



**California Rural  
Legal Assistance  
Foundation**



**WESTERN CENTER  
ON LAW & POVERTY**

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

President Pro Tempore Toni Atkins  
1021 O Street, Suite 8518  
Sacramento, CA 95814

Speaker Anthony Rendon  
State Capitol Room 219  
Sacramento, CA 95814

February 17, 2022

RE: Extension of Special Unlawful Detainer Procedures for Emergency Rental Assistance Applicants

Dear Governor Newsom, President Pro Tempore Atkins, and Speaker Rendon:

We appreciate the recent language in SB 115 (Skinner, Chapter 2, Statutes of 2022) that addressed financial shortfalls in the state Emergency Rental Assistance program (ERAP) and provided a way to fill gaps in locally administered emergency rental assistance programs. This necessary action to address the substantially higher than anticipated need for these funds will help ensure that all eligible tenants and landlords receive the rental assistance they anticipated to address financial challenges stemming from the COVID-19 pandemic. However, this action only addresses one part of a looming eviction cliff. To protect this investment and ensure that no tenants lose their housing while waiting for approved assistance to arrive, we must also extend the special court procedures for unlawful detainer actions enacted last year in AB 832 (Chiu, Chapter 27, Statutes of 2021).

While the state's ERAP dashboard does not provide the kind of detailed data that would enable us to conduct a robust analysis of the current state of the program, it does clearly illustrate that there is still substantial work to be done to distribute funds. According to the dashboard as of February 15, in the state program, which covers about 63% of the state's population, 465,259 households have completed applications for assistance and only 176,523 households have been served. This means nearly 300,000 low-income households are still waiting for help from the state with less than six weeks to go before the special court procedures that expire. Many local programs also have a substantial backlog of applications to be processed. Looking at the dashboard over time reveals that the state program has been able to distribute roughly \$260,000,000 per month since October of 2021, and still has several billions in assistance requests pending. The processing of applications and the distribution of funds has moved very slowly since the program's inception, something that neither tenants nor landlords can control. With so many households still waiting in line for help, the expiration of these court procedures would have devastating consequences and be contrary to the intent of the rental assistance program to resolve COVID-related rental debt without displacing low-income tenants.

AB 832 established special court procedures for unlawful detainers for the period between October 1, 2021, and March 31, 2022. The purpose of these procedures was to ensure that ERAP-eligible tenants were not evicted while waiting for the state or a local program to issue funds in response to an approved ERAP application. While under AB 832 protections from nonpayment eviction for tenants with COVID-related financial distress ended at the end of September 2021, there was broad recognition when AB 832 passed that the state and local ERAP programs would be unable to deliver assistance for all eligible tenants by the time those protections expired. The special court procedures were the solution, reflecting the practical reality that ERAP program administrators would need time to deliver assistance at the scale needed and that tenants should not lose their housing while waiting for their applications to be fully processed. AB 832 also allowed tenants to continue to apply for rental assistance through March of this year, recognizing that the economic impacts of the pandemic on low-income households were substantial and ongoing.

We urge you to pass emergency legislation to keep these special court procedures in place until such time as all eligible applicants who seek assistance from the state or a local emergency rental assistance program before the end of March have been served. This request is entirely consistent with the intent of these procedures to not leave tenants vulnerable simply because rental assistance programs have been unable to finish processing the high volume of applications. Failing to leave these procedures in place would lead to a surge of evictions in April and May of tenants who have completed the application process and are waiting for assistance. This will overburden the courts and result in the displacement of potentially hundreds of thousands of low-income households, even though their landlords are eventually going to receive an ERAP payment for 100% of the rent that was the basis for the eviction action. Such an outcome would undoubtedly lead to an increase in homelessness and undermine all of the work you have done since the start of the pandemic to stabilize low-income tenants who have been unable to pay rent while ensuring that landlords are compensated.

We understand that these emergency rental assistance programs must come to an end, but tenants who apply through the end of March should not find themselves evicted before they have a chance to obtain the relief ERAP is supposed to provide.

Sincerely,



Brian Augusta  
Legislative Advocate  
California Rural Legal Assistance Foundation



Tina Rosales  
Policy Advocate  
Western Center on Law and Poverty

cc: Assemblymember Buffy Wicks, Chair, Assembly Housing and Community Development Committee  
Assemblymember Mark Stone, Chair, Assembly Judiciary Committee  
Assemblymember Phil Ting, Chair Assembly Budget Committee  
Assemblymember Wendy Carrillo, Chair, Assembly Budget Subcommittee 4  
Senator Scott Wiener, Chair, Senate Housing Committee  
Senator Tom Umberg, Chair, Senate Judiciary Committee  
Senator Nancy Skinner, Chair, Senate Budget Committee  
Senator Sydney Kamlager, Chair, Senate Budget Subcommittee 4