

Contra Costa County

Eviction and Rent Freeze Ordinance Frequently Asked Questions (FAQs)

See answers below to Frequently Asked Questions about Ordinance No. 2020-20. The Board of Supervisors adopted Ordinance No. 2020-20 on July 14, 2020. Ordinance No. 2020-20 establishes an eviction moratorium through September 30, 2020. This date may be extended again by formal action of the Board of Supervisors. If that happens, these FAQs will be updated to reflect the new date. Check [Ordinance FAQs webpage](#) for current version.

1. Why did the County enact a temporary ban on evictions?

The County is already experiencing a homelessness and home affordability crisis. The COVID-19 pandemic and related government orders and guidance are causing and likely to continue to cause significant disruption to local businesses and the local economy, further adding to the financial strain County residents and businesses face due to job loss, medical expenses, and related loss of income. The County Board of Supervisors enacted this temporary ban to prevent further homelessness and protect the health, safety, and welfare of its residents.

2. When is the ban on evictions effective?

The ban on evictions is effective from March 16, 2020, through September 30, 2020. The ban does not apply if the tenant moved out before March 16, 2020, or a landlord filed a lawsuit or obtained a court judgment before that date. [See Sections 3 and 9 of Ordinance 2020-20]

Ordinance No. 2020-14 applies to notices of termination and eviction lawsuits served or filed between March 16, 2020, and May 25, 2020. Ordinance No. 2020-16 applies to notices of termination and eviction lawsuits served or filed between May 26, 2020, and July 13, 2020. Ordinance No. 2020-20 applies to notices of termination and eviction lawsuits served or filed between July 14, 2020, and September 30, 2020. [See Section 9 of Ordinance 2020-20]

3. Which tenants are covered by the eviction ban?

Different types of residential tenants are protected by the ordinance including, but not limited to, tenants who rent apartments, single family homes, condominiums, mobile homes, and rooms in private homes. [See Sections 2(g) and 3 of Ordinance 2020-20]

The ordinance also provides eviction protection for tenants that are small businesses or non-profit organizations. [See Sections 2(a), 2(d), 2(h) and 3 of Ordinance 2020-20]

A small business is an independently owned and operated business that is not dominant in its field of operation, has its principal office in California, has 100 or fewer employees, and has

average annual gross receipts of \$15 million or less over the previous three years. [See Section 2(h) of Ordinance 2020-20]

Effective May 26, 2020, commercial tenants that do not qualify as small businesses are not covered by the eviction ban. [See Sections 2(a) and 3 of Ordinance 2020-20]

4. Does this ordinance stop all evictions?

Under this ordinance, tenants of residential properties, small business tenants, and non-profit organization tenants cannot be evicted because they failed to pay rent that was due after March 15, provided they give their landlord/property manager notice and documentation showing they have lost their jobs, their income has been reduced, or they have increased medical expenses because of the COVID-19 pandemic. The ordinance also prohibits property owners from evicting tenants without cause or because they have allowed family members to live with them during this period due to the pandemic. [See Section 3 of Ordinance 2020-20]

The ordinance does not prevent a property owner from evicting tenants for health or safety reasons or for a cause that does not concern nonpayment of rent or the tenant's family members living in the rental unit. [See Section 3(d)(1), (2) of Ordinance 2020-20] Nor does the ordinance prohibit a property owner from removing a residential unit from the market in compliance with the Ellis Act (Gov. Code Section 7060 et seq.). [See Section 3(d)(3) of Ordinance 2020-20]

5. When and how do I notify my landlord that I cannot pay rent due to loss of income or medical expenses related to COVID-19?

Tenants who cannot pay some or all of the rent that became due after March 15, 2020, for reasons related to the COVID-19 pandemic should notify their landlord immediately. This notice must be given no later than 14 days after rent is due and when the tenant receives a notice to pay rent or quit (aka notice of termination of tenancy). Tenants may use the [Tenant Notice to Landlord Form](#) on this website to give their landlord information showing they are unable to pay rent. [See Sections 3 and 4 of Ordinance 2020-20]

6. What types of loss of income or extra medical expenses will qualify me for protection under this ordinance?

This will depend on your specific situation. Generally, job loss, a reduction in work hours, closure of your place of business, a decrease in business income, the need to miss work to care for a school-aged child or a family member who is infected with COVID-19 resulting in a loss of income, or other similar cause of reduced income are all examples of loss of income when it is due to the COVID-19 pandemic or orders from the local, State, or federal government. An "out-

of-pocket medical expense” would be a medical expense for yourself or an immediate family member. [See Section 3 of Ordinance 2020-20]

7. Do I have to pay past-due rent, and how long do I have?

This ordinance does not excuse tenants from paying past-due rent. Tenants should pay their rent on time if they are able to do so and should let their landlord/property manager know immediately if they are having trouble. But if residential, small business and non-profit organization tenants show that because of the COVID-19 pandemic they lost their jobs, their income has been reduced, or they have increased medical expenses, they are protected from eviction and have a grace period ending January 31, 2021, to pay past due rent for the period from March 16, 2020, to September 30, 2020.

Commercial tenants that do not qualify as a small business must pay any past due rent for the period from March 16 to May 26, 2020, no later than September 30, 2020. [See Section 6(b) of Ordinance 2020-20]

8. Can my landlord collect late fees if I didn't pay my rent on time during the COVID-19 pandemic?

A property owner may not charge or collect late fees for unpaid rent due between March 16, 2020, and September 30, 2020, from a residential, small business or non-profit organization tenant who shows a loss of income or out-of-pocket medical expenses directly related to COVID-19. This ban remains in effect until January 31, 2021. [See Section 5 of Ordinance 2020-20]

9. May landlords evict a tenant for reasons other than nonpayment of rent?

The ordinance prohibits no-fault evictions except where the owner or the owner's immediate family will move into the residential unit, where the eviction is necessary to protect the owner's or another tenant's health or safety, or where the owner intends to remove the unit from the rental market in compliance with the Ellis Act (Gov. Code Section 7060 et seq.). Additionally, Landlords may not evict tenants for having an unauthorized person living in the unit, if that person is a member of the tenant's immediate family and is living there because of COVID-19. [See Section 3(b), (c) and (d) of Ordinance 2020-16]

The ordinance does not prohibit evictions for other causes, such as if the tenant breaches a material term of the lease not addressed by the ordinance.

10. When can a notice of eviction be served and how is it affected by this ordinance?

Landlords may serve a notice of eviction (aka notice to pay rent or quit, or notice to quit) at any time as permitted by law. However, if the landlord has received from the tenant a notice of inability to pay rent because of COVID-19, the landlord may not terminate the tenancy because of nonpayment of rent. A termination notice must include the reason for the eviction, and

include information about the ordinance and rental assistance programs. Landlords may use the [Landlord Notice to Tenant Form](#) on this website for this purpose.

11. What if the tenant did not pay rent that was due on March 15, 2020, or earlier?

If a landlord seeks to terminate a tenant for nonpayment of rent due before March 16, 2020, the landlord must still comply with the notice requirements under the ordinance. [See Section 4 of Ordinance 2020-20]. If the landlord and the tenant cannot come to an agreement regarding rent due March 15 or earlier, it will be up to the court to decide whether to authorize an eviction based on the facts presented and its interpretation of the law.

12. I live in a city. Does the eviction ban apply to me?

Yes, the ban applies county-wide to properties located in incorporated cities and in unincorporated areas within the geographic boundaries of the County. However, if a city has enacted its own eviction ban, the city's own regulation applies within the city instead of the County's ordinance, to the extent the city's regulation addresses the same subject. If, for example, the city's regulation does not include a grace period to pay back rent, then the County's ordinance applies to that subject. [See Section 10 of Ordinance 2020-20]

13. Is my landlord allowed to raise the rent?

It depends. The County's moratorium on rent increases covers only residential properties, and many are exempt. State law requires certain exemptions from the County's residential rent increase moratorium.

* For example,

- State law exempts residential units constructed after February 1995.
- It exempts single-family homes and condos, except for separately rented rooms in single-family homes or condos.
- It exempts specialty housing such as non-profit hospitals, religious facilities, licensed care and health facilities, school or college dormitories operated by the school or college, government sponsored public and affordable housing, hotels, and other transient housing properties.
- It protects a landlord's right to raise the rent to market rate on a unit once a tenant moves out.

Other exemptions:

- The rent freeze does not apply to automatic rent increases included in a lease or written agreement made before March 16, 2020.
- If the property is located in a city, other rent limits imposed by the city may apply.

[* These State laws include California's Tenant Protection Act of 2019 (Civil Code Section 1947.12), the Costa-Hawkins Rental Housing Act (Civil Code Sections 1954.50, et seq.), and the Costa-Keene-Seymour Commercial Property Investment Act of 1987 (Civil Code Section 1954.25 et seq.).]

It is anticipated that most residential property owners will avoid increasing rents during this time when so many tenants are having problems meeting their existing obligations. However, if a rent increase is contemplated, or a notice of increase is received, the property owner or residential tenant is encouraged to contact one of the resources listed in FAQ 17 below to determine if this ordinance or other laws or regulations apply to the proposed action. [See Section 7 of Ordinance 2020-20]

14. When can a notice of rent increase be given and how is it affected by this ordinance?

This ordinance does not address when a property owner may give a tenant notice of a rent increase. When the residential rent increase moratorium applies, rent increases may not go into effect until after the date specified in the ordinance. Currently that date is September 30, 2020. This date may be extended by subsequent action of the Board of Supervisors to extend the ordinance. [See Section 7 of Ordinance 2020-20]

15. My rent would normally increase on August 1. Do I have to pay the increased rent beginning August 1?

If you are a residential tenant and your lease includes a rent increase effective August 1, that scheduled rent increase may go into effect on August 1. The ordinance prohibits only new residential rent increases to which the owner and tenant have not already agreed until September 30, 2020. [See Section 7 of Ordinance 2020-20]

16. What if my landlord improperly raises my rent, charges late fees, or starts eviction proceedings while this ordinance is in effect?

A tenant can recover damages from a property owner who violates this new law or seek other remedies in court. [See Section 8 of Ordinance 2020-20]

17. What resources are there for tenants and landlords suffering negative impacts from COVID-19?

The County is actively working with our local cities and community partners to provide information on rental assistance and other support for landlords and tenants affected by COVID-19. Some resources are listed:

Resources for Tenants:

For affordable housing information, visit <https://www.contracosta.ca.gov/4807/Affordable-Housing>.

Emergency rental assistance may be available at: <https://shelterinc.org/get-help/rental-deposit-assistance.html>.

Legal assistance may be available to tenants from Bay Area Legal Aid at: <https://baylegal.org/>.

Tenants in the City of Richmond may be able to obtain legal assistance from Eviction Defense Center at: <https://www.evictiondefensecenteroakland.org/>.

Businesses may obtain assistance at: <https://www.wdbccc.com/>. And a hotline has been established for small businesses, available Monday through Friday, 8:30 am to 5:00 pm at 833-320-1919.

Other resources are available at:

[http://www.contracostaarc.com/assets/CARE/Financial Assistance 15.pdf](http://www.contracostaarc.com/assets/CARE/Financial_Assistance_15.pdf).

https://www.edd.ca.gov/about_edd/coronavirus-2019/faqs.htm.

Resources for Landlords:

Resources for residential landlords may be available from the California Apartment Association, Contra Costa branch located in Pleasant Hill at: <https://caanet.org/local/contra-costa/>.

The County will continue to update its website as resources become available.