



## MORATORIUMS ON TENANT EVICTIONS

**(Federal - California – San Diego County)**

## SUMMARY OF ORDERS/ORDINANCES

(As of 6/24/20)

The following provides a general summary (not a legal opinion) of the various orders and ordinances that set forth moratoriums on tenant evictions for San Diego County to assist with compliance. The federal and state orders are included. If there is no local city ordinance, the State order will apply to provide protections against residential tenant evictions in all cities located within California. Also, it is important to note that the State and Federal protections apply to all cities in California, but local governments can place greater restrictions on tenant evictions if desired to protect the public health and welfare of their communities. Landlords and their agents must comply with all applicable orders. Please check with legal counsel if there are any conflicts. Legal Aid Society can be contacted for more information or to discuss an eviction at 1-877-534-2524. Also more information is available from the Legal Aid Society website at [www.lassd.org](http://www.lassd.org).

In addition to the actions noted below on eviction moratoriums, it is also noted that **Emergency Rule #1 of the California Rules of Court was adopted by the Judicial Council on April 6, 2019 which states “a court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety”**. In effect, no unlawful detainers for tenant eviction purposes may be processed through the courts at this time. This emergency rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

[illegible]

Does the order apply to every residential tenant unit regardless of type of unit they live in (ie, rent a room, garage, mobilehome or illegal unit) or how long they have lived there?	Applies to tenants of housing developments with “federally-backed” mortgages or multifamily mortgage loan or rental housing that is covered under Section 41411 of the Violence Against Women Act (VAWA) of 1994 or rental housing under the rural housing voucher program (Section 542 of the Housing Act of 1949)	Yes	Yes	Yes	Yes	Yes Specifically includes mobile homes as a protected residential type	Yes	Yes	Yes	Yes	Yes	Same as State Order for residential	Same as State Order for residential	Yes	Yes
Required Written Notice to landlord of inability to pay all or some of the monthly rent	Not specific language, but it is assumed to be “yes” you should notify your landlord or agent; landlords encouraged to work with the tenants  <b>Note:</b> CARES Act included \$17.4 billion in funding including monies for rent assistance, housing vouchers, public housing and housing for the elderly.	Yes Before the rent is due or within no later than 7 days from date rent is due. Letters, texts, & email are all acceptable.	Yes Within 7 days of the rent being due. Must be provided in writing and delivered according to terms of the lease. By mail or email, if no lease, to the address where rent is customarily paid.	Yes On or by the date that the rent is due. Letters, Texts and Email are all acceptable.	Yes On or by the date that the rent is due. Letters, texts & email are all acceptable.	Yes Landlords must be notified in writing within 7 days prior to the rent due date. Letters, texts & email are all acceptable.	Yes Landlords must be notified prior to the rent due date. Letters, texts & email are all acceptable.	Yes Landlord must be notified within 30 days after rent is due. Letters, texts & emails are all acceptable	Yes Landlord must be notify landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days. Letter, text, or email are all acceptable.	Yes Landlord must be notified on or before the date that rent is due, except that rents due from March 27, 2020 up to and including April 1, 2020, the tenant shall notify the landlord not later than April 7, 2020	Yes Landlord must be notified in writing (including email) before rent is due but not to exceed 10 business days after rent is due. Tenant is required to pay amount able to pay.	Yes Landlord must be notified in writing before the rent is due, or no later than 7 days after rent is due.	Yes Landlord must be notified before the rent is due or no later than 7 days after rent is due Letters, texts & emails are all acceptable	Yes Landlord must be notified before the rent is due or within 7 days rent is due	

<b>Documentation must be submitted to confirm inability to pay rent</b>	Not specific language, but it is assumed to be “yes”, documentation will be required	Yes No later than the time upon payment of back-due rent Suggested by Legal Aid to provide as soon as possible but no later than required by local ordinances	Yes Within 14 days of the written notice to landlord/agent	Yes Within 7 days of the date the rent was due	Yes Within 7 days of your rent being due	Yes Documents must be submitted within 7 days of the date rent is due	Yes Documents must be submitted within 7 days of the date the rent is due, and paid the amount of rent the tenant is able to pay	Yes Document must be submitted within 30 days after rent is due	Yes Documents must be submitted as soon as possible an no later than 2 weeks of providing the notice	Yes Documents must be submitted within 2 weeks of providing such notice	Yes Documents must be submitted within 10 days of giving notice that rent can't be paid.	Yes Not clear in Governor's Order Legal aid suggestion is within 7 days of providing the notice.	Yes Documents must be submitted within 30 days of the date rent is due.	Yes Document must be submitted within 14 days of providing the notice
<b>Tenants must repay unpaid rent amounts</b>	Yes No relief from payment of rent. No specifics provided on timeline; however it is assumed that it must be paid in full by the end of the eviction deferment period of 120 days.	Yes	Yes Unpaid rent must be repaid within 3 months of July 1, 2020. If still unable to pay by 10/1/20 due to COVID-19, the tenant may provide one additional notice & documentation and extend the payment date by one additional month	Yes Unpaid rent to be paid within 6 months of the date the ordinance was effective (3/25/20) or the date of the withdrawal of the Governor's Executive Order whichever occurs first.	Yes Not addressed in ordinance. Assumption is that rent is due when moratorium expires, which is currently 6/30/20	Yes Unpaid rent must be repaid within 6 months of after expiration of the ordinance	Yes Ordinance does not specify the amount of time for repayment of rent. It is assumed that rent must be paid by June 1, 2020 (after the expiration date of 5/31/20) If the tenant elects to move while Ordinance is in effect, all owed rent is due upon move out unless the lease dictates otherwise	Yes Ordinance does not specify the amount of time for repayment of rent. It is assumed that tenants have until the earliest of the dates noted above to pay landlords all unpaid rent	Yes Unpaid rent must be repaid within a period equal to the time period of the length of the moratorium. For example, if the moratorium is for 60 days, the tenant has 60 days from expiration to repay all rent due.	Yes Unpaid rent must be repaid within 6 months from the end of the expiration of the ordinance or with withdrawal of Governor's Executive Order	Yes Unpaid rent must be repaid within 3 months of the expiration of the local emergency, unless alternative payment arrangements are made with the landlord	Yes Eligible tenants have up to 3 months after the city terminates the local emergency to repay any back rent, unless the landlord and tenant agree to a longer repayment plan	Yes Eligible tenants shall have 6 months from the date of ordinance effectiveness (4/7/30) or withdrawal of Governor Newsom's order, whichever occurs soonest, to pay unpaid rent.*89	Yes Eligible tenants have up to 3 months after June 1, 2020 (or until September 1, 2020 to pay past-due rent
<b>Are no-fault evictions protected?</b>	Not specifically addressed yet. However, AB1482, which was effective	No However, AB1482, which was effective on	No However, AB1482, which was effective on 1/1/20 does	Maybe You may be protected by City of San Diego	No However, AB1482, which was effective on 1/1/20 does	Yes Except where such eviction is necessary for	No However, AB1482, which was effective on	No Applies only to evictions and unlawful	No However, AB1482, which was effective on 1/1/20 does	Yes However, AB1482, which was effective on	No However, AB1482, which was effective on 1/1/20 does	No However, AB1482, which was effective on 1/1/20 does	Maybe If rent was due on or after 3/17/20; and	

<i>Note that under Emergency Order #1 approved by the Judicial Council (4/6/20), California courts will not be processing unlawful detainers for any evictions; in effect all evictions are on hold in California, unless the courts find it is necessary to protect public health and safety.</i>	on 1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	provide tenant protections for “no fault evictions”. Call legal aid with any questions.	Ordinance if the notice was served or filed on or after 3/4/20; and the no fault eviction is not necessary for the health and safety of tenants, neighbors or the landlord However, AB1482, which was effective on 1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	provide tenant protections for “no fault evictions”. Call legal aid with any questions.	the health and safety of the tenants, neighbors or landlord. However, AB1482, which was effective on 1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	detainers for residential tenants served on or filed after the date on which a local emergency was proclaimed (3/12/20) However, AB1482, which was effective on 1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	provide tenant protections for “no fault evictions”. Call legal aid with any questions.	1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions.	provide tenant protections for “no fault evictions”. Call legal aid with any questions.	provide tenant protections for “no fault evictions”. Call legal aid with any questions	you are an eligible tenant However, AB1482, which was effective on 1/1/20 does provide tenant protections for “no fault evictions”. Call legal aid with any questions	
<b>No late or collection fees</b>	Yes	Not addressed; may be able to collect late fees if indicated in the lease	Yes	Yes	No Late payment fee must still be paid if imposed within the lease agreement	Yes	Yes Does allow landlord to charge late fees only, if provided for by written rental agreement for rental payments covered under the ordinance	Maybe Not specifically stated; it is possible that charging late fees may apply if provided for in the written rental agreement	There may be fees if the lease agreement allows for them.	Yes	No	No Landlord may be able to collect late fees if provided for by the written rental agreement.	Yes	
<b>Does the order or ordinance apply to any eviction actions prior to the original approval/ effective date?</b>	No	No Order specifically states that eligible tenants must have paid rent prior to 3/27/20	No	Yes No eviction actions for untimely payment of rent that was due on or after 3/12/20	No	No	No	Yes Applies only to evictions and unlawful detainers for residential tenants served on or	No	Yes No eviction actions for untimely payment of rent that was due on or after 3/27/20	Yes Applies to all commercial tenants that were current on their rent as of 3/4/20	No	No	

								filed after the date on which a local emergency was proclaimed (3/12/20)						
<b>Other requirements or conditions</b>	No evictions for 120 days; after that tenants must be given 30 days to leave the property	N/A	Unincorporated areas only of San Diego County	N/A	Failure to provide the notice or back up documentation in the time noted waives the protections of the eviction moratorium	N/A	Tenant to pay portion of rent that the tenant is able to pay.	Does not apply if preempted by state or federal law, if it violates state or federal law, or if it contradicts with a lawful order which was obtained prior to 3/12/20	Failure to provide the notice or back up documentation in the time noted waives the protections of the eviction moratorium	If tenant moves out prior to expiration of the ordinance, all rents may be collected from the tenant.	Tenant to pay portion of rent that the tenant is able to pay. Any State or Federal law, order or regulation providing commercial tenants with eviction relief will control over this resolution and implementing regulations. If tenant moves out before expiration of resolution, all rent must be paid in full.	Failure to provide the notice or back up documentation in the time noted waives the protections of the eviction moratorium	Failure to provide the notice or back up documentation in the time noted waives the protections of the eviction moratorium	