

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 6/7/2021)

[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 that came due on or after July 1, 2021, in response 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, “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)) to the contrary. To be protected from an eviction, the tenant would need to show with documentation that they could not pay due to 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).

The ordinance would expire in 60 days, or upon the adoption of the non-emergency ordinance in Board of Supervisors File No. 201601, whichever is sooner.

Background

This legislative digest corresponds with changes made at Committee on June 7, 2021.

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