



# City of Emeryville

INCORPORATED 1896

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## Temporary Commercial Eviction Ordinance: Frequently Asked Questions

As of April 21, 2020

**NOTE: As used herein, the term “Ordinance” refers to Ordinance No. 20-007 or Ordinance No. 20-008**

### **1. Who does the eviction moratorium apply to?**

The Ordinance applies to all Affected Commercial Tenants. An Affected Commercial Tenant must have:

- Valid City of Emeryville business license;
- Annual Gross Receipts less than \$7,500,000;
- Have experienced a substantial decrease in Gross Receipts, which includes, but is not limited to, a substantial decrease in Gross Receipts caused by a reduction in opening hours or consumer demand, and the Commercial Tenant claims the decrease in Gross Receipts is caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19; and
- Notified their Landlord that they qualify as an Affected Commercial Tenant

### **2. Does the moratorium apply to all evictions?**

No. The current moratorium applies only to commercial evictions stemming from the failure to pay rent by the Affected Commercial Tenants caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19.

### **3. Does this mean Affected Commercial Tenants do not have to pay their rent?**

Affected Commercial Tenants are still obligated to pay lawfully charged rent. However, during the period of the Ordinance, Affected Commercial Tenants may not be evicted for failure to pay.

### **4. Are utilities or other fees paid to the Landlord included in this moratorium?**

If the Affected Commercial Tenant pays any other fees, service or utility charges directly to the Landlord (not directly to a third-party provider), they qualify for deferral under this

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moratorium. If the Affected Commercial Tenant pays fees, service or utility charges directly to a third-party provider and cannot make these payments due to a substantial loss of income related to COVID-19, we encourage you to reach out directly to those service providers to discuss your options.

**5. Where can Affected Commercial Tenant obtain help or information?**

An Affected Commercial Tenant in the City of Emeryville may seek additional information regarding this ordinance by emailing Chadrick Smalley, Economic Development Manager at [csmalley@emeryville.org](mailto:csmalley@emeryville.org).

**6. How long is the eviction moratorium in effect?**

Under the Ordinance, the eviction moratorium is in effect until June 30, 2020, unless extended by the City Council.

**7. Is there financial assistance for Commercial Tenants who suffer a loss of income, resulting from the Coronavirus?**

Commercial Businesses may be able apply for a disaster loan related to economic damage from the Coronavirus crisis through the Small Business Administration. Please visit <https://disasterloan.sba.gov/ela> for more information. Commercial Businesses should also contact their Lender for assistance in identifying any potential Loan Modifications the Lender is willing to make. Other programs may be available depending on your industry and specific situation. Please visit <http://www.emeryville.org/1365/COVID-19-BUSINESS-RESOURCES> for additional resources.

**8. Is there financial assistance for Commercial Landlords who suffer a loss of income, resulting from the Tenants' inability to pay their rent due to the Coronavirus?**

Commercial Landlords may be able apply for a disaster loan related to economic damage from the Coronavirus crisis through the Small Business Administration. Please visit <https://disasterloan.sba.gov/ela> for more information. Commercial Landlords should also contact their Lender for assistance in identifying any potential Loan Modifications the Lender is willing to make.