

Tenant Protection Ordinance

Taking Eviction off the Table for COVID Rent Debt

Overview

The City and County of San Francisco acted swiftly to stop evictions during the COVID-19 state of emergency. The question remains what will happen to tenants, many of whom were already struggling before the pandemic, after the emergency is over.

Supervisor Dean Preston's proposal (File No. [200375](#)) seeks to provide permanent eviction protections for tenants unable to pay rent during this state of emergency. The intent of the ordinance is to permanently ban eviction for nonpayment of rent accrued due to the COVID-19 state of emergency. In addition, the legislation prohibits late fees, penalties, interest, or other charges to tenants related to delayed rent, and modifies habitual late payment of rent eviction rules to make clear that delayed rent cannot be used as a ground for eviction.

Details

The legislation prohibits eviction for nonpayment of rent where the rent payments become due during the State of Emergency, and nonpayment (i) arose out of a substantial decrease in household income or substantial out-of-pocket expenses; (ii) that was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19; and (iii) is documented.

- No deadline for a tenant to raise this defense to eviction. It can be raised at the time the tenant doesn't pay, months later, or in the event of an eviction lawsuit.
- No requirement of any specific type of documentation to show an inability to pay due to COVID-19. Documentation is defined broadly and third-party documentation such as a letter from an employer is not required.

The legislation does not waive rent obligations that accrue during the state of emergency. Instead, the obligations would become akin to consumer debt, which a landlord could elect to pursue in small claims court.

Why it is important

As advocates and elected leaders pursue rent and mortgage cancellation measures throughout the country, this legislation serves as a crucial backstop to make sure that, regardless of the outcome of cancellation efforts, San Francisco tenants are guaranteed to never face eviction for COVID-19 related rent debt.