



3/24/20
AI # 8.1

Chairman Buddy Mendes, District 4
Vice Chairman Steve Brandau, District 2
Supervisor Brian Pacheco, District 1
Supervisor Sal Quintero, District 3
Supervisor Nathan Magsig, District 5

March 23, 2020

RE: Agenda Item 8.1 – Emergency Ordinance Prohibiting Evictions

Dear Chairman Mendes and Fresno County Supervisors:

On March 18, 2020, we sent you a letter urging you to adopt a moratorium on all evictions and foreclosures in Fresno County as well as other measures to protect the housing stability, health, and safety of Fresno County residents during the coronavirus pandemic, including instituting a moratorium on water shut-offs. We commend Chief Administrative Officer Jean Rousseau for acting quickly to respond to the need for measures in Fresno County to protect housing stability by including Item 8.1 on the Fresno County Board of Supervisor's agenda for March 24, 2020. While the measures included in Item 8.1 represent a strong step toward protecting Fresno County residents, the existing public health treat demands stronger protections.

We, the undersigned organizations, write to you now to urge you to strengthen the above-referenced ordinance to align with the recommendations contained in our March 18th letter and pass the revised ordinance at your meeting tomorrow. As we stated in our March 18th letter, bold, decisive and swift action to ensure that residents are able to remain in their homes during this time is necessary to minimize the spread of the virus, protect public health, and avoid potentially long-lasting and devastating public health and economic consequences of the pandemic.

We ask that the County incorporate the following revisions into the emergency ordinance before you:

- **Prohibit all residential evictions and foreclosures** without onerous requirements that tenants demonstrate that loss of income or savings is due the coronavirus

Requiring tenants to demonstrate through documentation or "other objectively verifiable means" that they are unable to pay rent due to a substantial loss of income or out-of-pocket medical expenses related to the coronavirus will render the emergency ordinance ineffective for many, if

not most, tenants in Fresno County. These requirements assume that all tenants will have notice of the County's adoption of the emergency ordinance and the specific documentation requirements the ordinance establishes. Yet, the ordinance says nothing of the steps the County will take to ensure that all residents are so informed. The current public health crisis makes it more difficult than ever to reach and inform residents of services, especially hard to reach and vulnerable residents. Further, many residents, especially those in the informal or gig economy and unbanked residents who store their funds in cash, will be unable to provide "objectively verifiable" evidence that they are (1) unable to pay and (2) as a result of impacts associated with the coronavirus. These procedural hurdles will result in tenants losing their homes who would otherwise qualify for protection under this ordinance.

- **Prohibit actions to recover rent until a reasonable time after the end of the state of emergency.**

The emergency ordinance specifies that nothing in the ordinance shall prevent a landlord from bringing an action to recover rent so long as it does not seek the tenant's eviction. To facilitate social distancing, Fresno County should use its powers to limit use of the court system except as necessary for public health and safety, during the outbreak. Additionally, actions to recover rent from people unable to pay for rent due to the coronavirus while the crisis is ongoing will only further destabilize households and destabilize the economy. Fresno County should prohibit actions for recovery of unpaid rent during the state of emergency until a reasonable time after the end of the state of emergency and require landlords to work with tenants to develop reasonable payment plans to pay back any unpaid rent.

- **Prohibit utilities from shutting off service and require reinstatement of service.**

The County should amend the emergency ordinance to prohibit all utility shut-offs and late fees by utility providers under the County's jurisdiction for the duration of the state of emergency; prohibit the assessment of late fees by utility providers during the outbreak; require the immediate initiation of utilities at residences where previously shut off in order to allow good hygiene and the observance of shelter-in-place orders during the pandemic; and require utility providers to allow ratepayers flexibility in arranging payment once the emergency ends.

- **Extend protections throughout the state of emergency.**

The emergency ordinance's protections would only apply through May 31, 2021 even though it is unknowable how long the public health crisis will last. At this time, it is unclear how long shelter in place and business closure orders will remain in effect. Public health officials estimate that the pandemic will not resolve for months, if not more than a year. Given this uncertainty, the

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Board should revise the emergency ordinance to provide that its provisions will remain in effect through the duration of the state of emergency in California.

Thank you for your consideration of these recommendations. We remain ready and willing to work with the County now and throughout the pandemic to ensure the protection and well-being of all residents, especially the most vulnerable. Please contact us should you have any questions or wish to discuss the contents of this letter.

Sincerely,

Ashley Werner, Senior Attorney, Leadership Counsel for Justice and Accountability
Leslie Martinez, Policy Advocate, Leadership Counsel for Justice and Accountability
Genoveva Islas, Executive Director, Cultiva La Salud
Sandra Celedon-Castro, President / CEO, Fresno Building Healthy Communities
Andy Levine, Faith in the Valley
Tania Pacheco-Werner, Ph.D.