

Eviction Moratorium Will Expire September 30, 2021. Demand all Rent Due Prior to September 30, 2021

AB 832, COVID-19 Tenant Relief Act (CTRA) will expire on September 30, 2021. The Legislature did not extend the Eviction Moratorium and is adjourned until January 3, 2022. Therefore, parkowners need to take steps now to ensure they are in a position to move forward to deal with residents who have failed to pay the rent. CTRA allows residents who turn in declarations of COVID-19 hardships to pay 25% of the rent demanded in one or more notices during the transition period (September of 2020 to September of 2021) by September 30, 2021. For residents who comply, the remaining 75% of the rent owed for the transition period converts to consumer debt, and a monetary judgment may be sought in small claims court as of November 1, 2021.

15/60 Day Notices for all Amounts Due Prior to September 30, 2021

In order to evict residents who do not pay the 25% of rent owed by September 30, 2021, parkowners should serve a CTRA compliant 15/60 day to Pay or Quit asking for all amounts due prior to September 30, 2021. Remember to check local ordinances that have their own eviction moratoria which are still in effect. The AB 832 15/60 day notices are available to members on our website under "Forms" and are also through the Forms Online program. **Make sure you use a 15/60 day notice that complies with AB 832 and that all informational notices have been provided as well.**

Under California law, parkowners can only request up to 12 months of rent in a pay or quit notice. The amount of rent owed under the transition period is now 13 months. So, there is a legal question as to whether you can ask for 13 months or are limited to 12 months. Make sure you check with your legal counsel to determine how best to treat this issue.

Apply for Rental Assistance for your residents who have not paid rent during the transition period.

AB 832 requires:

On or after October 1, 2021, and before March 31, 2022, a court shall not issue a complaint for unlawful detainer based on nonpayment of rental debt unless the plaintiff:

1. Submits a declaration along with a copy of the final decision from the rental assistance agency showing that an application for rental assistance was denied or;
2. Submits a declaration that 20 days have passed since the application was submitted and the notice was served and neither the agency nor the tenant have communicated with the parkowner about the application.

It is important to apply for delinquent rent now in order to avoid eviction delays later.

Required Notices after September 30, 2021

Parkowners asking for rent that becomes due between October 1, 2021, through March 31, 2022, must comply with the Rental Housing Recovery Act, which was contained in AB 832. The notice required after October 1, 2021, is a 3/60 day notice to pay rent or quit and has specific statutory language, which is required to be included. WMA has prepared a 3/60 day Rental Housing Recovery Act compliant notice which will be available on WMA's website under Forms and also through the Forms Online program. You must use a notice that complies with AB 832 Rental Housing Recovery Act. **Do not use a standard 3/60 day notice during October 1, 2021, and March 31, 2022.**

Local Ordinances

Parkowners need to check their local ordinances to see if there are different timelines in place and different repayment periods. Many local ordinances have repayment period meaning that the rent is still not "due" for purposes of serving a pay or quit notice.

Judicial Council to Issue Final Unlawful Detainer Forms and Rental Debt Recovery in Small Claims Court

The final unlawful detainer forms will be effective October 1, 2021, and the forms for actions to recover COVID-19 rental debt in small claims court and

civil court will be effective November 1, 2021. An information sheet titled “COVID-19 Rental Debt in Small Claims Court (form SC-500-INFO)” will be available from Judicial Council effective October 15, 2021, to assist parkowners who are preparing to file small-claims actions starting November 1, 2021.