

1 [Supporting California State Assembly Bill No. 1436 (Chiu) - Protecting Tenants from Rental  
2 Default During the COVID-19 State of Emergency]

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

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

12 WHEREAS, On March 27, 2020, Governor Gavin Newsom issued an executive order  
13 banning the enforcement of eviction orders for renters affected by COVID-19 through May 31,  
14 2020, prohibiting landlords from evicting tenants for nonpayment of rent and prohibiting  
15 enforcement of evictions by law enforcement or courts and requiring tenants to declare in  
16 writing, no more than seven days after the rent comes due, that the tenant cannot pay all or  
17 part of their rent due to COVID-19; and

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

21 WHEREAS, The Judicial Council of California in April put a hold on evictions and  
22 foreclosures as part of a response to the pandemic, which is scheduled to expire on August 3,  
23 2020; and

24 WHEREAS, California has nearly 17 million renters, and San Francisco has nearly  
25 600,000 renters; and

1           WHEREAS, Over half of the state’s renters, and over 80% of low-income renters, are  
2 rent-burdened, meaning they pay over 30% of their income towards rent and therefore have  
3 less money to spend on other necessities like food, healthcare, transportation, and education;  
4 and

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

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

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

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

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

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

23           WHEREAS, While AB 1436 will not provide tenants with direct financial aid, it will  
24 provide tenants fifteen months to pay back rent, prevent credit or default actions against  
25 tenants for failure to pay rent during the State of Emergency, and will disallow the use of the

1 unlawful detainer clause, which defines “continuing to possess the property without  
2 permission of the landlord after defaulting on rent” as illegal and subject to court proceedings  
3 in the case of a tenant who cannot pay rent during COVID-19; and

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

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

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

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

19 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the  
20 Board to transmit a copy of this Resolution to the California State Assembly and the California  
21 State Senate as well as the Bill’s primary sponsor, Assembly Member David Chiu.

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