

REVISED SUBSTITUTE MOTION BY SUPERVISORS
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January 5, 2021

Updating the County's Eviction Moratorium to Extend and Clarify Tenant Protections

The County of Los Angeles continues to face an unprecedented public health and economic crisis due to the novel coronavirus (COVID-19) pandemic. The Board has responded with a series of emergency orders to provide timely and necessary relief to tenants facing socio-economic and health impacts due to the COVID-19 pandemic. On March 19, 2020, the Chair of the Board of Supervisors (Board) issued an Executive Order imposing a temporary moratorium on certain types of evictions for residential or commercial tenants impacted by COVID-19 in the unincorporated areas, commencing March 4, 2020, through May 31, 2020, which the Board has now extended through January 31, 2021 (Eviction Moratorium). On September 1, 2020, this Board established the County's Eviction Moratorium as the baseline for all incorporated cities within Los Angeles County to the extent the cities' eviction moratoria do not include the same or greater tenant protections as the provisions of the County's Eviction Moratorium. On that same day, Governor Newsom signed Assembly Bill (AB) 3088 into law to provide

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eviction protections to residential tenants who are unable to pay rent during the COVID-19 emergency between March 1, 2020, and January 31, 2021, if certain requirements are met. AB 3088 specifically preempts actions adopted by local governments between August 19, 2020, and January 31, 2021, to protect residential tenants from eviction for nonpayment of rent due to financial distress related to COVID-19. Therefore, any further actions by local governments protecting residential tenants from eviction for nonpayment of rent due to financial distress related to COVID-19 will not be effective until February 1, 2021.

Although the County's Eviction Moratorium is partially preempted by AB 3088, the County is still able to provide needed protections and clarifications for residential tenants and mobilehome space renters that are not preempted by AB 3088, such as providing eviction protections for tenants who reasonably deny entry to their landlord to enter the premises as well as clarifying harassment and retaliation protections for tenants. Additionally, on January 31, 2021, certain AB 3088 eviction protections to residential tenants who are unable to pay rent during the COVID-19 emergency will expire, allowing for further action by the County to protect residential tenants from eviction for nonpayment of rent due to financial distress related to COVID-19.

As the winter months and colder temperatures are now upon us, it is critically important to continue protections that can keep residents in their homes and off the streets. Additionally, the onset of cold and flu season brings increased challenges to hospitals and healthcare workers already burdened by the number of COVID-19 cases – making it even more important to keep residents housed to facilitate social distancing guidelines and slow the spread of the COVID-19 virus and other communicable

diseases. The current unprecedented California and County spike in the number of confirmed cases of the COVID-19 virus makes it even more important to address and mitigate the impacts of the virus. The County should take necessary precautions to ensure individuals can practice social distancing, curfew, and lockdown protocols. As such, due to the ongoing and unprecedented evolution of the COVID-19 pandemic, this Board should take action to further extend eviction protections for residential tenants as it is in the County's best interest to protect tenants and prevent housed individuals from falling into homelessness.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Approve and direct the Chair of the Board to execute the attached Resolution, approved as to form by County Counsel, further amending and restating the County's Eviction Moratorium, which includes the following:
 - a. Extension of the Eviction Moratorium through February 28, 2021.
 - b. Protections for residential and mobilehome space renters to be effective immediately:
 - i. Providing an affirmative defense to unlawful detainer actions if tenant was unable to pay rent during the timeframe from March 4, 2020 through September 30, 2020.
 - ii. Clarifying prohibitions on harassment or intimidation of residential and mobilehome space renters and delineate the types of harassing and intimidating acts.
 - iii. Prohibiting evictions if a tenant denies entry to the landlord, unless the Landlord is remedying a condition that substantially

endangers or impairs the health or safety of a tenant or other persons in the vicinity of the premises or the tenant is causing or threatening to cause substantial damage to the premises.

c. Protections for residential and mobilehome space renters to be effective on February 1, 2021:

- i. Prohibiting evictions based on non-payment of rent due to financial hardship related to COVID-19 and failure to repay by the end of the applicable repayment period.
- ii. Prohibiting evictions based on tenant's failure to pay back unpaid rent under the terms of a payment plan, and making any term in a payment plan that allows eviction due to the tenant's failure to comply with the terms of the payment plan void as contrary to public policy.
- iii. Prohibiting evictions where a tenant remains in possession of the rental unit and no unlawful detainer judgment has been issued against him or her.
- iv. ~~Prohibiting~~ Requiring landlords ~~from to~~ applying a monthly rental payment to any rental debt other than to the prospective month's rent, or such other month or rental debt that the tenant specifies, unless the tenant has agreed in writing to allow the payment to be so otherwise applied.

2. Direct County Counsel, in consultation with the Department of Consumer and Business Affairs, to report back in thirty (30) days about opportunities to increase fines and/or penalties for violations of the County's Eviction Moratorium.
3. Expand previously delegated authority to the Director of DCBA, the Director of WDACS, and the Executive Director of LACDA, or their respective designees, to include entering into agreements with partner agencies and municipalities and hiring and executing contracts for consultants, contractors, and other services, as needed, to provide consumer, tenant, and worker protections and to support small businesses during the stated emergency to accomplish the above directives.

S:RS/Updating the County's Eviction Moratorium to Extend and Clarify Tenant Protections