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Hayward City Council extends local moratorium on evictions of commercial tenants

HAYWARD, Calif., Sept. 25, 2020—The Hayward City Council has voted to extend by four months until Jan. 31, 2021, an emergency city moratorium that bars evictions of commercial tenants for nonpayment of rent due to COVID-19.

The Council action, which took place Tuesday, amends a broader city moratorium that was scheduled to end on Sept. 30 and that prohibited evictions of both residential and commercial tenants, as well as homeowners, in which COVID-19 was a factor in failure to make rent or mortgage loan payments.

The amended legislation approved by the Hayward Council on Tuesday extends until Jan. 31 the city's eviction protections for commercial tenants only. A new state law enacted on Aug. 31, called the Tenant, Homeowner and Small Landlord Relief and Stabilization Act, put in place a new statewide moratorium on residential evictions, also until Jan. 31, 2021. At the same time, the state measure precluded Hayward and other local governments from extending local moratoria on residential evictions beyond already enacted expiration dates.

The extension of the city moratorium on commercial evictions responds to the double bind faced by small businesses during the pandemic in which they've experienced a complete collapse of revenue followed by a delayed, halting and uncertain recovery, while fixed costs such as rent, insurance, healthcare, financing and taxes have largely remained unchanged.

Nothing in the city ordinance relieves commercial tenants of an obligation to pay rent, and unpaid back rent still accumulates. Rather, it bars evictions while the moratorium is in place and during a 180-day repayment period following the moratorium's expiration.