

6.120.030 - Moratorium on evictions during local health emergency.

- A. Beginning on the effective date of this ordinance and expiring sixty (60) days after the expiration of the local health emergency but not sooner than sixty (60) days after December 31, 2020, the county hereby places a moratorium on all evictions from residential units in the unincorporated and incorporated areas of the county, subject to the exceptions stated below.
- B. No landlord or lender may evict a resident, or otherwise require a resident to vacate a residential unit, or retaliate against a resident, while this section is in effect.
- C. Violation of this chapter is an affirmative defense to any unlawful detainer action or other proceeding to recover possession of a residential unit.
- D. It shall be an absolute defense to any unlawful detainer action against a resident that the notice of termination was served or expired, or that the complaint was filed or served, on or after March 24, 2020 and on or before sixty (60) days after the expiration of the local health emergency or sixty (60) days after December 31, 2020, whichever is later, subject to the exceptions stated below. This defense may be raised at any time, including after the end of the local health emergency and after the expiration of the ordinance codified in this chapter stated in Section III of said ordinance, provided the notice or complaint at issue in the unlawful detainer action was filed or served during the period stated in this subsection.
- E. Notwithstanding any lease provision to the contrary, no late fees, fines or interest may be imposed for rent that became due during the effective period for this section.
- F. Exceptions. The landlord or lender claiming that their proposed eviction is not prohibited by this chapter shall have the burden of proving that one or more of the exceptions applies. The provisions of this section shall not apply in the following circumstances, which must be stated by in the notice of termination and the complaint as the grounds for the eviction:
 - 1. A Landlord is taking the residential unit off of the residential rental market in accordance with Government Code Section 7060, et seq. (Ellis Act) and in compliance with any applicable local ordinances.
 - 2. The residential unit must be vacated to comply with an order issued by a government agency or court.
 - 3. Continued occupancy by the resident poses an imminent threat to health or safety. For the purposes of this chapter, the basis for this exception cannot be the resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

(Ord. No. 2020-32, § 2, 6-23-20; Ord. No. 2020-39, § 2, 7-14-20; Ord. No. 2020-41, § 2, 8-4-20)