



COVID-19 PROTECTIONS FOR ALAMEDA COUNTY TENANTS

The State of California has implemented a new law – AB 3088 – that provides important protections for tenants:

- 1) The new law provides that a **just cause is required for all eviction actions in California**. This requirement, which extends until at least February 1, 2021, applies regardless of where the rental unit is located or how much time the tenant has resided in the rental unit.
- 2) Additionally, this new law mandates that landlords must now **serve a 15-day notice to pay or quit prior to pursuing an eviction for nonpayment of rent**. A newly-required COVID-19 declaration form must also be served with this 15-day notice. If a tenant cannot pay the monthly rent that is charged between March 1, 2020 and August 31, 2020 for reasons related to the COVID-19 pandemic, said tenant cannot be evicted for nonpayment of rent that becomes due during this period so long as they complete and submit the declaration form verifying that their nonpayment is tied to COVID-19. The declaration must be submitted to the landlord before the expiration of the 15-day notice.

HOWEVER: Tenants residing in Alameda County have additional eviction-related protections. The Alameda County Board of Supervisors has implemented a temporary eviction moratorium (or suspension) of evictions. As a result, the majority of evictions in the County **have been suspended until at least 60 days after December 31, 2020**. The only exceptions to the County's moratorium on evictions are as follows:

- 1) If the tenants' actions pose an imminent threat to the health or safety of the public,
- 2) If a court or governmental agency has ordered that the rental unit be vacated,
- 3) If the landlord seeks to permanently remove the rental unit from the rental market.

Additionally, the County moratorium halts future evictions against tenants for failure to pay rent that is charged **during the period from March 24, 2020 to at least 60 days after December 31, 2020**, so long as the affected tenants provide documentation that shows that

the failure to pay the rent owed during this period is tied to the COVID-19 pandemic. **Tenants who live in Alameda County do not lose the protections granted by the local moratorium if they otherwise fail to submit the declaration form provided under state law AB 3088.**

However, it is advisable to nonetheless submit the state declaration form to the landlord if feasible.

The best way to protect yourself is to pay your monthly rent on time whenever possible. Nevertheless:

1. If you are unable to pay rent on time due to COVID-19 related factors - **Tell your landlord in writing as soon as possible, ideally before rent is due.** Keep copies of what you send and your landlord's responses.
2. Take pictures of all documentation that shows you lost income because of COVID-19. These can include: paystubs showing loss of income, notes from your employer, bank statements, notices that your children's school is closed, doctor's note showing that you had to stay home to care for yourself or someone else, a signed declaration attesting to your loss of income that explains the facts leading to your income loss and your inability to obtain supporting documentation.
3. Even if you tell your landlord that you can't pay and give them documentation, your landlord might still give you an eviction notice. **If you receive an eviction notice, call Bay Area Legal Aid right away at (888) 382-3405 to find out which protections may apply to you.**

Free legal advice, referrals and assessment for representation available through our:

Tenant Rights Line for Alameda County Tenants: (888) 382-3405

Bay Area Legal Aid provides legal assistance for low-income individuals and families. Although we cannot guarantee that an attorney will be able to provide representation in all cases, we will provide referrals to other sources of assistance for those individuals who do not qualify for our services.

www.baylegal.org

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