

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 came due between February 1, 2021, and June 30, 2021, that was not paid 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

A landlord generally can evict their tenant for not paying the rent, and charge the tenant late fees or interest due to missed rent payments.

Due to the COVID-19 pandemic, the City adopted an ordinance (Ordinance No. 93-20) to prohibit evictions of residential tenants for non-payment of rent and to prevent late fees based on missed rent payments, if the tenant was unable to pay the rent due to the COVID-19 pandemic and the rent originally came due while the Governor's Executive Order on evictions was in effect (N-28-20, ¶2). Ordinance No. 93-20 does not waive the tenant's legal obligation to pay the rent; it prohibits a landlord from evicting due to the unpaid rent, but the rent is still owed. Based on the dates when the Executive Order was in effect, Ordinance No. 93-20 applies to rent payments that originally came due between March 16, 2020 and September 30, 2020.

Meanwhile, the California Legislature adopted the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (hereafter, "AB 3088"), which enacted eviction protections for tenants who were unable to pay their rent due to COVID-19. AB 3088 applies only to rent payments that originally came due between March 1, 2020 and January 31, 2021. AB3088 allows some evictions for non-payment of rent that arose during this time period to resume starting February 1, 2021, and does not protect tenants from being evicted due to rent payments that originally came due on or after February 1, 2021.

Amendments to Current Law

The ordinance would prohibit a landlord from evicting a tenant due to non-payment of rent and from charging the tenant late fees or interest due to missed rent payments, if the rent payment originally became due between February 1, 2021 and June 30, 2021, and the tenant could not pay due to the COVID-19 pandemic. The ordinance would limit evictions but would not waive the tenant's obligation to pay the rent for this time period.