

COVID-19

TEMPORARY EVICTION BAN

FREQUENTLY ASKED QUESTIONS

To assist renters who have been economically impacted by the novel coronavirus (COVID-19), the San Diego City Council on March 25, 2020, adopted an [emergency City law](#) that temporarily bans residential and commercial evictions. This is also known as an eviction moratorium.

On March 16, Governor Gavin Newsom issued Executive Order N-28-20, which authorizes local governments to halt evictions. The [order](#) suspends state law that could prevent local governments from suspending evictions for renters. The order also protects Californians from utility shutoffs. The protections will remain in effect through May 31, 2020, unless extended.

Also, on March 16, Mayor Kevin L. Faulconer issued [Executive Order No. 2020-1](#) prohibiting, among other things, public gatherings of 50 or more people in a single room; closing all bars, adult entertainment establishments, and nightclubs in the City; and prohibiting restaurants from serving food and beverages for consumption on their premises.

On March 17, 2020, at the direction of Council President Georgette Gómez, the San Diego City Council considered and approved working on a comprehensive package of [14 relief actions](#) to help San Diego residents and businesses to have the resources for economic relief during this unprecedented crisis.

As part of this action, the City Council adopted Resolution R-2020-417, which directed the Mayor to present a temporary ban on residential and commercial evictions during the local emergency due to COVID-19.

What does the temporary ban on evictions mean for City of San Diego renters?

The new City law states that a renter may not be evicted if they are unable to pay the rent due to circumstances related to the COVID-19 pandemic.

The San Diego City Council adopted an emergency law to implement a temporary ban on residential and commercial evictions due to nonpayment of rent because of a substantial decrease in income or substantial out-of-pocket medical expenses caused by either COVID-19 or any governmental response to COVID-19.

You are eligible if you have:

1. Lost substantial income because your employer has closed or reduced your hours due to government orders or actions to address the COVID-19 emergency.
2. Lost substantial income related to childcare issues or school closures related to the COVID-19 emergency.
3. Lost substantial income because you have lost work hours because you or a member of your household is ill with COVID-19.
4. Have substantial out-of-pocket health care costs related to COVID-19 because you or a member of your household is ill with COVID-19.

What do I do if my landlord tries to evict me even if I've shown I'm impacted by the COVID-19 emergency?

Affirmative Defense - The City's emergency law provides tenants facing eviction an affirmative defense if the proposed eviction is for nonpayment of rent and the tenant's inability to pay rent results from circumstances related to the COVID-19 emergency. In other words, tenants or their attorneys can raise the existence of this temporary ban on evictions as a defense in an Unlawful Detainer action. Tenants or their attorneys may argue that they are an affected tenant by providing documentation to the landlord that shows they have lost substantial income. Examples of documentation may include, but are not limited to, a letter from the employer citing COVID-19 as a reason for reduced work hours or termination, employer paycheck stubs, bank statements, or school district notifications.

Who does the temporary ban on evictions apply to?

The City Council-approved temporary ban on evictions applies to all residential and commercial rental properties in the City of San Diego, including apartments, duplexes, condominiums and single-family dwellings and commercial rental properties. It applies to all renters, regardless of immigration status.

Does the temporary ban apply to all evictions?

The City law applies to residential or commercial evictions due to failure to pay rent when the tenant is unable to pay the rent because of loss of income related to COVID-19 as described above.

The City Council-approved temporary ban on evictions applies to nonpayment eviction notices as described above, no-fault eviction notices as described above, and unlawful detainer actions based on such notices, which have been served or filed on or after the date on which the emergency City law was adopted, March 25, 2020.

Does this mean tenants do not have to pay their rent?

Both the City Council-approved temporary ban on evictions and the Governor's executive order emphasize that tenants are still obligated to pay lawfully charged rent. However, during the emergency period, tenants may not be evicted for failure to pay rent due to the financial impacts related to COVID-19. Tenants will have up to six months from March 25, 2020, to repay any back rent due. If a tenant moves during this timeframe, all rent is due upon the tenant moving out unless the lease says it will be handled differently. Landlords and tenants may mutually work out a payment schedule or arrangements for repayment of rent.

Is rental assistance available for renters who cannot pay their rent?

The City law does not address rental assistance. However, the City is reviewing options for a rental assistance program. At this time, rental assistance is not available. If rental assistance becomes available, updates will be posted as soon as a program is adopted.

Do I have to sign a payback agreement with my landlord before getting the protections of the eviction moratorium?

No, tenants are not required to sign a specific payback agreement to get the protections of the moratorium. However, the landlord and tenant may mutually agree to work out a payment schedule or arrangements for repayment of rent.

Where can tenants obtain help or information regarding a "Notice to Pay Rent or Quit"?

First, both the City Council-approved temporary ban on evictions and the Governor's executive order provide an affirmative defense to tenants facing eviction as a result of their inability to pay rent due to the loss of wages because of the COVID-19 pandemic. Renters should seek assistance from legal services providers in responding to any Unlawful Detainer action filed by their landlords. Click here for [legal referrals](#) from the Legal Aid Society of San Diego.

How long is the temporary ban on evictions in effect?

Under the City Council-approved emergency law, the temporary ban on evictions is in effect from March 25, 2020, through May 31, 2020.

What happens when the temporary ban on evictions is over?

Under the City Council-approved emergency law, tenants have until September 25, 2020 (six months after the law was adopted on March 25, 2020) to repay any back rent that is due. The tenant and landlord may mutually work out a payment schedule or arrangements for repayment of the rent.

Is financial assistance available for landlords who lose income because of tenants' inability to pay their rent?

Landlords may be able to apply for a number of programs including:

Property Tax Deferral: <https://www.sdttc.com/content/ttc/en/about-us/news/2020-coronavirus-response.html>

Mortgage Payments: Citigroup, JPMorgan Chase, U.S. Bank and Wells Fargo — along with almost 200 state-chartered banks and credit unions — have agreed to [put off collecting mortgage payments](#) for up to 90 days from borrowers who can document they've been affected by the COVID-19 crisis. Bank of America has agreed to a 30-day pause. The lenders have also agreed not to report the late payments to credit agencies and would not start foreclosure sales or evictions.

Small Business Relief Fund (SBRF): to provide grants and forgivable or low- to zero-interest-rate loans to eligible small businesses for working capital. The goal of the SBRF is to help businesses retain employees and sustain continuity of business operations impacted by federal, California, San Diego County and local emergency declarations regarding COVID-19. Approximately \$6.1 million is available [in the SBRF](#), which is being administered by the City of San Diego Economic Development Department.

Links to Federal Resources:

[Federal tax relief](#)

[HUD advisory on resources for landlords](#)

[Federal Housing Finance Authority](#)

Best Practices for Tenants and Landlords / Property Managers

For tenants

- Communicate with your landlord right away about your inability to pay if your income is affected by the COVID-19 emergency.
- Do not ignore any notices issued by the landlord or property manager.
- All tenants are still responsible for any lawfully charged rents due.

For landlords and property managers

- Work with tenants while the temporary ban on evictions is in effect.
- Communicate with the tenant about their ability to pay.
- Do not ignore the temporary ban on evictions in place.
- Thank you for helping to prevent the displacement of your tenants.

Tenants are still obligated to pay lawfully charged rent.

Action / process related to this temporary ban on evictions may change, and will be updated accordingly.