Merced Superior Court Self Help Center

COVID-19 Tenant Relief Act of 2020 [Code of Civil Procedure §1179.02 & §1179.03]

Information Sheet for Tenants

(Revised 6-28-2021)

The COVID-19 Tenant Relief Act of 2020 is a statewide law that imposes a temporary moratorium on certain evictions between March 1, 2020 and September 30, 2021. The act applies to **qualifying** residential tenants for failure to pay rent because of financial distress related to COVID-19.

COVID-19-related financial distress means ANY of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to the health impact of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit a tenant's ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced a tenant's income or increased a tenant's expenses.

In order to qualify for these protections there are things that you **MUST** do.

Emergency Rental Assistance Program

The State of California has instituted an Emergency Rental Program, which can assist tenants and landlords affected by COVID-19 in payment of past-due and future rent. If you qualify for this program, 100% of the back rent can be paid by the State AND you may even receive payments for future rent.

You can find information regarding this program by going to: housingiskey.com or by calling 1-833-430-2122.

Eviction for Non-Payment of Rent

If you were unable to pay some or all of your rent between March 1, 2020 and August 31, 2020 (Protected Period):

- If your landlord gives you a notice to "pay or quit," they must also provide you a notification which explains your rights and obligations.

- You cannot be evicted **IF** you return the Declaration of COVID-19-related financial distress, signed under penalty of perjury and returned within 15 days of receiving a notice to "pay or quit".
- If you are considered a high-income tenant, then your landlord may demand proof of your COVID-19-related hardship. A high-income tenant is someone who's household income is more than 130% of the median income (https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/Income-Limits-2020.pdf) and more than $100,000. Some examples of documents you can use are: tax returns, W-2 forms, a letter from your employer, or documentation from a government agency.

<u>If you were unable to pay some or all of your rent between September 1, 2020 and September 30, 2021 (Transitional Period):</u>

- All of the same rights and obligations as above.
- In addition, by September 30, 2021, you **MUST** pay at least 25% of the total rent that you owe during the period of September 1, 2020 – September 30, 2021. You can either pay this as a lump sum or you can pay this as a monthly amount and pay 25% each month.

You can find a form Declaration of COVID-19-related Financial Distress on our web site.

If you are served with an Unlawful Detainer Summons because you did not properly provide a Declaration of COVID-19-related Financial Distress to your landlord, you MUST file one with the Court in the same time period that you have to respond to the Summons. The Court will schedule a hearing within 5-10 days to determine if your failure to properly return the declaration to the landlord was the result of mistake, inadvertence, surprise, or excusable neglect. If the Judge decides you do not fall under any of these reasons, you will not qualify for protection and you may be evicted.

IMPORTANT INFORMATION

- You are still responsible for the back rent that is due to your landlord. Beginning November 1, 2021, your landlord can take you to small claims court or begin an unlimited or limited civil case to collect the unpaid rent.
- Beginning October 1, 2021, you will have to pay your full rental amount or you can be evicted. You can contact the Emergency Rental Assistance Program for assistance with payment of your future rent.
- You can still be evicted for other reasons, such as health and safety violations, illegal conduct, etc.
- Landlords who to try evict tenants illegally, such as changing the locks, removing personal property, or shutting off utility services, can face fines of between $1,000 and $2,500.

FOR ADDITIONAL HELP:

E-mail us at selfhelp@mercedcourt.org

California Department of Real Estate: housingiskey.com

DISCLAIMER – PLEASE READ!

AB 3088, SB91 & AB832 created new law. **This Guide** is intended to assist patrons with their legal research **and is in no way intended** to replace the advice and counsel of an attorney. The Merced Superior Court Self-Help Center does not provide legal advice. The Merced Superior Court Self-Help Center provides legal resources and assistance with legal research as an educational service.