



# AB 3088 - COVID-19 TENANT RELIEF ACT OF 2020

## Evictions Under the COVID-19 Tenant Relief Act

- Extends notice period from 3 to 15 days (not including weekends or holidays) to provide tenant additional time to either pay or provide declaration of hardship in response to landlord's notice to pay rent or quit.
- Tenant cannot be evicted for nonpayment due to a COVID-19 related hardship for rent due between March 1 – August 31, 2020, if tenant returns declaration of hardship under penalty of perjury within 15-day notice period.
- Tenant cannot be evicted for nonpayment due to a COVID-19 related hardship for rent due between September 1, 2020 – January 31, 2021, if tenant returns declaration of hardship under penalty of perjury within 15-day notice period and pays 25% of the missed rent payments for that period by January 31, 2021.
- Higher income tenants (over \$100K household income or over 130% of median household income) must provide some form of documentation, as specified in the bill.
- Tenants can be evicted beginning October 5, 2020 if they fail to return COVID-19 related hardship declaration to landlord.
- Applies to all residential rental tenants and mobile home residents, including single-family home and ADU rentals.
- Eviction cases for just causes other than non-payment (e.g., nuisance) can begin September 2, 2020.
- Just cause under AB 1482 (Tenant Protection Act of 2019) is extended to all tenants until February 1, 2021. Delays any eviction cases for non-payment (not due to COVID-19 hardship) until October 5, 2020.
- Amends existing retaliation law to prohibit landlord from evicting a tenant for a reason other than non-payment of rent in retaliation for having unpaid COVID-19 rental debt.

## Tenants Still Responsible for Paying Unpaid Amounts to Landlords

- If the tenant complies with the above, any remaining unpaid rent due between March 1, 2020 – January 31, 2021, is not a ground/basis for eviction, but is still owed to the landlord as a form of consumer debt
- Small claims court jurisdiction is temporarily expanded to allow landlords to recover these amounts.
- Landlords may begin to recover this debt on March 1, 2021.

## Other Protections for Tenants

- Requires landlords to provide hardship declaration forms in a different language if rental agreement was negotiated in a different language, consistent with existing law.
- Provides tenants a backstop in an eviction case if they have a good reason for failing to return the hardship declaration to the landlord within 15 days.
- Requires landlords to provide tenants a notice detailing their rights under the Act.
- Eviction judgments in non-payment of rent cases filed between March 4, 2020 – January 31, 2021, are subject to masking and are not publicly available, regardless of the outcome. Sunsets February 1, 2021.

## Statewide Consistency and a Pause on Local Measures

- Existing local ordinances remain in place until they expire. Local actions that occur after August 19, 2020 cannot take effect before February 1.
- If an ordinance that establishes a time-period for repayment, that repayment period must begin (for unpaid rent due between March 1, 2020 and January 31, 2021) **on March 1, 2021**, unless the ordinance specifies an earlier date.
- Clarifies that nothing in the Act affects a local jurisdiction'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.

## Protections for Small Landlords

- Extends the Homeowners' Bill of Rights' anti-foreclosure protections to small landlords (1-4 units, non-owner occupied) if landlord is an individual, tenant moved in prior to March 4, and tenant fails to pay rent due to loss of income.
- Provides accountability and transparency provisions to protect small landlord borrowers who request CARES-compliant forbearance; authorizes a borrower who is materially harmed to file a lawsuit.

## Penalties on Landlords Who Do Not Follow Court Eviction Process

- Adds a new penalty of between \$1,000 and \$2,500 against landlords who resort to self-help (i.e., locking the tenant out, throwing personal property out onto the curb, shutting off utilities) to evict a tenant, rather than going through the required court process. Sunsets February 1, 2021.

Entire Act Sunsets February 1, 2025 (nothing in the bill applies to rent due after January 31, 2021)