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Factsheet regarding the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 and the Fair Housing Act

There are many questions surrounding the newest protections and guidelines for Housing and COVID-19. The Tenants, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 ensures certain protections available until at least February 1, 2021 if you cannot pay your full rent because of COVID-19 related financial distress.

March 1, 2020 through August 31, 2020

- No evictions for nonpayment of rent between March and August until February 1, 2021 **if tenant returns a declaration of COVID-19 related financial hardship under penalty of perjury**
- Higher income tenants (over \$100K household income or over 130% of median household income, whichever is higher) must provide documentation to support their declaration upon a landlord's request.
- Applies to all residential tenants (including mobile home tenants), regardless of immigration status.

September 1, 2020 through January 31, 2020

- No evictions for nonpayment of the entire rent between September and January until February 1, 2021 for rent accrual between September 1, 2020 – January 31, 2021 **if tenant returns declaration of COVID-19 related financial hardship under penalty of perjury and pays at least 25% of the rent due.**
- Higher income tenants (over \$100K household income or over 130% of median household income, whichever is higher) must provide documentation to support their declaration upon a landlord's request.
- **Applies to all residential tenants (including mobile home tenants), regardless of immigration status.**

Access to [Declaration of COVID-19 related financial hardship](#)

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 – January 31, 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, Homeowner, and Small Landlord Relief and Stabilization Act of 2020
- **Landlords may begin to recover this debt on March 1, 2021.** This expanded small claims court provision sunsets on February 1, 2025.

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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 a different language** if the rental agreement was negotiated in a different language.
- If tenants have ‘good reason’ for missing the 15-day deadline, they can still file through the court for similar protections.
- Landlords are required to provide tenants a notice detailing their rights under the Act.
- Eviction cases involving nonpayment of rent between March 4, 2020 – January 31, 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.

Protections for Small Landlords

- Extends the Homeowners’ Bill of Rights’ anti-foreclosure protections to small landlords, 1-4 units, non-owner occupied.
- Provides new accountability and transparency provisions to protect small landlord borrowers who request CARES-compliant forbearance, and provides the borrower who is harmed by a material violation with a cause of action.

Statewide Consistency and a Pause on Local Measures

- Existing local ordinances can remain in place until they expire and future local action cannot undermine this Act’s framework.
- Requires ordinances that provide a repayment schedule to begin repayment no later than March 1, 2021.
- Clarifies that nothing in the Act affects a local jurisdiction’s ability to adopt an ordinance that requires just cause, consistent with state law, provided it does not affect rental payments before January 31, 2021.

Significantly Increases Penalties on Landlords Who Do Not Follow Court Evictions Process

- Increases 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

Fair Housing Protections

- **COVID-19 is considered a disability** by HUD and a tenant cannot be discriminated against on the basis of a positive or presumes positive diagnosis of Coronavirus.
- 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.**

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

CSA San Diego County: www.c4sa.org

State of California Factsheet: <https://www.gov.ca.gov/wp-content/uploads/2020/08/Factsheet-Tenant-Homeowner-and-Small-Landlord-Relief-and-Stabilization-Act-of-2020.pdf>

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

Declaration of COVID-19 related financial hardship:

https://landlordtenant.dre.ca.gov/pdf/forms/tenant/Declaration_of_COVID-19_Distress.pdf

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

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