

REVISED LEGISLATIVE DIGEST

(6/29/2021, 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 July 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; 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 by June 30, 2020, but could not pay the remainder due to COVID-19. SB 91 does not protect tenants from evictions based on unpaid rent that initially came due on or after July 1, 2021. Under the City's Rent Ordinance, 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.

Amendments to Current Law

The ordinance would restrict landlords from evicting tenants due to the non-payment of rent that originally came due between July 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 can show with documentation that they were unable to pay due to the financial impacts of the COVID-19 pandemic. But 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. A landlord could evict for non-payment of Transition Period rent if the tenant had not paid at least 25% of the total Transition Period rent by December 31, 2021. 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.

Background

On June 29, 2021, the legislation was amended to correct the date on page 5, line 11 (changing "2031" to "2021").

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