

August 2020



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Dear Greetings!,

Stay updated with our newsletter! Here are just some quick updates we thought you'd be interested in.

Courts Resume Evictions and Foreclosures

By: Warren Lee, Esq.

The California Judicial Council has now decided that its temporary statewide eviction moratorium expires after midnight on September 1st.

How does this affect landlords and tenants? To landlords, effective September 2nd, courts are allowed to resume processing of unlawful detainer cases as well as moving forward with foreclosure proceedings. For tenants, September 1st marks a looming deadline that places their tenancy at risk, unless California's legislature can expeditiously pass some form of tenant protection solution before this date.

What about jurisdictions with local eviction moratoriums in place? Cities and counties that provide stronger tenant protections than the state are afforded an added layer of security. Such protections take precedence over the state's eviction moratorium. In short, these local moratoriums remain in effect and continue protecting tenants affected by the COVID-19 pandemic from eviction proceedings. For example, San Francisco's moratorium is extended to October 30, 2020 as a result of their city's Executive Order expiring on August 31st. As such, qualified tenants are prohibited from being evicted or served with a termination of tenancy notice while the moratorium is in place. Similarly, Oakland's moratorium conforms to its Local Emergency and remains in effect until the

emergency is lifted. Correspondingly, landlords are restricted from serving termination notices or filing unlawful detainer complaints against tenants during such time.

In both cities, however, unlawful detainers cases are permissible under circumstances when a tenancy poses a threat to public health and safety or when a landlord removes the rental property from the rental market, also known as an Ellis Act proceeding. Both exceptions still apply regardless of the ongoing local moratoriums.

Two notable bills are being discussed in Sacramento that may lend relief to tenants and owners. AB 1436 proposes to extend the eviction moratorium for a period of time after a state of emergency is removed, while SB 1410 offers landlords tax credits to offset unpaid rents that occurred during the pandemic.

As we are all learning to adjust to rapid changes on a weekly basis, one constant is our commitment to continue monitoring the situation and keeping you informed. Should you have any questions or require assistance in navigating these murky waters, we are here to lend you a hand.

If interested in learning about buying a building occupied by commercial tenancies San Francisco or Oakland, and whether you may evict, click [here](#) or the video below:



If I buy a building occupied by commercial tenants in San Francisco or Oakland, can I evict them?

Sincerely,

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The attorneys at Steven Adair MacDonald & Partners represent clients with landlord-tenant and other real estate legal needs throughout the San Francisco Bay Area.

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