



City of Emeryville

INCORPORATED 1896

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Temporary Residential Eviction Ordinance: Frequently Asked Questions

As of April 21, 2020

NOTE: As used herein, the term “Ordinance” refers to Ordinance No. 20-007 or Ordinance No. 20-008.

1. Who does the eviction moratorium apply to?

The Ordinance applies to all residential rentals in the City of Emeryville, including apartments, duplexes, condominiums and single-family dwellings. The moratorium applies to all renters and their households, regardless of immigration status.

2. Does the moratorium apply to all evictions?

The current moratorium applies to all residential evictions, unless necessary to protect health, safety or welfare.

3. Does this change any other provision of the law?

No, the Ordinance does not change any Landlord and/or Tenant rights and responsibilities under existing laws, such as Chapter 40 of Title 5 of the Emeryville Municipal Code, “Residential Landlord and Tenant Relations”, its regulations, and AB 1482.

4. Does this mean Tenants do not have to pay their rent?

Residential Tenants are still obligated to pay lawfully charged rent, and the City recommends that Tenants offer to pay as much rent as feasibly possible, to their Landlord, during the moratorium to limit the amount of deferred payments due upon termination of the moratorium. The City is in the process of developing an Emergency Rental Assistance Program. See question # 6 for more information regarding this program.

5. What happens if a Tenant’s rental agreement expires during the moratorium?

The Landlord may not evict or threaten to evict a Tenant, if the rental agreement expires during the moratorium. Pursuant to EMC 5-40.03(d)(1)(vi) the Landlord must offer a written extension of the lease in substantially and materially the same as the original rental agreement.

6. Is there rental assistance available for renters who cannot pay their rent?

Although the Ordinance does not address rental assistance, the City has approved the creation of a Rental Relief Assistance Program and an Eviction Moratorium Repayment Plan Ordinance. Both options would be eligible for Residential Tenants who have experienced a substantial decrease in household income, including but not limited to, a substantial decrease in household income caused by a layoff or a reduction in the number of compensable hours of work, or substantial out-of-pocket medical expenses, and the decrease in household income or substantial out-of-pocket medical expenses are caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19. Information on both programs will be issued soon. Information regarding both of these initiatives, can be found at <http://www.emeryville.org/1364/COVID-19-Housing-Resources>.

7. Is there financial assistance for Landlord(s) who suffer a loss of income, due to Tenants' inability to pay their rent?

Landlord(s) may be able apply for a disaster loan related to economic damage from the Coronavirus crisis through the Small Business Administration. Please visit <https://disasterloan.sba.gov/ela> for more information. Landlord(s) should also contact their Lender for assistance in identifying any potential Loan Modifications the Lender is willing to make.

8. What if a Landlord doesn't comply?

If a Landlord fails to comply with this moratorium, the residential Tenant has an affirmative defense to eviction.

Any Landlord that fails to comply with this moratorium may be subject to civil proceedings for displacement of affected Tenant(s) and members of affected Tenant(s) household, initiated by an affected Tenant, or an evicted member of the affected Tenant's household for damages.

Nothing within the moratorium interferes with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damages done to said Landlord's property. Nothing within the moratorium is intended to limit the damages recovered.

9. Where can a Residential Tenant obtain help or information?

Residential Tenants may seek additional information regarding this Ordinance from the ECHO Housing by calling 510-836-4826.

Residential Tenants should also seek legal assistance prior to responding to any Unlawful Detainer action filed by their Landlords. East Bay Community Law Center (EBCLC) and Eden Council for Hope and Opportunity (ECHO) can provide assistance. Contact EBCLC by calling 510-548-4040 and ECHO can be reached by calling 510-581-9380.

10. What if I have a pending eviction action in court?

The City of Emeryville's Eviction Moratorium Ordinance does not affect any eviction filing issued prior to March 19, 2020. For additional updates from the Superior Court of Alameda County, regarding pending actions, please visit <http://www.alameda.courts.ca.gov/Pages.aspx/COVID-19>.

11. How long is the eviction moratorium in effect?

Under the City of Emeryville Ordinance, the eviction moratorium is in effect until June 30, 2020, unless extended by the City Council.