

City of San Diego Temporary Ban on Residential ‘No Fault’ Evictions

Frequently Asked Questions

The San Diego City Council on April 4, 2022, adopted a temporary ban on residential “no fault” evictions. This local law will be presented to the City Council a second time for what is known as a “second reading” and if approved again, it would take effect 30 days later. Under this local law, “no fault” evictions would not be allowed in the City of San Diego (City) until September 30, 2022, or 60 days after the end of the local state of emergency declared by the Mayor due to the COVID-19 pandemic, whichever date occurs first.

This City law helps preserve the health and safety of the public amid the ongoing pandemic, ensure residents continue to have stable shelter, and protect residents from potential homelessness.

What is a ‘No Fault’ Eviction?

A “no fault” eviction occurs when a landlord ends a lease with the tenant for reasons that do **not** involve any alleged nonpayment of rent, wrongful behavior or lease violation by the tenant.

Tenants are still required to pay rent per their lease agreement with the landlord. Evictions are allowed for nonpayment of rent, wrongful behavior or lease violations.

When is a ‘No Fault’ Eviction Allowed?

The new City law, if approved, would continue to allow “no fault” evictions in any of the following circumstances:

- The landlord intends to remove the rental units from the rental market and has provided all affected tenants **written notice at least six months in advance**.
- The landlord wants to take possession of the rental unit for repair or construction work necessary to comply with a government or court order, and the work requires vacating

the rental unit because it would threaten the immediate health and safety of the occupants.

- The landlord, or the landlord’s parent, grandparent, child or grandchild intend to occupy the rental unit as their primary residence, and the landlord has provided **written notice to the affected tenant at least 90 days in advance**.

The term “rental unit” includes apartments, condominiums, single-dwelling units, and hotel rooms that are not used solely for transient occupancies.

What do I do if my landlord tries to carry out a ‘no fault’ eviction?

Affirmative Defense – If the City law is approved at its second reading, tenants may use the protections in the City law as an affirmative defense if a landlord files an eviction action (unlawful detainer).

Who does the temporary ban on evictions apply to?

If it is approved at its second reading, the City’s temporary ban on “no fault” evictions would apply to all residential rental properties in the City of San Diego, including apartments, condominiums, single-dwelling units, and hotel rooms that are not used solely for transient occupancies. It applies to all residential renters, regardless of immigration status. It does not apply to commercial/business renters.

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

Tenants are still required to pay rent per their lease agreement with the landlord. Landlords are allowed to evict tenants for nonpayment of rent.

How is the temporary ban on residential ‘no fault’ evictions enforced?

The City of San Diego reserves the right to enforce the administrative remedies in [Chapter 1, Article 2 of the San Diego Municipal Code](#) and to pursue any other remedies legally available against individuals knowingly or intentionally violating the provisions of the City’s Ordinance or falsifying information to qualify for the relief granted in the Ordinance.

Where can I get help to understand my rights as a tenant or to defend myself against an eviction?

Tenants who have questions about their legal rights or pending eviction actions may call:

- Legal Aid Society of San Diego (877) 534-2524 – www.lasds.org
- San Diego Volunteer Lawyer Program (SDVLP) (619) 235-5656 x127
- Tenants Legal Center (858) 571-7100

Are any other programs available to help me avoid an eviction?

The City of San Diego Eviction Prevention Program (EPP) helps renters with low income in the City of San Diego who are facing eviction for not paying their rent due to the financial effects of the COVID-19 pandemic.

EPP is operated by Legal Aid Society of San Diego through a contract with the San Diego Housing Commission (SDHC).

Contact:

- Hotline: 1-877 LEGAL AID (1-877-534-2524)
- TTY: 1-800-735-2929
- Email: Info@lassd.org

How long is the temporary ban on residential ‘no fault’ evictions in effect?

The City of San Diego’s temporary ban on residential “no fault” evictions **will be presented to the City Council a second time for what is known as a “second reading” and if approved again, it would take effect 30 days later.** It would remain in effect until September 30, 2022, or 60 days after the end of the local state of emergency declared by the Mayor due to the COVID-19 pandemic, whichever date occurs first.

How common are ‘no fault’ evictions?

The Legal Aid Society of San Diego (LASSD), which provides free civil legal assistance to low-income clients, including protection against eviction and housing instability, reported a significant number of clients experiencing a “no-fault eviction.”

From July 2021 through January 2022, LASSD received nearly 1,400 requests for assistance for housing related issues from households in the City of San Diego. About 23% of these households requested assistance with a no-fault eviction. This was the largest percentage of housing-related issues for which San Diego households requested assistance. LASSD only represents clients with low income and those who are aware of their services, so the actual number of “no-fault” evictions occurring in the City of San Diego is likely much higher.

Have other cities also banned residential ‘no fault’ evictions?

Los Angeles County, Alameda County, and the cities of Oakland, San Francisco, and Richmond have enacted similar bans on “no-fault” evictions during their local COVID-19 state of emergency.