



*COVID-19*

# **RESOURCE TOOLKIT FOR TENANTS**

*IN SAN DIEGO*

# 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.

# FREQUENTLY ASKED QUESTIONS



## I lack the money to pay my rent, what should I do?

If a COVID-19 diagnosis, the stay at home orders, or performing essential work during the pandemic has reduced your income or increased your expenses, your rent payments can be postponed. Your landlord should send you a *Declaration of COVID-19-related financial distress* for you to complete

## When do I need to notify my landlord?

Return the *Declaration of COVID-19-related financial distress* to your landlord as soon as possible. You have 15 business days after your rent due date to submit the complete form.

## What do I need to submit to my landlord?

You only need to submit the *Declaration of COVID-19-related financial distress*. You do not need to submit proof of financial hardship, unless your household income is above \$100,000 per year.

## When will I need to pay rent?

Pay as soon as you can. Landlords may begin collecting rental debt in small claims court starting March 1, 2021. Under AB 3088, rental debt will be in small claims court until February 1, 2025. If you are protected by AB 3088, rental debt may not serve as the basis for eviction or foreclosure until February 1, 2025.

## Does it matter what city I live in?

No. AB 3088 is a state law. Protections apply to all eligible tenants in the State of California. If your city offers additional protections, you may also rely on those. If your city provided more limited protections, you can rely on the broader state protections.

## Does immigration status matter?

No. AB 3088 is a state law that protects all eligible tenants in California, regardless of immigration status.

## Do I need to be on the lease to be eligible?

No, you do not need to be on the lease. AB 3088 protects all residential tenants regardless of the living arrangement or length of time you have lived there. It protects tenants renting a room, living in mobile homes, garages, or illegal rental units.

RECAP:

# ACTION STEPS



## CAN'T PAY RENT DUE TO THE COVID-19 PANDEMIC?

1. Submit a Declaration Form to your landlord
2. Pay rent as soon as you can
  - a. Pay at least 25% of your total rent due between Sep 1, 2020 and Jan 31, 2021 by Feb 1, 2021
  - b. Landlords can start collecting back due payments on March 1, 2021
  - c. Everyone must pay full rent as usual starting February 1, 2021
3. Seek legal help if you are at risk of eviction

## RECOMMENDATIONS

1. Submit the declaration form to your landlord in English.
2. Keep a paper trail of your communication with your landlord and your financial impacts due to COVID-19.
  - a. If your household income is less than 100,000 per year, you do NOT have to submit proof of income loss to your landlord. But keeping track of your financial documents is a good precautionary measure.

# NEED FURTHER ASSITANCE?



## LEGAL ASSISTANCE

### LEGAL AID SOCIETY OF SAN DIEGO (LASSD)

- Phone: 877-534-2524
- Website: [www.lassd.org](http://www.lassd.org)

### COMMUNITY LAW PROJECT

- Phone: 619-780-7498. Leave a message with your name, phone number, general legal area you need assistance with, and the best time to call you back.
- Email: [clp@cwsd.edu](mailto:clp@cwsd.edu)
- Website: [www.cwsl.edu/clinics-and-programs/community-law-project](http://www.cwsl.edu/clinics-and-programs/community-law-project)

## COMMUNITY ORGANIZATIONS

### ALLIANCE OF CALIFORNIANS FOR COMMUNITY EMPOWERMENT (ACCE)

- Phone: 619-754-9407 ext. 307
- Email: [sandiego@calorganize.org](mailto:sandiego@calorganize.org)

### SAN DIEGO TENANTS UNION

- Phone: 619-709-0942
- Email: [sdtenantsunion@gmail.com](mailto:sdtenantsunion@gmail.com)
- Facebook: [www.facebook.com/SDTenantsUNION](http://www.facebook.com/SDTenantsUNION)

### TENANTS TOGETHER

- Phone: 415-495-8100
- Email: [info@tenantstogether.org](mailto:info@tenantstogether.org)

DECLARATION OF COVID-19 RELATED FINANCIAL DISTRESS

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(ADDRESS OF LANDLORD OR LANDLORD'S AGENT)

Dear \_\_\_\_\_,  
(LANDLORD OR LANDLORD'S AGENT)

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

Signed under penalty of perjury:

\_\_\_\_\_  
TENANT'S NAME (ALL TENANTS OVER 18 YRS. OLD)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TENANT'S NAME (ALL TENANTS OVER 18 YRS. OLD)

\_\_\_\_\_  
DATE