



State News

Latest on California Eviction Moratoriums (Yes, They Are Still In Place!)

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More than two years after the COVID pandemic started, many cities and counties in California still believe eviction moratoriums are necessary. Below is a short summary of the eviction restrictions in some of California's most populous areas. For any questions about a specific ordinance or eviction, please feel free to contact Arnold Graff at agraff@wrightlegal.net or Robert Finlay at rfinlay@wrightlegal.net.

California State Moratorium/Eviction Control Laws

AB832

California's state eviction moratorium, which was extended for the last time via AB832, finally ended on October 1, 2021. However, AB832 still imposes certain additional requirements that all landlords and/or owners should review and be aware of. First, the remaining state requirements under AB832 apply only **tenants** who cannot pay rent due to COVID-19 related financial impacts. If applicable, tenants must be given an opportunity to apply for state rental assistance before an eviction action is commenced for non-payment of rent for any months between *September 1, 2020 to February 31, 2022*. Tenants who apply within 15 business days of receiving a "pay or quit" notice (or who assist with a landlord's application filed on the tenant's behalf) cannot be evicted while the initial application is pending (20-day minimum). Tenants who are ineligible for assistance can be evicted, but owners/landlords should document all good-faith efforts to help tenants obtain assistance should the issue be later litigated.

Tenant Protection Act of 2019

Owners and/or landowners in California must also ensure their eviction actions do not violate the *Tenant Protection Act of 2019* ("TPA"), which applies to certain qualified residential tenants. In addition to limiting rent increases, the TPA also requires a landlord to have a "just cause" reason to terminate a tenancy if generally: (1) all tenants have lived in the unit for at least 12 months, (2) the unit is over 15 years, (3) the type of unit is not exempt, and (4) there are not stricter just cause requirements at the local level.

Neither the California State Court Moratorium nor the TPA apply to UD Actions brought by new owners who have purchased real property via a trustee's sale if the occupants are the prior owners under the foreclosed deed of trust.

California Local Moratoria/Eviction Control Laws

Over 150 cities and counties in California initially enacted ordinances banning either residential and/or commercial evictions. Many have outlasted the CA State Moratorium and remain in effect. Certain other local ordinances were more recently enacted in response to the termination of the CA State Moratorium. As a result, residential landlords and owners must realize that tenants may live in towns or counties with unexpired local moratoriums, and these local protections may be broader and/or cover tenants who do not qualify for protection at the state level.

And even more frustrating, many of these local eviction bans do not even have tentative expiration dates, as many are set to expire within a specific period of time after a particular local government declares an end to its respective local emergency.

For example, both the Los Angeles ("LA") City and the LA County's eviction moratoria remain in effect, with the LA County Ban being recently extended to December 31, 2022, while the LA City Ban is set to last until 12 months after the LA local emergency expires, whenever that occurs.

Los Angeles County Moratorium extended to December 12, 2022 (See Executive Order for An Eviction Moratorium During the Covid-19 Local Emergency Ratified on Marched 31, 2020, and subsequent resolutions of the Board of Supervisor Amending an Extending the Same)

LA County's moratorium goes much further than the California State Moratorium. In addition to extending protections to tenants who cannot pay rent for covid-related reasons through 12/31/2022, the County ban also protects qualifying renters against nearly all no-cause evictions, and it also prevents evictions based on nuisance, the denial of entry to a landlord, and even unauthorized occupants or pets (if the housing is needed due to the pandemic).



State News

Los Angeles City Moratorium (See L.A. Municipal Code Sections 49.99-49.99.9)

The LA City’s prohibition largely mirrors LA County’s ban, except the City moratorium will likely last much longer. As stated above, the LA City Ban will last until 12 months after the LA local emergency expires, and there is no clear indication when this emergency will end.

For residential tenants, the City moratoria provides tenant protections for: (1) COVID-19 related inability to pay rents during emergency period, and for 12 months thereafter, and prohibits (2) all no-fault evictions, including removing unauthorized occupants, pets and/or COVID-related nuisance activities during emergency period. The City Ban also prohibits “Ellis Act” move-ins and removal from market terminations until 60 days after the termination of the local emergency.

For any Landlord and/or Owner to evict a residential tenant for the failure to pay rent, notice of the LA City Ordinance must first be provided, and then the tenant must notify the landlord in writing no later than 7 days after the rent becomes due that he or she cannot pay said rent due to COVID-19. If they qualify, Tenants then have up until 12 months to repay any back-rent due before landlords can begin actions for non-payment of rent.

However, while the LA Bans are much broader, they still apply only to legal tenants. As such, like with the California state laws, neither the LA County moratorium nor the LA City Ban applies to UD Actions brought by owners who purchased real property via a trustee’s sale when the occupants are the prior owners under the foreclosed deed of trust.

City of Oakland and County of Alameda: Oakland and its county (Alameda) have similar eviction restrictions tied to the declaration of the State of Emergency.

In summation, many of the Covid-related protections still in place are complex and have caused (and will continue to cause) confusion for landlords, tenants, and the courts. This complex, albeit temporary, set of rules relating to the eviction process in the COVID-19 environment is fluid and will continue to change. *Landlords, tenants, and their counsel need to precisely follow all statutorily required procedures and stay abreast of potential future developments in the law.*



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