CSH

MORATORIUMS ON TENANT EVICTIONS

(California – San Diego County)

SUMMARY OF ORDERS/ORDINANCES

(As of 8/26/20)

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 order has expired, and no new order has yet to be approved. The State of California order was extended to 9/30/20. 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 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.

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 court rule will remain in effect until September 1, 2020.

Moratorium Order	State of California	City of San Diego	City of Chula Vista	City of Imperial Beach	City of Encinitas	City of Carlsbad	City of Poway	City of National City	City of Escondido
Approval/Effective Date	3/27/20	4/20/20	3/17/20	3/17/20	4/1/20	4/7/20	4/9/20	4/7/20	4/10/20
Expiration Date	9/30/20 *Extended time for which eviction protections are in place following a state of emergency (See Penal Code 396(f)) Also extended local authority to pass eviction moratoriums through 9/30/20*	9/30/20 Moratorium shall last, however, until the local emergency is terminated or the withdrawal of Governor's order, whichever occurs first	8/31/20	9/30/20 Remains in effect until the Governor's Executive Order for the moratorium expires	Remains in effect until the emergency is terminated, or Governor Executive Order is withdrawn, whichever occurs first	Remains in effect until the emergency is terminated, or Governor Executive Order is withdrawn, whichever occurs first	Follows State of California Order	9/30/20 Follows State of California Order	9/30/20
Applies to residential tenants	Yes	Yes	Yes	Yes	Yes	No (Residential tenants under State Order)	No	Yes	Yes
Applies to commercial tenants	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Applies to tenants whose income and ability to pay rent have been affected by the COVID-19 pandemic	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Does the order apply to every residential tenant unit regardless of type of unit they live in (ie, rent a room, garage, mobile home or illegal unit) or how long they have lived there?	Yes	Yes	Yes Specifically includes mobile homes as a protected residential type	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	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 On or by the date that the rent is due. Letters, Texts and 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 Landlord must be notified within 30 days after rent is due. Letters, texts & emails 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

Documentation must be submitted to confirm inability to pay rent	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 7 days of the date the rent was due	Yes Documents must be submitted within 7 days of the date rent is due	Yes Document must be submitted within 30 days after rent is due	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
Tenants must repay unpaid rent amounts	Yes	Yes Unpaid rent from March to September must be paid by 12/30/20, or the day the tenant vacates unit, whichever is sooner	Yes Unpaid rent must be repaid within 6 months after expiration of the ordinance	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 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 effective-ness or withdrawal of Governor Newsom's order, whichever occurs soonest, to pay unpaid rent.	Yes Eligible tenants have up to 3 months after expiration of ordinance
Are no-fault evictions protected?	No However, AB 1482, which was effective on 1/1/20 does provide tenant protect-ions for "no fault evictions". Call legal aid with any questions.	Maybe You may be protected by City of San Diego 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, neigh-bors or the landlord However, AB1482, which was effect-tive on 1/1/20 does provide ten-ant protections for "no fault evictions". Call legal aid with any questions.	Yes Except where such eviction is necessary for 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.	No Applies only to evictions and Unlawful detainers for residential tenants served on or filed after the date on which a local emergency was proclaimed (3/12/20). However, AB 1482, which was effective on 1/1/20 does provide tenant protections for "no fault evictions". Call legal aid with any questions.	Yes However, AB1482, which was effective on 1/1/20 does provide tenant protection for "no fault evictions". Call legal aid with any questions.	No However, AB1482, which was effective on 1/1/20 Does provide tenant Protections for "no fault evictions". Call legal aid with any questions.	No However, AB 1482, which was effective on 1/1/20 Does provide tenant protections for "no fault evictions". Call legal aid with any questions.	Maybe If rent was due on or after 3/17/20; and you are an eligible tenant. However, AB 1482, which was effective on 1/1/20 does provide tenant protections for "no fault evictions". Call legal aid with any questions.	No However, AB1482, which was effective on 1/1/20 does provide tenant protections for "no fault evictions". Call legal aid with any questions.

No late or collection fees	Not addressed; may be able to collect late fees if indicated in the lease	Yes	Yes	Maybe Not specifically stated; it is possible that charging late fees may apply if provided for in the written rental agreement	Yes	No	No Landlord may be able to collect late fees if provided for by the written rental agreement.	Yes	Yes
Does the order or ordinance apply to any eviction actions prior to the original approval/ effective date?	No Order specifically states that eligible tenants must have paid rent prior to 3/27/20	Yes No eviction actions for untimely payment of rent that was due on or after 3/12/20	No	Yes Applies only to evictions and unlawful detainers for residential tenants served on or filed after the date on which the local emergency was proclaimed, 3/12/20	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	No Applies to nonpayment eviction notices and unlawful detainer actions for commercial and residential tenants served or files on or after 3/16/20

Other requirements or conditions	N/A	N/A	N/A	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	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	N/A