



COVID Tenant Protections: Eviction Restrictions and the State Rental Assistance Program

Legal Tools March 2021

Current Eviction Restrictions

- If tenant has not paid rent for any period between March 2020 and Sept 2020, tenant cannot be evicted if they complete the COVID-19-related declaration of financial distress form and return to landlord.
- For rent that comes due between September 2020 and June 2021, tenant is responsible for paying at least 25% of the monthly rent.
 - If the tenant has completed and returned the declaration. However, the tenant will have until June 30, 2021, to pay the amount due.

Current Eviction Restrictions

- Landlords cannot serve a 3 Day Notice to Pay Rent or Quit
 - Instead, they must serve a modified 15-day notice with new informational notices and an attached copy of the COVID-19-related declaration of financial distress form.
- For any tenants behind on rent that became due between March 2020 and Sept 1, 2020, tenant must have already received by September 30, 2020, from the landlord a general notice of the tenant's rights under the Tenant Relief Act (C.A.R. form NTRA) if the landlord plans to serve a 15-day notice.
- For any tenant behind on rent that came due between March 2020 and Feb 1, 2021, the tenant must have already received from the landlord an NTRA-2 by February 28, 2021, if the landlord plans to serve a 15-day notice.
- For a tenant who falls behind between February and June of 2021, the landlord must provide the NTRA-2 to the tenant prior to serving a 15 day notice.

Current Eviction Restrictions

- Just Cause Eviction Requirements
 - Under the Tenant Relief Act, all properties (including single family residences and condo units) are subject to just cause eviction requirements until July 1, 2021.
- What about an owner selling a single-family property or condo unit that is tenant occupied?
 - The owner may terminate the tenancy *if they are in contract to sell to a buyer who will take occupancy.*
 - All other requirements of the just cause provisions under AB 1482 must be met, including delivery of the exemption notice (Such as form RCJC)
- Properties previously exempt from the just cause requirements of AB 1482 are still not required to pay a relocation fee under the provisions of the Tenant Relief Act.

Current Eviction Restrictions

- Even though a landlord may not be able to evict on the basis of unpaid rent for the period between March 2020 and June 2021, the balance of the unpaid rent *is still* owed.
 - A claim for unpaid rent may be brought in small claims court beginning August 1, 2021, even if the amount owed would otherwise exceed small claims court limits. The landlord when filing such a case will have to demonstrate that they made a good faith effort to seek rental assistance for the tenant or that they cooperated with a tenant who is seeking such assistance.
 - Certain landlords may also apply to receive funds through the State Rental Assistance Program.

State Rental Assistance Program

- Eligible Landlords
 - ▶ A landlord who has one or more eligible tenants can apply to get reimbursed for 80% of each eligible tenant's unpaid rent between April 1, 2020, and March 31, 2021.
- Eligible Tenants
 - ▶ In general, the first-round priority is for tenant households who are at or less than 50% of the Area Median Income or who have been unemployed for 90 days or more.
 - ▶ If there are remaining funds after the first round, then tenant households with AMI up to 80% are eligible.

State Rental Assistance Program

- How Can the Landlord Apply?
 - ▶ Landlord's can sign up at the state website: https://housing.ca.gov/covid_rr/index.html
 - Make sure to gather the required items as laid out in this checklist https://housing.ca.gov/pdf/covid19/landlord_checklist.pdf
 - ▶ Applications for the state program are available now.
 - ▶ If a landlord's city or county is processing applications separately, this website will direct the landlord where they should go.
- A property manager can apply on behalf of the landlord, but the landlord must add the property manager to their account as a "designee" at the state website.

State Rental Assistance Program

- Local Programs
 - ▶ Larger cities and counties (with populations above 200,000) may administer their own programs. But they are incentivized to join, or at least, follow the state rules.
 - ▶ When a locality has opted out of the state program, a landlord can still apply through the state for partial payment, but the application will not be processed until the two programs are coordinated.

State Rental Assistance Program

- Requirements for Receiving Payment
 - ▶ Under the State program, landlords must agree to accept the money as payment in full and to release the tenant from any and all claims for nonpayment of COVID rental debt owed, including a claim for unlawful detainer, for the specified time period.
 - NOTE: Local programs may or may not have this same condition
 - ▶ The tenant will also need to be engaged in the application process in order for the landlord to receive payment.

Additional Resources

- Housing is Key Website
<https://housing.ca.gov/>
- Quick Guide on Eviction Restrictions
[Here](#)
- Quick Guide on State Rental Assistance Program
[Here](#)
- Legal Q&A on SB 91
<https://www.car.org/en/riskmanagement/qa/landlord-tenant-folder/SB91>
- February 2021 Legal Live Webinar on SB 91
<https://www.car.org/riskmanagement/live>