

**REVISED LEGISLATIVE DIGEST**

(9/21/2021, Amended in Board)

[Administrative Code - COVID-19 Tenant Protections]

**Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that came due between October 1, 2021, and December 31, 2021, that was not paid 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; providing that such amendments will take effect only to the extent state law is modified accordingly; 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 832") grants certain eviction protections to residential tenants who have paid at least 25% of the rent that originally came due between September 1, 2020 and September 30, 2021, but who could not pay the remainder due to COVID-19. In addition, AB 832 addresses local laws via language codified at Section 1179.05 of the California Code of Civil Procedure. Under Section 1179.05, any local laws adopted between August 19, 2020 and March 31, 2022 in order to protect tenants from eviction due to the COVID-19 pandemic shall not apply to rental payments that came due between March 1, 2020, and March 31, 2022, and shall have no effect before April 1, 2022.

Amendments to Current Law

The ordinance is contingent on the State of California modifying Section 1179.05 to allow the ordinance to become operative. To the extent such a modification may occur, the ordinance would restrict landlords from evicting tenants due to the non-payment of rent that originally came due between October 1, 2021 and December 31, 2021 (the "Transition Period"). Until December 31, 2021, a landlord could not evict a tenant for non-payment of Transition Period rent if the tenant could show with documentation that they were unable to pay due to the financial impacts of the COVID-19 pandemic. Starting January 1, 2022, a tenant would need to (1) have paid at least 25% of the total rent that had accrued during the Transition Period, and (2) be able to provide documentation showing that they are unable to pay the remainder due to the financial impacts of the COVID-19 pandemic, in order to not be evicted. The ordinance would restrict evictions for non-payment of Transition Period 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 Transition Period rent due to COVID-19, and would prohibit landlords from evicting due to these unpaid fees/charges. If the State of California does not modify Section 1179.05, then the ordinance even if approved by the City would not actually become operative.

Background

This version of the legislative digest corresponds with amendments introduced on September 21, 2021. The amendments update the ordinance to reflect the passage of AB 832, and to provide that the ordinance even if approved by the City shall become operative only to the extent that the State of California modifies Section 1179.05 of the California Code of Civil Procedure.

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