

ORDINANCE NO. 2020-0015

Adopted by the Sacramento City Council

March 17, 2020

An Ordinance Relating to a Temporary Moratorium on Evicting Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

C. The city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

D. Many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

E. Providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing market by reducing displacement.

F. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

G. Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

- A. This Section 2 remains in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions.
- B. This ordinance applies to all residential, but not commercial, tenants.
- C. No landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant, in accordance with Section 2, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.
- D. As used in this Section 2, "covered reason for delayed payment" means a tenant's loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant's compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; and (d) tenant's need to miss work to care for a home-bound school-age child.
- E. To take advantage of the protections afforded under this ordinance, a tenant must do all the following:
 - a. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment;
 - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment; and
 - c. Pay the portion of rent that the tenant is able to pay.
- F. If a tenant complies with the requirements of this ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent.
- G. Nothing in this ordinance relieves the tenant of liability for the unpaid rent after expiration of this ordinance.

SECTION 3. Effective Date.

This ordinance takes effect immediately upon enactment.

SECTION 4. 120-Day Payback Period.

Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 120-day period, the protections against eviction found in Section 2 of this ordinance apply for such tenants.

SECTION 5. Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

Adopted by the City of Sacramento City Council on March 17, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest:  Digitally signed by Mindy Cuppy
Date: 2020.03.19 13:42:01 -07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
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TENANT PROTECTION PROGRAM

ABOUT THE PROGRAM

The Tenant Protection Program was created to assist tenants with increasing rental rates by prohibiting rent gouging and establishing limits on annual rents. It also provides protection for unjustified evictions. This program helps to provide renters in Sacramento with more safety and stability when it comes to their homes.

NEW!

On March 17, 2020, the Sacramento City Council adopted an emergency ordinance to establish a temporary moratorium on evicting residential tenants unable to pay rent due to a loss of income caused by the Coronavirus Disease 2019 (COVID-19). On March 24, 2020, the emergency ordinance was amended to add commercial tenants and to waive late fees. This moratorium will end once the Governor's Executive Order issued on March 16, 2020 terminates.

**ATTENTION CITY OF SACRAMENTO RESIDENTIAL AND COMMERCIAL TENANTS:
PLEASE SUBMIT THE DELAY OF RENT PAYMENT FORM DIRECTLY TO YOUR LANDLORD.**

- [Frequently Asked Questions: TEMPORARY MORATORIUM ON TENANT](#)

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EVICTIONS DUE TO COVID-19

- [Frequently Asked Questions: Temporary Moratorium on Tenant Evictions Due to COVID-10-Chinese Traditional](#)
- [Frequently Asked Questions: Temporary Moratorium on Tenant Evictions Due to COVID-10-Chinese Simplified](#)
- [Frequently Asked Questions: Temporary Moratorium on Tenant Evictions Due to COVID-10-Spanish](#)
- [Commercial Tenant Delay of Rent Payment - COVID-19 Form](#)
- [Residential Tenant Delay of Rent Payment - COVID-19 Form](#)
- [Temporary Moratorium on Evicting Tenants Ordinance](#)
- [Temporary Moratorium on Evicting Tenants to Include Commercial Tenants Ordinance](#)

The City of Sacramento recently adopted a Commercial Tenant Eviction Moratorium to temporarily alleviate loss of business income from the COVID-19 public health emergency. To better understand the impacts of this moratorium on commercial properties, the City is asking commercial tenants and commercial property owners in Sacramento to share their experiences by taking a short survey: [Commercial Tenant Eviction Moratorium Survey](#)

The survey results will help inform future policy decisions by the Sacramento City Council, so your feedback is critical. Survey responses are due by Friday, April 17 at noon.

Please note: this survey is not intended for residential tenants or residential property owners.

COVID-19 Business Video Series: City of Sacramento's Temporary Moratorium on Commercial Evictions

The City's temporary moratorium on commercial evictions |...



TENANT PROTECTION PROGRAM INFORMATION

Ordinance Revision: Annual Rent Adjustment

On Tuesday, January 14, 2020, the Sacramento City Council adopted an emergency ordinance amending Section 5.156.050 of the Sacramento City Code relating to the annual rent adjustment.

Effective immediately, the annual rent adjustment is now 5% plus the percentage of the annual increase in the California Consumer Price Index for All Urban Consumers for all items, if any, but not to exceed a maximum of 10%. A tenant may not waive this limitation on the increase in rent. The CPI will be determined annually on April 1st. The CPI for April 2019 was calculated at 3.3%.

The current annual rent adjustment maximum rate is 8.3%.

KEY PROGRAM PROVISIONS

The intent of the program is to provide safeguards when renting in city of Sacramento. Some of the key provisions include:

- Limiting annual rent increases to 5% plus the change in the Consumer Price Index with a maximum increase of 10%.
- Prohibiting evictions of tenants who have resided in a rental unit for more than 12 months without just cause.
- Establishing a rental housing registry and an annual Tenant Protection Program fee for landlords that are subject to the code.
- Establishing processes for tenants and landlords to submit petitions for hearings related to rent increases and evictions.
- For more detailed information on the program, please read the Tenant Protection Program FAQ's or the Tenant Protection and Relief Act ordinance.

PROGRAM STATUS

- The Tenant Protection and Relief Act was adopted by the Sacramento City Council on August 13, 2019. Its effective date is September 12, 2019.
- City Staff is currently developing administrative procedures to fully implement the Tenant Protection Program including processes to submit hearing request petitions and to file violation complaints.
- City staff is tentatively scheduled to return to City Council in late September 2019 to establish the Tenant Protection Program fee amount and amend the budget for additional staff to administer the program.

This website will be updated as more detailed information is available. [Sign up to get email alerts](#) when new information is available.

ADDITIONAL INFORMATION

- Tenant Protection Program FAQ's (currently being updated)
- [Tenant Protection and Relief Act Ordinance](#)
- [City Express: Sacramento Just Passed an Ordinance to Protect Renters](#)

CONTACT US

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