



BAY AREA LEGAL AID

Renters' Rights During the COVID-19 Pandemic Frequently Asked Questions

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Please be advised that due to the current public health crisis, government directives and orders, and associated enforcement procedures are rapidly changing. The contents of this document do not have the force and effect of law. This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to tenant rights. Yet, because laws and legal procedures are subject to frequent change and differing interpretations, Bay Area Legal Aid cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney. Please call us at (800) 551-5554 to obtain the most up to date information regarding your situation.

My landlord thinks I have COVID-19. Can he keep me from leaving my home, limit my guests, or tell anyone he thinks I have COVID-19? Can he make me get tested?

No. A landlord may not treat a tenant differently than other tenants, or differently than the way they were treated before the virus, regardless of a tenant's diagnosis or a landlord's suspicion that the tenant is ill. A landlord may not evict a tenant or unilaterally change any terms of a tenancy because the tenant has, or is perceived to have, COVID-19. A landlord cannot make a tenant get tested or get medical treatment. The landlord has a duty to respect the privacy of tenants and telling other people about a confirmed or suspected diagnosis may constitute illegal harassment.

I think I have COVID-19. Am I required to tell my landlord?

No. A tenant who has tested positive for COVID-19 can choose to self-disclose their condition to their landlord, other tenants, or neighbors. But the tenant has no legal obligation to disclose their personal health information to others.

I think my neighbor has COVID-19. Do I have to tell someone? Can I get that neighbor evicted and locked out?

No. A tenant cannot not be required to notify a landlord or other tenants about another tenant's condition. If you believe your neighbor has COVID-19, it is illegal for you to and your landlord to lock them out. It is illegal and criminal to use violence or intimidation against your neighbor because you believe they may be infected.

Can my landlord evict me because I have COVID-19?

No. A landlord cannot evict someone because they have, or are suspected to have, COVID-19.

Can my landlord evict me if I cannot pay rent because I am ill or lost work because of the virus?

California and many counties and cities are developing new rules to protect tenants who cannot pay rent because they or their families fall ill or lose work because of the virus. These rules vary based on where you live and change over time. Please contact Bay Area Legal Aid's Legal Advice Line at (800) 551-5554 to learn what rules apply to you.

What should I do when rent is due?

If you can pay your rent, pay it. None of the emergency eviction moratoria relieve you of the requirement to pay rent eventually. If you can afford part of your rent, pay what you can. If you cannot pay your rent due to COVID-19, tell your landlord in writing at least 7 days before rent is due, or as soon as possible. Failure to do so may waive the protections of the eviction moratoria. You will still owe this rent to your landlord in the future. The amount of time you have to pay back this rent in the future, and whether your landlord can charge late fees or interest, depends on where you live.

Be sure to take pictures of all documentation related to your loss of income due to COVID-19. This includes pay stubs, notes from your boss, bank statements, school notices of closures that keep you home, receipts for medical costs, and any medical documents of COVID-19's impact on you or someone you're caring for. The deadline to provide this documentation to your landlord varies based on your location.

The law requires that any medical or financial information provided to a landlord must be kept confidential and used solely for the purpose of evaluating a tenant's claim for eligibility under the emergency eviction moratoria.

Can my landlord evict me for other reasons during the pandemic?

Generally, whether a landlord can evict tenants *with cause* (such as not paying rent or creating a nuisance) or *without cause* (called a "no-fault eviction") depends on where the tenant lives and how long they've lived there. However, local emergency eviction moratoria currently prohibit evictions with or without cause, except where the tenant poses a health and safety risk to other tenants. A tenant having COVID-19 does not count as a health and safety risk for the purpose of eviction.

If you have questions or receive any notices from your landlord, call Bay Area Legal Aid's Legal Advice Line at (800) 551-5554.

Can my landlord entirely close a building if one or more tenants test positive for COVID-19?

No. A landlord cannot alter their operations or cease operating entirely because of the virus. If a landlord wants to sell or close a building, they must go through the normal, legal processes.

Does my landlord have to do anything new or unique to protect tenants from COVID-19?

No. The landlord's obligations to tenants remain the same as before this pandemic. A landlord must still maintain the habitability of the physical premises, but need not take special action, such as cleaning more than they were before, to protect tenants from COVID-19.

Do I or my landlord need to follow local, state, and federal rules such as shelter-in-place orders?

Yes. Everyone needs to follow any applicable rules regarding work, travel, and behavior. Everyone should also follow guidelines published by the CDC and local public health agencies.

I live in a garage, rent a room, or live in an illegal rental unit. Do the emergency eviction moratoria apply to me?

Yes. The emergency rules apply to every residential tenant regardless of what type of place they live or how long they've lived there.

Where can I get more help?

Legal Help:

Bay Area Legal Aid Legal Advice Line - (800) 551-5554; <https://baylegal.org/>

Non-Legal Tenant Support:

Causa Justa Just Cause - Tenant Hotline: (510) TENANTS (836-2687) (general advice for tenants in English & Spanish); (510) 763-5877 (main number, tenant organizing)

Alliance of Californians for Community Empowerment - (510) 269-4692 (tenant organizing)

Tenants Together - <http://www.tenantstogether.org/> (tenant counseling and resources)

*Bay Area Legal Aid provides free legal assistance to **low-income** individuals and families only. We cannot guarantee that an attorney will represent you in your case, but we will provide advice and referrals to those who qualify for our services.*