All Californians deserve a place to call home. It's our priority to keep you in yours.

A new law protects renters, small landlords and homeowners who are unable to pay their rent or mortgage due to the COVID-19 pandemic. The law – **The Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020** – took effect on September 1, 2020.

New Protections and Guidelines for Tenants

If you cannot pay your full rent because of COVID-19 related financial distress, there are protections available to you until at least **February 1, 2021**.



If you were unable to pay all or some of your rent between March 1, 2020 and August 31, 2020

- You cannot be evicted IF you return a declaration of COVID-19 related financial distress to your landlord, signed under penalty of perjury, within 15 business days of receiving a notice to pay or quit (vacate) that was given to you on or after September 1, 2020.
- When your landlord gives you a notice to "pay or quit" (vacate), they must also provide a separate notification which explains your rights and obligations under the new law. (A notice to 'pay or quit' is a notice from your landlord that gives you a certain amount of time to pay the outstanding rent you owe or vacate your home.)
- When your landlord gives you a notice to pay or quit (vacate), they must provide a declaration of COVID-19 related financial distress in the language of your rental agreement. It is very important that you provide the signed declaration to your landlord within 15 business days or an eviction proceeding may be filed against you in court.
- If your household income is more than 130% of the median household income in your county and over $100,000, your landlord may demand proof of your COVID-19 related hardship be provided to support your declaration. Any form of verifiable documentation that shows the COVID-19-related financial distress – such as a tax return, pay stubs, a statement from your employer, among other items – can be used to satisfy this requirement. If you are a high-income household and your landlord requests proof of financial distress, you must provide it to be protected from eviction.

If you are unable to pay all or some of your rent between September 1, 2020 and January 31, 2021

All of the same rights and obligations above apply. However, in addition, by January 31, 2021 you must pay at least 25% of the rent due during the period of September 1, 2020 through January 31, 2021 to avoid an unlawful detainer (eviction) action being filed against you on or after

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February 1, 2021. You may do this by paying 25% each month, or by paying a lump sum equaling 25% of your rent during this time period by January 31, 2021, or by some other means, as long as you have paid at least 25% of the rent due for the period by January 31, 2021.

Other things you need to know

- These protections apply to all residential tenants, including mobile home tenants, regardless of immigration status.
- Until February 1, 2021, landlords must give at least 15 days' notice, not including weekends or judicial holidays, to pay rent or be evicted.
- If you are unable to provide a COVID-19 related financial hardship declaration within 15 business days, you may still submit the declaration to the court for similar protections if you have a "good reason" for not being able to provide the declaration to your landlord within 15 business days. Under the law, you have a "good reason" if your failure to return the declaration within the 15 business days as required by law was the result of mistake, inadvertence, surprise, or excusable neglect, as those terms have been interpreted under the California Code of Civil Procedure Section 473 (b).
- Until February 1, 2021, the law limits public disclosure of eviction cases involving nonpayment of rent between March 1, 2020 and January 31, 2021.
- The law provides protections for tenants if landlords claim to evict them for "just cause" when in fact they are evicting a tenant for nonpayment of rent that was due between March 1, 2020 and January 31, 2021.
- Tenants can still be evicted for other reasons, such as for health and safety violations.
- The law adds a new penalty of between $1,000 and $2,500 against landlords who do such things as locking a tenant out, throwing personal property out onto the curb, and shutting off utilities to evict a tenant, rather than going through the required court process. These penalties are in effect until February 1, 2021.
- Tenants who believe they have been unlawfully evicted or who need legal advice should consult with an attorney. Tenants who need low- or no-cost legal help can visit www.lahelpca.org and/or https://landlordtenant.dre.ca.gov/resources/tenant.html for additional resources.

IMPORTANT: You will still owe back rent

If you have followed all the procedures above, any rent owed remains rent due.

You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes.

Your landlord may sue you for unpaid rent at any time, and beginning March 1, 2021, they may bring such a lawsuit against you in small claims court, regardless of how much you owe.

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NO MATTER WHAT, BEGINNING FEBRUARY 1, 2021, YOU WILL HAVE TO PAY THE FULL AMOUNT OF YOUR RENT TO BE PROTECTED FROM EVICTION.

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MORE INFORMATION

What counts as Financial Distress?

Financial distress means that you have reduced income or increased expenses due to COVID-19 that make you unable to meet your monthly rent or other obligations under your lease. It includes:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced your income or increased your expenses.

Even if you are receiving public assistance — such as unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave — you can still make a declaration of COVID-19 financial distress if this assistance does not fully make up for your loss of income and/or increased expenses.

