



City of Emeryville

INCORPORATED 1896

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Temporary HOA Foreclosure 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. Does the moratorium apply to all foreclosures?

The moratorium applies to the initiation of a vote by a Home Owners Association (HOA) to foreclose on an Affected Residential Homeowner for failure to pay HOA fees due to a substantial decrease in household income. A substantial decrease in household income, includes but not limited to: a substantial decrease in household income caused by a layoff; a reduction in the number of compensable hours of work; substantial out-of-pocket medical expenses; or substantial out-of-pocket medical expenses are caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19 and is documented by the Affected Residential Homeowner.

2. Does this mean an Affected Residential Homeowner does not have to pay their HOA fees?

Affected Residential Homeowners are still obligated to pay lawfully charged HOA fees. However, during the COVID-19 emergency period, HOA Boards may not vote to initiate foreclosure on an Affected Residential Homeowner for failure to HOA fees.

3. Where can Affected Residential Homeowners obtain help or information?

The Ordinance provides an affirmative defense to Affected Residential Homeowners facing foreclosure, because of their inability to pay HOA fees due to the loss of wages, due to the COVID-19 pandemic. Affected Residential Homeowners should seek assistance from legal services providers in responding to any judicial or non-judicial foreclosure. Affected Residential Homeowners may seek additional guidance to avoid foreclosure by contacting Housing & Economic Rights Advocates (HERA) at 510-271-8443 or inquiries@heraca.org.

4. How long is the HOA foreclosure moratorium in effect?

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