

State of California, Bay Area Counties' and Select Cities' Moratoria on Evictions

Entity	Residential Evictions	Commercial Evictions	Area Impacted	Grace Period ¹	Freeze Rent ²	Prohibit "no-fault" evictions ³	Prohibit late fee ⁴
California Judicial Council	Prohibits new cases and delays trial for existing cases by 60 days unless necessary to protect public health and safety until 90 days after emergency ends	Prohibits new cases and delays trial for existing cases by 60 days unless necessary to protect public health and safety until 90 days after emergency ends	Entire state	NO	NO	NO	NO
Governor's Executive Order N-37-20	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020	Not prohibited	Entire state	NO	NO	NO	NO
Alameda	Prohibited if due to nonpayment of rent caused by COVID-19 for 30 days (to 4/19) unless extended	Not prohibited	Unincorporated areas	NO	NO	NO	NO
Marin	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020	Entire county	NO	NO	NO	NO
Santa Clara	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020 unless extended	Prohibited as to small businesses only if due to nonpayment of rent caused by COVID-19 until 5/31/2020	Entire county	120 days from expiration of ordinance	NO	NO	Yes – through grace period

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San Mateo	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020	Not prohibited	Entire county	90 days plus 3 x 30 days if needed up to 180 days	NO	YES except if owner's family moves into unit	NO
Sonoma	Prohibited if due to nonpayment of rent caused by COVID-19 until 60 days after emergency ends	Not prohibited	Entire county	60 days after emergency ends	NO	NO	NO
Antioch	Prohibited as to late notices and unlawful detainer actions served after March 16, 2020, if due to nonpayment of rent caused by COVID-19, until later of May 31, 2020, or expiration of local or state emergency	Not prohibited	City	90 days for each late month	NO	NO	YES
Concord	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020 unless extended	Prohibited if due to nonpayment of rent caused by COVID-19 until 5/31/2020	City	90 days for each late month	YES	YES	YES

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Oakland	Prohibited if due to nonpayment of rent caused by COVID-19 during local emergency	Prohibited if due to nonpayment of rent caused by COVID-19 as to small businesses only until 5/31/2020 unless extended	City	Allows City Administrator to issue regulations for payment of back rent	YES	NO	YES
Richmond	Prohibited if due to nonpayment of rent caused by COVID-19 during local emergency	Not prohibited	City	6 months	NO	YES	YES
Pittsburg	Prohibited if due to nonpayment of rent caused by COVID-19 during local emergency	Prohibited if due to nonpayment of rent caused by COVID-19 during local emergency	City	6 months	YES until 6 months after emergency	YES unless necessary for health & safety	YES

¹ Executive Order N-28-20 and Executive Order N-37-20 do not state when a tenant must pay the rent that accrues during the moratorium.

² Executive Order N-28-20 and Executive Order N-37-20 do not suspend the Costa-Hawkins Rental Housing Act, Civ. Code § 1954.50 et seq. Under Costa-Hawkins, owners of properties exempt from rent control "may establish the initial and all subsequent rental rates" for the exempt unit. (Civ. Code § 1954.52.) Costa-Hawkins exempts from rent control single-family homes, condominiums, and units constructed after 1995. These units would be exempt from any local moratorium on rent increases.

³ Executive Order N-28-20 and Executive Order N-37-20 do not mention no-fault evictions, but prohibiting certain no-fault evictions falls within a local government's police power. State law (the Ellis Act), however, provides property owners the absolute right to exit the residential rental business. (*San Francisco Apartment Assn. v. City and County of San Francisco* (2016) 3 Cal.App.5th 463, 477. The Tenant Protection Act of 2019 prohibits evictions without "just cause" or "no-fault just cause" (as defined in the Act) of tenants who have resided in a unit lawfully and continuously for at least 12 months.

⁴ Executive Order N-28-20 and Executive Order N-37-20 do not mention late fees.