

TENANTS FACT SHEET



AB 3088: TENANT RELIEF ACT OF 2020

The State of California approved AB 3088 on August 31, 2020. Before a landlord proceeds with an eviction case for unpaid rent, they must give their tenant 15 business days to make one of the following choices:

- Return a declaration form to the landlord, signed under penalty of perjury, indicating that the tenant cannot pay the demanded amount because of a COVID-19 related financial hardship,
- Pay the needed amount, or
- Vacate.

Eligible COVID-19 Related Financial Hardships

- Loss of income caused by the COVID-19 pandemic
- Increased out-of-pocket expenses directly related to performing essential work during the pandemic
- Increased expenses directly related to the health impact of the COVID-19 pandemic
- Loss of income due to having to care for children, an elderly, disabled, or sick family member as a result of the pandemic; or increased costs for care
- Other circumstances related to the COVID-19 pandemic that have reduced a tenant's income or increased a tenant's expenses.

About the Declaration Form

- From March 1, 2020 to January 1, 2021, a landlord must serve a 15-day "notice to pay rent or quit" instead of the usual 3-day notice.
- Landlords must send tenants the 15-day notice AND a blank Declaration of COVID 19-related Financial Distress. You may also use the [declaration form created by the Legal Aid Society](#) to submit one as soon as possible.
- The declaration can be returned in person, email, or mailed through the postal service.

NOTE: AB 3088 does not require a tenant to provide documentation to demonstrate financial distress related to COVID-19 unless the tenant is considered "high-income." Tenants with a household income of less than \$100,000 do not have to provide income documentation.

Protection Dates and Instructions

Unpaid Rent Between Mar 1, 2020 and Aug 31, 2020

- After receiving the declaration form, a tenant must sign and return the form to their landlord within 15 business days to be safe from eviction through March 1, 2021.

Unpaid Rent Between Sep 1, 2020 and Jan 31, 2021

- After receiving the declaration form, a tenant must sign and return the form to their landlord within 15 business days to be safe from eviction through March 1, 2021.
- AND the tenant must pay at least 25% of the total rent due between Sep 1, 2020 and Jan 31, 2021 by Feb 1, 2021. A tenant does not have to make a payment each month but must pay 25% of all rent due during those 5 months by February 1, 2021.

Small Claims Court & Credit Report

- Starting on February 1, 2021, and going forward, tenants must pay their full rent. A landlord can take a tenant to small claims court to recover rent debt on March 1, 2021.
- Regardless of outcome, all nonpayment evictions filed between March 4, 2020 and January 31, 2021 will not show up on your credit report and will not be available to the general public. Small claims actions for COVID-19-related rental debt will also not show up.

OTHER PROTECTIONS The City of San Diego and other jurisdictions passed temporary halts on eviction. All protections apply but the state protections are broader and supersede the city protections and requirements.