

Summary of the Eviction Process Post-Moratorium

Vallen Solomon
Housing Justice
Project

Who can be Evicted Once the Moratorium Expires?

- If the moratorium expires on June 30, 2021, on July 1, tenants who were previously protected by the moratorium may be evicted if:
- (1) They are being evicted for rental debt prior to March 1, 2020;
- (2) They are being evicted for a non-rent (i.e., mutual terminations, holdovers) reason that may have been prohibited by the Governor's moratorium; or
- (3) They have defaulted or refused a repayment plan that meets 5160's requirements.

Cases With Debt Prior to March 1, 2020

- To commence (or continue) with an eviction regarding debt prior to March 1, 2020, landlords do not need to offer an additional repayment plan as set out in SB 5160.
- Additionally, landlords do not need to go through mediation if the debt is prior to March 1, 2020.

Non-rent Evictions

- To commence (or continue) with an eviction regarding a non-rent related matter, landlords do not need to show proof of a payment plan as set out in SB 5160 to evict.
- Additionally, landlords do not need to go through mediation if the eviction is for a non-rent related matter.

Non-Payment Evictions

- After the moratorium expires, SB 5160 requires landlords to go through additional steps to evict a tenant for the non-payment of rent.
- SB 5160 requires that the landlord offer the tenant: (1) a repayment plan [must abide by the standards set out in the statute]; and (2) mediation [if your county has it].

Eviction Timeline After the Moratorium

- It is unclear how long the eviction process will take at this point, both for non-payment of rent and non-rent related evictions.
- There are many complicating factors that can impact the entire process.
 - i.e., courts could set calendar caps, DRC's may have limits on how many cases they may handle, Sherriff's office may only be able to handle so many physical evictions at a time, right to counsel, and many other unknown-unknowns.