City of San Bernardino Eviction Moratorium

The City of San Bernardino’s Executive Order prohibits the eviction of residential tenants for non-payment of rent if inability to pay is COVID-19 related. A landlord who knows the tenant has inability to pay due to financial impacts related to COVID is prohibited from serving a three-day notice and from filing or prosecuting an unlawful detainer action based on non-payment of rent during the local emergency.

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

**Issued by Director of Emergency Services:** March 20

**Effective Date:** March 20

**Duration:** The moratorium lasts for the duration of the local emergency. The order applies to nonpayment eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which the local emergency was proclaimed (March 13, 2020)

**Definition of Inability to Pay:** The tenant must show “financial impacts related to COVID-19 which include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19."

**Deadline for Tenant to Provide Notice of Inability to Pay to Landlord:** The tenant is required to provide notice within 30 days after the date that rent is due.

**Form of Notice/Type of Documentation:** The notice of inability to pay and documentation must be in writing (including text or email). The nature of the acceptable “documentation” is not defined. Medical or financial information must be held in confidence by the landlord and only be used to evaluate the claims.

**Deadline for Payment of Rent Subject to Moratorium:** Six months after termination of the local emergency.

**Limitations on other Charges:** Late fees may not be charged or collected for rent subject to this order.

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**City of San Bernardino Eviction Moratorium Information:** www.sbcity.org/about/covid19/default.asp