

TEMPORARY MORATORIUM ON TENANT EVICTIONS DUE TO COVID-19

On March 17, 2020, the Sacramento City Council adopted an emergency ordinance to establish a temporary moratorium on evicting tenants unable to pay rent due to a loss of income caused by the Coronavirus Disease 2019 (COVID-19). **This moratorium will end once the Governor's Executive Order N-28-20 issued on March 16, 2020 terminates on May 31, 2020, unless it is extended.**

WHO IS PROTECTED?

All residential tenants regardless as to when the rental unit was built. Single family residences and condominiums that are rented are included in this ordinance.

WHAT WAGE LOSS REASONS ARE COVERED?

The loss of income must be related to the impacts of COVID-19. Either:

1. The tenant is sick with COVID-19 or has to care for a member of the household who has COVID-19;
2. The tenant experienced a lay-off, loss of hours, or other income reduction due to COVID-19;
3. The tenant complied with a recommendation from a government agency to stay at home, self-quarantine, or avoid congregating with others; or
4. Tenant had to miss work to care for a home-bound school-age child.

WHAT IS THE TENANT REQUIRED TO DO?

A tenant that has suffered a loss in income due to COVID-19 may pay a landlord less than the full amount of rent owed if the tenant:

1. Notifies the landlord in writing before the day rent is due that the tenant has suffered a loss of income due to COVID-19 and will be unable to pay the full amount of rent due.
2. Provides the landlord with verifiable documentation to support the loss of income claim. Documentation includes copies of payroll checks or a supervisor's statement of a reduction in business to support a reduction in tips. This documentation may be submitted after the tenant provides the landlord with the notice that the tenant is unable pay the full amount of rent.
3. Pays the remaining portion of rent owed based on the amount of income received. For example, if the tenant owes \$1,500 in rent and the tenant suffered a \$500 wage loss in March, the tenant must pay the landlord \$1,000 for April rent.

WHEN MUST TENANT PAY BACK RENT?

Tenants who were afforded eviction protection will have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 120-day period, the protections against eviction apply for such tenants.

WHAT IF A TENANT WAS LATE PAYING RENT BEFORE THE ORDINANCE WAS ADOPTED?

The ordinance does not prevent a landlord from evicting a tenant who failed to pay rent when due before the ordinance was adopted or for any other lease violation.

WHAT HAPPENS IF THE LANDLORD MOVES FORWARD WITH AN EVICTION?

If a tenant complies with the requirements, a landlord cannot serve an eviction notice, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent. A tenant may use this ordinance as an affirmative defense in an unlawful detainer or other action brought by landlord to recover possession of the rental unit. A landlord who violates this eviction prohibition is subject to administrative penalties up to \$25,000 pursuant to chapter 1.28 of the Sacramento City Code.