

## Help For City of Alameda Renters During COVID-19

(revised 9/30/21)

On March 17, 2020, the Alameda City Council declared a local emergency to protect the public's health and safety in response to the COVID-19 pandemic. That emergency declaration is still in effect as of September 2021, as is the State of California's emergency declaration.

The City Council has taken these emergency actions to help renters during the pandemic:

- Added eviction protections for residential and commercial tenants
- Created rent relief programs for residential tenants and small businesses
- Stopped residential rent increases in rent-controlled units (until 60 days after the City Council rescinds the local emergency, which has not happened yet)
- Funded legal services for low-income residential tenants

For more information, please contact Sarah Henry, City of Alameda Public Information Officer, at 510-747-4714 or [shenry@alamedaca.gov](mailto:shenry@alamedaca.gov).

### FREQUENTLY ASKED QUESTIONS & ANSWERS

#### Residential Tenants

##### **When must regular rent payments resume?**

Residential tenants need to resume their regular rent payments on October 1, 2021.

##### **When do residential tenants have to pay all back rent they owe?**

Under state law, starting May 1, 2022, tenants must start repaying unpaid back rent and they have until May 31, 2023 to repay all back rent.

##### **Are there any programs to help me pay rent?**

Alameda County Housing Secure is an emergency rental assistance program that will help income-eligible households pay rent and utilities. For more information or to apply visit: <https://www.ac-housingsecure.org>.

##### **What if I haven't paid all or some of my rent since March 2020, how am I protected?**

There are steps residential tenants who had "financial distress" due to COVID-19 and were not able to pay all or some of their rent can take to prevent being evicted or to defer paying all of their rent. Here's how it works, but keep in mind all unpaid rent between March 1, 2020 and September 30, 2021 must be repaid by May 31, 2023:

Rents for March 2020 - August 2020: All overdue rent for these months can be converted to "consumer debt," meaning you still owe it, but you can't be evicted for non-payment. To do this, you need to give (or have given) your landlord a "financial distress" declaration within 15 days after you receive (or received) a notice to pay rent. The City recommends tenants give this notice whenever they can't pay the full rent, even if they haven't received a pay-or-quit notice. (Download the declaration at <https://bit.ly/32W0XRp>.)

Rents for September 1, 2020 - September 30, 2021: 75% of these months' total rent

can be converted to "consumer debt" if you have given your landlord a "financial distress" declaration (see above), but you must pay at least the remaining 25% of that total by September 30, 2021. You give your landlord a financial distress declaration (Download the declaration at <https://bit.ly/32W0XRp>) every time you receive a notice to pay rent and are unable to pay.

If you have not paid the minimum 25% of rent that is due by September 30, 2021, your may be protected from eviction for the past due rent if you apply for rental assistance. If you qualify, but fail to submit an application, you may face an eviction. Tenants are therefore encouraged to learn more about and apply for rental assistance (see information below).

Note that regardless of the dates and even if you provided your landlord with a financial distress declaration, tenants must still pay all unpaid rent by May 31, 2023. If all unpaid rent is not paid by that date, the landlord may get a court judgment for the unpaid amount. The legal protection from the financial distress declaration and paying 25% of the rent just means that tenants can't be evicted for non-payment of rent owed through September 30, 2021.

In June 2021, the state set aside new money for rent relief. This covers 100% of past rent owed on or after April 1, 2020. To receive this assistance, the landlord and tenant must enter into this agreement: the tenant pays 100% of past rent, in exchange for the landlord releasing any claims (1) for nonpayment of rent (during the period for which rental assistance is provided), or (2) to evict the tenant. The release takes effect as soon as the landlord receives the payment. After receiving funds, the tenant has 15 business days (excluding weekends and federal holidays) to pay the landlord. Otherwise, the landlord can charge a late fee. (The tenant can't be evicted for failing to pay a late fee.)

To get more information about the State's rental assistance program (or to start an application) visit <https://housing.ca.gov> or call 1-833-430-2122. Applications can be found at <https://www.ac-housingsecure.org>.

### **Are there new limits on evictions for nonpayment of rent, after October 1, 2021?**

Yes. On June 28, 2021, the Governor signed AB 832. This law restricts residential evictions based on rent debt that was due to COVID-19 hardship. For example, the landlord can't file an eviction without first trying to get rent relief for the tenant. Also, notices demanding rent, after October 1, 2021, must also contain a notice of tenant rights and information including how to apply for rent relief.

If you cannot pay rent after October 1, 2021 but before March 31, 2022, you should apply for rental assistance and get an attorney right away. While a tenant must pay the full rent using assistance and, if necessary, their own funds, tenants who do so cannot be evicted.

Before April 1, 2022, a landlord cannot start or win an eviction case (for nonpayment of rent) unless they can show that their rental assistance application was denied or stalled because of inaction by the tenant.

Tenants who can pay all the rent owed with the help of rental assistance now have more time to pay to avoid eviction. As long as a tenant is still living in the rental unit, the tenant can contest or overturn an eviction by showing that the tenant was approved for rental assistance and with the rental assistance and the tenant's own funds (if needed) can pay all of the rent owed.

Eligible tenants can contest or overturn an eviction at any time before leaving or being evicted by the sheriff, even after the three-day notice period, after receiving the lawsuit, or after a ruling against them.

### **I heard that the State's eviction moratorium is ending; am I protected under local law?**

Many media outlets have reported that the State's eviction moratorium will end on September 30, 2021. What this means is under the State's COVID-19 rental protections tenants cannot be evicted if, due to COVID-19 financial distress, they cannot pay rent that came due during the "covered period"—March 1, 2020 until September 30, 2021. So, a tenant must resume regular rent payments beginning October 1, 2021. However, it doesn't mean that the State's rental protections go away. For example, tenants will still have until May 31, 2023 to pay all rent that came due during the "covered period," in addition to other protections.

As for local law, the City Council has adopted a number of tenant protections that expire a specified number of days after the City Council lifts the local emergency. Currently, local law establishing these tenant protections, including residential eviction protections, remain in place. However, state law contains explicit language preempting local control in this area. Conflicts between state and local law must be determined by a court of law. If you have more questions about conflicts in state and local law, please consult your own attorney.

### **What is "financial distress" for residential tenants?**

This means loss of income or increased expenses due to COVID-19. Examples include increased health costs, added childcare or caring for a family member or less work hours.

### **What are residential landlords required to do if they want to collect overdue rent?**

Landlords must deliver to the tenant a required "Notice of Rights" before serving any pay-or-quit notice for rents due between March 2020 and September 2021. The State has required a new "Notice of Rights" form that landlords must serve with any notice demanding payment of rent beginning July 1, 2021. The language for the new form is in section 15 of AB 832. Rents for this period are subject to the eviction protections described above.

### **Can the landlord increase the rent?**

Rent levels for all units covered by rent control (generally, all multi-family units built before February 1995), have been and remain frozen due to the emergency. The freeze will remain in place until 60 days after the City Council lifts the local state of emergency. As of September 2021, the emergency is still in place.

### **Can I be evicted for "no fault," such as an owner move-in?**

No. The City Council has prohibited no-fault evictions until 30 days after the local emergency expires. As of September 2021, the local emergency is still in place.

### **Can the landlord shut off my utilities?**

The City Council has barred landlords from shutting off utilities, except in case of an emergency or as part of an "essential activity" under the shelter-in-place order; and then, only for the shortest time necessary. This protection remains in place until 30 days after the declared state of emergency is over.

### **Commercial Tenants**

#### **Is there rent protection for commercial tenants?**

During COVID, commercial tenants have had an eviction defense for unpaid rent that was due to a "substantial loss of income." However, that grace period is ending as of September 30, 2021 – unless the state of California extends that deadline.

#### **Are there any programs to help commercial tenants pay rent?**

The Federal, State and local City of Alameda governments have offered a number of financial assistance programs for businesses throughout the pandemic – [please click here](#) and visit the Business Loans and Grants sections for a listing of current resources. In addition, free business counseling and technical assistance services are available to Alameda businesses from the following organizations:

- **East Bay SCORE** offers free business counseling services, including help to businesses applying, or considering applying, for federal or state economic assistance. Counseling is available in multiple languages. Temporarily, because of COVID-19, all counseling sessions are conducted by telephone, video or email, rather than face-to-face. East Bay SCORE is open Monday through Friday, 9:30 am to 2:30 pm and can be reached at 510-273-6611 or [info@eastbayscore.org](mailto:info@eastbayscore.org). Please visit [eastbay.score.org](http://eastbay.score.org) for more information or to request counseling through its website.
- The **Alameda SBDC** provides one-on-one counselling for small businesses, and a wealth of information about resources and programs, including this [Small Business Survival Guide](#). [Please click here](#) for more information.

#### **I still have questions about the City's laws for renters during COVID-19. Who can I talk to?**

Please contact Rico Fenix at the Alameda City Attorney's Office by phone at 510-747-4772 or by email at [rfenix@alamedacityattorney.org](mailto:rfenix@alamedacityattorney.org).