

**COUNTY OF SAN LUIS OBISPO LOCAL EMERGENCY ORDER AND REGULATION NO. 3
RENTER RELIEF EFFORTS
FREQUENTLY ASKED QUESTIONS (FAQs)**

On March 18, 2020, the County of San Luis Obispo (County) Emergency Services Director signed Local Emergency Order and Regulation No. 3 (County Order No. 3) that institutes certain renter relief efforts to preserve housing security in order to protect public health and mitigate the economic impacts of COVID-19. The FAQs listed below are provided as guidance to landlords and tenants who may be impacted by County Order No. 3, a copy of which is available at: <https://www.emergencyslo.org/en/resources/Current-Emergency-Information/Documents/Local-Emergency-Order-3-Corrected.pdf>.

Local Authority and Duration

Q1: Under what authority did the County issue County Order No. 3?

A1: On March 16, 2020, Governor Newsom signed Executive Order N-28-20 which, among other things, suspends **until May 31, 2020** (unless extended) any state law that would otherwise restrict a local government's exercise of its police power to impose substantive limitations on evictions where the basis for the eviction is nonpayment of rent arising out of a substantial decrease in household or business income or substantial out-of-pocket medical expenses, the decrease or medical expenses were caused by the COVID-19 pandemic or any government response thereto, **and** the decrease or medical expenses are documented.

Q2: How long is County Order No. 3 in effect?

A2: County Order No. 3 is in effect until **May 31, 2020** (unless extended or terminated).

Nature of the Relief

Q3: What is the general nature of the relief granted by County Order No. 3?

A3: County Order No. 3 suspends the authority of any landlord to commence evictions on any residential or commercial property on the basis of non-payment of rent where the non-payment of rent is due to "financial impacts related to the COVID-19 pandemic" or any government response thereto and where the landlord "knows" the basis of non-payment. County Order No. 3 also suspends such authority with respect to "no-fault eviction[s]" (see below section for a discussion of said terms). Lastly, County Order No. 3 prohibits a landlord from charging a late fee for rent that is delayed due to said impacts and relieves the tenant of liability for the unpaid rent until **six (6) months** after expiration of the local emergency.

Q4: Does County Order No. 3 provide any relief from foreclosure?

A4: No, but County Order No. 3 does request that financial institutions in the County holding home or commercial mortgages implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income or out-of-pocket medical expenses caused by the COVID-19 pandemic or any government response thereto. In addition, although beyond the scope of these FAQs, federal and state governments have secured different forms of financial assistance for homeowners (see e.g. <https://dbo.ca.gov/2020/03/25/covid19/>).

Definition of Terms / Satisfaction of Conditions

Q5: What constitutes “financial impacts related to the COVID-19 pandemic”?

A5: Such impacts include, without limitation, 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 related to COVID-19; or (5) child-care needs arising from school closures related to COVID-19.

Q6: When does a landlord “know” that the basis of non-payment of rent is due to said impacts?

A6: A landlord “knows” if the tenant, within **thirty (30) days after rent is due**, notifies the landlord in **writing** (includes notification by email or text communications if the tenant has previously corresponded with the landlord / landlord’s representative in such manner) of the inability to pay due to such impacts **and** provides documentation to support the claim (medical or financial information provided shall be held in confidence).

Q7: What type of documentation should be provided?

A7: Although County Order No. 3 does not elaborate, Executive Order N-37-20 (see below) states that “verifiable documentation” could include termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant’s changes in financial circumstances.

Q8: What are “no-fault evictions”?

A8: County Order No. 3 defines a “no-fault eviction” as any eviction for which the notice to terminate tenancy is not based on an alleged fault of the tenant.

State / Federal Relief

Q9: How does the relief granted differ from relief granted by the State?

A9: On March 27, 2020, Governor Newsom signed Executive Order N-37-20 which extends for sixty (60) days through May 31, 2020 the deadline for a tenant to respond to a complaint seeking eviction from a residence or a dwelling unit where, among other things, the tenant notifies the landlord within a reasonable time after the rent is due, not to exceed seven (7) days that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons nearly identical to those described in County Order No. 3 (with the exception that it does specifically identify out-of-pocket medical expenses) **and** the tenant provides verifiable documentation to support the tenant’s assertion. Thus, the relief granted by the State is generally more limited than the relief granted by the County in that it only applies to the time to respond to a complaint seeking eviction (rather than commencement of eviction processes more generally) from a residence or dwelling unit (not a commercial property) for non-payment of rent (does not cover no-fault evictions), requires notification to the landlord of the basis of nonpayment within a shorter time frame (seven (7) rather than thirty (30) days after rent is due), and contains no provisions extending the period that rent can be paid beyond May 31, 2020.

Q10: Has the federal government granted any relief?

A10: Yes, the federal government has granted some relief for tenants in properties whose owners have federally backed or other “covered” mortgages. For more information regarding federal relief

efforts, see e.g. <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>.

Additional Resources

A number of agencies, associations and organizations have compiled / created resources for tenants / property owners to navigate the manner in which they may be able to seek relief from eviction and foreclosure processes, a few of which are noted below:

SLO Legal Assistance Foundation, Questions and Answers for SLO County Residential Tenets regarding COVID-19 Emergency Eviction Moratorium: <https://slolaf.org/wp-content/uploads/2020/04/Residential-Tenants-FAQs-Re-Covid-19-Evictions-in-SLO-County.pdf> (note internal links to the sample letters)

California Apartment Association: <https://caanet.org/coronavirus-resources-for-navigating-the-outbreak/>

Western Center on Law and Poverty (for a discussion of the limits of State relief): <https://wclp.org/analysis-of-governor-newsoms-executive-order-regarding-evictions-during-the-covid-19-crisis/>