



**THE TENANT, HOMEOWNER AND SMALL  
LANDLORD RELIEF ACT OF 2020  
(AB 3088)**

**Workshop for Hayward Landlords**

**October 21, 2020**

# Who are we?



Project Sentinel, Inc. is a non-profit housing services agency serving many communities in Northern California. One of our core services is neutral landlord/tenant counseling and dispute resolution which includes supporting some cities with administration of their rent stabilization programs. Our HUD-certified counseling branch provides first-time homebuyer, mortgage, foreclosure, pre-foreclosure and financial/credit counseling.

**Emily Hislop**, Rent Stabilization Programs Manager

**Sharleen Kilgore**, Housing Counseling Director

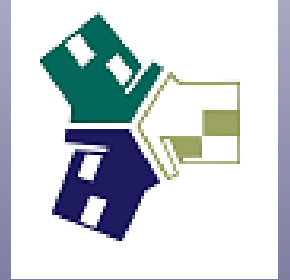
*PLEASE NOTE:* We are not able to offer legal advice or legal representation, but we can offer tips, best practices, and an overview of local and State laws. For legal services, please contact an attorney or a lawyer referral service.

# What will we cover this evening?



1. Overview of COVID-19 eviction protections
  - State (AB 3088), Local & Federal
2. Mediation Services
3. Small Landlord Mortgage Relief Options
4. Resources

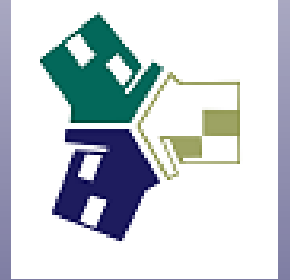
# The Tenant, Homeowner and Small Landlord Relief Act of 2020 (AB 3088)



## Purpose

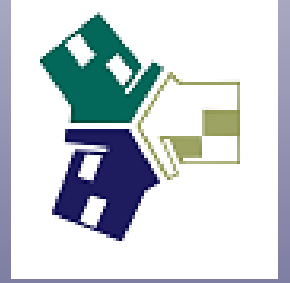
- Urgency Legislation enacted September 1, 2020
- Provides tenant and homeowner protections statewide
- Provides some mortgage relief to small landlords
- AB 1482 “clean up”
- Meant to be short-term fix, more expected January 2021

# Tenant Protections under AB 3088



1. Eviction protections under AB 3088 **apply to all residential tenants**, including mobile home tenants, regardless of immigration status or whether there is a formal lease.
2. If a tenant has unpaid rent due to COVID-19 financial impacts between March 1, 2020 and January 31, 2021, they **CANNOT BE EVICTED** for those unpaid amounts.
3. Until February 1, 2021: Tenants may only be evicted under limited circumstances and any termination notice must state a legally-valid reason.

# Tenant Protections under AB 3088

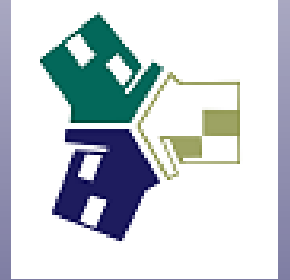


## Important to Note....

4. Tenants still **owe unpaid rent**. Collection actions may be filed in Small Claims Court, but only after repayment periods end\* and no earlier than March 1, 2021.
5. Before January 31, 2021, Tenants **must** take certain actions to be protected and Landlords **must** serve certain documents to protect their rights.

*\*Local ordinances may apply to when the rent should be repaid*

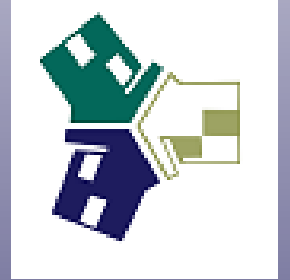
# Noticing for Unpaid Rent from Mar. 1, 2020 – Aug. 31, 2020 (AB 3088)



- By September 30, 2020 Landlords must serve “**Notice for Code of Civil Procedure Section 1179.04(a)**” on Tenants who have unpaid rent during this period.
- Any Notice to Pay or Quit served for unpaid amounts during this period, **must** be a 15-Day Notice and **must** contain certain information. This info is included in the State’s form on its website (*below*).
- Any 15-Day Notice **must** be served with an unsigned “Declaration of COVID-19-Related Financial Distress”.

All of these forms can be found (in multiple languages) here: [landlordtenant.dre.ca.gov/landlord/forms.html](https://landlordtenant.dre.ca.gov/landlord/forms.html)  
and here: [landlordtenant.dre.ca.gov/tenant/forms.html](https://landlordtenant.dre.ca.gov/tenant/forms.html) (for the declaration)

# Noticing for Unpaid Rent between Sept. 1, 2020 – Jan. 31, 2021 (AB 3088)



- Any Notice to Pay or Quit for rent due between September 1, 2020 and January 31, 2021, **must** be a 15-Day Notice and **must** contain certain information (*this Notice is different than the prior slide*).

**15-Day Notice to Pay or Quit**  
(Nonpayment of Rent between September 1, 2020 and January 31, 2021)  
(Code of Civil Procedure Section 1179.03(c)(4))

TO: \_\_\_\_\_  
(Name of Tenant(s))

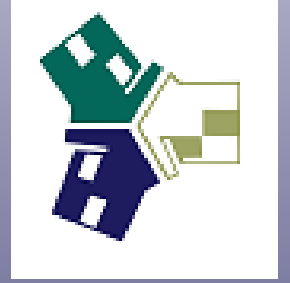
NOTICE FROM THE STATE OF CALIFORNIA

- **AND** each 15-Day Notice served **must** be served with an unsigned “Declaration of COVID-19-Related Financial Distress”.

All of these forms can be found (in multiple languages) here: [landlordtenant.dre.ca.gov/landlord/forms.html](https://landlordtenant.dre.ca.gov/landlord/forms.html) and here: [landlordtenant.dre.ca.gov/tenant/forms.html](https://landlordtenant.dre.ca.gov/tenant/forms.html) (for the declaration)



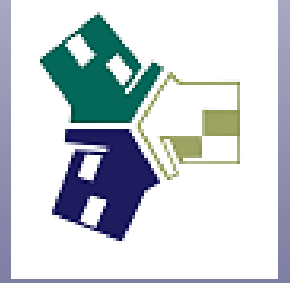
# How Tenants Obtain Protection (AB 3088)



- Tenant will sign the declaration form if they have been financially impacted by COVID-19 and provide it within 15 business days of getting the Notice to Pay Rent or Quit.
- Tenants can send the form by mail, by any method listed on the 15 day notice, or by any method typically used to pay rent.
- Tenants should sign and return a form **each time** they receive a notice from their landlord, which may happen each month.
- For eviction protection for unpaid amounts between Sept. 1, 2020 - Jan. 31, 2021, tenants must also pay in total the equivalent of 125% of one month's rent by January 31, 2021 over that entire 5 month period.

[landlordtenant.dre.ca.gov/tenant/forms.html](http://landlordtenant.dre.ca.gov/tenant/forms.html)

# Can a Landlord Require a Tenant to Provide Additional Documentation? (AB 3088)

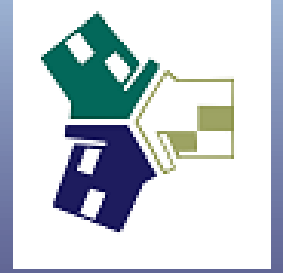


**NO**, the signed declaration is all that is required, *unless...*

- The landlord has *prior proof* in their records that the tenant household income is at least \$100,000 AND at least 130% of the Area Median Income (AMI) – “High Income Tenant”
- A Landlord may ask a “High-Income Tenant” for additional financial documentation to validate the tenant’s Declaration of COVID-19-Related Financial Distress.
- To do so, you **MUST** provide the tenant with the notice titled, “Notice for Code of Civil Procedure Section 1179.02.5(d)” at the same time as a 15-Day Pay or Quit Notice

[landlordtenant.dre.ca.gov/landlord/forms.html](http://landlordtenant.dre.ca.gov/landlord/forms.html)

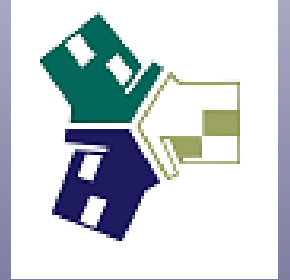
# Non-Payment of Rent Example



Alex's rent is \$2000/month. Alex lost work when the business closed and Alex couldn't pay rent September 2020.

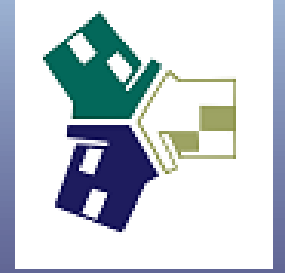
- Landlord serves Alex a 15-day Notice to Pay with an unsigned Declaration form
- Alex submits the signed Declaration to the landlord within 15 business days
- Alex can try to pay \$500 (25% of the rent) towards September's rent or wait
- Each month Alex is unable to pay rent and is served with a 15-Day Notice, Alex must submit a signed Declaration
- By January 31, 2021, to be protected from eviction, Alex must have paid a total of at least 125% of one month's rent (\$2500) in rent.
- February 1, 2021 the regular monthly rent amount is due (\$2000)
- After March 1, 2021, the Landlord may be able to file a small claims suit for the remaining unpaid rent, *if local ordinances permit action to be taken.*

# Additional Eviction Protections (AB 3088)



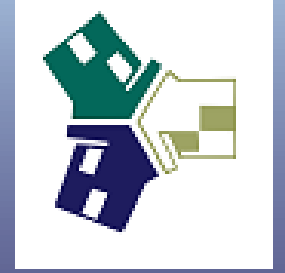
- **ALL** tenants entitled to just cause protections until February 1, 2021
  - For any “at fault” cause, Landlord must give notice and allow tenant to fix the problem
  - Termination permitted if property has been sold to a buyer who intends to live in the unit (additional noticing required)
  - Intent to demolish or substantially remodel the property, but only when necessary to make the unit habitable.
- “No cause” evictions not permitted against **any** tenant until after February 1, 2021.
- This is in addition to any additional protections under Hayward’s local just cause ordinance.

# Prohibited Actions (AB 3088)



- It is ILLEGAL for a landlord to:
  - discriminate against a tenant based on age, race, religion, disability, source of income, immigration status, primary language, other protected categories
  - Harass or retaliate against a tenant for missed rent
- Examples of retaliation include:
  - a landlord telling a tenant that they must vacate outside of the court process
  - threats
  - locking a tenant out
  - throwing personal property onto the curb
  - shutting off utilities
  - other actions meant to intimidate or deceive
- AB 3088 adds higher fines (\$1,000 - \$2,500) for landlords who try to evict tenants outside of the court process.

# Federal CDC Order

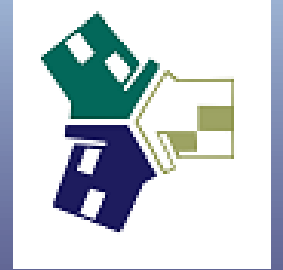


## Prohibits all no-fault evictions until December 31, 2020

- Income loss/increased expenses does not have to be COVID-19 related
  - Household income < \$99K (or < \$198K for joint tax filers)
  - Protects tenants from eviction for rent that accrued before March 1, 2020
  - May prohibit a landlord from taking steps to evict, including requesting a Sheriff's lockout after judgment
  - Includes enhanced penalties for landlords that do not comply with the order
  - Does not forgive rent and no protection from eviction after December 31, 2020
- Tenant can provide the CDC declaration at *any* time
- ⚠ The declaration requires the tenant to make specific promises that the State required declaration does not. (e.g. used “best efforts to obtain all available government assistance for rent or housing”; would become homeless or forced to share close quarters with another household)

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

# Local Moratorium Ordinances



- **City of Hayward** Temporary Moratorium on Evictions expired September 30, 2020; free mediation services available to negotiate payment agreements for residential tenants and landlords
- **Alameda County** Board of Supervisors eviction moratorium ordinance enacted June 30, 2020:
  - Allows tenants 12 months to repay rent over 12 months. Ordinance remains in effect until 60 days after the local health emergency is lifted or 60 days after December 31, 2020, whichever is later.
  - Violators are subject to a \$1000 fine and may be subject to civil proceedings.
  - More: <http://www.acgov.org/cda/hcd/documents/EvictionMoratoriumOrdinanceSummaryFAQ8.11.20.pdf>
- **County Courts** will implement the County Ordinance; for more information on this, please visit: <http://www.alameda.courts.ca.gov/Pages.aspx/COVID-19>

# Hayward COVID Rent Mediation Program



Mediators work with tenants and landlords remotely by phone or video conference to help them negotiate reasonable rent repayment plans.

**Mediation is fast, free and confidential!**

Mediators are trained on the moratorium and applicable RRSO rules, but they are neutral and do not advocate for either side or make any decisions.

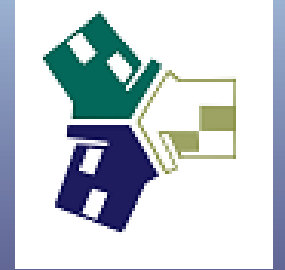
All personal information provided is kept confidential and not reported to any funding source or government agency.

Tenants or Landlords can sign up for mediation services to help work out rent repayment plans here:  
<https://form.jotform.com/ProjectSentinel/HaywardRCMP>

For help with the sign-up form, you can contact the Housing Division:  
[housing@hayward-ca.gov](mailto:housing@hayward-ca.gov)  
510-583-4454 (para Español, 510-909-8971)



# Tips & Questions



State has a website with more information:

CA.GOV

DRE

HOUSING IS KEY

About Publications Tenant/Landlord Resources AMI Calculator Contact Search

Select Language

Settings

## Tenant and Landlord Resources

The California COVID-19 Information App for Tenants & Landlords

Click here

**Tenants**

[Protection Guidelines](#)

[Forms](#)

[Resources](#)

**Landlords**

[Protection Guidelines](#)

[Forms](#)

[Resources](#)

**Homeowners**

[Protection Guidelines](#)

[Resources](#)

**Partners**

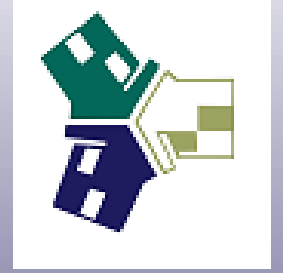
[Legal Aid Societies](#)

[Community-Based Organizations](#)

Questions?

State website with forms, info:  
[housingiskey.com](https://housingiskey.com)

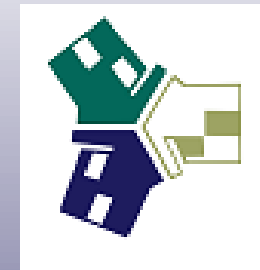
# Small Landlord Relief (AB 3088)



Mortgage relief options available to Small Landlords who have had difficulty making mortgage payments due to COVID-19.

- A “**Small Landlord**” is:
  - Owner of 4 or fewer properties; AND
  - Each property has no more than 4 rental units
- Properties do not have to be owner-occupied
- COVID-19 impacted = at least one Tenant has not paid full rent.

# Small Landlord Relief



- If you have a federally-backed mortgage, you can request forbearance pursuant to the federal CARES Act (Coronavirus Aid, Relief, and Economic Security) to help you avoid becoming delinquent on your mortgage.
- If you have a non-federally-backed mortgage, you can also contact your servicer requesting forbearance along with other options that may be available to you.
- **Project Sentinel certified HUD housing counselors can help you work with your lender!**

408-470-3730

| <https://www.housing.org/housing-counseling>

# Resources



Housing Division - <https://www.hayward-ca.gov/your-government/departments/housing-division>  
(510) 583-4454 [housing@Hayward-ca.gov](mailto:housing@Hayward-ca.gov)  
Legal Resources <https://www.hayward-ca.gov/sites/default/files/documents/Legal%20Resources.pdf>



Echo Housing - Fair Housing and Mediation Services  
(510) 581-9380 <https://www.echofairhousing.org/>



CA State DRE website - [housingiskey.com](http://housingiskey.com)  
Guide To Residential Tenants' and Landlords' Rights and Responsibilities revised 9/2020  
<https://landlordtenant.dre.ca.gov/resources/guidebook/index.html>



Project Sentinel – Certified HUD Housing Counselor  
(408) 470-3730 <https://www.housing.org/housing-counseling>



Nolo Press – California Landlord's Law Books

- Rights and Responsibilities <https://store.nolo.com/products/the-california-landlords-law-book-lbrt.html>
- Evictions <https://store.nolo.com/products/the-california-landlords-law-book-lbev.html>



Superior Court Self Help

- <http://www.alameda.courts.ca.gov/Pages.aspx/Representing-Yourself>
- <https://www.courts.ca.gov/selfhelp-eviction.htm>