

## **Preventing Evictions Following the Los Angeles Fires:** **Policy Advocacy Strategies and Protections Under Federal Law**

NHLP has assembled the following resources and advice for advocates operating in areas impacted by the Los Angeles fires. For state specific eviction defense strategies outside of federal protections, please connect with [local legal services](#). In addition, these resources from California’s Disaster Legal Assistance Collaborative may be helpful:

- [Landlord/Tenant FAQ](#)
- [Housing Legal Issues After a Disaster](#) (updated 2024)

In February 2025, the Los Angeles County Board of Supervisors passed temporary eviction protections for tenants economically impacted by the fires. The following resource from SAJE explains the protections, eligibility, what tenants need to do, and provides a link to the County’s self-attestation form:

- [Help for Renters](#)

Legal Services Corporation (“LSC”) funded organizations can engage in much of the advocacy described herein. However, some types of advocacy may be barred. For more detailed information or specific questions, please contact Hannah Adams at [hadams@nhlp.org](mailto:hadams@nhlp.org).

### **I. Strategies for Pursuing Eviction Moratoria**

Instituting an eviction moratorium for 30 days or longer after a natural disaster ensures that tenants will be protected in the immediate aftermath of a disaster, when many tenants may be evacuated or otherwise incapacitated. Depending on state law, an eviction moratorium may be instituted through legislation, executive action, or Supreme Court order. In addition, federal agencies may institute their own moratoria for federally involved properties.

- **Legislative Action:** NHLP developed the following model state eviction moratorium language during the pandemic. This language could be modified for local government and for the fires:
  - NHLP, [Model Eviction Moratorium Act](#) (updated Mar. 2020)
  - NHLP, [Model State Legislation, Safe at Home Act](#) (updated July 2020)
- **Executive Action:** On January 17, 2025 California Governor Gavin Newsom issued [Executive Order N-11-25](#), which suspended a portion of the California Code of Civil Procedure so as to prohibit eviction based on unauthorized occupancy by displaced disaster survivors in Los Angeles County (until March 8, 2025).
  - For an example of executive action that has the impact of suspending all evictions post-disaster, see former Louisiana Governor John Bel Edwards’ [Proclamation suspending all legal deadlines applicable to legal proceedings in all courts for 30 days after Hurricane Ida](#) (See Section 2). The act of suspending or extending legal deadlines will function as a moratorium on evictions in many jurisdictions because an eviction hearing cannot go forward unless statutory notice and response periods have run.

- **Judicial Action:** For an example of a Supreme Court order that suspended legal proceedings and/or legal deadlines, see [March 2020 order of the Chief Justice of the Supreme Court of North Carolina related to COVID-19](#).
- **Administrative Action:** In addition to state and local moratoriums, it might be possible to advocate for an eviction moratorium for multifamily properties with federally backed mortgages, and/or LIHTC properties.
  - During the COVID-19 pandemic, Freddie Mac and Fannie Mae (collectively, the GSEs) offered mortgage forbearance to owners of federally backed properties; and in exchange, the owners agreed not to evict tenants for the duration of the mortgage forbearance. The following tools can be used to look up whether multifamily properties have federally-backed mortgages through [Fannie Mae](#) or [Freddie Mac](#). In addition, a land records search may reveal whether a property has a federally backed mortgage. The GSEs have not yet initiated similar eviction protections in the aftermath of the LA fires. If, however, advocates have concerns about evictions taking place in federally backed properties, they should reach out to NHLP to discuss the possibility of advocating for similar eviction protections.
  - You may be able to advocate for your state Housing Finance Agency (“HFA”) to send guidance to owners and managers of Low-Income Housing Tax Credit (“LIHTC”) properties, and other properties it subsidizes, strongly encouraging a suspension of evictions for a period of time post-disaster. Particularly within the first fifteen years of the LIHTC restricted use period, property owners are typically receptive to HFA guidance because of concerns about compliance and credit recapture. You can also advocate for your HFA to include a more general post-disaster eviction moratorium policy in its Compliance Manual and/or Qualified Allocation Plan (“QAP”). QAPs are subject to public comment. For more information, see NHLP’s [Advocate’s Guide to Tenants’ Rights in the Low-Income Housing Tax Credit Program](#).

If local courts refuse to comply with a state or local moratoria, litigation may be an option to enjoin evictions. NHLP has assembled research and resources on how to overcome jurisdictional barriers to suing a state court in federal court. Please reach out to Hannah Adams at [hadams@nhlp.org](mailto:hadams@nhlp.org) or Eric Dunn at [edunn@nhlp.org](mailto:edunn@nhlp.org) for technical assistance if you need to go this route.

## II. **Other Eviction Policy Advocacy Issues**

Other states have considered or taken action in the following areas to prevent eviction post-disaster:

- **Evictions related to FEMA Direct Lease program:** After the 2023 fire in Maui, some landlords evicted tenants because they could make more money by leasing [through FEMA’s Direct Lease program](#). [FEMA issued a statement](#) against this practice and the Hawai’i Attorney General’s office conducted an investigation and fielded complaints. Advocacy may be necessary with FEMA and your state Attorney General if you see a similar practice.

- **Short-term rentals:** In July 2024, the Maui County Council voted to [phase out 7,000 short-term rentals](#) in apartment districts over two years. The bill was a response to the housing emergency in the wake of the August 2023 wildfires. [Short-term rentals are closely linked to evictions](#) because property owners can often make substantially more income from short-term rentals than long-term tenants. The successful bill is [here](#).

### III. Strategies to Prevent Illegal Evictions

Extrajudicial evictions are common after a disaster, especially while tenants are evacuated or otherwise temporarily displaced. Advocates may want to pursue the following strategies to prevent illegal, “self-help” evictions from landlords:

- **Guidance from the state attorney general reminding landlords that self-help evictions are illegal:** Several state attorneys general issued such guidance during the pandemic, including Hawaii,<sup>1</sup> California,<sup>2</sup> and New York.<sup>3</sup>
- **Directives from police departments to train their officers on how to handle self-help evictions:** [Philadelphia Police Department Directive 3.17](#) provides a good example.
- **Know-your-rights campaigns to educate tenants about the right to be free from an illegal eviction:** Check your state law on tenant remedies on self-help eviction and prepare informational materials for tenants, and/or sample pleadings to assist tenants in filing *pro se*.
- **Protective legislation that says landlords cannot treat evacuated tenants as having “abandoned” their rentals:** In states where landlords can take possession without a court order if a tenant has abandoned the premises, tenants who are evacuated are at risk after a disaster. See [example of legislation passed in Louisiana](#) after Hurricane Ida that protects tenants from extrajudicial eviction based on abandonment for thirty days after a federally declared disaster.

### IV. Eviction Protections Under Federal Law

Tenants facing eviction from federally subsidized housing after a disaster are still entitled to the same substantive and procedural eviction protections guaranteed under federal law and program rules. These protections include “good cause” and notice requirements, including the 30-day notice requirement for nonpayment evictions under the CARES Act for all covered properties, and under new HUD regulations for public housing and Project-Based Rental Assistance (“PBRA”) properties.<sup>4</sup> These protections also include grievance rights for public housing tenants, and former public housing tenants living in properties converted under the Rental Assistance Demonstration (“RAD”). To determine whether your client lives in federally subsidized housing, check the [National Housing Preservation Database](#), and look up program-specific eviction protections in the [NHLP Green Book](#).

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<sup>1</sup> Hawaii: <https://www.oha.org/news/tenant-advocates-warn-landlords-of-consequences-for-illegal-evictions/>

<sup>2</sup> California Attorney Rob Bonta Information Bulletin to all police chiefs and California Sheriffs: [Protecting Tenants Against Unlawful Lockouts and Other “Self-Help Evictions”](#) (July 13, 2022).

<sup>3</sup> New York Attorney General Letitia James Memo to NYS Law Enforcement Depts: [Unlawful Evictions Under RPAPL Sect. 768](#) (May 4, 2020); see also [New York article](#).

<sup>4</sup> 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent, 89 Fed. Reg. 101,270 (Dec. 13, 2024).

- ***Tenants living in public housing or former public housing converted under RAD:*** Public housing and former public housing “RAD tenants” may be entitled to a rent abatement “in proportion to the seriousness of the damage and loss of value as a dwelling” if repairs are not timely made to address conditions that threaten life, health or safety which are not created by the tenant household or their guests, and alternative accommodations are not provided. 24 C.F.R. § 966.4(h). Even if the damage is allegedly tenant-caused, the PHA or owner must repair the unit within a reasonable time, or if the repairs cannot be made in a reasonable time or with the residents in place, provide temporary alternative accommodations. This protection is required by regulation to be included in all public housing leases, and all existing public housing rights and protections must also be carried over to and continue for RAD-converted public housing.<sup>5</sup>
- ***Tenants living in Section 8 Project-Based Rental Assistance properties:*** The HUD form lease, HUD-90105a, contains a provision that states, “If the unit is damaged by fire, wind, or rain to the extent that the unit cannot be lived in and the damage is not caused or made worse by the Tenant, the Tenant will be responsible for rent only up to the date of the destruction. Additional rent will not accrue until the unit has been repaired to a livable condition.” If your client lives in a PBRA property that uses the form lease, this provision may be usable in the case of an eviction for nonpayment after the property is damaged by a disaster.
- ***Tenants using Section 8 Housing Choice Vouchers:*** The Housing Choice Voucher is a tenant-based subsidy; therefore, the tenant can move with continued assistance. Voucher tenants should notify the PHA if they were impacted by the fires. If their unit can no longer pass a Housing Quality Standards (“HQS”) inspection, they should be issued a voucher to relocate with continued assistance. Note that the Housing Opportunity Through Modernization Act of 2016 adds new protections for voucher program participants forced to move because of failed HQS inspections, at 24 C.F.R. § 982.404(e). Be sure your client updates the PHA with their temporary mailing address so that they do not miss important correspondence.
- ***Tenants paying minimum rent:*** Tenants who are paying minimum rent when disaster or other financial hardship hits are eligible for a hardship exemption from the minimum rent and should be informed by the PHA or owner of the hardship exemption. Under 24 C.F.R. § 5.630, the PHA or owner must suspend the minimum rent requirement because of financial hardship, which could include “when the family would be evicted because it is unable to pay the minimum rent.” This applies in public housing and across all Section 8 programs, including RAD conversions. A presidentially declared disaster is one type of circumstance that should qualify a family for a hardship exemption. If a family was forced to pay costs for evacuation, water, fuel for a generator, or other storm necessities, they may well not be able to pay minimum rent after the disaster. If the PHA or owner determines that the hardship was temporary, the suspension lasts for 90 days, after which the PHA or owner must offer a reasonable repayment agreement. If the PHA or owner determines that the hardship is long-term, the exemption can last until the end of

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<sup>5</sup> See [RAD-authorizing statute](#). Note that RAD owners and their management are often not in full compliance with all RAD statutory requirements, and HUD’s own subregulatory guidance materials may not be helpful as the demonstration program is continually evolving. For further assistance see Section 12.2.4 of the [NHLP Green Book](#), and HUD’s updated list of governing [RAD notices](#). The required abatement protection language of public housing leases may still be in the “new” leases for the RAD project. Many leases for RAD projects are not in compliance with RAD legal requirements.

the financial hardship, and the minimum rent need not be repaid for that period. Currently there is litigation in [Hartford](#) and [Omaha](#) arguing that PHAs violate federal law if they do not notify tenants of the hardship exemption option if they are unable to pay minimum rent. Similar litigation settled favorably in [Chicago](#). HUD has created a [useful toolkit](#) on the minimum rent requirement in public housing, which may be applied retroactively.

- ***Tenants with disabilities:*** Both federally subsidized and private market housing providers are required to grant reasonable accommodations to tenants with disabilities under federal antidiscrimination laws, such as the Fair Housing Act.<sup>6</sup> In many states, reasonable accommodation can be raised as a defense to eviction. For example, you might request a waiver of a lease violation as a reasonable accommodation because the disaster aggravated the client's mental health disability or made it physically impossible for the client to comply with the lease. Or you might request additional time to vacate as a reasonable accommodation because of a client's disability, where the delay will not cause an undue burden to the landlord. California also has its own fair housing law, the Fair Employment and Housing Act.<sup>7</sup>

Questions? Please reach out to Hannah Adams, Senior Staff Attorney, [hadams@nhlp.org](mailto:hadams@nhlp.org), and Lila Gitesatani, Staff Attorney, [lgitesatani@nhlp.org](mailto:lgitesatani@nhlp.org).

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<sup>6</sup> See 42 U.S.C. 3604(f)(3)(B); [Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act](#).

<sup>7</sup> See Cal. Gov. Code § 12927(c)(1); 2 CCR §§ 12176-12180.