



## **Urgency Ordinance: Temporary Eviction Moratorium for Residential and Businesses Tenants**

### **Frequently Asked Questions (FAQ)**

(Ordinance No. 2020-03, Adopted March 25, 2020)

(Also available at [www.el-cerrito.org/COVID19](http://www.el-cerrito.org/COVID19))

DISCLAIMER: This FAQ is for informational purposes only. Please read each respective Ordinances for all legal requirements. The City cannot provide legal advice to the public. Residents and businesses should consult with an attorney to determine their eligibility for the protections under each Ordinance.

#### **What does the City's eviction moratorium mean for El Cerrito residents?**

On March 25, 2020, the City Council enacted a temporary moratorium banning evictions for residential and commercial tenants financially impacted by the Novel Coronavirus (COVID-19) and is currently set to expire on July 28, 2020. The ordinance expiration date is based on the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later. The [Urgency Ordinance](#) **does not** establish rent forgiveness but provides temporary rent forbearance to those who qualify by providing 6-months, from the Ordinance expiration date, to catch up on unpaid rent and suspends late fees from being charged for qualified tenants who can demonstrate loss of income or revenue due to COVID-19. This action was taken in response to the Contra Costa County Shelter in Place Order that went into effect on March 17, 2020. The Ordinance does not include eviction protections for reasons other than unpaid rent due to COVID-19.

#### **When does it take effect?**

The Ordinance took effect on March 25, 2020 and is set to expire on July 28, 2020 or the expiration of the local emergency or the Governor's [Proclamation of a State of Emergency](#), whichever is later. It applies to nonpayment eviction notices and unlawful detainer actions served or filed on or after March 16, 2020 through the expiration date. The time allotted for being able to pay rent is 6-months from the expiration date.

#### **How do I qualify?**

Qualified tenants are defined as those residents or businesses who can demonstrate loss of income or revenue due to COVID-19. Some of the qualifying circumstances include those who have reduced income due to school/work/business closures, layoffs, ill/quarantined, reduction in hours/staff or medical expenses.

#### **Which type of rental properties are required to adhere to the Ordinance?**

All rentals, including commercial properties, single-family residences, accessory dwelling units, room rentals and multi-family units are subject to the Ordinance.



### **What if I paid rent in April but unable to do so in May?**

As a reminder, the Ordinance does not forgive rent payments. However, it does temporarily delay unpaid rent to qualified tenants due through its expiration on July 28, 2020 or the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later. If you can pay April rent, we encourage you to make that payment so that you do not fall too far behind. Once the Ordinance expires, qualified tenants have up-to 6-months to catch up on unpaid rent without late fee penalties. We encourage all tenants to communicate with their property owner/manager in writing (e.g. email, text, handwritten note) along with supporting documentation if you are unable to pay any portion of your rent.

### **Can I make a payment arrangement or partial payment?**

Partial rent payments are encouraged, whenever possible, as the Ordinance does not suspend your rent obligation and landlords, too, face expenses. We realize that it may take time to get back on your feet and while the Ordinance does not prescribe a payment plan, all rent must be repaid within 6-months of the Ordinance expiration date or unlawful detainers will again be allowed to proceed.

### **Are there limits to rent increases under this Ordinance?**

The City's Ordinance does not regulate rents or rent increases. However, [Governor Gavin Newsom](#) signed Assembly Bill 1482: Tenant Protection Act of 2019 – Rent Caps and the bill became effective on January 1, 2020 and sunsets on January 1, 2030. AB 1482 includes annual rent increase caps of 5% plus inflation or 10%, whichever is lower; protections for 'just cause' and 'no-fault' evictions; relocation assistance; and revised tenant noticing requirements. Most multifamily rental properties that are at least 15 years old are subject to this law, with some exceptions. For more information about AB 1482, please visit [www.el-cerrito.org/tenantprotections](http://www.el-cerrito.org/tenantprotections). The [County's Ordinance](#) does include some regulations around a moratorium on rent increases.

### **What if my landlord is trying to evict me?**

Please note that City staff does not enforce the Ordinance as it set up to provide residential and commercial tenants a defense to an unlawful detainer (noticed eviction). Tenants and property owners in need of mediation or legal assistance can reach out to [Contra Costa Housing Services Collaborative](#).

### **Does this City have emergency rental assistance funds?**

We realize that many households and businesses are struggling during these times. While the City does not have a direct source of funding there are many programs being created through the federal [CARES Act](#) to provide relief to help the American economy during the COVID-19 emergency. Please regularly check the City's website for updates at [www.el-cerrito.org/COVID19](http://www.el-cerrito.org/COVID19) and click *Resources for Local Business Resources* or *Resources for Homeowners and Renters*.

### **Where can I read more about the City's Ordinance?**

A copy of the full Ordinance can be accessed at [www.el-cerrito.org/COVID19](http://www.el-cerrito.org/COVID19).



I see that County Board of Supervisors also adopted an Urgency Ordinance on April 21, 2020 temporarily banning evictions and rent increases for residential and commercial tenants. How does this apply to El Cerrito?

This [County's Ordinance](#) applies to properties in all 19 cities in the County and in all unincorporated areas. However, given that the City Council enacted an eviction ban, the City's Ordinance applies instead of the County's Ordinance, to the extent the City's regulation addresses the same subject. Below is an information summary of both Ordinances

	<b>El Cerrito Urgency Ordinance</b>	<b>Contra Costa County Urgency Ordinance</b>
<b>EFFECTIVE DATE</b>	March 16, 2020	March 16, 2020
<b>EXPIRATION DATE</b>	Remains in effect through July 28, 2020 or the expiration of the local emergency or the state emergency, whichever is later.	Remains in effect through September 30, 2020, unless extended by Board of Supervisors.
<b>TENANTS PROTECTED</b>	All residential and commercial tenants, provided that tenant meets eligibility requirements.	All residential properties and small businesses.
<b>SCOPE*</b>	Moratorium on evictions for nonpayment of rent where nonpayment results from COVID-19 related income loss. Qualified tenants are those who demonstrate that their failure to pay rent results from a substantial decrease in income, or substantial out-of-pocket medical expenses, associated with the COVID-19 pandemic or any local, state, or federal government response to the pandemic.	Prohibits no-fault evictions.  Prohibits evictions on the basis of an unauthorized occupant when the occupant is immediate family and living there because of COVID-19.  Moratorium on rent increases.
<b>STEPS A TENANT MUST TAKE TO BE PROTECTED</b>	Eligible tenant must notify landlord of inability to pay rent, and demonstrate substantial loss of income or substantial out-of-pocket medical expenses through documentation no later than 30 days after rent is due.	For no-fault evictions, landlords must provide tenants with Notice of Tenants' Rights, reason for the Termination of Tenancy/Eviction and Tenant Notice of Eligibility which must be returned to landlord within 14 days of receiving notice to terminate tenancy.  For evictions because of an unauthorized occupant, tenant must provide Notice of Eligibility under the ordinance to landlord within 14 days of receiving notice to terminate tenancy.  For rent increase moratorium, no prerequisites for eligibility.

\*Where the Ordinances overlap, El Cerrito's applies, therefore inapplicable sections of the County's Ordinance are excluded from this informational summary.



### **Where can I read more about the County's Ordinance?**

Please visit the Contra Costa County website [here](#) to view the full Ordinance, FAQ and other information.

### **I need to speak with someone, who should I talk to?**

If you are a tenant, homeowner, or landlord in need of assistance, the [Contra Costa Housing Services Collaborative](#) provides counseling services to County residents. Please contact ECHO Housing at 925-732-3919 or Bay Area Legal Aid at 925-219-3325.

[Contra Costa Small Business Development Center](#) provides business located in the County with help applying for relief, navigating available resources, cash flow concerns, supply chain interruptions, workforce capacity, insurance coverage and more at no cost. For one-on-one consultation and advising, please contact their office by phone or email at: (925) 222-5228 or [admin@contracostasbdc.org](mailto:admin@contracostasbdc.org).

### **Questions or Comments?**

Please contact us at:

City of El Cerrito, Community Development Department

Aissia Ashoori, Housing Analyst

Email: [aashoori@ci.el-cerrito.ca.us](mailto:aashoori@ci.el-cerrito.ca.us) or 510-215-4361

Website: [www.el-cerrito.org/tenantprotections](http://www.el-cerrito.org/tenantprotections)