

## **AB 3088 Alert**

On August 31, 2020, Governor Newsom signed the Statewide COVID-19 Tenant and Landlord Protection Legislation (AB 3088). This law contains numerous complicated provisions that start immediately.

**EBRHA MEMBERS SHOULD NOT ISSUE ANY NOTICES OR ATTEMPT OTHER METHODS OF COLLECTING UNPAID RENT UNTIL AN ATTORNEY HAS BEEN CONSULTED. EBRHA is updating and adding new forms for its members. They will be available shortly.**

Highlights of the state legislation with respect to non-payment of rent issues are as follows:

- No renter can be evicted before **February 1, 2021**, as a result of rent owed due to a COVID-19 related hardship that accrued between **March 4 – August 31, 2020** if the renter provides a declaration of hardship according to specified timelines.
- For a COVID-19 related hardship that accrues **between September 1, 2020 and January 31, 2021**, renters must pay at least 25% of the rent due to avoid eviction. Payment must be made by **January 31, 2021** to avoid eviction. Otherwise, housing providers can proceed with an eviction case on or after **February 1, 2021**.
- Starting **February 1, 2021**, renters will have to start making full payments.
- To avoid evictions, the renter must provide a declaration, under penalty of perjury, claiming a COVID-19 hardship. High income renters, those making 130% of the area median income, are required to provide additional documentation for their COVID-19 related hardship.
- Housing providers may begin to recover unpaid rent, due between **March 4, 2020, and January 31, 2021**, as consumer debt (but not an eviction case) starting **March 1, 2021**. Small claims court rules have changed to encourage small claims actions. However, before starting a small claims case to recover rental debt, consult with an attorney to become knowledgeable about the benefits and risks of small claims cases.
- Notice periods have been increased from three (3) days to fifteen (15) days excluding weekends and court holidays.
- **Housing providers who do not follow the new notice and eviction procedures face increased monetary penalties.**

Evictions for non-monetary COVID-19 reasons will be allowed to resume starting **September 2, 2020**. This includes, for example, nuisance and non-monetary material breaches of a lease.

**PLEASE NOTE:** Existing local ordinances will remain in place until they expire. However, future local government actions including extension, expansion, renewal, reenactment or new adoption of a measure that occurs between **August 19, 2020 and January 31, 2021**, shall have no effect until **February 1, 2021**. If your rental property is located in a locally rent controlled jurisdiction, follow the applicable local ordinance.

Owners of owner-occupied 1–4 unit rental properties may qualify for certain mortgage forbearance.