

## **AB 3088 - Key Provisions for Tenants**

**8/30/20**

### **1) Temporary Protections for Tenants Who Can't Pay Rent Because of COVID-related Financial Distress (through January 31, 2021)**

A notice to pay rent or quit must:

- Provide 15 days to pay rent instead of 3 days
- Include a copy of a declaration of COVID-related financial distress for the tenant to sign. Unless the landlord has evidence that the tenant is 'high income,' the tenant does not need to provide any evidence of financial hardship with the declaration.
- Every time a landlord gives the tenant a 15-day notice to pay rent or quit, the tenant has to sign and return the declaration. If the tenant fails to do so within 15 days, they may not be able to use these protections.

**If the tenant provides the signed declaration back to their landlord in time:**

- Rent due from March 1, 2020 - August 31, 2020: 100% of rent is converted into consumer debt and the tenant can never be evicted for not paying it.
- Rent due from September 1, 2020 - January 31, 2021: Tenant must pay 25% of the rent each month from September 1, 2020 to January 31, 2021, or pay this amount (25% of each month's rent) by no later than January 31, 2021. The other 75% of rent is converted into consumer debt and the tenant can never be evicted for not paying it.
- The tenant still owes the balance of the rent, but has until March 1, 2020 to pay it.
- The landlord can't file an eviction lawsuit for nonpayment of rent against the tenant until February 1, 2021 *if the tenant has returned the signed declaration in time.*
- On March 1, 2021, landlords can begin trying to collect all unpaid rent from March 1, 2020 to January 31, 2021 in small claims court.

### **2) Local Ordinances Can Stay in Place, but Cannot be Extended if they Expire**

- Some local ordinances will apply instead of this law. However, any ordinance passed or extended after August 19 that relates to nonpayment of rent will be invalidated.

- If a local ordinance expires between August 19, 2020 and January 31, 2021, its extension can't go into effect before March 1, 2021. Its extension also can't give a tenant a longer time to repay rent debt than March 1, 2022.
- Even if a local ordinance was passed before August 19, 2020, if the ordinance allows for a 'repayment period,' the period cannot be later than March 1, 2021 through March 1, 2022.

### **3) Landlords Can Begin Filing New Eviction Cases Again**

- On September 2, landlords can begin filing new eviction cases for every reason except nonpayment of rent. There is no extension of Rule 1.
- Landlords can begin filing new eviction cases for nonpayment of rent again on October 5. This would be for cases in which the tenant did not submit the Declaration. Notices to pay rent or quit can be served before that time.

### **4) Some AB 1482 Protections Extended to All Tenants**

- Some of the eviction protections of AB 1482 are temporarily extended to all tenants until February 1, 2021. This means that a landlord must have a cause for eviction under AB 1482 to evict a tenant.
- This does not include relocation payments. If a tenant was not already entitled to relocation payments under AB 1482, they will not receive them.