



City Attorney's Office

# AGENDA REPORT

<b>DATE:</b>	October 25, 2022
<b>TO:</b>	Mayor Butt and Members of the City Council
<b>FROM:</b>	Dave Aleshire, City Attorney Shannon Moore, Senior Assistant City Attorney
<b>Subject:</b>	Amending the Eviction Moratorium to Allow for Owner Move-ins in Residential Units
<b>FINANCIAL IMPACT:</b>	There is no financial impact related to this item.
<b>PREVIOUS COUNCIL ACTION:</b>	Urgency Ordinance No. 02-21 was adopted by City Council on March 23, 2021; City Council directed City staff to prepare amendments to allow for owner move-ins on September 20, 2022.
<b>STATEMENT OF THE ISSUE:</b>	On September 20, 2022, City Council directed City staff to draft an amendment to the Eviction Moratorium Urgency Ordinance by the end of October that allows for owner move-ins during the remainder of the moratorium.
<b>RECOMMENDED ACTION:</b>	ADOPT an ordinance (second reading) amending Urgency Ordinance No. 02-21 entitled "Eviction Moratorium" to allow for owners of residential rental property within the City of Richmond to move in during the remainder of the Eviction Moratorium – City Attorney's Office (Dave Aleshire/Shannon Moore 510-620-6505).

## **DISCUSSION:**

### **Eviction Moratorium**

On March 10, 2020, the Director of Emergency Services declared a local emergency and this declaration was affirmed on March 17, 2020, by the City Council (Resolution No. 19-20). The local emergency is still in effect in Richmond and will remain in effect until the City Council votes to end the local emergency. On March 23, 2021, the Richmond City Council enacted Urgency Ordinance No. 02-21, entitled the "Eviction Moratorium." Key provisions of the Urgency Ordinance are as follows:

During the Local Emergency and continuing for sixty (60) days afterward, a Landlord may not:

- (1) Evict a Tenant or require a Tenant to vacate a Residential unit, including by seeking the entry of an eviction judgment or by causing or permitting a writ of possession to be executed; or
- (2) Represent to a Tenant that the Tenant is required by law to move out of their unit.

The prohibitions 1-2 above do not apply where the sole grounds for eviction stated in the termination notice are:

- (1) A nuisance poses an imminent health or safety threat,
- (2) the Tenant has failed to pay rent that came due between March 1, 2020, and June, 30, 2021 pursuant to Code of Civil Procedure Section 1161(2), and/or
- (3) the termination is to remove the residential real property from the rental market, but only when authorized by Government Code section 7060 *et seq.* and performed consistent with Richmond Rent Board Regulation Chapter 5.

### **Proposed Amendment**

At the September 20, 2022 City Council meeting, Councilmembers McLaughlin and Jimenez brought forth an item directing staff to draft amendments to the Eviction Moratorium to allow for owners of residential rental property within the City of Richmond to move in during the remainder of the Eviction Moratorium. This item was approved by a majority of the City Council. The attached amendments allow for owner move-ins during the remainder of the Eviction Moratorium.

Of note, tenants who are impacted by this change will be afforded relocation payments as outlined in Richmond Municipal Code Chapter 11.102 and should contact the Rent Program for further guidance.

## **DOCUMENTS ATTACHED:**

- Attachment 1 – Amendments to Eviction Moratorium (redlines)
- Attachment 2 – Amendments to Eviction Moratorium (clean)