

Summary of City of Davis Eviction Ordinance and Governor Newsom's Executive Order for an eviction moratorium

Many UC Davis students are facing financial hardships and payment of rent at off-campus housing presents a unique challenge at this time. From the City of Davis and State of California, two new items help to address this issue.

Neither the City of Davis' ordinance nor the Governor's executive order relieves a tenant of liability for unpaid rent. The provisions of the City of Davis' ordinance will remain in effect for the duration of the local emergency, and the Governor's executive order shall remain in effect until May 31, 2020, unless extended.

In order to utilize the City of Davis rent deferral option, students must proactively reach out to their landlord as described in the City of Davis ordinance. Basically, the renter must:

- Notify the landlord of inability to pay the full rent.
- Provide documentation that the COVID-19 virus has resulted in financial harm.
- Work with the landlord to pay as much rent as possible at the regular monthly rent payments.
- Pay back rent after the local emergency concludes.

On March 24, 2020, the City of Davis issued Ordinance No. 2575, which provides a temporary moratorium on eviction for nonpayment of rent. On or before 10 days after the date the rent is due, a tenant must notify the landlord, or the landlord's representative, in writing,¹ of the tenant's inability to pay the full rent due to impacts related to COVID-19. If the tenant does not provide a notice within the 10 day period, the full rent amount is due. Students seeking this option are encouraged to reach out to their landlord and begin this process promptly.

A tenant who is unable to pay full rent must provide documentation to support that claim within 30 days after the date that rent is due. Additionally, a tenant shall not be evicted for a "no-fault eviction"² unless immediately necessary because of a hazardous condition effecting tenants or neighbors, which does not include the presence of individuals who have been infected by or exposed to COVID-19.

A tenant shall pay the portion of the rent that the tenant is able to pay. Terms for repayment of the unpaid portion of the rent should be agreed upon between the tenant and landlord. If no agreement is reached, the total of the unpaid rent must be paid in six (6) equal payments made in thirty (30) day intervals starting the day after Ordinance No.

2575 expires. A landlord may not charge a late fee for rent that is delayed under this ordinance.

On March 27, 2020, Governor Newsom issued Executive Order N-37-20, which provides that, effective immediately, a tenant shall not be evicted for the nonpayment of the full amount of rent if: (a) the tenant notifies the landlord that they need to delay all or some payment of rent because of an inability to pay the full amount of rent due to reasons related to COVID-19;³ (b) the notification is provided in writing no later than 7 days after rent is due; (c) prior to the issuance of the March 27, 2020 executive order, the tenant paid rent due to the landlord pursuant to an agreement; and (d) the tenant retains verifiable documentation in support of the tenant's assertion of an inability to pay.⁴

¹ "In writing" includes text messages and email communications.

² "No-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure section 1161(a) or 1161(5).

³ A non-exclusive list of reasons that could provide a basis for inability to pay rent under this executive order includes: the tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or is caring for a family member who was sick with a suspected or confirmed case of COVID-19; the tenant experienced a lay-off, loss of hours, or other income related to COVID-19, the state of emergency, or related government response; or the tenant needed to miss work to care for a child whose school was closed in response to COVID-19.

⁴ Examples of documentation include termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters from an employer or supervisor explaining the tenant's changed financial circumstances.

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