

# **FAQ: COVID-19 Tenant Protections**



## Sonoma County's COVID-19 Just-Cause Protections:

### **1. Did Sonoma County ban most evictions until September 30, 2021?**

**Yes. Under the eviction moratorium, most residential evictions are banned until September 30, 2021.** The only exceptions are evictions based on (1) the tenant posing an imminent threat to health or safety, (2) the landlord removing the property from the rental market, or (3) nonpayment of rent (in which case the rules described below apply).

These protections apply to all tenants, regardless of immigration status. These protections apply in the incorporated and unincorporated areas of Sonoma County. These protections apply even if the tenant is paying rent in full.

### **2. What does a threat to health or safety mean?**

Violence, threats of violence, or a tenant poses an immediate threat to the health or safety of another. A tenant's COVID-19 illness, whether actual or suspected, is NOT a threat to health or safety under the eviction moratorium.

### **3. What rights does a tenant have if a landlord violates the Sonoma County eviction moratorium?**

If a landlord brings an eviction case against a Sonoma County tenant, a tenant can assert the COVID-19 just cause protections in the eviction moratorium as a **defense** to the eviction. Legal Aid can help you do this.

A tenant can also bring a civil case against a landlord for **injunctive relief, treble damages, and reasonable attorney's fees and costs.**

## Eviction Protections for Nonpayment of Rent:

### **4. What if a tenant could not pay rent between March 1, 2020 and August 31, 2020?**

Under California law, a tenant can never be evicted for nonpayment of rent for March 2020 – August 2020 if the tenant submits a Declaration of COVID-19-Related Financial Distress to the landlord in response to a 15-day notice.

### **5. What if a tenant cannot pay rent between September 1, 2020 and June 30, 2021?**

Under California law, a tenant can never be evicted for nonpayment of rent for September 2020 – June 2021 if the tenant:

- a. submits Declarations in response to 15-day notices AND
- b. pays a **total of 25%** of the rent due for the entire 10-month period by **June 30, 2021.**

A tenant is not required to pay 25% each month, a lump sum at the end is OK.

**6. What if a tenant cannot pay any rent for September 1, 2020 – June 30, 2021?**

Even if a tenant cannot pay anything, **July 1, 2021** is the earliest date an eviction case for nonpayment of rent can be filed against a tenant, as long as the tenant gives the signed Declarations to the landlord each month.

**7. Who is protected under state and local law?**

**All renters**, including **mobilehome residents, sub-tenants** (who rent a room or part of a room from a master tenant), and **undocumented tenants**.

**8. Does a tenant still owe the unpaid rent?**

**Yes. The rent is not forgiven.** Under California law, the landlord can sue the tenant in small claims court to recover the rental debt as early as **August 1, 2021**. However, Sonoma County tenants have until **September 30, 2021** to pay any remaining rent that came due between March 2020 and June 2021.

**9. Is rent relief available?**

**Yes. Tenants may be eligible for assistance with back rent, future rent, and utilities from the Sonoma County Emergency Rental Assistance Program.**

Call 2-1-1 for assistance. Applications can be submitted by mail or online: <https://portal.neighborlysoftware.com/erap-sonomacountyca/Participant>

**10. Should a tenant respond to every nonpayment notice from a landlord within 15 days?**

**Yes.** The landlord must give a tenant who cannot pay rent a notice of their rights under state law, a 15-day notice to pay rent, and a blank “**Declaration of COVID-19-Related Financial Distress**” to sign and return. The Declaration says the tenant is not able to pay rent because of COVID-19 – because they lost income or had increased costs.

Find a copy of the Declaration on Legal Aid’s website:

<https://legalaidsc.org/tenant-resources/>

**An impacted tenant must sign and return the Declaration to the landlord within 15 business days.** The landlord could serve a notice **each month** the tenant cannot pay full rent, and the tenant must sign and return the Declaration each time. A tenant who misses the 15-day deadline will still have another chance to submit the Declaration in court.

**11. Should a tenant keep a record of the notices and signed Declarations?**

**Yes.** Tenants should take a picture or make a copy of each notice and signed Declaration for their records. Tenants should ask their landlord in writing to acknowledge that they received each Declaration.

**12. Should a tenant indicate which months the rent payments are for?**

**Yes.** For any rent payments the tenant can make toward the 25%, the tenant should indicate **which months** the payments are for and ask for receipts.

**13. Can landlords charge late fees?**

**No.** Landlords cannot charge late fees on rent from March 2020 – June 2021, as long as the tenant submits a Declaration.

**14. Are there additional penalties for landlords who harass tenants?**

**Yes.** If a tenant has provided a Declaration, landlords face increased penalties **between \$1,000 and \$2,500** if they illegally lock out tenants, shut off utilities like hot water, or engage in other extreme harassing behavior. If a landlord locks the tenant out, the tenant should call the police.

It is also illegal for a landlord to bring a different kind of eviction case in order to retaliate against a tenant for not paying COVID-19 rent.

**15. What if a tenant gets a notice that the property is being taken off the rental market?**

Tenants who are eligible for protection under the federal Centers for Disease Control (CDC) Order are protected from eviction based on the landlord withdrawing the property from the rental market until **June 30, 2021**. The CDC Order has income and other eligibility requirements and a different Declaration tenants need to give their landlord to be protected.

Find a CDC Order fact sheet and Declaration here:

<https://www.allianceforhousingjustice.org/understand-cdc-eviction-moratorium>

**16. What should a tenant do if the landlord files an eviction case in court?**

If the landlord files an eviction case and serves the tenant papers that say “Summons” and “Complaint—Unlawful Detainer,” the tenant should **call Legal Aid immediately**. Our services are free and confidential.

*If you need additional information or legal representation, please contact Legal Aid of Sonoma County’s Housing Hotline: 707-843-4432, email [info@legalaidsc.com](mailto:info@legalaidsc.com), or visit our website: <https://legalaidsc.org/programs/home/>*