

AT A GLANCE - THE COVID-19 TENANT PROTECTION ACT OF 2020 (AB-3088)

Evictions Under the COVID-19 Tenant Relief Act

- ▶ Tenants have 15 days (excluding weekends or holidays) to pay rent demanded or return a declaration of hardship in response to a landlord's notice to pay rent or quit.
- ▶ For rent debt accrued between March 1, 2020 - August 31, 2020, tenants cannot be evicted for nonpayment of rent if a declaration of hardship is returned to the landlord within the 15-day notice period.
- ▶ For rent debt accrued between September 1, 2020 - January 31, 2021, tenants cannot be evicted for nonpayment of rent if the tenant timely returns a declaration of hardship **AND** pays 25% of missed rent payments for that time period by January 31, 2021.
- ▶ "High-income" tenants earning over \$100K household income or over 130% of median household income must produce documentation of financial distress.
- ▶ Beginning October 5, 2020, tenants can be evicted if they fail to return a COVID-19 related hardship declaration to the landlord. Eviction for nuisance and other just causes other than nonpayment of rent can commence September 2, 2020 (subject to local "eviction moratorium" constraints – contact an attorney for an evaluation).
- ▶ Extends just cause protections under AB-1482 to all tenants until February 1, 2021.

Recovering Unpaid Rent Debt

- ▶ Provided that the tenant returns the declaration of hardship within 15 days, rent debt accrued between March 1, 2020 - January 31, 2021 is not a ground for eviction, but will be converted into consumer debt recoverable through civil courts.
- ▶ The jurisdiction of small claims courts is expanded to allow landlords to bring actions when rent debt exceeds \$10,000 and removes restrictions on the number of small claims actions a landlord can file.
- ▶ This debt can be pursued in small claims court beginning March 1, 2021. Debt can also be pursued in civil limited/unlimited jurisdiction courts, as well.

Additional Protections for Tenants

- ▶ Landlords must provide hardship declaration forms in the tenant's native tongue if a rental agreement was negotiated in the tenant's preferred language.
- ▶ Tenants may claim in an eviction hearing that they have a good reason for failing to return the hardship declaration to the landlord in the prescribed 15-day period.
- ▶ Landlords must provide a notice that details the rights of the tenant under the Act.
- ▶ Eviction judgements in nonpayment of rent cases filed between March 4, 2020 - January 31, 2021, may be concealed and not publicly available, irrespective of the outcome.
- ▶ Imposes new penalties of between \$1,000 and \$2,500 against landlords who resort to "self-help" eviction measures without following the required court process. Sunsets February 1, 2021.

State consolidates a patchwork of local rules

- ▶ Existing local ordinances have full effect until they expire, but local actions that occur after August 19, 2020 cannot take effect before February 1, 2021.
- ▶ Ordinances that establish a timeframe to repay unpaid rent accrued between March 1, 2020 and January 31, 2021, the time period must begin on March 1, 2021, unless the ordinance specifies an earlier date.
- ▶ Clarifies that nothing in the Act interferes with a city or county's ability to adopt an ordinance that requires just cause, consistent with state law, provided it does not affect payments due between March 1, 2020 and January 31, 2021.