

Evictions During the COVID-19 Pandemic

Brought to you by Mike Williams,
Chris Beck, and Jodi Prior in
partnership with Ventura County
Legal Aid, Inc. and the Ventura
County Bar Association.

COVID 19 Rules

- Under Current California legislation, no tenant can be evicted before June 30, 2021 as a result of rent owed due to a COVID-19 related hardship, if the tenant provides a declaration of hardship according to the legislation's timelines. For a COVID-19 related hardship that accrues between September 2020 and May 31, 2021, tenants must also pay at least 25 percent of the rent due to avoid eviction.

COVID 19 Rules 2

- Tenants are still responsible for paying unpaid amounts to landlords, but those unpaid amounts cannot be the basis for an eviction. Landlords may begin to recover this debt on August 1, 2021, and small claims court jurisdiction is temporarily expanded to allow landlords to recover these amounts. Landlords who do not follow the court evictions process will face increased penalties under the Act.

COVID 19 Rules 3

- The legislation also extends anti-foreclosure protections in the Homeowner Bill of Rights to small landlords; provides new accountability and transparency provisions to protect small landlord borrowers who request CARES-compliant forbearance; and provides the borrower who is harmed by a material violation with a cause of action.

Additional legal and financial protections for tenants

- Extending the notice period for nonpayment of rent from 3 to 15 days to provide tenant additional time to respond to landlord's notice to pay rent or quit.
- Requiring landlords to provide hardship declaration forms in a different language if rental agreement was negotiated in a different language.
- Providing tenants a backstop if they have a good reason for failing to return the hardship declaration within 15 days.

Additional legal and financial protections for tenants 2

- Requiring landlords to provide tenants a notice detailing their rights under the Act.
- Limiting public disclosure of eviction cases involving nonpayment of rent for certain periods.
- Protecting tenants against being evicted for “just cause” if the landlord is shown to be really evicting the tenant for COVID-19-related nonpayment of rent.

Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088)

- Prevents evictions for nonpayment of rent by tenants experiencing a COVID-19 hardship. Available to any tenant who timely attests under penalty of perjury that he/she has not been able to pay full rent due to COVID-19-related circumstances.

AB 3088

- If a tenant pays at least 25 percent of his/her rent owed between September 2020 and June 2021, they are permanently protected from eviction for not paying their full rent during this period; however they will still owe their landlord all unpaid rent.
- Landlords may still proceed with certain other types of “just cause” evictions unrelated to a tenant’s failure to pay rent.

AB 3088 2

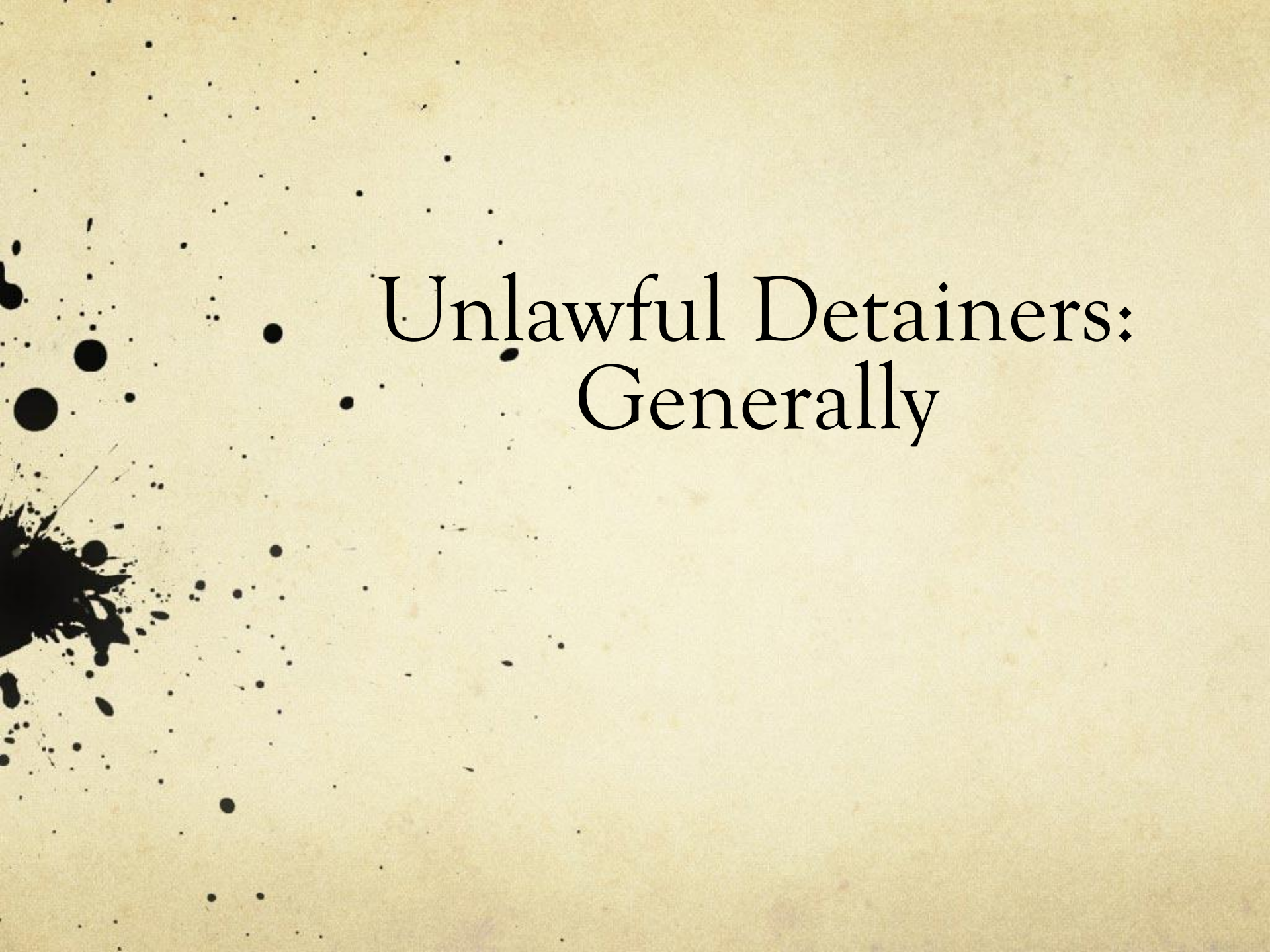
Available for households with incomes at or below 80 percent of Area Median Income, with a priority on helping households at or below 50 percent of Area Median Income as well as households unemployed for the preceding 90 days at the time of application.

Prioritizes the payment of rental arrearages.

Landlords can choose to accept 80 percent of any unpaid rent owed from April 1, 2020, through March 31, 2021. If a landlord accepts this funding, the landlord agrees to forgive the remaining unpaid rent for that covered period.

AB 3088 3

If a landlord chooses not to participate, the tenant can still apply for relief valued at 25 percent of unpaid back rent they owe for the covered period.



Unlawful Detainers: Generally

Introduction

- COVID-19
- Eviction/Foreclosure Spike Anticipated
- Rent Stays and Abatement

Introduction

- Unlawful Detainer
 - Evictions
- Tenant Stays in Violation of Lease or Other Agreement
 - Violation of lease terms, non-payment of rent, hold-over after fixed term
 - Prohibition against self-help

First things first....

- Notice (as we have come to know it)
 - 3 day notice (quit or cure – rent/illegal use)
 - 30 day notice (occupied less than one year, less substantial breach)
 - 60 day notice (occupied more than one year)
 - 90 day notice (Costa Hawkins-gov assistance, SB 1482)
- Note: changes if government assistance is involved, i.e. HOME Funds

One of the most challenged elements of UD's is ineffective notice
e.g. address, rent amount (not other charges), names of occupants, date calculations

More regarding notice...

- May not waive notice in lease
- May agree to lesser time of notice, but not less than 7 days
- May not serve notice for rent after one year
 - Waiver – see *Levitz Furniture v. Wingtip Communications*
- Serve one to serve all
- Personal service or “nail and mail”

Civil Procedure – Unlawful Detainers

- Summary Proceeding
 - 5 (court) days to file an Answer after service of Complaint
 - Default or UD-150 to request trial
- Cal Rules of Court 3.110 re: timing of service of complaint, cross-complaint, etc. not applicable to unlawful detainers

Civil Procedure – Unlawful Detainers

- Unlawful detainer proceedings are given statutory preference in trial settings over all other civil actions. CCP 1179a
- If the defendant has appeared and Answered, the trial must be set no later than the 20th day after the request to set the trial is made. CCP 1170.5(a)
- Right to Jury Trial
- Lease, Breach, Notice (service), Possession, Damages

Civil Procedure – Unlawful Detainers

- Standardized Pleadings/Pleading Packets
- New Pleadings
 - UD-101 Plaintiff's Mandatory Cover Sheet and Supplemental Allegations
 - UD-104 Cover Sheet for Declaration of COVID-19 Related Financial Distress
 - UD-104(A) Attachment-Declaration of COVID-19 Related Financial Distress
 - UD-120 Verification by Landlord Regarding Rental Assistance

Common Defenses

- Breach of Warrant of Habitability
- Waiver of Notice to Quit
- Retaliatory
- Landlord's Breach
- Discrimination
- Constructive Eviction
- Violation of Eviction or Rent Control Ordinance

CA COVID-19 Rent Relief & Self-Help Eviction Services

**Ventura Superior Court
Self-Help Legal Access Center
May 27, 2021**

*Our Court is Here
for the People we Serve*

Ventura Superior Court

Dignity

Respect

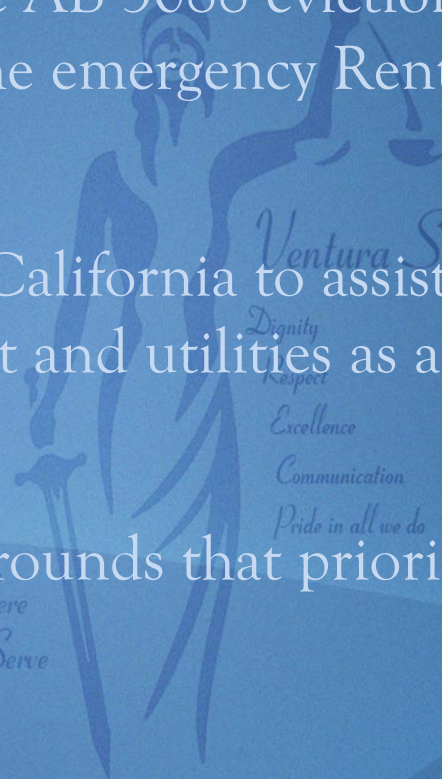
Excellence

Communication

Pride in all we do

SB 91- Emergency Rental Assistance Program

- In addition to extending the AB 3088 eviction protections for tenants, SB 91 establishes the emergency Rental Assistance Program.
- 1.4 billion was allocated to California to assist renters who have been unable to pay rent and utilities as a result of the COVID-19 Pandemic.
- Funds will be awarded in 3 rounds that prioritize the lowest-income households.



Ventura Superior Court

*Dignity
Respect*

Excellence

Communication

Pride in all we do

*Our Court is Here
for the People we Serve*

Program Overview

- **Focus:** Stabilize low-income households through the payment of rental arrears to landlords.
- **Eligibility:** Income must be at or below 80% Area Median Income (AMI) based on total household income for calendar year 2020 or the household's monthly income at the time of application.
 - Federal Law is silent on immigration status in determining eligibility for assistance.



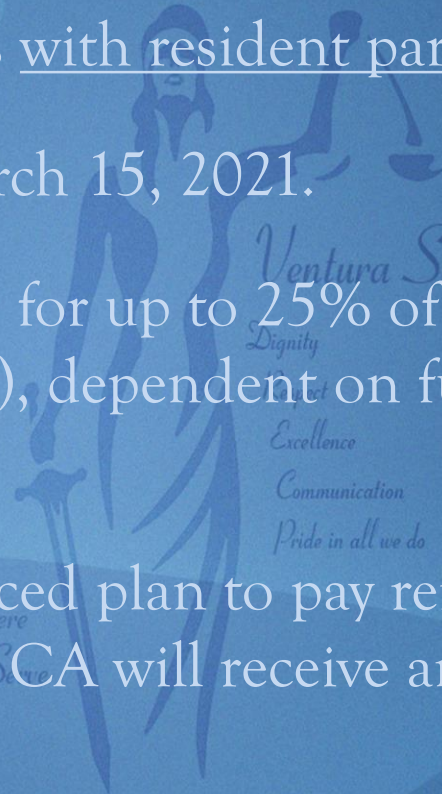
Program Overview

- Participating landlords will be compensated 80% of unpaid rent from April 1, 2020 - March 31, 2021. Accepts as payment in full for all rental debt for that period.
- If a landlord declines to participate, eligible households can still apply for and receive 25% of back rent owed for the covered period.
- Rental arrears are prioritized over utilities (inclusive of internet service) and prospective rental payments.



Rental Assistance Program

- Landlords can apply for funds with resident participation.
- Application period began March 15, 2021.
- Program may provide funding for up to 25% of future rent payments (for up to 3 months), dependent on future funding availability.
- New – Gov. Newsom announced plan to pay rental housing providers 100% of rent owed. CA will receive an additional 2.6 billion in rental assistance.



How Can a Landlord Qualify?

Landlord

- The Landlord must meet the following criteria:
 1. Be the property owner or the property management/agency who has legal authority to lease the unit;
 2. Have one or more eligible households/tenants participating in the program with unpaid rent between April 1, 2020 and March 31, 2021, due to a COVID-19 related event;
 3. Have a tenant lease or written agreement with the eligible household(s)/tenant(s); and
 4. Agree to waive 20% of the unpaid rent for the above time period.
- Landlords shall also know:
 1. All rent relief payments must be used to satisfy the eligible household's/tenant's unpaid rent obligations
 2. Landlord must participate in the application process, providing information as well signing the application
 3. Eligible households/tenants must also participate and sign the application

Tools to Support Eligibility Check:

- AMI Calculator
<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2020.pdf>
- Landlord Eligibility & Preparation Checklist on [housingiskey.com](https://www.housingiskey.com)

How Can a Tenant Qualify?

Tenant

One or more individuals in household must meet the following three criteria:

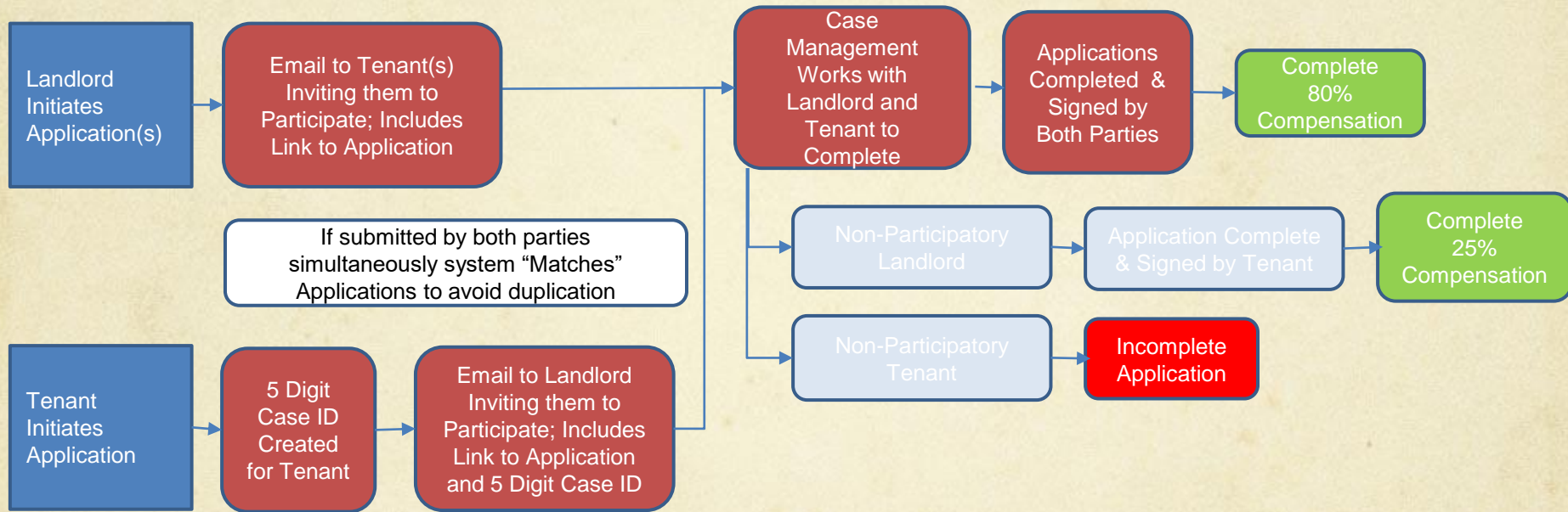
1. Have qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to COVID-19, and be able to attest this in writing;
2. Be able to demonstrate housing instability, which may include:
 - A past due utility or rent notice or eviction notice;
 - Risk of experiencing homelessness;
 - Unsafe or unhealthy living conditions; or
 - Any other evidence of such risk, as determined by the eligible grantee involve;
3. Have a household income that is not more than 80% of Area Median Income (AMI) for the household. **AMI Calculator is built into the Eligibility Questionnaire.**

Tools to Support Eligibility Check:

- AMI Calculator
<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2020.pdf>
- Tenant Eligibility & Preparation Checklist on [housingiskey.com](https://www.housingiskey.com)

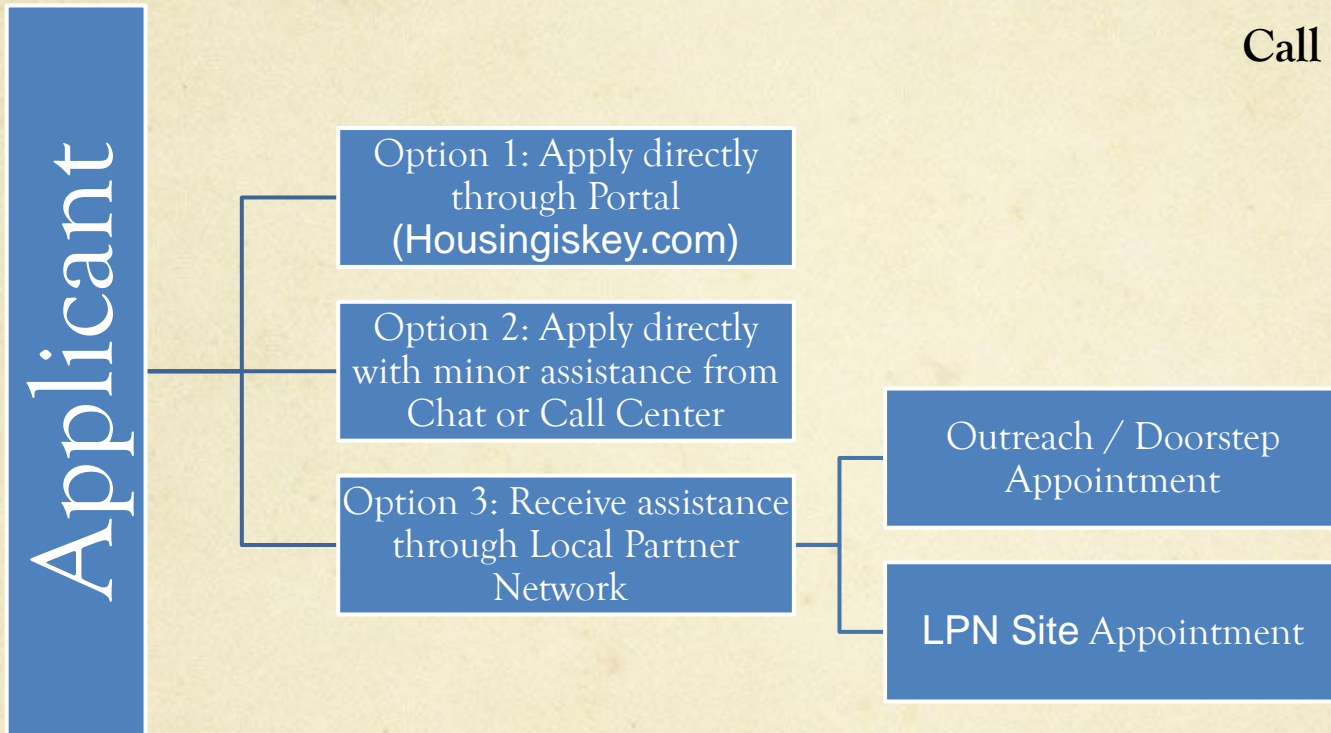
Who Can Apply? How Will the Process Work?

- Landlords and Tenants May Both Apply



What are the Pathways to Submit an Application or Receive Application Assistance?

Call Center: 833-430-2122



How will the Case Management Services Work?

- **Landlord and Tenant participation is required to receive 80% compensation for rental arrears.**
 - Once an application is submitted, Case Management will notify the other party of the application
 - Case Management will contact at least three times the other party (at different times of the day using different methods of outreach)
 - For non-participating Landlords the Application may continue with the Tenant being compensated 25% arrears
 - For non-participating Tenant the Application is declined.
- **Case Management Services are designed to get to approved applications**
 - Case Management services will work with Landlords and Tenants to support the completion of an Application. This could include, for example, finding alternative documents to verify eligibility, explaining portions of the application.
 - If in-person support is necessary Case Management may refer a Landlord or Tenant to the Local Partner Network who can provide in-person services at the Applicant's home or in the Local Partner office.

The State of California is committed to accessibility for all applicants. If you require this material in an alternate format or have questions about the program, please contact us at (833) 430-2122

What Can Tenants Do to Prepare?

Before applying, assemble key documents:

- Contact information for your Landlord
- To verify Legal Identity** (need **one** of the following)
 - Government issued birth certificate, driver's license or id card
 - Employment id card
 - Marriage license / certificate or certified divorce decree
 - Current school records (18 years or older)
- To verify Income** (need **one** of the following)
 - IRS Tax Forms
 - W-2 Form
 - Recent Paycheck stubs
 - Employer-generated salary report
 - Earnings Statement
 - Current Bank Account
- To verify Residence** (need **one** of the following)
 - Lease agreement
 - Official letter from third party showing name and address
 - Government issued library card
 - Utility statements from providers
- To verify Rent Owed** (need **one** of the following)
 - A current lease signed with rental payment amount
 - If no lease, proof of your rent amount may include bank statement, written confirmation by a landlord
- To verify Utility Payment Owed** (need **one** of the following)
 - Utility bill showing past or current amount due

Pre-Application Checklist Available at [HousingIsKey.com](https://www.housingiskey.com)

What Can Landlords Do to Prepare?

Before applying, assemble key documents:

- IRS W-9 Form
- Contact information for your Tenant(s)
- To verify Residence** (need **one** of the following)
 - Lease Agreement
 - State issued program id with license
 - Official letter from third party showing name and address
 - Government issued library card
 - Utility statements from provider
- To verify Ownership** (need **one** of the following)
 - Property deeds
 - Mortgage Note
 - Property Tax Forms
 - Homeowner insurance
- To verify Rent Owed** (need **one** of the following)
 - A current lease signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount
 - In the absence of a signed lease, evidence of the amount of a rental payment may include:
 - Bank statements
 - Check stubs or other documentation reasonably establishes a pattern of paying rent
 - Written attestation by a landlord who can be verified as the legitimate owner or management agent of a unit


Landlord Checklist

Are You Eligible To Apply For CA COVID-19 Rent Relief? (Must check all to be eligible)

- Are you the property owner or the property management/agency who has legal authority to lease the unit?
- Do you have one or more eligible tenants with unpaid rent between April 1, 2020 and March 31, 2021, due to a COVID-19 related event?
- Do you have a tenant lease or written agreement with the eligible tenant(s)?
- Do you agree to waive 20% of the unpaid rent for the above time period?

If you checked ALL of the above, you are eligible to apply. Before applying, you'll need the following items. (A full list of acceptable paperwork can be found at [HousingIsKey.com](https://www.housingiskey.com))

- IRS W-9 Form
- To verify Residence** (need **ONE** of the following)
 - Lease agreement
 - State issued program id with license
 - Official letter from third party showing name and address
 - Government issued library card
 - Utility statements from provider
- To verify Ownership** (need **ONE** of the following)
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Pre-Application Checklist Available at [HousingIsKey.com](https://www.housingiskey.com)

Is there a Local Partner Network in my Jurisdiction?

- [HousingIsKey.com](https://housingiskey.com) will host a running list of entities in the Local Partner Network. The list will be updated on a weekly basis as additional partners are added.
 - The LPN Application opened February 16. LISC will accept applications throughout the program but is emphasizing quickly selecting and onboarding partners.
 - LNPs can be Tier 1, 2, 3, or multiple tiers.
 - Visit for list of LNP: [Partnership Resources \(ca.gov\)](https://www.ca.gov/partnership-resources)
- Referral System: If you see a gap in your community, please refer a potential partner to <https://lisc.tfaforms.net/308>.

CA COVID-19 RENT RELIEF

Local Partner Network

Eligibility and application help for rent relief available here!

HousingIsKey.com

CALIFORNIA ALL BCSH

Resources to Support Applicants

- Preparation **Checklists**
- Recorded **instructional videos** explaining all steps in the application
- **Call Center** Support for general questions and information; Call Center able to help applicant initiate the Application via phone
- **Local Network Partners** to provide in-person support
- **Appointment Center** to reserve a meeting with a Local Network Partner
- **Case Management** support to work with both Landlord and Tenant to complete the Application once initiated
- Applicants can **add designees** to their account to enable a third-party to help them complete the application

The CA COVID-19 Rent Relief Program support and resources are designed so that no unwilling applicant should be unable to complete the application. Support is further designed to avoid Applicants having to pay for support in submitting their application.



Landlords and renters can now get help with unpaid rent.

Check eligibility and apply at HousingIsKey.com or call 833-430-2122

CA Covid-19 Rent Relief Call Center: 833-430-2122
LPN Appointment Center: 833-687-0967

Housing is Key Tools

- Information in Spanish and English about SB 91 for tenants, homeowners, landlords, and communities.
- AMI Calculator
- Geographies of needs map
- COVID-19 Assistance Line in 18 different languages.



ERAP – Contact Information

- [Housingiskey.com](https://www.housingiskey.com)
- [CA Covid-19 Rent Relief Call Center](#) – For additional information and help with eligibility and applications call 833-430-2122.
- [Local Partner Network](#): To find a LPN near you, call 833-687-0967.
- [Email: ERAP@hcd.ca.gov](mailto:ERAP@hcd.ca.gov)



SHLAC Assistance for Unlawful Detainer Cases

- SHLAC provides the following general assistance with unlawful detainer cases:
 - Overview of the eviction court process
 - Assistance with completing and filing court forms (Answers, Motions to Set Aside, Ex Parte and Fee Waiver forms). SHLAC does not complete the forms for any person.
 - Explaining service of process and notice for hearings.
 - Refer litigants to outside resources (Tenant Checklist at courts.ca.gov, Housing is Key, [Tenantstogether.org](https://tenantstogether.org), CRLA, VCBA Attorney Referral, etc.)
- SHLAC DOES NOT provide assistance with the following:
 - Notices - Due to the complexity of the various moratoriums and other legal protections in affect during the COVID-19 pandemic, SHLAC is not providing assistance to Landlords regarding Notices at this time.
 - Commercial evictions

How Can You Get Help from SHLAC?

- Set a Phone or Zoom Appointment at:
www.calendly.com/vcsreservations
Self-Help Legal Access Center (Civil Self-Help)
Family Resource Center (Civil Self-Help)
- E-mail us at SHLAC.Workshop@ventura.courts.ca.gov
- Call our Call Center for how to access self help services:
Daily from 1:30 pm – 3:30 pm
(805) 289-8812





VENTURA SUPERIOR COURT SELF-HELP LEGAL ACCESS CENTER

HALL OF JUSTICE
800 South Victoria Avenue
Ventura, CA 93009

The Ventura Superior Court is only admitting members of the public by appointment to protect the health and safety of the public and court personnel.

SELF-HELP SERVICES

E-mail

If you have questions about court forms or processes, please email us at SHLAC.workshop@ventura.courts.ca.gov

Self-Help Call Center – Civil: (805) 289-8812

The Call Center hours are 1:30 pm – 3:30 pm Monday through Friday (except court closures and holidays). The Call Center will direct self-represented litigants on how to access court forms, how to e-mail the Self-Help Center, and how to register for a webinar and/or set a phone or Zoom appointment. **The Call Center does not provide full self-help services.**

Webinars

Webinars are available to answer your questions. Visit calendly.com/vcselfhelpcenter to sign up.

Hours of Operation

Monday through Friday from 9:00 AM – 3:30 PM (closed from 12:00 PM – 1:30 PM). Appointments are required.

TELE-SELF-HELP ONLINE RESERVATION SYSTEM FOR VIRTUAL SELF-HELP

The Ventura Superior Court has created an online reservation system that the public can use in order to receive self-help assistance through phone or Zoom video conferencing appointments. Scan the QR code to schedule your appointment for the Self-Help Legal Access Center.



This QR code also allows you to make appointments at other court departments as needed.

You can also visit calendly.com/vcscreservations to make an appointment at the Court.

THE COURT REQUIRES THAT YOU FOLLOW COVID-19 GUIDELINES:

- Wear a face mask over your nose and mouth at all times within public areas of the courthouse or courtroom
- Maintain at least 6 feet of physical distance from all persons (except those within your household) at all times
- Cough or sneeze into your elbow
- If you are COVID-19 positive – **do not come in**

PLEASE REVIEW CAREFULLY BEFORE YOUR VIRTUAL APPOINTMENT

WHAT SHOULD I HAVE AVAILABLE?

- Full names, birth dates, and any other identifying information of the other, parties and minor children involved in your case
- Pens (black or blue)
- If needed, reading glasses
- Any documents related to your case
- Case number

WHAT SHOULD I EXPECT AT MY VIRTUAL APPOINTMENT?

We are only providing general legal information and form assistance. If you need forms, contact us BEFORE your scheduled appointment at SHLAC.workshop@ventura.courts.ca.gov

The duration of your phone or Zoom appointment will be no longer than 15 minutes. Please gather all forms and questions that you want to ask during your appointment to make the most out of your time.

HOW WILL I BE CONTACTED FOR MY VIRTUAL APPOINTMENT?

If you requested a phone appointment, we will contact you at your scheduled phone appointment time at the phone number you provided in the Calendly registration. We will call you once and if you do not answer, we will call you back one more time within 10 minutes. **After the second call without answering, you may have to schedule another phone appointment.**

If you requested a Zoom appointment, we will e-mail you instructions, the meeting ID and the password to the e-mail you provided in the Calendly registration. **If you do not log in or contact us within 10 minutes of your appointment time, we will cancel the appointment and you will need to reschedule.**

CAN I FILE THE SAME DAY I RECEIVE SELF-HELP ASSISTANCE?

You must have a reservation for the clerk's office to file any forms. **IF** your forms are complete and ready to file, you can make the reservation at calendly.com/vcscreservations for:

- Family Law Clerk's Office – Family Law and ALL Restraining Order forms
- Civil Clerk's Office – Civil forms
- Juvenile/Probate Court – Guardianship and Conservatorship forms

There is no guarantee that a same day reservation will be available.

Please expect to make a reservation for the Clerk's office for another day and/or another time to file your forms.

VCLA's LEPA Program

- The Legal Eviction Prevention Assistance program is designed to provide free analysis, advice, education, and referrals to qualified individual through the help of qualified volunteer attorneys.
- The program can be accessed by calling 805-650-7592 Extension 4 and leaving a message, or preferably by submitting an application in English or Spanish through our website: vclegalaid.org / Services / LEPA
- As requests are made VCLA will screen them and request assistance from local attorneys willing to help.