

KNOW YOUR RIGHTS: COVID-19 Eviction Protections

California's COVID-19 Tenant Relief Act of 2020

There is a new law that protects many California renters during the COVID-19 pandemic. There are protections for renters who can't pay their rent because of COVID-19. There are protections for renters who get an eviction notice that doesn't have a reason on it. Keep reading to learn more. Call your local Legal Services of Northern California office if you need more help.

I can't pay my rent now. Can I be evicted?

If you have not been able to pay rent for any time since March 1, 2020, your landlord must give you a 15-day notice. This new notice must give you 15 days to pay rent or to tell the landlord you cannot pay because of COVID-19. Your landlord must give you a form called a "Declaration" with the 15-day notice.

If you cannot pay your rent because of COVID-19, you must sign and give the Declaration to your landlord. You must do this within 15 business days. If you do this, your landlord cannot evict you for not paying the rent right now.

Keep reading to learn what steps you should take to protect yourself.

If you couldn't pay your rent between March 1, 2020 – August 31, 2020:

You can never be evicted for rent you couldn't pay between March 1, 2020 and August 31, 2020 if you:

1. Couldn't pay rent for COVID-19 reasons AND
2. Sign and return the form called "Declaration of COVID-19 Related Financial Distress" your landlord has to give you.

You **MUST** sign the declaration form and give it to your landlord in the way they tell you to within **FIFTEEN DAYS** of getting it.

You don't have to wait for your landlord to give you the declaration form. You can sign the declaration form and give it to your landlord. Even if you give your landlord a signed declaration form, your landlord might give you another one to sign. If that happens, you must sign and return that declaration form too.

If you send it to your landlord in the mail, send it in a way that you can track it. You can go to your local Post Office to mail it with a "Certificate of Mailing." Mailing the declaration with a "Certificate of Mailing" gives you proof you mailed it. If you need help, ask a Post Office employee for their help.

If you can't pay your rent between September 1, 2020 and January 31, 2021:

You can never be evicted for rent you couldn't pay between September 1, 2020 and January 31, 2021 if you:

1. Couldn't pay rent for COVID-19 reasons AND
2. Sign and return the form called "Declaration of COVID-19 Related Financial Distress" every time your landlord asks you to AND
3. Pay at least 25% of your September – January total rent by January 31, 2021. Total rent means your rent and any charges you pay your landlord, such as utilities.
 - a. Example: if your total rent is \$1000 each month, 25% of that is \$250. There are five months of rent between September 1, 2020 and January 31, 2021. That means you would have to pay your landlord \$1,250 by January 31, 2021 to have the full protections under the new law.

Tell your landlord what month your rent payment is for. You should write on the check or money order that the rent payment is for the current month of rent. You should also write a letter telling the landlord to apply your rent to the current month. Give this letter to your landlord at the same time you give them your rent.

You can find the Declaration and a sample rent designation letter on our website at www.LSNC.net/coronavirus-covid-19.

Starting February 1, 2021:

These new protections only last until January 31, 2021. On February 1, 2021 you have to pay your full monthly rent on time. Unless California extends this new law, these protections end January 31, 2021. Legal Services of Northern California will share any tenant updates on our website at www.LSNC.net.

I can't pay 25% of my September 2020 – January 2021 rent by January 31, 2021. What happens then?

You should still sign the declaration form every time your landlord asks you to. If you do, your landlord can't file an eviction case for unpaid rent until February 1, 2021.

If you can't pay 25% of your September 2020 – January 2021 rent by January 31, 2021, your landlord can file an eviction case on or after February 1, 2021. If you get court eviction papers, you should seek legal advice.

Do I still owe the rent I couldn't pay between March 1, 2020 – January 31, 2021?

Yes, you still owe your landlord this rent money. Your landlord can try to collect this past due rent from you. Your landlord may also sue you in small claims court on or after March 1, 2021 for any rent debt you have not paid.

Remember to sign and return the declaration within fifteen days. If you do, your landlord cannot evict you or force you to move out for not paying this rent.

I didn't lose income from the pandemic. But my monthly bills have gone up because of COVID-19. Do I have the same protections?

Yes. If your monthly bills have gone up for reasons related to the pandemic, you are likely protected. You should read the "Declaration of COVID-19 Related Financial Distress." Make sure your reason fits into one of the reasons on the declaration form.

My landlord has given me a lot of notices lately. What do they mean?

You might get three new notices from your landlord.

1. A notice that explains the new protections.
2. A fifteen-day notice for rent you could not pay between March 1, 2020 and August 31, 2020. Your landlord has to give you the declaration form with this fifteen-day notice. The declaration form is called "Declaration of COVID-19 Related Financial Distress."
3. A new fifteen-day notice for rent you can't pay each month between September 1, 2020 and January 31, 2021. Your landlord has to give you the declaration form with every fifteen-day notice.

Every time your landlord gives you a fifteen-day notice, they also have to give you the declaration form. If you don't get this form, you should seek legal advice.

I got an eviction notice but my landlord didn't tell me why they're evicting me. What should I do?

The new law says a renter can't be evicted without a reason if the notice expires between March 1, 2020 and January 31, 2021. This means that any eviction notice or notice to move out that you get must say why the landlord wants you to move out.

The new law also says the landlord can only evict you for certain reasons. For example, in most cases a landlord cannot evict you right now because they want to remodel the home you rent.

If you have a notice telling you to move out, you should seek legal advice.

What should I do if I get court papers? Who can help me?

If you get eviction court papers, you should seek legal advice right away. If you live in a Northern California county, you can call your local Legal Services of Northern California Office. Our office can give you free legal advice about when and how to respond. We will explain how the new law applies to you. **If you ignore the court papers, you may be evicted.**

You can also find the legal services office closest to you by visiting www.LawHelpCA.org.

There are other federal, state, and local laws that may also protect you.

Call us for free legal advice. We can help you find out what laws apply to you.

Auburn: 530-823-7560
Chico: 530-345-9491
Eureka: 707-445-0866

Redding: 530-241-3565
Sacramento: 916-551-2150
Ukiah: 707-462-1471

Vallejo: 707-643-0054
Woodland: 530-662-1065
www.LSNC.net

This handout is intended to provide accurate, general information regarding renters' legal rights in California. Because laws and legal procedures are subject to frequent change and differing interpretations, LSNC cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. This is not legal advice. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation. This information is current as of the date of publication, September 15, 2020.