



## 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 July 28, 2020, pursuant to the Governor's Executive Order N-28-20 issued on March 16, 2020, Executive Order N-37-20 issued on March 27, 2020 and Executive Order N-66-20 issued on May 29, 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 IS THE TENANT REQUIRED TO DO?**

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

1. Notifies the landlord in writing, before the rent is due, or within a reasonable period of time afterwards not to exceed seven (7) days, 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. The City has created a Delay of Rent Payment form that tenants may use, however, tenants may also use their own hand-written or printed landlord notifications.
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, termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. 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 provided to the landlord no later than the time upon payment of back-due 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.

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

The loss of income must be related to the impacts of COVID-19. Following is a non-exclusive list of reasons that are covered by this moratorium and/or Executive Orders N-28-20, N-37-20 and N-66-20.



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For residential tenants, either:

1. The tenant was unavailable to work because the tenant is sick with a suspected or confirmed case of COVID-19 or has to care for a member of the household who is sick with a suspected or confirmed case of COVID-19;
2. The tenant experienced a lay-off, loss of hours, or other income reduction due to COVID-19, the state of emergency, or related government response;
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 in response to COVID-19.

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 a suspected or confirmed case of COVID-19 or has to care for a member of the household who is sick with a suspected or confirmed case of COVID-19.

### **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, pursuant to chapter 1.12 of the West Sacramento Municipal Code, shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 or by imprisonment up to six months.