

## Eviction Ban

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Visit [www.marincounty.org/renterlandlord](http://www.marincounty.org/renterlandlord) for more information

Starting March 24, 2020, the Marin Board of Supervisors passed a Resolution that protects residential and commercial tenants throughout Marin County from eviction because of a sudden loss of income tied to the COVID-19 pandemic and lasts until May 31<sup>st</sup>.

### ● Where does it apply?

This Resolution applies to all rentals in every city, town, and unincorporated area of Marin County.

### ● How does it work?

**STEP 1:** In order for a tenant to be protected by this Resolution, they must submit a notice to their landlord of financial loss related to COVID-19 within 30 days after their rent is due. The notice must be sent in writing (email, letter or text message). You can find some sample notices here:

- From Legal Aid of Marin: [www.legalaidmarin.org/covid-19](http://www.legalaidmarin.org/covid-19)
- From County of Marin: [www.marincounty.org/renterlandlord](http://www.marincounty.org/renterlandlord)

**STEP 2:** Within one week of submitting this notice, the tenant must submit documentation to their landlord that shows that they, or someone in their household, has experienced a financial loss due to COVID-19. Some examples of documentation include:

- Letter from employer (or other source)
- Pay stub or bank statements showing a decrease in earned income or wages
- If self-employed, a letter or similar documentation that shows the effect of the County's shelter-in-place order or California's order has forced business closure
- Cost of childcare due to school closure

### ● Are all renters protected by this Resolution?

If a member of the household is experiencing a financial impact due to the COVID-19 pandemic and properly notifies the landlord and provides necessary documentation within the specified timeframe, then the household is protected by the eviction ban. The temporary eviction moratorium applies to all occupants of residential or commercial property.

### ● What happens if a tenant can't pay back the rent owed after May 31<sup>st</sup>?

On April 28<sup>th</sup>, a 90-day repayment provision was added to the Resolution which extends the repayment period of any past-due rent to 90 days after the end of the Resolution (May 31<sup>st</sup>). Landlords and tenants of commercial and residential properties are encouraged to agree on a payment plan that would allow landlords to accept partial rent payments during the term of the eviction moratorium, if tenants are able to make such payments. Landlords CANNOT charge a late fee for rent was due during the eviction moratorium or the 90-day period that follows.

### ● Does the County's temporary eviction ban apply even though the Governor and the Judicial Council have issued orders and rules governing evictions statewide?

Yes, the County's eviction moratorium works with the Governor's Executive Orders governing evictions (N-28-20 and N-37-20) to provide additional protections for tenants living within the County who are impacted

by COVID-19. On March 27, 2020, Governor Newsom issued Executive Order N-37-20, temporarily suspending residential evictions throughout the State of California. The County's moratorium is more comprehensive than the Governor's Executive Order, and these more comprehensive provisions apply in addition to the Governor's Executive Order. While the Governor's Executive Order does not apply to commercial tenants, they are protected by the County's Resolution.

The County's eviction moratorium also works with the emergency rules adopted by the California Judicial Council on April 6, 2020. These emergency rules suspend action on eviction cases once they have been filed as part of an effort to create consistency in the state court system. Under these rules, courts may not issue a summons on a tenant, or enter a judgment against a tenant who doesn't respond to a summons. Additionally, the rules suspend judicial foreclosures, postpone hearing dates for pending eviction trials by at least 60 days, and will apply to all cases except where an eviction action is necessary to protect public health and safety. The proposed Resolution provides additional protection by halting the initiation of an eviction when a tenant has provided notice of financial impact caused by COVID-19. a landlord from initiating any eviction actions.

● **Questions?**

Contact the Housing & Federal Grants Division at [affordablehousing@marincounty.org](mailto:affordablehousing@marincounty.org) or (415) 473-7309. Visit [www.marincounty.org/renterlandlord](http://www.marincounty.org/renterlandlord).