LEGISLATIVE DIGEST

[Administrative Code - COVID-19 Tenant Protections]

Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that was not paid due to the COVID-pandemic; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; and making findings as required by the California Tenant Protection Act of 2019.

Existing Law

A landlord generally can evict their tenant for not paying the rent. Due to the COVID-19 pandemic, the Mayor has imposed a six-month moratorium on evictions for non-payment of rent. If a tenant has not paid their past due rent by the end of the moratorium period, the landlord may proceed with the eviction for non-payment at that time.

Also, a landlord may generally charge late fees or interest due to missed rent payments.

Amendments to Current Law

The ordinance would prohibit a landlord from evicting a tenant due to non-payment of rent if the tenant was unable to pay due to the COVID-19 pandemic, even if the tenant has not paid by the end of the Mayor's moratorium period. The ordinance only limits evictions and does not waive the tenant's obligation to pay the rent.

The tenant's inability to pay would need to be documented, and non-payment evictions would be prohibited only with respect to rent that became due while the Governor's Executive Order on evictions is in effect (N-28-20, ¶2). The Executive Order was adopted on March 16, 2020, and is currently set to expire on May 31, 2020, so the ordinance currently covers the April and May rent only. The ordinance would not prohibit evictions due to payments missed after May 31, unless the Executive Order were extended.

The ordinance would also prohibit a landlord from charging late fees or interest due to such missed payments, and would prohibit evictions due to the non-payment of such charges.

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