

### Eviction Moratoria: Los Angeles City and County, and California

To combat the effects of COVID 19, many states, cities and counties throughout the US have enacted various moratoria which prohibit commercial landlords from evicting their tenants for non-payment of rent, and which give tenants the right to pause their rent payments and repay them at a later date, when they are more financially capable. Below are summaries, effective as of April 8, 2020 of the various moratoria in place for Los Angeles City, Los Angeles County and California.

#### Los Angeles City:

- Applies to Residential and Commercial Evictions
- Protects against 4 types of evictions:
- **Type 1 -Non-Payment of Rent.** No residential or commercial evictions during Local Emergency Period for NON PAYMENT OF RENT if tenant can establish inability to pay rent due to circumstances related to COVID 19 pandemic.
  - Obligation to pay rent remains.
  - Tenant must inform Landlord of COVID 19 hardship circumstances within 7 days of when rent is due.
  - Residential Tenants will have UP TO 12 MONTHS after expiration of local emergency to repay any back rent.
  - Commercial Tenants will have up to 3 MONTHS after expiration of local emergency to repay back rent.
  - Landlord may not charge interest or late fees on unpaid rent.
  - NOTE: Protections only apply to non-payment eviction notices sent AFTER March 4, 2020
- **Type 2 - No Fault Eviction.** No property owner shall exercise a No-fault Eviction during the Local Emergency Period. No-Fault evictions means those not based on an alleged fault of the tenant. (i.e. evictions for the owner to occupy the unit himself, or to install a resident manager, or to perform construction)
- **Type 3 - Due to Unauthorized occupants.** Landlords may not evict tenants due to the presence of unauthorized occupants, pets or nuisance related to COVID-19, during Local Emergency Period.
- **Type 4 - Ellis Evictions.** All evictions for permanent withdrawal of a property from the rental housing market ("Ellis" evictions). Tenancies may not be terminated under the Ellis Act until 60 days after the expiration of the Emergency Order.
- Local Emergency Period is defined as March 4, 2020 until such time as declared by the Mayor.
- This constitutes only an Affirmative Defense in an unlawful detainer action. Thus a Landlord could still file an unlawful detainer action during this period. It would be incumbent on tenant to raise this defense in order to avoid eviction.

- **Large corps don't enjoy the protection:** The restrictions do NOT apply to commercial property leased by a tenant that is a "multi-national company, a publicly traded company, or a company that employs more than 500 employees."
- **Landlords must notify tenants about law by April 30:** Landlords must give tenants written notice of these eviction protections by April 30. Failure to do so may result in penalties.
- FULL DETAILS HERE: <https://hcidla.lacity.org/covid-19-eviction-moratorium>
- Ordinance here: <http://clkrep.lacity.org/onlinedocs/2020/20-0147-S19 ORD 186585 03-31-2020.pdf>

## LA County

- Commercial AND Residential Tenants
- Protects against two types of Evictions
- **Type 1 – Non Payment of Rent.** Until May 31, Landlord Cannot evict any residential or commercial tenant for NON PAYMENT OF RENT if Tenant:
  - Has suffered COVID 19 related financial hardship.
  - Has notified landlord of its inability to pay within 7 days of rent due date based on such hardship.
- **Type 2 – No Fault Evictions.** Until May 31, Landlord cannot institute a NO FAULT EVICTION against any residential or commercial tenant, unless necessary for health and safety reasons.
- Only applies to tenants in UNINCORPORATED portions of Los Angeles County
- Only applies to eviction notices sent after March 4<sup>th</sup>, 2020
- Ordinance Here: [https://covid19.lacounty.gov/wp-content/uploads/19032020HP\\_MFP\\_M577143825.pdf](https://covid19.lacounty.gov/wp-content/uploads/19032020HP_MFP_M577143825.pdf)

## California

- [Executive Order # N-37-20 -](#)
  - Residential Tenants Only
  - Until May 31, 2020, no residential tenant can be evicted NON-PAYMENT OF RENT if:
    - Tenant notifies landlord in writing within 7 days of rent being due, that it cannot pay some/all rent due to COVID19 related hardship; AND
    - Tenant retains verifiable documentation of such hardship such as termination notices, pay cuts etc.
  - (Also – if tenant is served with Unlawful Detainer action, Tenant shall have 60 Days to respond instead of 5 days to respond).
- [Executive Order N-28-20](#)
  - Applies to Foreclosure Related Evictions Only – Residential or Commercial
  - Until a date yet to be determined (order does not specify), financial institutions are "requested" to implement an immediate moratorium on foreclosures and foreclosure-related eviction relating to (a) decreased income due to COVID 19 or (b) any government response to COVID 19.