FREQUENTLY ASKED QUESTIONS (FAQ)

NOTE: THIS FAQ IS NOT LEGAL ADVICE AND TENANTS AND LANDLORDS SHOULD SEEK INDEPENDENT LEGAL COUNSEL REGARDING AMENDED ORDER 20-2 AND THE GOVERNOR’S EXECUTIVE ORDERS REGARDING EVICTIONS ATTACHED TO THAT AMENDED ORDER.

1. Q. What is Amended EOC Director Order 20-2 COVID19 Staying Evictions in the City of Camarillo Staying Evictions (“Order”)?
   A. The Order was issued on April 23, 2020 by Tully Clifford as the Emergency Operations Center (EOC) Director to stay evictions when a tenant is unable to pay rent due to the Financial Impacts of COVID-19.

2. Q. Where can I find the Order?
   A. On the City of Camarillo website at: www.cityofcamarillo.org/covid19

3. Q. Does the Order mean a tenant does not have to pay rent?
   A. The Order does not relieve the tenant from paying rent; rather it delays the time when rent is due. The Order applies to tenants who are unable to pay some or all of the rent due to the Financial Impacts of COVID-19. “Financial Impacts” means that the tenant is not able to pay the rent because COVID-19 has caused a substantial decrease in income or substantial out-of-pocket medical expenses. See Section 6 of the Order for details.

4. Q. If COVID-19 has not caused Financial Impacts to a tenant, then does a tenant have to pay rent?
   A. Yes

5. Q. If a tenant is unable to pay the rent due to the Financial Impacts of COVID-19, then is the tenant required to notify the landlord?
   A. Yes. The tenant should notify the landlord in writing within 30 days after the date the rent is due that the tenant has a loss of income and inability to pay the full rent due to the Financial Impacts of COVID-19 and provide the landlord with supporting documentation. See Section 4 of the Order for details.

6. Q. What if there have been Financial Impacts to a tenant because of COVID-19, but the tenant can afford to pay part of the rent?
   A. The tenant should pay the part of the rent the tenant can afford. The Order does not relieve a tenant of liability to the landlord for the unpaid rent. See Section 5 of Order. If the landlord agrees to accept partial
payment of the rent from the tenant and to allow payment of the balance of the rent at a future date, then the tenant and landlord are encouraged to document in writing an agreement that partial payment of rent is not construed as an agreement for reduction in rent for that month.

7. Q. If a tenant has not paid some or all of the rent due to the Financial Impacts of COVID-19, when does the tenant have to pay the landlord the unpaid rent?

A. A tenant is required by the Order to pay the landlord all unpaid rent within 120 days after the termination of the Order. For that reason, if a tenant has Financial Impacts due to COVID-19, it is important for the tenant to pay as much of the rent as the tenant can afford when the rent is due.

8. Q. When does the Order terminate?

A. The Order will terminate upon the adoption by the City Council of an Ordinance or Resolution, or a further order by the EOC Director, terminating the Order.

9. Q. What is a “no fault” eviction and when does it apply?

A. A “no fault” eviction is when a tenant has paid the rent and complied with the requirements of the lease or rental agreement and the landlord seeks to evict the tenant. The provisions of the Order regarding no fault evictions apply to tenants in multi-family housing which is older than 15 years. See Section 7 of the Order for details.

10. Q. May the Order be raised as a defense if an unlawful detainer action is commenced in violation of the Order?

A. Yes, but the court in the unlawful detainer action will decide whether there is merit to the defense which may include a determination of whether the tenant presented the landlord with supporting documentation of the inability of the tenant to pay the full rent due to the Financial Impacts of COVID-19.

11. Q. If a tenant or landlord believes there has been a violation of the Order, what should they do?

A. The City does not have the authority to make any decisions on landlord/tenant issues. If you believe there has been a violation of the Order, you should seek legal advice. The landlord/tenant can also contact the Housing Rights Center at 1-800-477-5977 or by email to: info@housingrightscenter.org