

# Temporary Eviction Moratorium Due to Coronavirus COVID-19

On July 14, 2020, the Santa Barbara County Board of Supervisors extended the urgency ordinance, amending Chapter 44 of the Santa Barbara County Code, to suspend evictions arising from loss of income or substantial medical expenses related to COVID-19 until July 28, 2020 (the “Urgency Ordinance”). The ordinance is extended until September 30, 2020.

The Urgency Ordinance allows unincorporated Santa Barbara County commercial and residential tenants to defer rent payments when they are unable to pay because of income reductions due to the Coronavirus (COVID-19) pandemic. The Urgency Ordinance became effective immediately on July 14, 2020. Tenants must provide written notice of their request for rent deferral within 7 days after the rent is due.

We are not permitted to provide legal advice to the public. Legal Aid may provide technical assistance at 805-963-6754.

## **Frequently Asked Questions**

### **1. I cannot pay my rent, can the Urgency Ordinance help?**

If you paid rent to your landlord previously but cannot pay your current rent due to a loss of income attributable to the Coronavirus (COVID-19) disaster, you may be able to remain in your current housing and defer rent payments.

### **2. How does a tenant get protection under the Urgency Ordinance?**

The Urgency Ordinance allows you to delay paying all or part of your rent by sending a written notice to your landlord within 7 days after your rent is due. For example, if your rent is due on April 1, 2020, you would need to send the notice on or before April 8, 2020.

### **3. What does the written notice need to include?**

The written notice must demonstrate inability to pay the full amount of rent due to reasons related to COVID-19, including but not limited to the following:

- a. Tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
- b. Tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response;
- c. Tenant needed to miss work to care for a child whose school was closed in response to COVID-19; or
- d. Substantial out of pocket medical expenses related to COVID-19.

#### **4. What kind of documentation does a tenant need to include with their written notice?**

Your written notice needs to include documentation or objectively verify a substantial decrease in income, such as medical records and bills, layoff or termination notices, income or revenue records, child care expenses, or other documents that show a substantial household income decrease as a result of COVID-19.

#### **5. What can a tenant do if a landlord tries to evict them?**

The Urgency Ordinance creates an “affirmative defense” to eviction for nonpayment of rent. If a landlord files an action against a tenant for nonpayment of rent, the tenant can defend themselves in court by evoking the Urgency Ordinance and demonstrating they sent written notice and supporting documentation to the owner within 7 days after rent was due. In court, the tenant will need to produce the documentation of substantial decrease in income related to COVID-19 that was contained in the written notice to landlord.

#### **6. How long will the Urgency Ordinance be in effect?**

The County Urgency Ordinance’s rent deferral and eviction protection expires on September 30, 2020. However, California Courts will continue to suspend eviction (and foreclosure) proceedings statewide until 90-days after the Coronavirus state of emergency is lifted.

#### **7. How long does a tenant have to pay back the rent that is deferred under the Urgency Ordinance?**

The Urgency Ordinance does not specify a payback period at the present time. Tenants may still be responsible for late payment fees contemplated in a private lease agreement. Owners and tenants are encouraged to work together to develop mutually acceptable repayment schedules.