

## Collecting Unpaid COVID-Period Rent

In August of 2020, California passed its first law prohibiting landlords from evicting tenants who had a COVID-related excuse for not paying rent beginning in March 2020. The law was extended to provide protection for unpaid rent through September 2021. Eviction restrictions have been modified but remain in place through March 2022. (See Quick Guide "[Rent Moratorium and Just Cause Eviction Rules Extended](#)"). Special rules that originally allowed property owners to pursue tenants in small claims court for unpaid COVID-period rent have been delayed to November 1, 2021.

### **November 1: Small claims actions available for all unpaid COVID-period rent regardless of amount**

Starting November 1, 2021, a property owner may sue a tenant in small claims court for unpaid rent for the period between March 1, 2020, and September 30, 2021.

### **Small claims dollar limits do not apply**

Normally, the maximum claim that may be brought in small claims is \$10,000 (for individuals, corporation limit is \$5,000). Also, a person or entity may not sue in small claims court more than twice for an amount over \$2,500. Property owners, however, may sue for the total amount owing, even if in excess of \$10,000 (or \$5,000) AND may sue multiple tenants for more than \$2,500 if that represents the full amounts due.

### **New small claims forms must be used**

Court form "SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)" must be used. That form is available here: <https://www.orangeda.com/wp-content/uploads/2021/10/sc500.pdf>. A court document explaining the process and giving information about small claims, generally, (SC-500-INFO) is available here: <https://www.courts.ca.gov/documents/sc500info.pdf>. If a property manager is appearing on behalf of the property owner, court form SC-109, Authorization to appear, must also be used: <https://www.courts.ca.gov/documents/sc109.pdf>.

### **Property owners must prove they sought rental assistance.**

Property owners must attach documentation (emails, texts, notes) to the required form showing they attempted to obtain rental assistance to pay the tenant's unpaid rental debt. Tenants must be credited with any amount received from such assistance actually paid to landlord.

### **Special small claims rules expire October 1, 2025.**

After October 1, 2025, all the regular rules of small claims court apply to recover unpaid COVID-period rent and if the legal claim exceeds the jurisdictional limits, then it must be brought in Superior Court. Regardless of where or when the suit is brought, suits for breach of written lease, such as unpaid rent, must be brought within 4 years after the non-payment. Suits for breach of verbal rental must be brought within 2 years after the non-payment. One who waits too long may be barred from bringing suit for recovery of that unpaid rent.

### **Local rules may still apply**

Many cities and counties have enacted laws that permit tenants to delay payment of unpaid COVID-period rent. If such a rule applies to the area where the property is located, then the unpaid rent is not due until the time provided in the local rule, and a small claims action cannot be brought until that time because the rent would not be delinquent. No local rule may extend the beginning date for repayment beyond May 1, 2022 nor extend the final date of payment beyond May 31, 2023.