



## Economic Development and Housing

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### **TEMPORARY MORATORIUM ON TENANT EVICTIONS DUE TO COVID-19**

On March 18, 2020, the West Sacramento City Council adopted an emergency ordinance to establish a temporary moratorium on evicting tenants unable to pay rent due to a loss of income caused by the novel coronavirus (COVID-19). **This moratorium will be in effect through May 31, 2020, pursuant to the Governor's Executive Order N-28-20 issued on March 16, 2020.**

#### **WHO IS PROTECTED?**

All residential and commercial tenants. Single family residences, multifamily apartments, condominiums, and any retail, commercial, and industrial spaces that are rented are included in the eviction moratorium.

#### **WHAT REASONS ARE COVERED?**

The loss of income must be related to the impacts of COVID-19.

For residential tenants, either:

1. The tenant is sick with COVID-19 or has to care for a member of the household who has COVID 19;
2. The tenant experienced a lay-off, loss of hours, or other income reduction due to COVID-19;
3. The tenant complied with a recommendation from a government agency to stay at home, self-quarantine, or avoid congregating with others; or
4. Tenant had to miss work to care for a home-bound school-age child.

For commercial tenants, either:

1. Commercial tenant's business was required to close in compliance with a recommendation from a government agency;
2. Commercial tenant experienced a substantial loss of business resulting from a state, federal or local emergency declaration;
3. Commercial business owner is sick with COVID-19 or has to care for a member of the household who has COVID 19.

#### **WHAT IS THE TENANT REQUIRED TO DO?**

A tenant that has suffered a loss in income due to COVID-19 may pay a landlord less than the full amount of rent owed if the tenant:

1. Notifies the landlord in writing before the day rent is due that the tenant has suffered a loss of income due to COVID-19 and will be unable to pay the full amount of rent due.
2. Provides the landlord with verifiable documentation to support the loss of income claim. For residential tenants, documentation may include, but is not limited to,



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copies of payroll checks or a supervisor's statement of a reduction in business to support a reduction in tenant's income. For commercial tenants, documentation may include, but is not limited, showing a loss or revenue or need to temporarily shut down business. This documentation may be submitted after the tenant provides the landlord with the notice that the tenant is unable pay the full amount of rent.

3. Pays the portion of rent owed that the tenant is able to pay based on the amount of income received. For example, if the tenant owes \$1,500 in rent and the tenant suffered a \$500 wage loss in March, the tenant would pay the landlord \$1,000 for April rent.

### **WHEN MUST TENANT PAY BACK RENT?**

After the termination of the ordinance, the tenants will need to pay any past due rent to their landlords.

### **WHAT IF A TENANT WAS LATE PAYING RENT BEFORE THE ORDINANCE WAS ADOPTED?**

The ordinance does not prevent a landlord from evicting a tenant who failed to pay rent when due before the ordinance was adopted or for any other lease violation.

### **WHAT HAPPENS IF THE LANDLORD MOVES FORWARD WITH AN EVICTION?**

If a tenant complies with the requirements, a landlord cannot serve an eviction notice, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent. A tenant may use this ordinance as an affirmative defense in an unlawful detainer or other action brought by landlord to recover possession of the rental unit. A landlord who violates this eviction prohibition is subject to administrative penalties pursuant to chapter 1.12 of the West Sacramento Municipal Code.