

April 2020

## Countywide Eviction Moratoriums and What They Mean

Following San Mateo, Contra Costa, and Alameda Counties, Solano County today passed a countywide emergency regulation eviction moratorium. The moratorium applies to all cities (Benicia, Vallejo, Suisun City, Dixon, Vacaville, Rio Vista, and Fairfield) as well as to all unincorporated areas in the county. A copy of the proposed version that passed with little modification can be found [here](#). These countywide moratoriums which are being passed under emergency powers contain issues that are typically the province of city councils. For example, in Solano County, [Benicia](#), [Vacaville](#), and [Vallejo](#) issued their own local emergency moratoriums which are linked above. Unfortunately, the layer of countywide legislation in addition to state and local city legislation is tending to create more uncertainty and confusion as to what rules apply.

The following provides a short synopsis of how the counties are applying countywide moratorium legislation in conjunction with individual city moratoriums. The [Solano County](#) regulation recognizes that individual cities may have enacted their own moratoriums but states that *whichever moratorium provides the greatest level of protection to tenants will apply*. [Contra Costa](#) takes a different approach and its moratorium provides that if a city has enacted its own ordinance or regulation governing the subject matter, *the city ordinance or regulation will control*. The [Alameda County](#) Ordinance recognizes individual city legislation on the subject but the *county ordinance will control unless the city specifically opts out of the county ordinance provisions and meets certain tenant protections enumerated in the ordinance*. The [San Mateo](#) countywide Ordinance *does not mention individual city legislation and will therefore apply to most of the County*. At the time of writing this alert, it appears that only the city of East Palo Alto has enacted its own legislation. It remains to be determined how conflicts between the legislation will be resolved.

## Key Aspects of Solano County Moratorium

The Solano County Moratorium is similar to other eviction moratoriums but does differ in some key respects.

- Inability to pay all or portion of rent during emergency period presumed to be caused by COVID-19 if inability arises during state of emergency and for 90 days thereafter.
- Documentation by tenant is not required to prove inability to pay caused by COVID-19.
- Eviction is not a remedy for collection of past due rent even after repayment period expires. Rather, enforcement will be limited to money judgment.
- Landlord may not refuse to renew tenancy based on rent that was unpaid due to COVID-19 without allowing tenant opportunity to propose reasonable payment plan.
- A payment plan is presumed reasonable if: 1) tenant will pay all future rent in full as it becomes due; 2) all past due rent would be paid within 12 months; and, 3) there is good cause to believe tenant has or will have means to make scheduled payments.
- Tenant may break lease on 30 days notice without penalty if need is due to COVID-19 issue such as change in house-hold income or need to care for children or relatives.

If you have questions or seek consultation regarding landlord-tenant matters, you may contact us.

## Contacts



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