City of Santa Clara Eviction Moratorium

The City of Santa Clara’s ordinance prohibits eviction of any tenant based on non-payment of rent due to a substantial loss of income due to COVID-19. Any landlord who initiates an eviction for non-payment of rent during the moratorium is required to provide tenants with a City-prepared written notice of the eviction moratorium. The ordinance also prohibits all “no fault” evictions.

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 eviction moratorium ordinance took effect March 24. It applies to any notices or eviction actions served or filed on or after the date of introduction of the ordinance.

Duration: The ordinance was originally set to expire May 8. On April 28, it was extended by resolution to May 31. At the same City Council meeting, a “permanent” ordinance was adopted with a term of six months. During that six-month period, the eviction moratorium can be extended for additional 30-day periods by resolution – this permanent ordinance goes into effect May 28 and will initially expire at the end of June, unless extended by the City Council.

Definition of Financial Impacts Related to COVID-19: Substantial loss in income as the result of any of the following: 1) job loss; 2) a reduction of compensated hours of work; 3) employer’s business closure; 4) missing work due to a minor child’s school closure; or 5) other similarly-caused reason resulting in the loss of income due to COVID-19.

Deadline for Tenant to Provide Notice and Documentation of Inability to Pay to Landlord: The tenant must provide notice and documentation of inability to pay to be protected from eviction. The notice can be provided by the tenant at any time. The City has prepared a notice form (linked below) that tenants can use.

Documentation Requirement: The ordinance provides that certain types of documentation create a rebuttable presumption that the tenant has met the documentation requirement: (1) letter from employer citing COVID-19 as a reason for reduced work hours or termination; (2) employer paycheck stubs; (3) bank statements. Examples are provided in the City’s FAQ linked below.

Deadline for Payment of Rent Subject to Moratorium: The permanent ordinance extends the deadline for payment of deferred rent from 90 to 120 days after the end of moratorium.

Prohibition on Late Fees: A landlord may not seek to recover late fees for rent that is delayed for the reasons stated in the ordinance.

Prohibition on No Fault Eviction: The ordinance prohibits any “no fault” eviction, which is defined as “any eviction for which the notice to terminate is not based on alleged fault by the residential tenant,” including expiration of a fixed term lease, expiration of a notice of termination from the tenant, and foreclosure. The ordinance provides an exception if the no fault eviction is necessary for the health and safety of tenants, neighbors, or the landlord.
Interaction with County Ordinance: Santa Clara County also adopted an ordinance that prohibits evictions of residential tenants in all cities and unincorporated areas of the County for non-payment of rent if inability to pay is COVID-19 related. See the CAA Summary of Santa Clara’s ordinance and consult with an attorney to determine which provisions apply to your property.

City of Santa Clara Ordinances, Tenant Form, Landlord Notice