

# COMMERCIAL TENANT PROTECTIONS

## COVID-19: Los Angeles County

(Updated 3/17/21)

If you are a commercial tenant in Los Angeles County who is NOT a multi-national business, publicly traded business, or business with **more than 100 employees**, you are covered by this ordinance if the commercial property is located in LA County and, starting September 1, 2020, is not located at an airport.

***If a city in which the property is located has its own commercial eviction moratorium, the County ordinance only applies during the time the city's ordinance is not in effect. Starting September 1, 2020, even if the city has a moratorium, the greater tenant protection between the city's moratorium and the County's moratorium will control.***

Please note that the definition of commercial tenant in the ordinance includes a tenant "using a property as a storage facility for commercial purposes."

**These protections are retroactive to March 4, 2020 and last until June 30, 2021, unless extended (this period will be referred to in this flyer as the "Moratorium Period").**

As a commercial tenant covered under the ordinance, your landlord cannot evict you or charge interest or late fees during the Moratorium Period if you are unable to pay all or part of your rent or any late charges or fees because of **financial impacts** related to COVID-19.

Financial impacts include revenue reduction due to business closure, increased costs, layoffs, or extraordinary out-of-pocket health care expenses.

You must provide the landlord with:

- notice of your inability to pay within 7 days after the rent was due, unless there are extenuating circumstances making such notice difficult to provide **AND**
- documentation showing the financial impact, such as bank statements or gross sales receipts from both before and after the COVID-19 pandemic. (Commercial tenants with fewer than 10 employees can instead self-certify their inability to pay such rent as long as it is provided in good faith and with a reasonable basis.)

***Please consult your lease agreement because providing such notice may trigger other issues, including potential default under the lease.***

### Repayment of Rent Incurred During Moratorium Period

| Number of Employees | Repayment Timeframe              | Repayment Plan Requirements                                      |
|---------------------|----------------------------------|--|
| less than 10        | July 1, 2021 – June 30, 2022     | None; but encouraged to develop a plan                           |
| 10 to 99            | July 1, 2021 – December 31, 2021 | Equal installments unless you agree otherwise with your landlord |



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## Commonly Asked Questions

### **I was served with paperwork for an eviction lawsuit. What should I do?**

If you have received a document called a summons that is from the Court, an eviction lawsuit is underway against you. You must file an answer with the court to avoid a default judgment being entered in favor of the landlord. You only have 5 days after receiving the summons to file the answer.

### **Do I still have to pay rent?**

Yes, nothing in this executive order or other laws relieves a tenant of any contractually owed rent. You are encouraged to pay whatever portion of your rent that you can.

### **What about my other lease obligations?**

You still must comply with your other lease obligations in accordance with the terms of your lease. Failure to do so could still result in eviction.

### **What if my landlord is harassing me about any of the issues covered by the ordinance?**

You can file a lawsuit for damages and other relief including misdemeanor charges against the landlord under Section 2.68.320 of the LA County Code. You may also have the right to pursue a civil lawsuit against the landlord seeking money damages or other remedies.

### **Which cities have issued their own COVID-related commercial eviction moratorium?**

As of the date of this flyer, the jurisdictions listed below had adopted a COVID-related commercial eviction moratorium, so the County ordinance may not apply.

|                  |                |                  |                |               |
|------------------|----------------|------------------|----------------|---------------|
| Agoura Hills     | Alhambra       | Arcadia          | Artesia        | Azusa         |
| Bell Gardens     | Beverly Hills  | Burbank          | Calabasas      | Commerce      |
| Culver City      | Downey         | El Monte         | Gardena        | Glendale      |
| Hawaiian Gardens | Hawthorne      | Hermosa Beach    | Inglewood      | Lakewood      |
| Lancaster        | Lawndale       | Lomita           | Long Beach     | Los Angeles   |
| Lynwood          | Malibu         | Manhattan Beach  | Maywood        | Monrovia      |
| Palmdale         | Pasadena       | Pico Rivera      | Pomona         | Redondo Beach |
| Rosemead         | San Fernando   | San Gabriel      | San Marino     | Santa Clarita |
| Santa Monica     | South El Monte | South Gate       | South Pasadena | Temple City   |
| Torrance         | West Hollywood | Westlake Village | Whittier       |               |

A copy of many of these ordinances can be found at <https://dcba.lacounty.gov/noevictions/>.

### **ADDITIONAL RESOURCES FOR NONPROFITS/SMALL BUSINESSES**

LA County Disaster Help Center <https://lacountyhelpcenter.org/for-business-owners/>

LA Department of Consumer and Business Affairs <https://dcba.lacounty.gov/>

City of Los Angeles <https://finance.lacity.org/blog/covid-19-business-resources>

*For more details see*

- LA County Board of Supervisors motion at <http://file.lacounty.gov/SDSInter/bos/supdocs/153967.pdf>.
- DCBA Guidelines at <https://dcba.lacounty.gov/wp-content/uploads/2020/07/2020-07-21-Revised-Guidelines-Memo-with-Attachments-Website.pdf> and [https://dcba.lacounty.gov/wp-content/uploads/2021/02/RSU\\_Commercial-EM-2.23.21.pdf](https://dcba.lacounty.gov/wp-content/uploads/2021/02/RSU_Commercial-EM-2.23.21.pdf).



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