City of San Diego Eviction Moratorium

The City of San Diego’s ordinance prohibits taking any action to evict residential tenants for non-payment of rent during the moratorium if inability to pay is COVID-19-related and the tenant provides proper notice. The prohibited actions include the following: charging late fees, serving notices, filing eviction actions, or pursuing a no-fault eviction.

Note: CAA recommends that an attorney be used for preparation of any termination notices or eviction filings during the current state of emergency.

Enacted by City Council: March 25

Effective Date: The ordinance took effect March 25. However, it applies to rent due on or after March 12.

Duration: The moratorium lasts until the sooner of (1) the rescinding of the Governor's March 16 order regarding evictions or (2) the end of the local state of emergency. The City can also extend the moratorium.

Definition of inability to pay: “Substantial decrease in household income for a residential tenant... due to business closure, loss of compensable hours of work or wages, layoffs or substantial out of pocket medical expenses” . . . “caused by the COVID-19 pandemic or any governmental response to the COVID 19 pandemic, including complying with any public health orders or recommended guidance related to COVID-19 from local, state, or federal governmental authorities.”

Deadline for Tenant to Provide Notice of Inability to Pay to Landlord: No deadline for notice to be provide to the landlord. (Some ordinances require this prior to the rent due date, or prior to expiration of the three-day notice to pay or quit). However, once the tenant has provided notice to the landlord, the tenant has one-week to provide “documentation or other objective information” that they cannot pay rent.

Form of Notice/Type of Documentation: The tenant must provide written notice of inability to pay (as described above) on or before the rent due date. Within one week after providing that notice, the tenant must provide “documentation or objectively verifiable information.” Written notice expressly includes email or text. “Documentation or objectively verifiable information” is not defined.

Deadline for Payment of Rent Subject to Moratorium: The tenant is required to pay the rent from the moratorium period within six months after (1) the effective date of the ordinance or (2) withdrawal of Governor's March 16 order, whichever comes first.

City of San Diego Eviction Moratorium Ordinance:
https://onbase.sandiego.gov/OnBaseAgendaOnline/Documents/ViewDocument/O-2020-97%20COR.%20COPY%20Emergency%20Ordinance%20Eviction%20Moratorium.pdf?meetingId=3955&documentType=Agenda&itemId=188927&publishedId=368380&isSection=false