

San Diego approves new eviction moratorium. Here's how it goes beyond state law

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By Phillip Molnar April 4, 2022 7:59 PM PT For subscribers

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The San Diego City Council meeting on Monday.

(Phillip Molnar/The San Diego Union-Tribune)

The city gave initial approval to the plan but it will need a second vote.

San Diego adopted a new eviction moratorium Monday night that strongly limits owners and landlords from removing renters.

The City Council voted 5-1 to approve the ordinance after a five-hour meeting that saw more than 100 people comment on the proposal. Under the law, landlords in the city would be stopped from removing a tenant if they want to take the property off the rental market or make significant repairs.

A second vote is required on the ordinance, likely at the April 18 council meeting, before it can become law.

Renters across the state are prevented from eviction for nonpayment of rent in many cases if they had income loss due to COVID-19. San Diego's new law adds additional protections for no-fault evictions not covered under the state measure, which last week was extended. A similar no-fault countywide moratorium expired in August.

Landlord groups opposed the San Diego measure because they said it went beyond what the state was doing and could be seen as a violation of property rights. Renters, and advocate groups, said landlords were using a loophole to evict tenants who shouldn't be on the street as the pandemic continues.

Council President Sean Elo-Rivera, who proposed the moratorium, spoke from home during the virtual meeting after testing positive for COVID-19. He said the virus is not going away and it is important to keep people in their homes during this time.

"The emergency is not gone," he said.

Councilmember Chris Cate voted against the measure, saying it was difficult to understand. Many of the callers to the meeting spoke about rental prices, and landlords argued they couldn't move back into their homes. Neither issue was part of the moratorium.

"No one is going to know how to comply with this," Cate said.

Councilmembers Raul Campillo and Joe LaCava recused themselves from the vote because they owned rental properties, or had family members who did. Councilmember Jennifer Campbell was absent after testing positive for COVID-19. (Campbell, Elo-Rivera and Councilmember Stephen Whitburn all tested positive after returning from a recent four-day lobbying trip to Washington, D.C., that was organized by the San Diego Regional Chamber of Commerce.)

Margarita López, who called into the virtual meeting, said she was among roughly 25 families that were given a 60-day eviction notice at an apartment building in Linda Vista in November. They were evicted on the grounds of a substantial remodel.

López, speaking through a translator, said life for her and her four kids has been difficult because they can't afford current rent prices and have had to move around a lot. She said her children are having trouble sleeping and have seen their school grades decline.

"We didn't know where to go," López said when she received the notice.

Merwan Chehab, a caller who described himself as a small landlord, said he was tired of the city passing new laws on property owners. He took particular issue with the law's connection to the pandemic. The city's new law is set to be in place for 60 days after its "state of

emergency” ends, which is tied to the virus, or Sept. 30 — whatever happens first. San Diego has been under the emergency designation since March 2020.

“When is the city going to stop using the excuse of COVID-19 as justification for additional rules and limitations on how I manage my own rental properties?” Chehab said.

San Diego’s law would allow an owner to remove a tenant once a lease ends if they wanted to move back into their own property. It also would allow an owner to move in parents, grandparents, children or grandchildren. The landlord must give the renter 90 days’ notice.

There seemed to be a lot of confusion among callers about this part of the law. Hillary Gish, a speaker who owns a rental property in North Park, said she has worked with her renter throughout the pandemic because she didn’t want to kick them out as the virus continued to spread. Throughout the two years, Gish said she put off her plan to move back into her home. Under the new moratorium, she would be able to move back in, and could have at any time after August.

Speakers from the California Apartment Association argued that the moratorium was adding to confusion among everyone involved. Right now, the state law prevents a renter from being evicted if they applied for rental aid by March 31. If they didn’t, they can now be evicted for nonpayment of rent. The association questioned the legality of San Diego’s law because it went beyond the state’s eviction moratorium, which is the de facto law of the land.

California extended its moratorium until June 30 to give more time to distribute rental funds. San Diego has about \$4 million left in its rent relief program, said the San Diego Housing Commission. Those funds are set to go to households that have already applied, said commission spokesman Scott Marshall. So far, the city has distributed \$191.7 million to 16,656 qualifying households.

The San Diego moratorium does allow a landlord to make significant repairs to their property, but all tenants must be removed at the same time, instead of one at a time. In this scenario, an owner needs to give six months’ written notice to the renters. In the case of Margarita López, who was evicted from her Linda Vista apartment building, the landlord could still have evicted her and the other families — but they would have had four additional months to find new housing.

Most states and cities have let eviction moratoriums expire. A notable exception is Los Angeles County, which has extended its moratorium through the end of the year. The majority of the nation was under the federal eviction moratorium, which expired in August.