



The following provides a general summary (not legal opinion) of the various orders and ordinances that set forth moratoriums on **residential** tenant evictions for San Diego County to assist with compliance; there are both federal and state Orders that have been approved and currently effective within San Diego County. Per the federal order from the Center for Disease Control (CDC), the order is not applicable where a state or local moratorium provides for the same or greater residential tenant protections. The State of California approved a new law on August 31, 2020 that protects renters, small landlords and homeowners who are unable to pay their rent or mortgage due to the COVID-19 pandemic. This law is known as *The Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020* and it took effect on September 1, 2020. It applies to all cities and county unincorporated areas in the State of California. Local ordinances can remain in place until they expire and future local action cannot undermine the State Legislation in any way. Local ordinances may include additional protections, but not less protections than State legislation. This summary focuses on the Federal and State protections for residential tenants and has been updated to incorporate extensions granted by state approved legislation (SB 91) and Presidential Executive Order to extend the original CDC order published on September 4, 2020. More detailed information on the State of California order and related legislation, including responses to the most frequently asked questions, can be found <https://landlordtenant.dre.ca.gov/>

It is important to also note that in addition to extending the state eviction moratorium, SB 91 also established a \$2.61 billion rental assistance program which is aimed at reducing COVID-19 rental debt. Tenants must be income eligible (per federal guidelines), with household income no greater than 80 percent of area median income for the 2020 calendar year. It requires landlords to notify tenants who owe back rent of the availability of the rental assistance program, and prohibits landlords from proceeding with an eviction if they have not first notified the tenant about the rental assistance program. See notes below the summary of the state eviction moratorium for more information on the rental assistance program eligibility and related rules.

On January 26, 2021, the City of San Diego approved a temporary ban on evictions for unpaid rent due to the COVID-19 Pandemic. It takes effect on the date that the applicable State Law expires. The State Law has been approved for extension to June 30, 2021. Therefore, the City of San Diego’s temporary ban will not go into effect until July 1, 2021, unless the state law is extended further. The city’s temporary ban, when it goes into effect, will remain in effect until 60 days after the end of the city’s State of Emergency related to COVID-19. For a summary of any other local ordinances and applicability, please see the Legal Aid Society website at www.lasdsd.org

Please check with legal counsel if there are any conflicts or have questions about applicability of these orders for your housing development. Tenants who have questions about their legal rights or pending evictions can call: Legal Aid Society at 1-877-534-2524 or obtain more information from their website at www.lasdsd.org. Tenants can also contact San Diego Volunteer Lawyer Program at (619) 235-5656 X127 or Tenants Legal Center (858) 571-7100

Agency Order	Effective Date	Expiration Date	Eligible tenants	Eligible Type of Residence	Required Written Notice	Documentation Required	Repayment of Rent
Federal Order - Department of Health & Human Services – Centers for Disease Control (CDC) Unless extended, changed or ended, the order prevents eligible tenants from being evicted or removed from where they are living. Eligible tenants or residents must still pay rent and follow all the other terms/rules of their lease.	9/4/20 (date of publication in the Federal Register)	3/31/21	Applies to all adult tenants who can declare the following and are residing with the United States 1. has used best efforts to obtain all available government assistance for rent or housing; 2. expects to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing joint tax return) or was not required to report any income in 2019 to the IRS or received an Economic Impact Payment (stimulus check)	All residential property types where a person has the legal right to evict any covered or eligible tenant, includes house, building, mobile home or land in a mobile home park or similar dwelling leased for residential purposes.	Each adult listed on the lease, rental agreement or housing contract must complete and execute a declaration of inability to pay rent or other housing payment as a result of COVID-19. This is a declaration made under penalty of perjury.	A Declaration set forth by the CDC to halt evictions to prevent further spread of COVID-19. Declaration is to be submitted to the landlord, owner of the property or other person who has a right to have the tenant evicted or removed from place of residency. The Declaration is sworn testimony that sets forth the statements of tenant eligibility noted in column 4 (eligible tenants). https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf No other documentation is required.	No relief from obligation to pay rent, make a house payment or comply with any other terms of a tenancy. Order does not preclude the charging or collecting of related fees, penalties or interest as a result of failure to pay rent or housing payment.

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<p>Order does not apply in any State, local, territorial, or tribal area with an eviction moratorium on residential evictions that provides the same or greater level of public-health protection than the federal requirements. It also does not apply to the American Samoa (because no cases of COVID-19 have been reported).</p>			<ol style="list-style-type: none"> 3. unable to pay the full rent or make a full housing payment due to substantial loss of housing income, loss of compensable hours of work or wages, a lay-off, or extraordinary out of pocket medical expenses; 4. using best efforts to make timely partial payments that are as close to the full payment as possible 5. eviction would render the individual homeless or forced into close quarters 	<p>Does not apply to hotel, motel, or other guest house rented to a temporary guest or seasonal tenant.</p>			
<p>State of California Order – Set forth in New Law, The Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020</p> <p>Prevents an unlawful detainer (eviction) action from being filed against a residential tenant for nonpayment of the full rent because of COVID-19 related financial distress. Residential tenants can still be evicted for other reasons such as for health and safety</p>	<p>9/1/20</p>	<p>6/30/21</p>	<p>Applies to all residential tenants, including mobile home tenants (and regardless of immigration status) who were unable to pay the full amount of rent between March 1, 2020 and August 31, 2020 due to financial distress caused by COVID-19.</p> <p>All of the same rights and obligations set forth in the order apply also to residential tenants unable to pay all or some of the rent between September 1, 2020 and June 30, 2021 as long as at least 25% of the rent due during this period is paid by June 30, 2021; the 25% minimum monthly rent payment can be made each month or in a lump sum as</p>	<p>All types of residences, including mobile homes, rental of a room, or illegal rental unit.</p>	<p>Tenant must submit a fully executed Financial Hardship Declaration (due to COVID-19) to the landlord within 15 business days (not including weekends or judicial holidays) of receiving a notice to pay or quit (vacate) given to tenant after September 1, 2020. Otherwise, eviction protections will not apply. It is not necessary, however, for the tenant to wait until landlord provides a notice. Tenant can provide a declaration each month that the rent can't be paid in full. No need to wait to be served, but if served the tenant must respond within no more than 15 business days.</p> <p>Note: With the notice to pay or quit, landlord must provide a separate notification that explains the tenant's rights and obligations under the new state law.</p> <p>Even if the tenant is receiving public assistance, the tenant can still make a declaration of COVID-19 financial distress if this assistance does not fully make up for loss in income and/or increased expenses due to COVID-19</p> <p>https://landlordtenant.dre.ca.gov/pdf/forms/tenant/1179.02(d).pdf</p>	<p>If unable to pay all or some of the rent and your household income is more than 130% of the median housing income in San Diego County and over \$100,000, the landlord may demand proof of the COVID-19 related hardship to support the declaration. High income tenant must provide the documentation if requested by landlord.</p> <p>Proof of Income may include:</p> <ul style="list-style-type: none"> • A tax return • A W-2 • A written statement from a tenant's employer that specifies the tenant's income • Pay stubs • Documentation of regular distributions from a trust, etc. • Documentation of court-ordered payments, such as spousal or child support • Documentation of public assistance 	<p>Rental debt (related to COVID-19) is converted to civil debt and falls within the jurisdiction of small claims court for collection.</p> <p>Any rent owed will remain rent due to the landlord. If unpaid as of August 1, 2021, the landlord may sue for unpaid rent in small claims court regardless of how much the tenant owes (no cap).</p> <p>The landlord may sue for unpaid</p>

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<p>violations. The action can't be taken, however, for the purpose of retaliating because of COVID-19 rental debt.</p> <p>No –Fault Evictions are not permitted against any tenant until February 1, 2021.</p> <p>Local jurisdictions may adopt an ordinance that requires just cause, consistent with state law, provided it does not affect rental payments before January 31, 2021.</p> <p>Preemptions on local jurisdictions preventing them from changing local eviction rules beyond what was in place on August 19, 2020.</p> <p>The new law includes penalties of between \$1,000 and \$2,500 against landlords who do such things as locking out a tenant, throwing personal property out onto the curb, and shutting off</p>			<p>long as it is made before June 30, 2021.</p> <p>Financial distress includes:</p> <ol style="list-style-type: none"> 1. Loss of income due to COVID-19 2. Increased out-of-pocket expenses directly related to performing essential work during the pandemic 3. Increased expenses directly related to health impacts of COVID-19 4. Childcare or elder, disabled person or sick family care directly related to COVID-19 5. Increased costs for childcare or attending to elder, disabled person or sick family related to the pandemic 6. Other circumstances related to COVID-19 that reduced income or increased expenses. 			<ul style="list-style-type: none"> • A written statement signed by the tenant that states the tenant's income, including but not limited to a rental application. 	<p>COVID-19 rental payment debt under this State order in small claims court until July 1, 2025. No limit on number of claims to be made in small claims court or amount of claims.</p> <p>Prohibition against charging or attempting to collect fees assessed for the late payment of COVID-19 rental debt or increasing fees for services previously provided by the landlord without charge until June 30.</p> <p>Current tenant payments may not be applied retroactively to back rent or other charges.</p> <p>If tenants continue to pay the required 25% of their rental obligations through June 30, 2021, then they are protected from eviction for any unpaid rent</p>

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<p>utilities to evict a tenant, rather than going through the required court process. These penalties are in effect until July 1, 2021.</p> <p>Housing provider, tenant screening company or other similar entity may not use alleged COVID-19 rental debt as a negative factor for the purpose of evaluating a prospective housing application or as the basis for refusing to rent a dwelling unit to an otherwise qualified prospective tenant</p> <p>Prohibition on selling or assigning unpaid COVID-19 rental debt for the time period between 3/1/20 and 6/30/21 (no debt collection). Prohibition also applies to any person who would have qualified for rental assistance funding where the person's household income is at or below 80% of AMI.</p>							<p>that has accumulated through June 30 and it can never be used as the basis for eviction.</p>

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- Program established for rent subsidies based on a total of \$2.61 billion in federal rental relief dollars. Eligibility is based on federal eligibility rules.
- Available to eligible tenants whose household income is no more than 80 percent of area median (AMI) for the 2020 calendar year.
- Initial priority is given to tenants whose household incomes are no more than 50 percent of AMI.
- Pays landlords 80 percent of total amount of rent in arrears incurred between April 2020 and March 2021.
- Landlords must agree to forgive the remaining 20 percent and not pursue evictions or go after remaining debt; this is not 80 percent of total rent for the period, but 80 percent of the amount in arrears (if the tenant has paid some rent, then its 80% of whatever is remaining due).
- Pays 25 percent of rent arrears, if the tenant applies for assistance, but the landlord does not participate, to help the tenant pay off the rental arrears that they accumulated from September 2020 - March 2021. This will help prevent the tenant from being evicted for rental arrears during that period.
- Pays 25 percent of up to three months of prospective payments on behalf of tenants. Assistance is paid to landlord directly. This would be for months after March 2021 and reflects the federal program's 15-month cap (this prioritized after paying arrears, resources permitting).
- Requires landlords to notify tenants who owe back rent of the availability of the rental assistance program.
- Prohibits landlords from proceeding with an eviction if they have not first notified the tenant about the rental assistance program.
- Program remains under development; more information to be provided at later date on how to apply for the rental subsidies.
- For more details and information, please go to <https://landlordtenant.dre.ca.gov/>