

COVID-19 Emergency Orders Affecting Real Estate California

Last Updated May 15, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

April 1, 2020 – City of San Francisco – Commercial Mortgage and Foreclosure Relief:

- San Francisco Mayor Breed amended the Fourth Supplemental Declaration dated March 18, 2020 (the “**Fourth Supplement**”), to clarify that the moratorium applies to all attempts to recover possession of a unit due to non-payment, including situations where the tenant is occupying on a month-to-month periodic tenancy, holdover basis or similar arrangement.
- Mayor Breed also amended the Fourth Supplement to clarify that the moratorium also intends to cover security deposits.

https://sfmayor.org/sites/default/files/Eighth_Supplement_Mayoral_Declaration_04012020.pdf

March 25, 2020 – California State – Residential Mortgage and Foreclosure Relief:

- Governor Newsom announced financial institutions will provide relief for California citizens economically impacted by the COVID-19 pandemic who may receive 90 day grace periods for payment of residential mortgages without negative impact to credit reports. For at least 60 days, financial institutions will not initiate foreclosure sales or evictions and some relief will be provided from mortgage related fees.

<https://bit.ly/2zQoDuw>

March 18, 2020 – City of San Francisco – Commercial Mortgage and Foreclosure Relief:

- San Francisco Mayor Breed issued an emergency order placing a temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crises.

https://sfmayor.org/sites/default/files/Supplement_v4_03182020_Stamped.pdf

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

May 14, 2020 – City of San Francisco – Extension of Commercial Eviction Moratorium:

- San Francisco Mayor Breed issued a supplemental emergency order extending the commercial eviction moratorium in the Fourth Supplement and Eighth Supplement for an additional 30 days through June 16, 2020.

April 30, 2020 – City of San Francisco - Residential Tenant Protections (Revised and Replaced):

San Francisco Mayor Breed revised and replaced Sections 1 and 2 of the Fifth Supplemental Declaration dated March 23, 2020, which gives certain protections to residential tenants affected by the COVID-19 pandemic

- Previously, to qualify to receive the protections, tenants had to give notice that the tenant is unable to pay rent to the landlord within 30 days after the date that rent was due. The most recent supplement gives tenants protections until 6 months after the date the order expires or is terminated.
- The tenant has at least until the six-month mark to pay any past due rent, and may use the protections of the order as an affirmative defense to any action to evict due to missed payments.
- Tenants must notify their landlords if they are unable to pay due to financial impacts of COVID-19 and must provide supporting documentation. However, failure to provide notice and/or documentation to the landlord shall not affect a tenant's ability to use the affirmative defense. Further, the previous protocol (submitting documentation within one week to landlord, having to pay rent within one month of submitting documentation, etc.) no longer applies.
- Landlords and tenants are strongly encouraged to discuss payments plans.
- No owner may impose late fees or interest on rent not paid and landlords cannot impose rent increases.
- The order now lasts for 2 months instead of 1 and is subject to extension.

https://sfmayor.org/sites/default/files/Twelfth_Supplement_043020.pdf

April 22, 2020 – City of San Francisco – Extension of Residential Eviction Moratorium:

- San Francisco Mayor Breed issued a supplemental emergency order extending the residential eviction moratorium for an additional 30 days through May 22, 2020.

https://sfmayor.org/sites/default/files/Residential_Eviction_Moratorium_Extension_042220.pdf

April 17, 2020 – City of Los Angeles – Residential/Commercial Tenant Protections Extended:

- LA Mayor Eric Garcetti issued an emergency order, which extends the expiration of the City of Los Angeles public emergency order dated March 23, 2020 until the end of the local emergency period. The March 23 order strengthens protections for residential tenants including moratoriums on evictions of residential and commercial tenants in the City of Los Angeles if such tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic.

<https://bit.ly/2LCAPBI>

April 15, 2020 – City of San Francisco – Extension of Commercial Eviction Moratorium:

- San Francisco Mayor Breed issued a supplemental emergency order extending the commercial eviction moratorium for an additional 30 days through May 17, 2020.
https://sfmayor.org/sites/default/files/041520_Commercial_Eviction.pdf

April 14, 2020 – City of San Francisco – Hotel Occupant Protections:

- San Francisco Mayor Breed issued a supplemental emergency order restricting the removal of guests from tourist hotels if the guests:
 - Request to continue occupying the unit;
 - Inform the hotel (1) they have contracted COVID-19 or (2) are self-isolating; or
 - Agree to pay the hotel for the room at the same rate they are charging for similar units.

The above protections are subject to various exceptions.

https://sfmayor.org/sites/default/files/10th%20Mayoral%20Supplement_041420.pdf

March 30, 2020 – City of Los Angeles - Halt on New Rent Increases:

- LA Mayor Eric Garcetti issued an emergency order halting rent increases on occupied rental units that are subject to the City of Los Angeles' Rent Stabilization Ordinance.

<https://bit.ly/2Wl8joU>

March 27, 2020 – California State – Statewide Moratorium on Evictions:

- Governor Gavin Newsom today issued an executive order banning the enforcement of eviction orders for renters affected by COVID-19 through May 31, 2020. The order prohibits landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts. It also requires tenants to declare in writing, no more than seven days after the rent comes due, that the tenant cannot pay all or part of their rent due to COVID-19.

<https://bit.ly/3e1un3l>

<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf>

March 23, 2020 – City of Los Angeles – Residential/Commercial Tenant Protections:

- LA Mayor Eric Garcetti issued an emergency order strengthening protections for residential tenants including moratoriums on evictions of residential and commercial tenants in the City of Los Angeles if such tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic.

<https://bit.ly/2LGBn9X>

<https://bit.ly/3g2W91d>

March 23, 2020 – City of San Francisco - Residential Tenant Protections (Amended):

- San Francisco Mayor Breed Amended the Second Supplemental Declaration dated March 13, 2020, to clarify that the order also applies to housing providers who are exempt from the Rent Ordinance because their rent is controlled or regulated by the City; to allow tenants to obtain

extensions due to expenses that are non-medical in nature; and to modify the notification and timing procedures that apply when a tenant requires an extension.

- Mayor Breed's March 23rd Supplement also states that there will be a moratorium on attempts to recover possession of rental units from residential tenants if notice of termination of tenancy falls within 60 days after the order expires unless the landlord is trying to recover possession due to violence, threats of violence or health and safety issues.
- Any hotel may be used for residential purposes without losing its designation as a hotel. Any City law restricting such residential use is waived.

https://sfmayor.org/sites/default/files/032320_FifthSupplement.pdf

March 18, 2020 – City of San Francisco - Commercial Tenant Protections:

- San Francisco Mayor Breed ordered a temporary moratorium on commercial evictions of tenants unable to pay rent due to circumstances related to the COVID-19 Pandemic.
 - Applies only to tenants with gross receipts for tax year 2019 equal to or below \$25 million.
 - Landlords may be granted a waiver if they can demonstrate that being unable to evict would cause them a significant financial hardship.

https://sfmayor.org/sites/default/files/Supplement_v4_03182020_Stamped.pdf

March 17, 2020 – City of Los Angeles – Commercial Tenant Eviction Moratorium:

- LA Mayor Eric Garcetti ordered a moratorium on commercial evictions of tenants unable to pay rent due to circumstances related to the COVID-19 Pandemic.

<https://bit.ly/369rSte>

<https://bit.ly/2WK5CmO>

March 16, 2020 – California State – Authorization to Local Authorities for Residential Tenant Evictions Relief and Foreclosure Relief:

- Governor Newsom issued an executive order that authorizes local governments to halt evictions for renters and homeowners, slow foreclosures and protect utility shutoffs.

<https://bit.ly/36aTjTn>

March 13, 2020 - City of San Francisco – Residential Tenant Protections:

- San Francisco Mayor Breed ordered a temporary moratorium on residential evictions of tenants unable to pay rent due to circumstances related to the COVID-19 Pandemic.

https://sfmayor.org/sites/default/files/SupplementalDeclaration2_03132020_stamped.pdf

March 19, 2020 – California State – Shelter-In-Place:

- California Public Health Officer and Director of Department of Public Health orders all individuals living in the State of California to “shelter-in-place” for indefinite period of time.
<https://covid19.ca.gov/stay-home-except-for-essential-needs/>

March 17, 2020 – City of San Francisco – Restaurants:

- San Francisco Mayor Breed ordered that any local law requiring a restaurant use to have dine-in operations be suspended.
https://sfmayor.org/sites/default/files/Supplement_v3_03172020_stamped.pdf

March 16, 2020 – City of San Francisco – Stay at Home Order:

- San Francisco Local Health Officer issued an order requiring most people to remain at home through April 7, 2020.
<https://www.sfdph.org/dph/alerts/files/HealthOrderC19-07-%20Shelter-in-Place.pdf>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:
<https://bit.ly/2TiEBEF>
<https://bit.ly/2Th9Zn7>
- California Supreme Court: Order by Chief Justice of the California Supreme Court (including suspending and continuing jury trials for 60 days)
<https://bit.ly/3dQZy1k>
- Los Angeles County Superior Court:
General Order; dated 3/17/2020
<https://bit.ly/2Th8GV3>
- San Francisco County Superior Court:
General Order, dated 3/24/2020
<https://bit.ly/2Xb3seD>
- General Order, filed on 3/19/2020:
<https://bit.ly/2zKFj6X>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:
<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>
<https://bit.ly/2zKDtTA>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=CA>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

As of March 27, 2020 California is not accepting remote notarizations.
