

COVID-19 Eviction Protections
What you need to know about AB 3088
Tenant Relief Act of 2020
Urgency Act, Chapter 37, Signed by Governor Newsom
August 31, 2020, Takes Effect Immediately

AB 3088 limits a parkowner's ability to evict a resident for non-payment of rent due from March 1, 2020 to August 31, 2020, the so-called Protected Time Period, and rent that accrues from September 1, 2020 to January 31, 2021, the so-called Transition Time Period. The statutory notices for each time period are also different. All notices must be 15-Day notices.

Protected Time Period – March 1, 2020 to August 31, 2020

1. The first thing parkowners, who have residents with unpaid rent during the Protected Period, March-August, need to do is to send out the Informational Notice of COVID-19 Tenant Relief Act of 2020. Make sure you send the notice with a proof of service. This should be sent prior to September 30, 2020. WMA has an Informational Notice available for the online forms and in hard copy. We have a separate order form for these COVID-19 forms. **Please do not email credit card information to WMA. You may send credit card information by FAX, mail or call WMA with the credit card information at 916 448 7002.**

2. If rent is unpaid during this time period, the parkowner must serve the resident a 15-Day Pay or Quit Notice, unless service of any pay or quit notice is restricted by a local ordinance. Always check your local ordinances. WMA has 15 Day/60 Day notices prepared for the Protected Period. Each notice has a blank COVID Hardship Notice to be signed by the resident, under penalty of perjury, which states the resident has experienced a COVID -19 Hardship.

The parkowner should wait 15 days, not including weekends or judicial holidays, and if the resident returns the COVID-19 Hardship Declaration, the parkowner can never evict the resident for nonpayment of rent for March through August 2020 period. Rent for March through August

becomes classified as consumer debt and the parkowner can file a small claims action against the resident as of March 1, 2021. The limits for small claims actions have been amended until February 1, 2025 with no cap on the amount demanded.

If the resident does not return the COVID-19 Hardship Notice, the parkowner can proceed with filing the unlawful detainer on or after, October 5, 2020. Eviction judgments are subject to protective “masking” even if the tenant loses in court.

Transition Time Period – September 1, 2020 to January 31, 2021

For unpaid rent accrued during the Transition Period, the parkowner must serve a 15-day notice, not including weekends or judicial holidays, to Pay or Quit. The notice needs to include an Informational Notice of COVID-19 Tenant Relief Act of 2020 along with a blank declaration form of COVID-19 Hardship for the resident to sign and return. The parkowner should wait 15 days, not including weekends or judicial holidays. If the resident returns the declaration of COVID-19 Hardship, the resident cannot be evicted if they pay 25% of the rent due for the month by January 31, 2021. If resident does not pay rent for the next month, you repeat the whole process over again, and again for each month until the end of January 31, 2021. The 25% does not need to be paid in each month when the rent becomes due. The tenant can pay the full amount by January 31, 2021 in one lump sum in order to avoid being evicted as of February 1, 2021.

If a local ordinance is still in effect during the Transition Time Period and does not require payment until the expiration of the ordinance, the resident does not have to pay 25% of the rent protected under the local ordinance.

If the resident signs and delivers the COVID-19 Hardship declaration and pays 25% of the unpaid rent from the transition period by January 31, 2021, the parkowner will not be able to file an eviction against the resident to collect the remaining 75% outstanding rent, but will be able to file a small claims action against the resident by March 1, 2021 and collect it as consumer debt.

High Income Households and CARES Act

There are provisions in AB 3088 that provide for High Income Households, which means income over \$100,000 and over 130% of the median income where the property is located. The parkowner must already have the income information for the household from when the resident applied for tenancy and the parkowner is prohibited from asking for additional information regarding income levels at this time. We suggest you contact your park attorney for advice on how to handle these particular residents and what notices you may have to give that are different from the notices detailed above.

Since all our notices are 15 Days and 60 Days, we most likely do not fall under the provisions of the CARES Act notification requirements, if you received CARES Act Funds. However, check with your park attorney just to make sure.

Fines for Violations of AB 3088

WMA strongly suggests that parkowners contact their park attorney on this long and very complicated law. There are significant fines associated with violations of AB 3088, so proceed cautiously. Also, double-check your local eviction ordinances to see if they preempt AB 3088.