

Alameda County Eviction Moratorium & Tenant Protections

Presented by ECHO Housing



Topic Overview

County-wide Eviction
Moratorium

State-wide Assembly Bill 3088

General Questions

Tenant Protections Act of 2019

Applicability of AB-1482

"Rent Caps" under AB-1482

Questions & Comments

About Us...

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The Eden Council for Hope and Opportunity (ECHO Housing) was founded in 1964 by volunteers dedicated to equal housing opportunities and the prevention and elimination of homelessness. ECHO is a full service housing counseling organization providing services to residents of Alameda, Contra Costa, and Monterey Counties.

Disclaimer

- The information provided in this presentation does not, and is not intended to, constitute legal advice;
- All information, content, and materials available in this presentation are for general informational purposes only;
- Participants of this presentation should contact an attorney to obtain advice with respect to any particular legal matter.

History

LIMITS ON EVICTIONS

- On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency related to COVID.
- On March 16, 2020, Governor Newsom issued an executive order allowing local governments to impose limits on residential evictions.
- On March 24, 2020, the Board of Supervisors enacted a temporary moratorium on evictions in Alameda County. Since then, the Board has amended the moratorium to extend the protections.
- On August 31, 2020, Governor Newsom approved AB-3088, which became SB-91 and then AB-832 (provided state-wide eviction protections due to the pandemic).

Alameda County Eviction Moratorium

- The temporary moratorium imposes a ban on all evictions against tenants.
- This is not a rent or mortgage strike.
- Applies to residential units in the unincorporated and incorporated areas of the County with a set of procedures, which must be followed.





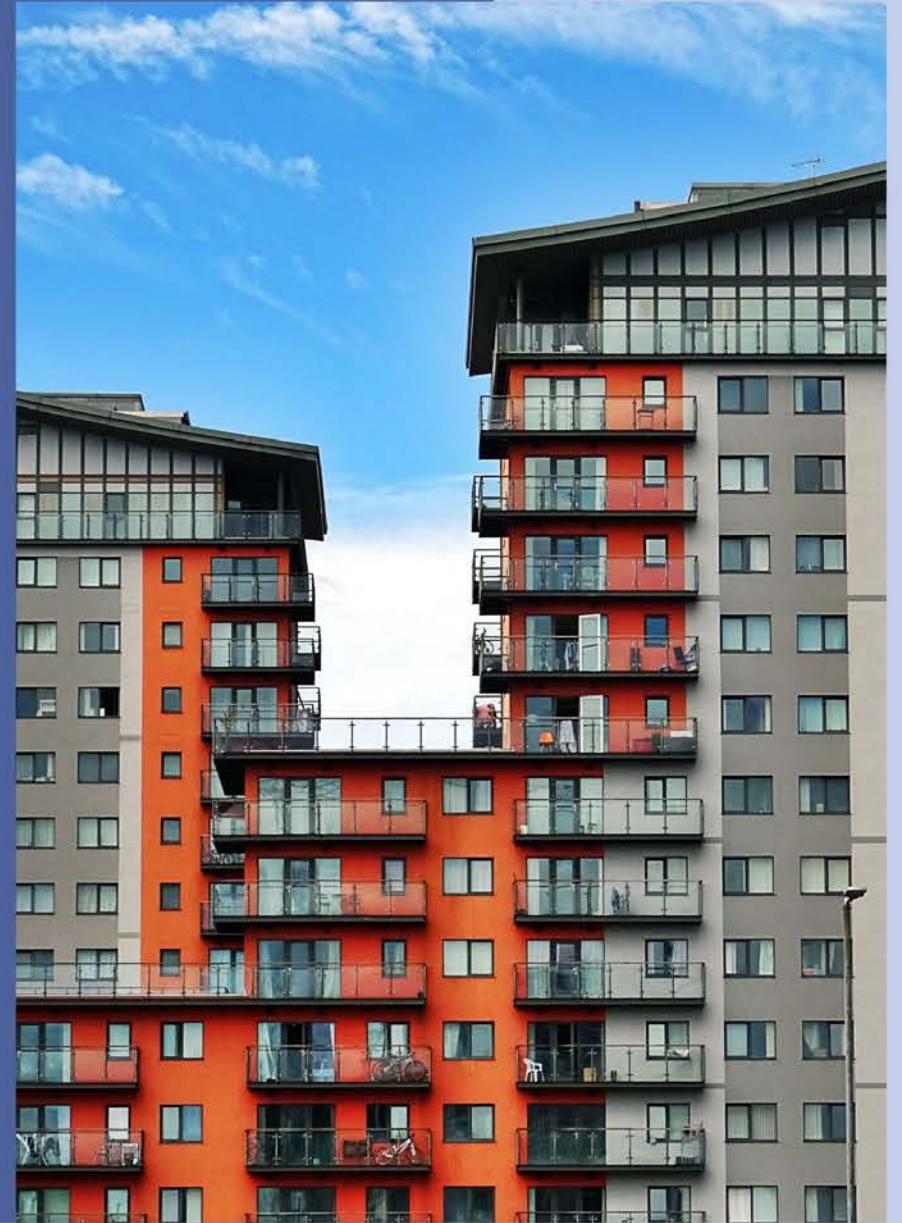
Duration of Moratorium

Eviction protections under the County's ordinance will exist **60 days after** Governor Newsom ends the State of Emergency related to the coronavirus pandemic.

Note: AB-832 state-wide eviction protections did expire September 30th, but this did not signal the end of the pandemic.

Evictions during a Health Emergency (6.120.030)

- No landlord may evict or retaliate against a tenant.
- A Notice of Termination should not be served between March 24, 2020, and 60 days after the expiration of the local health emergency. If served, it can be used as an absolute defense to any UD action.
- No late fees, fines or interests may be imposed for rent that became due during this period.
- There are 3 situations that exempt landlords from the eviction moratorium.



EXCEPTIONS TO THE MORATORIUM

1

ELLIS ACT

A landlord is removing the unit from the rental market.

2

GOVERNMENT ORDER

Tenants need to vacate to comply with an order issued by a government agency or court.

3

HEALTH AND SAFETY

Continued occupancy by a tenant poses a threat to health and safety.

Note: This exemption cannot be used against a resident who has COVID-19 or has been exposed. The landlord shall have the burden of proving that the exception applies.

Evictions Based on Nonpayment of Rent

(6.120.040)

- Landlord may not evict for nonpayment of rent or late fees resulting from pandemic-related qualifying reasons.
- **Qualifying loss** includes:
 - Substantial loss of income; or
 - Substantial out-of-pocket medical expenses; or
 - Child care needs which are caused by COVID.
- Can be used as a defense against any unlawful detainer action based on a failure to make rent.
- No late fees, fines, or interest may be imposed.



Procedures (6.120.050)

- Landlords must provide a copy of the ordinance and a Notice of Termination that contains County-specific language.
- Residential units located within a City that also has a local moratoria against evictions during the pandemic must be included.
- Tenants should notify their landlords that they will not be able to pay rent on or before the day rent is due. Documentation will be required only for Covid-19-based eviction protections.

“NOTICE: THE COUNTY OF ALAMEDA HAS ADOPTED A TEMPORARY MORATORIUM ON EVICTIONS DURING THE COVID-19 LOCAL HEALTH EMERGENCY INCLUDING EVICTIONS FOR NONPAYMENT OF RENT OR MORTGAGE PAYMENTS DUE TO COVID-19. A COPY OF THE COUNTY ORDINANCE IS ATTACHED. UPDATED INFORMATION MAY BE AVAILABLE FROM THE COUNTY'S HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AT jennifer.pearce@acgov.org or 510-670-6474.”

Documentation for Qualifying Loss

- Tenant's qualifying loss must be documented.

- Not required to provide documentation in advance or when notifying landlord the inability to pay.

- Tenant must provide proof of qualifying loss within 45 days of the request by their landlord.

- Must provide the documentation only if affected tenant is seeking protection from eviction for nonpayment.

Documentaion Proving Qualifying Loss Includes:

- Letter from Employer citing COVID-19 as a reason for reduced work hours, termination, or a reduction in pay;
- Copy of Unemployment Benefits;
- Employee paycheck stubs showing a reduction in pay;
- Bank statements;
- Proof of payment of out-of-pocket medical expenses caused by COVID-19;
- Proof showing the closure of a school or childcare facility that would otherwise be present during tenant's working hours.

Repayment of Owed Rent



- Tenants are still obligated to repay back rent owed.
- Tenants and landlords may agree to a repayment plan for unpaid back rent.
 - But should not require a change in lease terms as a condition of the repayment plan.
- Tenants have 12 months from the date the rent became due to repay what they owe.
- Landlords should not refuse rent payments from a third party on behalf of the tenant including failure to provide a W-9 form.
- Rental Assistance established under SB-91 and AB-832 is administered directly by the County (www.ac-housingsecure.org).

Am I required to use my unemployment benefits towards rent?

- It is not required because it does not fully make up for the loss of income and/or increased expenses because of the pandemic.
- However, it is still recommended to tenants that they try to make some kind of payment towards rent if possible.

Questions & Answers

AB- 3088: Tenant Relief Act of 2020

18

The Tenant Relief Act of 2020 (AB-3088) was passed by California Legislators in response to the Judicial Council's amended ruling that ended prohibitions against evictions.

Was transformed into SB-91 and AB-832, subsequently.

Key Components of AB-3088 (SB-91 & AB-832)

- Provided protections against evictions for tenants who are unable to pay their rent because of COVID-related reasons;
- Extended to just-cause eviction rules through September 2021;
- State law has since expired!

EXPIRATION OF THE STATE POLICY

- AB-832 expired on September 30, 2021.
- As a result, this signaled the end of just cause protections through the state.
- However, the County moratorium did not expire and has not expired.
- Recall: The expiration of the County moratorium is set to end 60 days after the state of emergency is over.
- The ending of the state emergency will be signaled by an announcement by the Governor.

How did the State's Policy Apply to Residents of Alameda County?

- The state-wide protections do not eliminate or override the tenant protections in the Alameda County moratorium.
- If you receive a 15-day notice to pay or quit, the notice may not be valid.
- Currently, the County's moratorium prohibits the service of notices for nonpayment of rent. It is recommended that tenants provide a declaration of COVID-impact to be most protected against evictions for non-payment of rent.

Questions & Answers

Please submit your questions in the Q&A box at the bottom of your screen

AB-1482

TENANT PROTECTION ACT OF 2019

Signed into law on October 8, 2019, it addresses the following tenant/landlord topics:

- Just Cause evictions
- Maximum rent increases

Just Cause Evictions: Does not apply to residential properties subject to an existing local ordinance for terminating a tenancy.



EXEMPTED UNITS

1

SINGLE FAMILY RESIDENCES

Not owned by a corporation, REIT, or LLC in which one member is a corporation.

2

DUPLEXES

Only if it is owner-occupied.

3

REGULATED OR RESTRICTED UNITS

Deed restricted units including low-income tax credit properties and project-based housing.

4

OTHER

Housing built within the last 15 years, accessory dwelling units, mobile homes, and dorms.

Note: These units are temporarily covered until January 31, 2021, under AB-3088.

2 TYPES OF ALLOWABLE TERMINATIONS

At Fault Terminations

- Termination is a result of tenant's behavior.
- Tenant is not entitled to relocation benefits.

No Fault Terminations

- Termination is not a result of tenant's behavior.
- Tenants are entitled to relocation benefits equal to one month's of rent.

A Notice of Termination must have an allowable reason to be valid.

"At Fault" Terminations

8 ALLOWABLE REASONS



**Criminal
Activities**



**Breach of
Rental
Contract**



**Failure to Pay
Rent**



**Committing a
Nuisance**



**Tenant Rejects
Written Lease
Extension**



**Illegally
Subletting**



**Forfeit of
Employee-Use
Unit**



**Failure to Allow
Landlord Access
to the Unit**

"No Fault" Terminations

4 ALLOWABLE REASONS



Unit Removed
from Rental
Market



Landlord will
move into unit
(children &
parents)



Unit Unfit for
Habitation



Unit will be
Substantially
Renovated

Tenants are entitled to relocation benefits equal to 1 month's rent.

RENT CAPS

8.7% maximum
rent increase

(5% + CPI)



A landlord claiming to be exempt from AB-1482 rent caps must provide a written notice to the tenants.

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code [. . .]. This property meets the requirements of Sections 1947.12 (c)(5) and 1946.2 (e)(7) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

OTHER LEGISLATIONS

SB-329

- Unlawful to discriminate against applicants with Housing Choice Vouchers (Section 8).
- Prohibits landlords from denying based only on source of income.

AB-1110

- Requires 90-day notice if landlord increases the rent more than 10% on a month-to-month tenancy.
- For properties exempt from AB-1482.

Questions & Answers

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CONNECT WITH US!

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