



AB 3088: The Tenant Relief Act of 2020

Summary

On September 1, Governor Newsom signed AB 3088, the COVID-19 Tenant Relief Act of 2020. This law:

- Expands some mortgage protections currently available for homeowners to small landlords (4 or fewer units)
- Limits pursuing foreclosure and loan modifications at the same time
- Requires loan provider to give specific information as to why a loan modification is denied
- provides protections against eviction for tenants that have been unable to pay rent due to financial impact related to COVID-19.

Eviction protections due to loss of income from COVID

- Prohibits a landlord from evicting a tenant who has been unable to pay rent between **March 1, 2020 and August 31, 2020**, if:
 1. The tenant provides the landlord with a declaration stating their finances have been negatively impacted by COVID-19.
 2. "High income" tenants, defined as tenants that earn above 130% of the Area Median Income may also be required to submit documentation to verify their financial hardship related to COVID-19.
- Prohibits a landlord from evicting a tenant for nonpayment of rent between **September 1, 2020 and January 31, 2021** if the tenant completes the following:
 1. The tenant provides the landlord with a declaration stating their finances have been negatively impacted by COVID-19.
 2. "High income" tenants, defined as tenants that earn above 130% of the Area Median Income may also be required to submit documentation to verify their financial hardship related to COVID-19.
 3. By January 31, 2021, the tenant must pay 25% of rental payments due between September 1, 2020 and January 31, 2020. The remaining 75% can be collected through small claims court and cannot be used as a reason for eviction. The small claims case may not be filed before March 1, 2021.

- Require landlords that are attempting to evict for reasons of nonpayment to provide a **15-day notice** (as opposed to 3-day notice) and must provide a blank **declaration form** to their tenant to sign to give them the opportunity to explain reason for nonpayment.
- Requires specific notice requirement, we will have forms translated and make them available on our website (www.marincounty.org/renterlandlord).

Just Cause

- This law also extends “just cause” protections under AB 1482, the Tenants Protection Act of 2019, to all residents until February 1, 2021 with some exceptions:
 - Jurisdiction with an existing Just Cause for eviction policy (unincorporated Marin, City of San Rafael, Town of Fairfax) are subject to the local ordinance.
 - Jurisdictions under AB 1482 in Marin include: Belvedere, Corte Madera, Larkspur, Mill Valley, Novato, Ross, San Anselmo, Sausalito, Tiburon.
- Modifications to AB 1482 include the following:
 - The “no fault” cause related to substantial rehabilitation is limited to circumstances that are necessary to comply with health and safety laws.
 - Provides an exception for single-family home and condo owners that are under contract with a buyer who intends to occupy the home.
- For a tenant that has resided in a unit for longer than 12 months, a “no fault” eviction under AB 1482 (owner move-in or immediate relative move-in, or withdrawal of the unit from the rental market) requires the landlord to pay relocation assistance in the amount of one month’s rent or a rent waiver equal to one month’s rent.

Other provisions

- Increased penalties for landlords for illegal lockouts
 - \$1,000 - \$2,500 if the resident has provided the declaration of financial impact.
- Prevents Landlords from retaliating against tenants who are unable to pay rent due to COVID until February 2021.
- Limits local jurisdictions ability to pass additional tenant protections related to COVID
 - Cannot extend repayment deadlines past March 2021
 - Cannot pass additional or new protections related to unpaid rent due to COVID