



CITY OF SAN MATEO

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NOTICE OF CITY OF SAN MATEO EMERGENCY ORDINANCE LIMITING EVICTIONS OF SMALL BUSINESS TENANTS

On March 23, 2020, the San Mateo City Council adopted an emergency ordinance which places a temporary moratorium on the eviction of small businesses and nonprofit entities for (1) nonpayment of rent by tenants financially impacted by the novel coronavirus (COVID-19) pandemic; and (2) for certain no-fault causes. On March 30, 2020, the City Council amended the ordinance to require landlords endeavoring to evict their tenants to provide the tenant with notice of the eviction protections afforded by the emergency ordinance. On May 18, the City Council amended the ordinance to extend the time by which tenants must repay deferred rent from 6 months to as long as 12 months. The ordinance was also extended and will remain in effect until June 30, 2020.

While the emergency ordinance is in effect, if a tenant does not make a rent payment when it is due and the landlord wishes to move forward with an eviction for the failure to timely pay rent, the landlord must first send the tenant a copy of this notice.

After the landlord provides the tenant with a copy of this notice, the tenant has **14 days** to:

- (1) Notify the landlord in writing (e.g. letter, email, or text) that the tenant cannot pay rent in full and on time if the tenant's ability to timely pay the full rent has been directly impacted by COVID-19, and
- (2) Provide the landlord with documentation showing that the tenant's inability to pay is directly due to COVID-19 or the government's response to COVID-19, such as bank statements, pay stubs or statements under oath attesting to circumstances of inability to pay.

Examples of ways that a tenant's ability to pay rent may be directly impacted by COVID-19 include the following:

- Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- lay-off, loss of hours, or other income reduction resulting from business closure or other economic or impacts of COVID-19;
- compliance with a recommendation from a government health authority to stay home, close one's business, self-quarantine, or avoid congregating with others during the state of emergency;
- extraordinary out-of-pocket medical expenses; and
- child care needs arising from school closures due to COVID-19.

The emergency ordinance does not excuse the tenant from paying the full amount of rent payments missed as a result of the COVID-19 pandemic. Within six months after the lifting of the local emergency declared by the City of San Mateo, the tenant must pay the full amount missed.

In addition to protection against eviction based on the nonpayment of rent, the emergency ordinance also temporarily suspends the landlord's ability to evict a tenant for reasons not based on the alleged fault of the tenant, unless the eviction is necessary for the health and safety of tenants, neighbors, or the landlord.

A tenant may assert the protections provided by the emergency ordinance as an affirmative defense to any unlawful detainer action initiated by a landlord in violation of the emergency ordinance. In addition, a tenant may bring an action to prevent a violation of the emergency ordinance and may seek damages in the amount of 3 times the actual damages suffered by the tenant. The tenant may also seek treble damages for mental or emotional distress if the landlord acted in knowing violation or reckless disregard for the requirements of the emergency ordinance.

A complete copy of the emergency ordinance may be found at:

www.cityofsanmateo.org/covidemergencymoratorium

A complete copy of this notice may be found at:

www.cityofsanmateo.org/covidemergencymoratoriumnotice

A landlord may satisfy their obligation under the emergency ordinance by filling out the form below and providing it with the notice above to their tenant before taking any action to evict the tenant.

Dear _____,

You are receiving this notice because you are a tenant of the premises at _____.

Rent in the amount of \$ _____ is due by _____ for the month(s) of _____, 2020, unless within 14 days of receiving this notice you (1) promptly notify the landlord in writing at the contact information below that the amount due is covered by the City Of San Mateo emergency eviction ordinance described in the notice above, and (2) provide the landlord with documentation to support that claim.

Please consult the "NOTICE OF CITY OF SAN MATEO EMERGENCY ORDINANCE LIMITING EVICTIONS OF SMALL BUSINESS TENANTS" above for more information.

LANDLORD INFORMATION

Landlord Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone number: _____

Email address: _____

Sincerely:
