City of Concord Eviction Moratorium & Rent Freeze

Concord’s ordinance prohibits eviction of any tenant based on non-payment of rent or utilities due to a substantial decrease in household or business income, or substantial out-of-pocket medical expenses related to COVID-19. The ordinance also prohibits rent or utility charge increases for tenants who have a substantial decrease in household or business income, or substantial out-of-pocket medical expenses related to COVID-19.

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

**Effective Date:** The ordinance took effect March 25.

**Duration:** The moratorium remains in effect and is extended automatically upon extension of Governor’s Executive Order N-28-20 (currently in effect through July 28, 2020), including any extensions.

**Definition of Financial Impacts Related to COVID-19:** “Substantial decrease in household or business income” means (1) a reduction of 20% or more of a Residential Tenant’s monthly gross pay caused by layoffs or a reduction in the number of compensable hours of work caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19, when that monthly gross pay is compared to the Residential Tenant’s average gross monthly pay during calendar year 2019; or (2) substantial out-of-pocket medical expenses caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19.

**Deadline for Tenant to Provide Notice and Documentation of Inability to Pay to Landlord:** The tenant must provide notice in writing (including email) at least seven days before rent or utilities are due. Written documentation or other objectively verifiable information must be provided within three days of the rent or utility due date.

**Documentation Requirement:** The type of documentation that is required is not specified.

**Deadline for Payment of Rent Subject to Moratorium:** The tenant has 90 days after the expiration of the ordinance per month of deferred rent to repay the landlord. For example, if the tenant has deferred two months of rent, the tenant has 180 days to pay it after expiration of the ordinance.

**Prohibition on Late Fees:** A landlord may not seek to recover late fees for rent that is delayed due to the financial impacts of the COVID-19 pandemic.

**Rent Freeze:** The rent freeze applies only to “Affected” tenants, meaning those that would also qualify for deferred rent, including providing notice and documentation of inability to pay. The ordinance expressly exempts all properties that are exempt from AB 1482 rent control from the rent freeze. However, the state Costa-Hawkins Rental Housing Act also prohibits the application of the rent freeze to many other properties.

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[www.cityofconcord.org/412/Tenant-Landlord-Resources](http://www.cityofconcord.org/412/Tenant-Landlord-Resources)