

Guidance on COVID-19 Tenant Protections

I've heard the Governor of California put a moratorium on evictions. What is that?

On March 27, 2020 Governor Gavin Newsom signed executive Order N-37-20. This Executive Order delayed the issuance of a summons in any unlawful detainer action for 60 days, providing that the tenant meet specific requirements, discussed below. An “unlawful detainer action” is the court proceeding that a landlord uses to lawfully evict an tenant from the residence. A “summons” is an order to appear before a judge or court, and is issued at the beginning of all legal proceedings, including an unlawful detainer action. According to Executive Order N-37-20, a tenant who meets the specified criteria discussed below would have 60 days from receipt of the summons to respond to the unlawful detainer action. After that 60 day period the court proceedings would resume.

What protections does the Governor's March 27th executive order put in place for residents financially affected by the COVID-19 pandemic?

Executive Order N-37-20 allows tenants who meet the requirements discussed below to remain in their residence for an extended period of time by delaying the court proceedings required to remove the tenants from the residence. The Order also prohibits a writ of possession from being issued against tenants who meet the qualifications discussed below. A writ of possession is an order from the court that authorizes the Sheriff to evict occupants from the property, and return possession to the landlord.

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Who qualifies for the protections created in the Governor's March 27th executive order regarding residents who are financially affected by the COVID-19 pandemic?

All tenants who notify their landlord in writing either before their rent is due, or within seven (7) days after it is due that they, the tenant, need to delay all or some of their rent payment because of an inability to pay for reasons related to COVID-19 qualify for the protections articulated in Executive Order N-37-20. The tenant needs to keep and show evidence of the notice to the landlord and their inability to pay. The evidence would be in the form of termination notices, bank statements or pay stubs or other documents supporting the tenant's assertion regarding the inability to timely pay the rent.

How long is the Governor's March 27th executive order in effect? What happens once the order expires?

Executive Order N-37-20 indicates that these protections granted to tenants shall be in effect through May 31, 2020. Accordingly, unless these protections are extended by the Governor, on June 1, 2020, Executive Order N-37-20 would no longer bar unlawful detainer court actions from being initiated or moving forward. Other protections put in place by the California Judicial Council and the CARES Act will likely extend protections beyond Executive Order N-37-20.

Are there any other protections for renters during the COVID-19 pandemic?

The California Judicial Council has enacted several Rules of Court related to COVID-19. Emergency rule 1 discusses unlawful detainer actions. This rule stays, or stops, all current, active unlawful detainer actions. The rule also prohibits the issuance of a summons on new unlawful detainer actions until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until the rule is amended or lifted by the Judicial Council. The only exceptions to this rule are cases where the unlawful detainer action is necessary public health and safety.

On March 27, 2020 President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security Act (“ CARES act”) into law. The CARES Act prohibits landlords of certain rental “covered dwellings” from initiating eviction proceedings or charging fees, penalties, or other charges. against a tenant for the nonpayment of rent. These protections extend until July 25, 2020 (120 days from enactment). The CARES act requires landlords of the same properties to provide tenants at least 30 days-notice before they, the tenants must vacate the property. It also bars those landlords from issuing a notice to vacate during the 120- day period. Thus the CARES act arguably prohibits landlords from being able to force a tenant to vacate a covered dwelling for non-payment or any other reason until August 23, 2020 (i.e., 120 days after enactment, plus 30 days after notice is provided).

Does the Governor’s March 27 executive order require a landlord/property manager/owner to forgive the rent that a resident cannot afford to pay due to financial hardship caused by the COVID-19 pandemic?

No, none of the tenant protections currently in effect forgives the payment of rent.

Stay Informed on COVID-19:

Always check with reliable sources for the up-to-date, accurate information about novel coronavirus.

- Merced County Department of Public Health
 - <https://www.co.merced.ca.us/3350/Coronavirus-Disease-2019>
- California Department of Public Health (CDPH, State)
 - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx>
- Centers for Disease Control and Prevention (CDC, National)
 - <http://www.cdc.gov/coronavirus/novel-coronavirus-2019.html>
- World Health Organization (WHO, International)
 - <https://www.who.int/health-topics/coronavirus>
- United States Environmental Protection Agency (USEPA)
 - <https://www.epa.gov/coronavirus>

PLEASE NOTE: This is an evolving situation. More information will be distributed as it becomes available. For the most up to date information, please visit: www.cdc.gov/coronavirus and <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-supply-chain-update>. Additional information is available at: www.countyofmerced.com/coronavirus.