

**LEGISLATIVE DIGEST**

[Emergency Ordinance - Eviction Protection For Tenants Unable To Pay Rent]

**Emergency ordinance to temporarily restrict landlords from evicting residential tenants for non-payment of rent due to the COVID-19 pandemic, provided the tenant has paid at least 25 percent of the rent owed; 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

The Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (hereafter, "SB 91") grants certain eviction protections to residential tenants who have paid at least 25% of the rent owed but were unable to pay the remainder due to COVID-19. SB 91 applies to rent payments that came due on or before June 30, 2021, but does not protect tenants from being evicted due to rent payments missed on or after July 1, 2021.

Amendments to Current Law

The emergency ordinance would restrict landlords from evicting tenants due to the non-payment of rent that originally came due on or after July 1, 2021, notwithstanding any City law (e.g., Admin. Code § 37.9(a)(1)) that might otherwise allow the eviction to go forward. To be protected from an eviction, the tenant would need to pay the landlord at least 25% of all the rental payments that come due from July 1, 2021 onwards, and would need to show with documentation that their failure to pay the remaining rent arose out of the financial impacts of the COVID-19 pandemic. The ordinance would restrict evictions for non-payment of rent but the rent would still be owed. Also, the ordinance would prohibit landlords from imposing late fees or penalties or similar charges on a tenant who missed their post-July rent in these circumstances, and would prohibit landlords from evicting due to these unpaid fees/charges, notwithstanding any local law that may otherwise apply (e.g., Admin. Code § 37.9(a)(2)).

The emergency ordinance would apply to all residential units in the City, including all units subject to the City's Rent Ordinance, residential units in residential hotels regardless of how long the unit has been occupied, and units where the rent is controlled or regulated by the City (e.g., privately-operated units controlled or regulated by the Mayor's Office of Housing and Community Development and/or the Department of Homelessness and Supportive Housing).

Consistent with Charter Section 2.107, the emergency ordinance would become effective immediately upon enactment. If enacted it would remain in effect for up to 60 days, unless overridden by a non-emergency ordinance.

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