

Chapter 8.60

PROHIBITION ON EVICTIONS ARISING FROM SUBSTANTIAL INCOME LOSS OR MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC

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8.60.010 - Purpose.

This chapter prohibits evictions until the expiration of Executive Order N-28-20, for any tenant who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus pandemic or any local, state, or federal government response to the pandemic. This urgency ordinance does not relieve a tenant's obligation to pay rent or restrict a landlord's ability to recover rent due.

8.60.020 - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

A. "Commercial real property" means any real property that is used for business or income producing purposes.

B. "Owner" means any person or entity, acting as principal or through an agent, providing residential or commercial real property for rent, and includes a predecessor in interest to the owner.

C. "Residential real property" means any dwelling or unit that is intended or used for human habitation.

D. "Tenancy" means the lawful occupation of residential or commercial real property and includes a lease or sublease.

E. "Tenant" means a person or entity lawfully occupying residential or commercial real property and includes a lease or sublease.

8.60.030 - Prohibition on evictions stemming from coronavirus pandemic losses.

A. Until expiration of the authority conferred in Executive Order N-28-20, the owner of residential or commercial real property shall not terminate a tenancy for failure to pay rent if the

tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the coronavirus pandemic or any local, state, or federal government response to the pandemic.

B. In order for this section to apply, a tenant must provide written notice to the owner and demonstrate through documentation or other objectively verifiable means:

- (1) Substantial loss of income from (a) job loss; (b) layoffs; (c) a reduction in the number of compensable hours of work; (d) a store, restaurant, office, or business closure; (e) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (f) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (g) other similarly-caused loss of income that resulted from the pandemic; or
- (2) substantial out-of-pocket medical expenses related to the pandemic.

C. This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this ordinance shall render any notice of termination of tenancy void. This section may be asserted as an affirmative defense in an unlawful detainer action. Terminations that are required to comply with an order issued by a government agency or court requiring that the real property be vacated are excepted from this prohibition. An owner's failure to comply with this ordinance does not constitute a criminal offense but will subject an owner to civil fines and penalties as set forth in this Code.

D. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, governmental-sponsored

enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

E. Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

F. This ordinance shall be liberally construed to provide the broadest possible protection for tenants in the unincorporated area of the County.

(Ord. 3374 § 2, 2019)