



Rent Collection and Evictions FAQ

The following FAQs provide guidance on Section 4024 of the CARES Act. Section 4024 of the CARES Act imposes a temporary moratorium on evictions for nonpayment of rent, as well as a moratorium on fees and penalties related to nonpayment of rent.

Does the eviction moratorium under the CARES Act affect landlords participating in the Housing Choice Voucher Program?

If the property does not have a federally backed mortgage, then the CARES Act moratorium applies only to the tenants participating on the Housing Choice Voucher program and would not apply to market rate tenants. However, the moratorium applies to all tenants on the property if the property has a federally backed mortgage.

When did the eviction moratorium begin and when does it end?

The eviction moratorium is in effect for a 120-day period beginning March 27, 2020 and July 24, 2020.

Does the ban on evictions apply to all voucher tenants or only those voucher tenants whose employment has been affected by the COVID-19 Virus?

The CARES Act moratorium applies to all tenants, regardless if employment or other income was affected by COVID-19.

Does the tenant have to pay the missed rent after the moratorium?

Any rent missed during the moratorium will accumulate and still be due at the end of the 120 days.

Can I send late notices to residents?

A landlord may send a reminder notice of the late rent. However, the reminder notice must not include fees/charges for the nonpayment of rent, and the reminder notice cannot be a notice to vacate.

When can I require my tenant to vacate for nonpayment of rent?

A notice pay rent or quit cannot be issued until July 24, 2020 (expiration of moratorium).

Can I evict for other lease violations, like severe damage to the unit?

Unless local laws prohibit all evictions, the eviction moratorium found in Section 4024(b) of the CARES Act only applies to evictions related to nonpayment of rent or nonpayment of other charges to the tenant related to nonpayment of the rent. Therefore, the owner can still undertake an eviction action against a tenant for damage to the unit, as that is unrelated to nonpayment of rent.

My tenant was behind on the rent payments prior to the CARES Act. Can I still proceed with eviction?

If the eviction proceeding was initiated before March 16, 2020 (date of California Executive Order N-28-20), then the eviction proceeding would not be covered under the State order or the CARES Act and can proceed.

During the moratorium, can fees for late payments accumulate and be charged after the moratorium?

No. Fees in relation to nonpayment of rent cannot be charged. Therefore, fees cannot accrue.

The State of California has a moratorium on evictions for non-payment of rent through May 31, 2020. Which law prevails?

For HCV tenancies and tenants in properties with a federally backed mortgage, the CARES Act prevails. For all other tenancies, State and local laws apply.

My city has a ban on all evictions, not just evictions concerning nonpayment of rent. Which law prevails?

The more stringent requirement (local law) would apply to tenants and landlords in your city.

For additional questions concerning your rights and responsibilities, please consult an attorney.