

**COVID – 19 RELATED EVICTION MORATORIUM**  
**FREQUENTLY ASKED QUESTIONS**  
**Updated as of April 29, 2020**

**1. What is the Eviction Moratorium?**

The Newark City Council adopted an Urgency Ordinance establishing an Eviction Moratorium on March 26, 2020, and made minor modifications to the Eviction Moratorium on April 9, 2020. The Eviction Moratorium prohibits a property manager or owner from evicting a residential or commercial tenant for nonpayment of rent due to a substantial decrease in their household or business income, or substantial out-of-pocket medical expenses, as a result of the COVID-19 pandemic.

**2. When does the Urgency Ordinance take effect?**

The Urgency Ordinance establishing the Eviction Moratorium took effect immediately on March 26, 2020 upon City Council Adoption.

**3. Who is protected by the Eviction Moratorium?**

The Eviction Moratorium applies to all residential rental housing including, but not limited to, apartments, owner-occupied duplexes, single family homes, and condominiums. The Moratorium also applies to commercial properties.

**4. What do Tenants need to do to be protected?**

Tenants must notify their landlords in writing of their inability to pay the rent in full because of a substantial decrease in household or business income, or out-of-pocket medical expense, caused by the COVID-19 pandemic. Tenants must notify their landlords **within 7 days after the rent is due**, but are highly encouraged to inform their landlords as soon as possible. Tenants must also provide their landlords with documentation to support the claim of loss of income within 15 days after the rent is due. Landlords must hold the supporting documentation in confidence.

**5. What happens if I fail to notify my landlord within 7 days after rent is due or do not provide documentation within 15 days?**

Tenants should still provide notice and documentation to your landlord as soon as possible when you are unable to pay the current month rent (or a future month rent, per the notification requirements in the ordinance) due to a COVID-19-related reason. Retain records of the communication between you and your landlord.

**6. What is a “substantial decrease in household income?”**

A “substantial decrease in household income” due to the COVID-19 pandemic includes, but is not limited to, income loss caused by:

- Reduction of work hours
- Job loss due to closure of business that employed tenant
- Inability to work due to COVID-19 illness or symptoms
- Requirement to self-quarantine due to exposure to someone sick with COVID-19
- Missing work to care for a child due to school or child care closures

**7. What is “substantial decrease in business income?”**

A “substantial decrease in business income” due to the COVID-19 pandemic includes, but is not limited to, income loss caused by:

- Inability to operate a non-essential business or non-essential business elements because of the Shelter-in-Place order
- Reduction of staff reporting to work
- Reduction in hours open to the public
- Lack of business due to reduction in consumer demand

### **8. How long will the Eviction Moratorium be in effect?**

The Eviction Moratorium will last until the later of:

- May 31, 2020;
- Expiration of the local emergency declared by the City; \*OR\*
- Expiration of the Governor’s proclamation of a state of emergency.

Tenants and landlords may check with the City to determine if the Eviction Moratorium is still in effect.

### **9. What happens if a landlord tries to evict a tenant protected by the Moratorium?**

If a landlord initiates an eviction for nonpayment of rent during the Eviction Moratorium, the tenant may want to notify the landlord of the existence of the Eviction Moratorium should applicable circumstances apply. In addition, when applicable, the Eviction Moratorium establishes an affirmative defense in eviction proceedings in court.

### **10. Does the Moratorium waive unpaid rent?**

No. Tenants are required to pay back at least 25% of any unpaid rent within forty-five (45) days of the expiration of the Eviction Moratorium, and pay back an additional 25% every forty-five (45) days thereafter. Tenants must pay back all past due rent within one hundred eighty (180) days of the date of expiration of the Eviction Moratorium. A landlord may not charge any late fees for rent that is delayed pursuant to the Eviction Moratorium.

### **11. Can tenants make partial rent payments to decrease the amount of rent owed after the Eviction Moratorium expires?**

Tenants and landlords are free to make any other arrangements for partial payment of rent or other provisions for repayment of rent. Tenants should refer to their leases or contact their landlords to determine whether partial rent payments will be accepted.

### **12. The Alameda County Board of Supervisors also adopted an eviction moratorium, does that apply in Newark? Have any other entities adopted rules or regulations impacting evictions?**

All landlords and tenants in Newark must comply with the Newark Eviction Moratorium. Landlords and tenants should contact Alameda County regarding the application of the County ordinance, and interpretations related to the same. The Alameda County Department of Housing & Community Development may be reached at (510) 670-5404.

Additionally, Governor Newsom signed an executive order banning the enforcement of eviction orders for renters affected by COVID-19 through May 31, 2020. A copy of that executive order

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

Furthermore, the California Judicial Council issued temporary rules that suspend certain eviction and foreclosure proceedings. A copy of the California Judicial Council's temporary rules can be found here: <https://jcc.legistar.com/View.ashx?M=F&ID=8234474&GUID=79611543-6A40-465C-8B8B-D324F5CAE349>.

**13. What if I have questions related to the Eviction Moratorium or other rules or regulations that are not covered under this FAQ?**

The City cannot provide you with individual legal advice regarding the application of the Eviction Moratorium or answer questions about your specific circumstances. Please contact an attorney for specific legal advice or contact the relevant agency for questions regarding any rules or regulations issued by that agency. For residents, the Alameda County Housing & Community Development Department provides information regarding rent mediation services.

<https://www.acgov.org/cda/hcd/>