



## End of Moratorium on Commercial Eviction

### Frequently Asked Questions

(Revised 9/9/2021)

[Traducción al español](#); [中文翻译](#)

San Leandro's Commercial Eviction Moratorium will end on September 30, 2021, the same date as the scheduled end of the Governor's executive order authorizing local commercial eviction moratoria. After the end of the moratorium, landlords are allowed to take eviction actions against commercial tenants for non-payment of rent going forward or otherwise not complying with their lease agreements. For example, a landlord may evict a commercial tenant who does not pay their October, 2021 rent.

Following the end of the moratorium, businesses will have at least 120 days (until January 28, 2022) to pay all past rent that was due before September 30, 2021. A business may extend this repayment period to 180 days (until March 29, 2022) if the tenant notifies the landlord by February 7, 2022 that the tenant is unable to pay all their back rent because of COVID-19 loss of income. During this time, a landlord may not evict a tenant for non-payment of those late rent payments and may not charge a late fee for rent that is delayed due to COVID-related income loss. Additionally, landlords and tenants may voluntarily negotiate payment agreements which may be longer or more lenient than outlined in the ordinance. If the entire amount of past due rent is not repaid by the end of the 120 day period (or 180 days with the extension), the landlord may evict the commercial tenant.

More information about San Leandro's Commercial Eviction Moratorium Ordinance may be found in the Frequently Asked Questions section below. The text of the eviction moratorium may be found in [City of San Leandro Urgency Ordinance 2020-003, as amended by City of San Leandro Urgency Ordinance 2021-482](#).

Additionally, more information and assistance will be shared at a webinar on Monday, September 20 from 6pm to 7pm. Please [register in advance](#).

Economic Development staff are working hard to gather resources and information to support businesses who are behind on rent. A variety of resources are available to assist in repaying rent, increasing customer base, marketing/online presence, and more. Key resources available include the [California Small Business Grant Program](#) and the [Alameda County Small Business Development Center](#), which provides free assistance for businesses in accessing funding, business planning and more. More information on business resources may be found on the [COVID-19 Business Resources page](#).

The City of San Leandro is also exploring additional forms of financial and technical assistance, with more information to be shared shortly. Sign up for the [San Leandro Business Mailing List](#) to get updates on funding/grant opportunities, business news, and safety updates.

We appreciate your commitment and the services you provide to the San Leandro community. As always, the San Leandro Economic Development Team is available to assist you with questions or concerns. Please contact Dhez Woodworth at (510) 557-3323 or [dwoodworth@sanleandro.org](mailto:dwoodworth@sanleandro.org) if you have questions.



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**1) When does this change to the Commercial Eviction Moratorium take effect?**

September 30, 2021 will mark the end of the San Leandro moratorium on eviction of businesses impacted by COVID-19. A business may be evicted for failing to pay rent that is due on or after October 1, 2021. Question 2 discusses the timing for repayment of back rent included in the Moratorium that became due prior to September 30, 2021.

**2) Once the Moratorium ends, what protections remain?**

Commercial tenants have 120 days (until January 28, 2022) to repay any outstanding rent that became due before September 30, 2021. A tenant may extend this repayment period to 180 days (March 29, 2022) if the tenant notifies the landlord by February 7, 2022 that the tenant is unable to pay full rent because of COVID-19 impacts.

Acceptable impacts include a substantial decrease in household or business income or out-of-pocket medical expenses due to the disease or governmental response.

Documentation provided to the landlord to show the need for additional time shall be held in confidence. During this repayment period, a landlord may not charge late fees or evict a tenant for non-payment of those late rent payments. If the entire amount of past due rent is not repaid by the end of the January 28, 2022 (or March 29, 2022 with an extension), the landlord may evict the commercial tenant due to the back due rent.

**3) What about residential uses?**

San Leandro's residential eviction moratorium has a later expiration date and remains in effect. Contact information for questions about the residential eviction moratorium are located at the bottom of this document.

**4) What protections were included in the Moratorium?**

The Moratorium stopped a property manager or owner from evicting a commercial tenant for nonpayment of rent when the landlord knew about a substantial decrease in the tenant's household or business income or substantial out-of-pocket medical expenses due to the COVID-19 pandemic.

**5) Will I need to pay for any rent I didn't pay?**

Yes. Nothing in the Moratorium relieves the commercial tenant of liability for the unpaid rent, though tenants can negotiate with the landlord to adjust lease terms and the timing of repayment.

**6) Can I be evicted after the Moratorium ends?**

Yes. After the Moratorium expires, landlords can choose to begin eviction actions against commercial tenants including for non-payment of rent because of COVID-19. As discussed in question 2, tenants are protected from eviction for not paying back rent from the Moratorium period (March, 2020 through September, 2021) for at least 120



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days. If you have not been able to keep up with your rent and have not already done so, you should contact your landlord to talk about your lease and repayment options.

**7) I'm using my space but didn't notify my landlord about COVID-19-related difficulties, can I still delay payment of my back rent after the Moratorium ends?**

Yes. Tenants have 120 days after the end of the Moratorium during which to pay rent that is in arrears (rent due from March 23 through the end of the Moratorium). You will need to resume regular payments of rent as reflected in your lease or other agreement starting October 1, 2021.

**8) I still cannot pay my rent because of COVID-19. Should I let my landlord know?**

If you are having difficulty paying your regular or back rent, you should develop a plan on how to get back on track and discuss this with your landlord or property manager to develop a new or updated written agreement or lease. Free consulting help is available from organizations like the Alameda Small Business Development Center (<https://www.acsbdc.org/>) and Eastbay SCORE (<https://eastbay.score.org>) Those business assistance organizations and other no- or low-cost services in the area can help you consider how much space you need, explore ways to lower your costs, identify ways to bring in more money, or get grants or financing among other services. More information about grants and other financing options and other resources have been gathered on the [Economic Development website](#) to support businesses.

**9) Can I make partial rent payments to my property manager or owner to decrease rent owed?**

Please refer to your lease agreement to determine if this is allowed. If it is not allowed, then please contact your property manager or landlord to see if you may make a partial rent payment. Always keep documentation of any agreements made and request a receipt of your partial rent payment.

**10) What if my landlord and I come up with a mutually agreeable plan for unpaid rent?**

A voluntary mutual agreement, in writing, is encouraged to help both tenants and landlords through the COVID-19 global pandemic emergency.

**11) What happens if my landlord or property manager wants to evict me?**

Build your case for why they should keep you as a tenant and see if they will negotiate with you. Most landlords would prefer to avoid evictions but, like you, run a business and have their own bills to pay. Resources to help you update your business plan so that you can pay your rent are discussed in question 8. In addition, organizations like Start Small Think Big (<https://www.startsmallthinkbig.org>) and Lawyers Committee for Civil Rights (<https://lccrsf.org/>) offer free (pro-bono) legal help. They can help you better understand things like your lease and, if you are not able to change the landlord's mind, the eviction process (though generally they will not go to court for you). If you are thinking of



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contesting an eviction, understanding the process will be important since there are fewer protections for commercial tenants than for residential tenants.

#### **12) What if the State extends the authorization for local eviction moratoriums? Could the dates change?**

They could. The ending of the San Leandro Moratorium aligns with the ending of the state authorization. If the Governor were to extend his executive order authorizing local eviction moratoria beyond September 30, 2021, the end of the San Leandro Moratorium on Commercial Evictions would also extend to that date. Tenants would then have 120 to 180-days from the updated end date of the moratorium to repay their rent.

#### **13) My tenant had problems paying rent prior to the Moratorium so can I proceed with their eviction after the Moratorium expires?**

If you are a property manager or landlord with a tenant that is in violation of their lease agreement, then you will need to contact an attorney for legal advice on how to pursue legal recourse with regard to your unit once the Moratorium has expired.

#### **14) Who could help me understand the Moratorium and eviction better?**

- **General questions related to the Moratorium**

Please contact the City of San Leandro Economic Development Division at:  
For Dhez Woodworth: [dwoodworth@sanleandro.org](mailto:dwoodworth@sanleandro.org) or 510-577-3323

- **Pro-bono legal assistance**

Start Small Think Big  
<https://www.startsmallthinkbig.org>  
(415) 966-2187  
[hello@startsmallthinkbig.org](mailto:hello@startsmallthinkbig.org)

Lawyers Committee for Civil Rights

<https://lccrsf.org/>  
(415) 543-9444 x217  
[lse@lccrsf.org](mailto:lse@lccrsf.org)

- **For residential tenants,**

Please visit the City Housing Services Division website at:  
<https://www.sanleandro.org/depts/cd/housing/>

OR contact Housing Services Division staff:

For Maryann Sargent: [msargent@sanleandro.org](mailto:msargent@sanleandro.org) or 510-577-6005  
For Kimberly Anderson: [kanderson@sanleandro.org](mailto:kanderson@sanleandro.org) or 510-577-6004