

**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; 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, “AB 3088”) limits when a landlord may evict a residential tenant for non-payment of rent that came due between March 1, 2020 and January 31, 2021, but does not protect tenants from being evicted due to rent payments missed on or after February 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 February 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 show with documentation that their failure to pay (1) arose out of a substantial decrease in household income or increase in out-of-pocket expenses, and (2) was caused by the COVID-19 pandemic. The ordinance would also prohibit landlords from imposing late fees or penalties or similar charges on a tenant who missed their post-January rent in these circumstances, and would prohibit landlords from evicting their tenants due to these unpaid fees/charges, notwithstanding any local law that may otherwise apply (e.g., Admin. Code § 37.9(a)(2)).

Consistent with Charter Section 2.107, the emergency ordinance would become effective immediately upon enactment but would remain in effect for only 60 days, unless reenacted.

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