome. Our business owners are also our neighbors, and are now depending on you in this time of crisis. In closing, I would like to remind everyone that most of your favorite places are accepting online and phone orders for curbside pick-up and even delivery. Your local pizza shop, brewery, skate shop, taqueria, sushi place, and coffee shop to name a few need your business now more than ever. Thank you

Proposed Uncodified Ordinance

1 message

Neva Hansen <

Thu, Mar 19, 2020 at 3:03 PM

To:

These are definitely unprecedented times for us ALL! We are ALL trying to figure out what our temporary new normal looks like and how are we going to exist. As you know COVID-19 is affecting EVERYONE not just some of us. Governor Newsom's Executive order N-28-20 seems to only address a specific segment of our society and ignores a very important segment being the property owners that are now left to carry the load for many. We too are going to be GREATLY affected by these unprecedented times. We rely on our tenants rent payments to make our loan payments on the properties the renters both residentially and commercially occupy. Why are we not part of this executive order and why do WE NOT MATTER? This executive order only addresses 50% of the emergency here. How are property owners to make loan payments to the bank? What about the credit rating we take very serious! What about the banks who have these loans? Property Owners are not evil people and the enemy as often portrayed. We are American Citizens, doing our part, paying taxes, investing in our communities. This Country was founded on individual property rights. President George Washington understood the importance of private property and its unique place in American society. This attempt to impose illegal restrictions on private citizens may bode well politically although this is not a time for politics and not in alignment with our founding fathers. Again where is the assistance for the other half of the conversation.

Thank you for your time and understanding!

Sincerely,

Neva J. Hansen, Developer
PACIFIC COAST DEVELOPMENT
[800 East Lake Avenue](#)
[Watsonville, CA. 95076](#)
Tel. 831.
Fax.



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From: **Henry Martin** <hmartin@wlc.law>
Date: Fri, Mar 20, 2020 at 7:06 AM
Subject: COMMENT / Request to Consider Amendment - 7.A. Eviction Moratorium
To: [REDACTED]

Please find attached Watsonville Law Center's support for and request for amendment to Item 7.A., the City of Watsonville Temporary Moratorium on Evictions.

Our comments, the same as Attached, are in text below.

I'm sorry if there were meetings or an earlier opportunity to comment I missed.

I understand you may not have time at this point to consider requests for amendment.

Thank you,

Henry

Henry Martin

Director

Watsonville Law Center · [315 Main Street, Suite 207, Watsonville, CA 95076](#)

Direct telephone: (831) [REDACTED]

For client services, telephone: (831) [REDACTED]

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California Campaign for Justice! Join the State Bar of California's Office of Legal Services, the Legal Aid Association of California, and partners statewide supporting equal access to justice! **Visit:** <http://www.caforjustice.org/>

March 20, 2020

Sent by email: [REDACTED]

MARCH 20, 2020 10:00 A.M. CITY OF WATSONVILLE CITY COUNCIL MEETING

AGENDA ITEM 7.A. EVICTION MORATORIUM

Re: Support for Eviction Moratorium, with Amendment

Dear Counsel of the City of Watsonville and Honorable Mayor:

The City of Watsonville and its Departments have been leaders in ensuring equitable consideration of the impacts of public action on the most vulnerable within the City. Thank you for proposing a Moratorium on Evictions within the City of Watsonville ("Moratorium") to protect the public in response to the COVID-19 public health emergency.

We respectfully request, for the reasons stated below, deletion or significant amendment of the requirement that tenants provide "verifiable documentation" to receive the protections of the Moratorium.

We also recommend: including mobilehome park residents in the protection of the Moratorium; and, prohibiting retaliation against tenants protected by the City's Moratorium.

The Watsonville Law Center ("WLC") is a nonprofit legal aid provider with many years of experience collaborating with the City of Watsonville and the County of Santa Cruz to protect low-income and vulnerable families in the Pajaro Valley.

As presently stated, the requirement for "verifiable documentation" will defeat the public health purpose of the Moratorium; will conflict with both public and private duties under the Order of the Health Officer of the County of Santa Cruz Directing All Individuals Living the County to Shelter at Their Place of Residence ("Order to Shelter"); and, will disproportionately negatively impact certain classes of individuals based on legally-protected characteristics including race, national origin, age, disability, and gender.

The proposed requirement for "verifiable documentation" (Proposed Ordinance at Page (3), paragraph (b) lower page) states, in relevant part, tenants must: "Provide the landlord with verifiable documentation to support the assertion of a

covered reason for delayed payment.”

The Social Factors Putting Households at Risk are also Barriers to Producing Verifiable Documentation of Harm

A plain language reading of the “verifiable documentation” requirement is that tenants would be required to provide either financial documentation or employment-related documentation, in writing, to their landlord, and the landlord would determine the adequacy of the documentation.

A requirement of financial or employment documentation would be a barrier for the vulnerable households most likely to need the City's protection.

Seniors, Hispanics, Blacks or African-Americans, single female heads of household, Spanish-speaking households, immigration-vulnerable households, and disabled individuals are far less likely than the general population to have adequate access to banking services (a condition generally called “unbanked” and “underbanked”).^[1] Many unbanked households will be unable to provide “verifiable documentation” such as bank statements or a coherent history of income.

Unbanked and economically vulnerable households will have difficulty showing that their inability to pay rent in the months of May or April was exactly and incontrovertibly due to the public health emergency.

Many of these households will have similar barriers to producing employment documentation. City of Watsonville residents with multiple jobs, unstable work histories, or who are paid in cash are likely to be unable to produce “verifiable documentation”.

Strict means-testing and a narrow application of the Moratorium will exclude the tenant families who are most likely to suffer from eviction and least likely to obtain adequate replacement housing during or immediately after the public health emergency.

WLC's expertise is exclusive to residential tenants, but it appears these same factors would also affect commercial tenancies of small business owners and family-owned businesses.

The City of Watsonville, in both Health and Economic Impact, is Best Served by a Broad Moratorium on Evictions during the Public Health Emergency.

Preventing the spread of the COVID-19 virus is our shared priority. The public is best protected by preventing the scattering of vulnerable families and preventing the increase of our population of persons suffering from homelessness in the middle of an emergency. Public resources are already dangerously overburdened.

There is no reason for the City of Watsonville to adopt the thoughtless “verifiable documentation” language of certain other cities. Some cities have left the “documentation” requirement purposely broad or have simply not included “documentation” in their ordinances and require only fair “notice” to landlords.

“Means-testing” is Inappropriate when a Broadly Applied Moratorium is Required to Protect the Public from the Spread of the COVID-19 Virus and Prevent further Burdens on Public Resources

Means-testing is a tool for benefits programs to ration or narrowly allocate relief to only the most worthy or needy. A Moratorium protects the public by broadly stopping involuntary homelessness during and immediately after a public health emergency, even if the evicted families cannot provide “verifiable documentation.”

The City gains nothing by narrowly tailoring Moratorium relief. The Moratorium loses effectiveness if it excludes our most vulnerable neighbors. As discussed below, the threat of future eviction proceedings and the extraordinary burden of eviction credit reporting and eviction judgments are sufficient to prevent “abuse” of the Moratorium by tenants. Further, as explained below, landlords are neither permanently economically harmed nor extraordinarily disadvantaged by a temporary Moratorium.

Strict means-testing for access to the Moratorium will result in the continued eviction of tenants who either cannot produce documentation or whose documentation is determined insufficient by their landlords. These individuals will be evicted, with little hope of obtaining new housing during or immediately after a public health emergency. They will become homeless, separated, crowded-in with other families, or worse.

Families attempting to avoid eviction by moving will face extraordinary challenges attempting to move in an emergency and also comply with the Order to Shelter.

Individuals changing residences must attend open houses, view rental properties, obtain public storage, rent moving trucks and enlist the help of movers or friends and family, and obtain move-out cleaning supplies, among other activities. All of this would be carried out while many businesses are closed and most individuals are under public order to shelter in place. Further, packing up your home and family to move must be done while:

- maintaining social distancing of six feet from other individuals,
- washing your hands for 20 seconds with soap and water as frequently as possible, and,
- avoiding contact with high-touch surfaces unless they are cleaned with appropriate cleansers.

Moving and complying with COVID-19 public safety protocols will not be possible for most families.

Any family, and especially vulnerable families, suffering eviction during the public health emergency will be extraordinarily harmed. Searching for housing in Santa Cruz County is a difficult and expensive task in ordinary times. During a public emergency, it is certain many evicted families will become dependent on public resources for their health and basic necessities. Some will certainly require homelessness services.

Scattering families during a public health emergency creates greater risk of contracting and spreading the COVID-19 virus for those individuals and therefore creates greater threat of contagion for the entire community.

Whether the reason for nonpayment of rent can be verifiably documented in a public health emergency is less important than the fact of the eviction.

The enabling authority for the enactment of local eviction moratoria, California Governor Executive Order N-28-20, states as a primary purpose:

“[B]ecause homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing stability for Californians to protect the public health.”

Legal Processes, Superior to the Eviction Process, will Remain Available to Protect Landlords in Extraordinary Danger

Landlords who fear physical harm or extraordinary economic harm from tenants have access to civil Temporary Restraining Orders, which are issued for both personal safety and extraordinary economic harm. This process is no more burdensome than the Unlawful Detainer (eviction) process and offers more immediate relief for landlords in fear for their safety or property.

Such actions by landlords against tenants are extremely rare in Santa Cruz Superior Court. It is highly unlikely such process will be required during the Moratorium. However, in the event any landlord is concerned they would be unfairly endangered by a Moratorium, sufficient legal process already exists to protect their safety and property.

Landlords and the Rental Housing Market Will Not Suffer Permanent Economic Harm from the Eviction Moratorium

Regarding ordinary economic damages, an eviction moratorium is not a rent amnesty. An eviction moratorium does not prevent landlords from recovering legal damages, including costs resulting from delays in rent payments. Sufficient legal remedies are already available to prevent or compensate for economic harm for individual landlords and the rental housing market collectively.

Under present law, landlords routinely seek recovery of economic damages including weeks or months of unpaid rent. The legal system already has well-established processes to allow landlords to collect any marginal temporary losses suffered during the brief term of a Moratorium.

Landlords may resume eviction proceeding against tenants should tenants not pay rent after the close of the Moratorium terms.

If a tenant is not able to pay rent during the public health emergency, the Moratorium is not creating additional costs for the landlord. A Moratorium does not cause the tenant's inability to pay rent. Nor does it create any opportunity for casual abuse.

The consequences to a tenant of failing to pay rent are severe and long-lasting. These include the consumer reporting of an eviction for seven years, a record of a judgment against them in civil court, and civil liability for damages and interest collectable through wage garnishment and bank levies. These consequences are sufficient to prevent tenants from casually "abusing" the Moratorium.

In weighing the balance of interests, we encourage you to consider the public interest the highest priority. A broadly applied Moratorium is within the power of the City and is the best tool available to achieve the goals of preserving and increasing housing stability to protect the public health, stopping involuntarily homelessness within the City during the public emergency, and ensuring the benefits of the City's Moratorium are shared equitably.

Recommendations

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WLC respectfully submits the following recommendations regarding the text of the Moratorium:

1. The Proposed Ordinance should strike the requirement for “verifiable documentation”, leaving in place the requirement for notice and to pay what rent the tenant can afford to pay. For example:

[Proposed City of Watsonville Ordinance, page 3, paragraph b lower page]

~~(b) Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment. Any financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim; and~~

2. The Proposed Ordinance should expressly include mobilehome park residents, so it is not mistakenly read to exclude them. The City of San Jose has included mobilehome park residents expressly. For example (addition in capitals):

[Proposed City of Watsonville Ordinance, page 2, Section 1]

“No landlord shall endeavor to evict a tenant, commercial or residential, INCLUDING A MOBILEHOME RESIDENT OR MOBILEHOME OWNER, for nonpayment of rent if the tenant, in accordance with this Section 1...”

3. The Proposed Ordinance should protect tenants from landlord retaliation for accessing the City’s protection. WLC has assisted renters whose landlords changed locks, turned off water, blocked driveways, took personal property or removed mail “in payment,” harassed family members for payment, demanded sexual favors as “late fees”, and other actions other than eviction intended to collect money or drive tenants out of housing. WLC recommends amending to include a prohibition on any such “alternative debt collection” activities during the stay on evictions. For example (addition in capitals):

[Proposed Ordinance page 3, para. (c) bottom of page] “...a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant OR ENGAGE IN ANY OTHER FORM OF RETALIATION OR DEBT COLLECTION for nonpayment of rent.”

If the Watsonville Law Center may provide any additional information, please do not hesitate to contact us. Thank you for considering this comment.

Respectfully Submitted,

Henry Martin

Director

Watsonville Law Center

Regarding the Watsonville Law Center’s qualifications to comment on this issue, the Watsonville Law Center (WLC) is a nonprofit legal aid provider, qualified and partially funded by the State Bar of California Legal Service Provider Trust Fund Program. WLC has been an active partner of the City of Watsonville and this community for more than sixteen years.

WLC staff have extensive knowledge of the needs of low-income and vulnerable households in the Parajo Valley, and the needs of Spanish-speaking and immigration-vulnerable families in particular. WLC has expertise in housing "habitability", which is the area of law concerned with the quality of housing and the impact of unhealthy housing on tenant wellbeing. WLC has expertise in state and federal consumer protection law, including consumer reporting which is the area of law concerned with credit reports, landlord-tenant background checks, employment background checks, fair banking, fair debt collection, and preventing discrimination in the evaluation of individuals for housing, employment, and economic benefits. WLC has partnered closely with the City of Watsonville, County of Santa Cruz, and County of Monterey, and is familiar with public benefits programs in the region including programs assisting low-income renters with rental assistance, eviction prevention, post-eviction resources, and remediation of unhealthy living conditions. WLC also has experience advising low- and moderate-income landlords, homeowners, and first-time homebuyers whose mortgage maintenance depends on income from tenants. WLC has experience in educating first-time homebuyers and preserving low-income homeownership

[1] Data of the United States Federal Deposit Insurance Corporation (FDIC) detailing "unbanked" status among various categories of households in California including age, race, gender, language spoken, national origin, and disability and showing significant disparities in access to mainstream banking. https://www.economicinclusion.gov/surveys/2017household/documents/tabular-results/2017_banking_status_California.pdf (visited 3/19/2020).



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