



## COVID-19 PROTECTIONS FOR ALAMEDA COUNTY TENANTS

The State of California has implemented new laws that provide important protections for tenants:

1. State laws provide that a **just cause is required for all evictions in California**. This requirement extends up to and including **September 30, 2021** and applies regardless of where the rental unit is located or how much time the tenant has lived in the rental unit.
2. State laws also require landlords to serve a general **“notice of rights” for tenants with COVID-19 rental debt by no later than July 31, 2021**. Landlords are not allowed to evict a tenant for nonpayment without first having provided this notice of general rights. **Additionally, landlords must also serve tenants with a 15-day notice to pay or quit prior to pursuing an eviction for nonpayment of rent**. A newly required COVID-19 declaration form must also be served with this 15-day notice.
3. If a tenant cannot pay the monthly rent that is charged **between March 1, 2020 and August 31, 2020 because of decreased income or increased expenses due to the COVID-19 pandemic**, said tenant cannot be evicted for nonpayment of rent that became due during this period. If a tenant is also unable to pay rent that become due **between September 1, 2020 and September 30, 2021** because of the COVID-19 pandemic, said tenant cannot be evicted. In order to enjoy these protections, tenants must complete and submit the COVID-19 declaration form attached to the 15-day notice verifying that their nonpayment is tied to COVID-19. The declaration must be submitted to the landlord before the expiration of the 15-day notice. \* (**NOTE:** Beginning on **October 1, 2021**, landlords will be able to serve 3-Day notices for nonpayment of rent – BUT these notices must include additional information regarding rental assistance options).

### **HOWEVER: Tenants residing in Alameda County have additional eviction-related protections.**

The Alameda County Board of Supervisors has implemented a **temporary eviction moratorium** (or suspension) of evictions. As a result, the majority of evictions in the County **have been suspended until at least 60 days after the local “health emergency” has been lifted**. The only exceptions to the County’s moratorium on evictions are as follows:

1. If the tenants’ actions pose an imminent threat to others’ health or safety
2. If a court or governmental agency has ordered that the rental unit be vacated
3. If the landlord seeks to permanently remove the unit from the rental market

Additionally, the Alameda County moratorium halts evictions against tenants for failure to pay rent that is charged **during the period from March 24, 2020 to at least 60 days after the “local**

**health emergency” has been lifted**, so long as the affected tenants provide documentation showing that the failure to pay the rent owed during this period is tied to the COVID-19 pandemic.

**Tenants who live in Alameda County DO NOT lose the protections granted by the local moratorium if they otherwise fail to submit the state COVID-19 declaration form provided with a 15-day notice.** However, it is advisable to nonetheless submit the state declaration form to the landlord if feasible – while also including a sentence stating that you are reserving all of your rights under the Alameda County Eviction Moratorium.

The best way to protect yourself is to pay your monthly rent on time whenever possible. Nevertheless:

1. If you are unable to pay rent on time due to COVID-19 related factors - **Tell your landlord in writing as soon as possible, ideally before rent is due.** Keep copies of what you send and your landlord’s responses.
2. Take pictures of all documentation that shows you lost income because of COVID-19. These can include: paystubs showing loss of income, notes from your employer, bank statements, notices that your children’s school is closed, doctor’s note showing that you had to stay home to care for yourself or someone else, a signed declaration attesting to your loss of income that explains the facts leading to your income loss and your inability to obtain supporting documentation.
3. Even if you tell your landlord that you can’t pay and give them documentation, your landlord might still give you an eviction notice. **If you receive an eviction notice, call Bay Area Legal Aid right away at (888) 382-3405 to find out which protections may apply to you.**

**REMEMBER:** While these laws provide important eviction protections, **neither the state law nor the Alameda County Moratorium eliminates or cancels a tenant’s actual rental debt.** Rental assistance may be available through the state’s emergency rental assistance fund. Please call **211** for more information.

Free legal advice, referrals, and assessment for representation available through our:

***Tenant Rights Line for Alameda County Tenants: (888) 382-3405***

**Bay Area Legal Aid provides legal assistance for low-income individuals and families. Although we cannot guarantee that an attorney will be able to provide representation in all cases, we will provide referrals to other sources of assistance for those individuals who do not qualify for our services.**

[www.baylegal.org](http://www.baylegal.org)

***\*Updated 7/1/2021 - Information is subject to change.***