

COVID-19 Emergency Orders Affecting Real Estate California

Last Updated October 9, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

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 under the CARES ACT. If the loans are not federally backed, lenders must provide detailed reasons if they deny your forbearance request.

<https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

September 30, 2020 – City of San Francisco – Extension and Revision of Commercial Eviction Moratorium:

- San Francisco Mayor Breed issued a supplemental emergency order extending the commercial eviction moratorium for an additional 60 days through November 30, 2020.
- The Order applies only to commercial tenants registered to do business in San Francisco under Article 12 of the Business and Tax Regulations Code.
- The order states the landlord may not recover possession without first providing the tenant written notice of the violation and an opportunity to cure the violation, as set forth in the order.

https://sfmayor.org/sites/default/files/28th_Supplement_092920.pdf

August 12, 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 September 30, 2020.

https://sfmayor.org/sites/default/files/CommercialEvictionMoratorium_Extension_081220.pdf

May 29, 2020 – California State – Authorization to Local Authorities for Residential Tenant Evictions Relief and Foreclosure Relief:

Governor Newsom issued an executive order extending the March 16th executive order that authorizes local governments to halt evictions for renters and homeowners, slow foreclosures and protect utility shutoffs.

<https://www.gov.ca.gov/wp-content/uploads/2020/05/5.29.20-EO-N-66-20-text.pdf>

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.

https://sfmayor.org/sites/default/files/Commercial_Eviction_Moratorium_Extension_05142020.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://www.lamayor.org/sites/g/files/wph446/f/page/file/20200417PublicOrderTollingHCIDLADeadlinesandRevisingExpirationofEmergencyOrders.pdf>

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.
- The order shall remain in place during the local emergency unless terminated earlier by the Mayor.

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

April 1, 2020 – City of San Francisco – Commercial Tenant Protections:

- 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 31, 2020 – City of Los Angeles – Residential/Commercial Tenant Protections:

- The City of Los Angeles passed an ordinance adding Article 14.6 to the Los Angeles Municipal Code to temporarily strengthen protections for tenants including moratoriums on evictions of residential and commercial tenants in the City of Los Angeles.
- The ordinance temporarily prohibits evictions of residential and commercial tenants for failure to pay rent due to COVID-19 and prohibits no-fault evictions of residential tenants if the tenant or any member of the household is ill, in isolation, or under quarantine due to COVID-19.
- It also suspends withdrawals of occupied residential units from the rental market under the Ellis Act, Government Code Section 7060, et seq.

https://clkrep.lacity.org/onlinedocs/2020/20-0147-S19_ORD_186585_03-31-2020.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 through sixty days after the expiration of the local emergency period.

<https://www.lamayor.org/sites/g/files/wph446/f/page/file/20200330MayorPublicOrderSuspendingRSORentIncreasesLA.pdf>

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

- LA Mayor Eric Garcetti issued an emergency order strengthening protections for 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://www.lamayor.org/mayor-garcetti-orders-new-restrictions-evictions-announces-indefinite-moratorium-water-and-power>

https://www.lamayor.org/sites/g/files/wph446/f/page/file/March232020OrderEllisAlcoholParking_0.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 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://www.gov.ca.gov/2020/03/16/governor-newsom-issues-executive-order-to-protect-renters-and-homeowners-during-covid-19-pandemic>

NON-ESSENTIAL BUSINESS RESTRICTIONS

October 9, 2020 – City of Los Angeles – Safer L.A. Order (Revised):

- Los Angeles Mayor Garcetti revised the Public Order Under City of Los Angeles Emergency Authority dated June 1, 2020 (Safer L.A. Order).
- The following businesses and activities are allowed to open subject to certain protocol:
 - Indoor hair salons and barbershops
 - Tasting rooms, breweries and wineries
 - Indoor malls and shopping centers
 - Outdoor playgrounds
 - Nail Salons

<https://www.lamayor.org/sites/g/files/wph446/f/page/file/20201008%20Mayor%20Public%20Order%20SAFER%20LA%20%28REV%202020.10.08%29.pdf>

September 30, 2020 – City of San Francisco – Stay Safer At Home Order:

- San Francisco Local Health Officer issued the Order of the Health Officer incorporating and adding to the July 13th order requiring most people to remain at home during the pandemic. More activities can open subject to certain protocol.
- Indoor dining can operate at 25% capacity for each room.
- Places of worship can operate indoors at 25% capacity for each space, up to 100 people.
- Up to 200 people are now allowed for an outdoor political protest.
- More outdoor family entertainment can reopen. This includes carousels, miniature trains, and Ferris wheels.
- Gyms and indoor dining inside hotels can reopen, following other public health rules.
- Indoor malls can increase their capacity to 50%, with an approved safety plan. Indoor food courts may also reopen, following rules for indoor dining.

<https://sf.gov/news/indoor-dining-indoor-worship-and-other-activities-allowed>

August 31, 2020 – State of California – the Blueprint for a Safer Economy:

- State of California Governor Newsom replaced the County Data Monitoring List with the Blueprint for a Safer Economy for determining what business can and cannot open.
- Every county in California is assigned to a tier based on its test positivity and adjusted case rate. At a minimum, counties must remain in a tier for at least 3 weeks before moving forward. Data is reviewed weekly and tiers are updated on Tuesdays. To move forward, a county must meet the next tier's criteria for two consecutive weeks. If a county's metrics worsen for two consecutive weeks, it will be assigned a more restrictive tier. Public health officials are constantly monitoring data and can step in if necessary.
- Activities and businesses that have a lower risk of spreading COVID-19 are allowed to open sooner. Higher-risk activities or businesses aren't allowed until later tiers.

<https://covid19.ca.gov/safer-economy/>

August 26, 2020 – City of San Francisco – Retail Businesses and Restaurants:

- San Francisco Mayor Breed issued a supplemental emergency order implementing the below.
- The order creates a temporary program for retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their premises with a permit, subject to rules and regulations.
- The Director of Transportation is authorized to implement this temporary permit program, and will issue rules and regulations to implement the program.

https://sfmayor.org/sites/default/files/26th_Supplement_08262020.pdf

June 9, 2020 – City of San Francisco – Retail Businesses and Restaurants:

- San Francisco Mayor Breed issued a supplemental emergency order implementing the below.
- The order creates a temporary program for retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their premises with a permit, subject to rules and regulations.
 - Permits issued under the program will expire no later than December 31, 2020, subject to extension.
 - The program will last as long as the emergency period, unless terminated earlier.
- The Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, and the Director of the Treasure Island Development

Authority are authorized to create temporary programs to allow use of outdoor city property for retail and restaurants, and will issue rules and regulations to govern the same.

- The order will remain in effect as long as the emergency period, unless terminated earlier.
- The Order creates a temporary program to allow seating for any restaurant uses in privately owned public open spaces required under Section 138 of the Planning Code or under conditions of approval required by the Planning Commission, subject to rules and regulations.
 - The order will remain in effect as long as the emergency period, unless terminated earlier.
- Any department with authority to impose fees in connection with permits issued by the Interdepartmental Staff Committee on Traffic and Transportation under Article 6 of the Transportation Code is authorized to waive such fees for permits issued to retail businesses or restaurants to temporarily close a street.
 - The order will remain in effect as long as the emergency period, unless terminated earlier.

https://sfmayor.org/sites/default/files/Supplement%2018_06092020.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. The order is to last for the duration of the shelter in place order.

https://sfmayor.org/sites/default/files/Supplement_v3_03172020_stamped.pdf

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state and county courts:

<https://newsroom.courts.ca.gov/coronavirus-updates>

<https://newsroom.courts.ca.gov/news/court-emergency-orders-6794321>

<https://newsroom.courts.ca.gov/news/court-emergency-orders-6794321>

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://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

REMOTE NOTARIZATION

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

<https://www.sos.ca.gov/business-programs/bizfile/covid-19-frequently-asked-questions#:~:text=California%20Law%20does%20not%20provide,a%20mobile%20California%20notary%20public.>
