

NEW PROTECTIONS FOR TENANTS (AB 3088)

Are you unable to pay rent because of COVID-19? California's new law may protect you from eviction.

What is AB 3088?

AB 3088 is a new California law. It protects renters, small landlords and homeowners who are not able to pay their rent or mortgage because of COVID-19. The law is called The Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020. It took effect on September 1, 2020.

What happens if I cannot pay my rent?

If your landlord demands rent for any unpaid rent during the period March 2020 to January 2021, the landlord must give you a 15 day notice ("pay or quit"). The landlord must give you a blank declaration with the notice. You will use the declaration to explain that you cannot pay rent because of COVID-19.

Here is what you should know about the declaration:

1. You must return it to your landlord within 15 days. You must complete a new declaration for each notice.
2. If you are high-income (over \$100,000), your landlord may require you to provide proof of the reason you are not able to pay your rent.

3. Make sure that all the information on your declaration is true before you sign.
4. Keep a copy of the signed declaration for your records.

Can my landlord evict me for not paying my rent?

It depends.

For rent that was due between March 1, 2020 - August 31, 2020:

You can't be evicted for not paying March - August rent if you gave your landlord a declaration of COVID-19-related hardship (see above).

You may be evicted for not paying March - August rent if you did not give your landlord a declaration of COVID-19-related hardship (see above). Landlord can not start an eviction case before October 5, 2020 for not paying your rent.

For rent that is due between September 1, 2020 and January 31, 2021:

You can't be evicted for not paying September 2020 - January 2021 rent if you:

1. You give your landlord a declaration of COVID-19-related hardship (see above)

AND

2. You pay at least 25% of the rent. Your landlord must accept your payment.

You may be evicted for not paying September 2020 - January 2021 rent if you do not give your landlord a declaration of COVID-19-related hardship within 15 days of a notice to Pay or Quit. You may also be evicted for not paying at least 25% of the rent due in these months. You have until February 1, 2021 to pay 25% of the total due during September 2020 - January 2021.

Will I still owe unpaid rent?

Yes. You will still owe unpaid rent.

Can my landlord lock me out?

Your landlord is not allowed to illegally lock you out, shut off your utilities like hot water, or engage in other extreme harassing behavior. If they do, the law adds a new penalty of between \$1,000 and \$2,500 against landlords who do things to illegally evict a tenant rather than going through the required court process.

How can I get free legal help?

This law and the other laws and orders that were passed in response to Covid-19 are complex. You should contact NLSLA or an attorney who specialized in housing law if you have a question or receive any notice from your landlord.

California Tenant and Landlord Resources:

<https://landlordtenant.dre.ca.gov/>

Do you need free legal help?

Call 800-433-6251 or apply online at nsla.org

Based on materials by:

ACCE, California Rural Legal Assistance Foundation, Housing Now! California, Inner City Law Center, Leadership Counsel for Justice and Accountability, Public Counsel, PolicyLink, Public Advocates, Tenants Together, and Western Center on Law & Poverty