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Factsheet regarding the COVID-19 Tenant Relief Act and the Fair Housing Act

Last Updated February 9, 2021

There are many questions surrounding the newest protections and guidelines for Covid-19 Tenant Relief Act, which ensures certain eviction protections for nonpayment of rent due to Covid-19 related financial distress until at least June 30, 2021.

Estimated Timeline of Important Dates for Extended Eviction Protections

- **April 2020 through June 2021-** No evictions for nonpayment of rent between **if tenant:**
 - **Returns a declaration** of COVID-19 related financial hardship under penalty of perjury within **15 days** of receipt of notice of non-payment.
 - Higher income tenants (over \$100K household income or over 130% of median household income, whichever is higher) may be requested to provide documentation to support their declaration upon a landlord's request.
 - Applies to all residential tenants (including mobile home tenants), **regardless of immigration status.**
- **February 28, 2021-** Date by which Landlord must provide Tenant with notice of what is owed and information about the Emergency Rental Assistance Program in the language in which the lease was negotiated.
- **March 15, 2021-** Estimated start date for when tenants can begin to apply to Emergency Rental Assistance Program or rental assistance to pay past owed rent.
- **June 30, 2021-** Tenant **must pay at least 25% of rent** from months of September 2020 through June 2021 (can have been paid monthly or in a lump sum).
- **July 1, 2021-** Full Rental Payments are obligated once again.
- **August 1, 2021-** Landlords can begin pursuing full rent owed.
 - civil debt through court for April 2020 through June 2021 debt
 - can issue non-payment unlawful detainers for rent unpaid July 2021 forward.

Fair Housing Protections

- **Covid-19 can generate conditions where an individual is perceived as having a disability or cause long term or permanent impairments and therefore be protected from discrimination on the basis of disability.**

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- In negotiating any rental payments, **tenants cannot be treated differently** in the process on the basis of any local, state, or federal protected class such as race, color, family status, disability, religion, sex, national origin, sexual orientation etc.
- **Sexual Harassment** claims are on the rise. **Landlords cannot ask for sexual favors to pay for rent.**
- **National Origin** complaints in relation to Covid-19 are also increasing. **Residents cannot be discriminated against because they appear to come from a country thought to be associated with Covid-19.**
- **Individuals with disabilities can request accommodations and modifications to ensure their safety from Covid-19 on the property.**

Additional Legal and Financial Protections for Tenants

- Landlords must give a **15-day notice for nonpayment**, not including weekends or judicial holidays to pay rent or be evicted.
- Landlords are required to provide **COVID-19 related financial hardship declaration forms in the same language** the rental agreement was negotiated in.
- If tenants have ‘good reason’ for missing the 15-day deadline, they can still file through the court for similar protections.
- Eviction cases involving nonpayment of rent between March 4, 2020 – June 30, 2021 will be limited in public disclosure (“masked”).
- If the landlord is shown to be evicting the tenant for COVID-19-related nonpayment of rent amounts but is stated as ‘Just Cause’ the same protections apply before June 30, 2021.

Tenants Still Responsible for Paying Unpaid Amounts to Landlords

- So long as the tenant with COVID-19 related financial hardship follows the bill’s procedures, any **unpaid rent** due between March 4, 2020 – June 30, 2021 is not a ground/basis for eviction but **is still owed to the landlord as a form of consumer debt.**
- Small claims court jurisdiction is temporarily expanded to allow landlords to recover these.
- **Landlords may begin to recover this debt on August 1, 2021.** This expanded small claims court provision sunsets on July 1, 2025.

Emergency Rental Assistance Program

- Federal Funds will be available through the Emergency Rental Assistance Program (ERAP) to assist in paying owed rent between April 1, 2020 and March 31, 2021
- Tenant must earn less than 80% of area median income for consideration.
 - Lower income tenants will be prioritized.
- Optional for Landlord to participate in program.
 - If landlords participate, rental assistance can pay up to 80% as long as the remaining 20% of owed debt is forgiven.
 - If landlords choose not to participate, rental assistance can pay up to 25% of the owed debt. No debt will be forgiven under this option.

Protections for Small Landlords

- Two new laws, AB 3088 and SB 91, provide relief to homeowners and landlords with four (4) or fewer properties, whether those properties are owner-occupied or not, and who have had difficulty making mortgage payments because of COVID-19.
- 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.

Significant Penalties for Landlords Who Do Not Follow Court Evictions Process

- Penalties on landlords who resort to self-help (i.e., locking the tenant out, throwing property out onto the curb, shutting off utilities) to evict a tenant, rather than going through the required court process.

For additional information please contact CSA San Diego County at (619) 444-5700.

CSA San Diego County: www.c4sa.org

Housing is Key Website: <https://landlordtenant.dre.ca.gov/index.html>

Housing and Urban Development: <https://www.hud.gov/coronavirus>