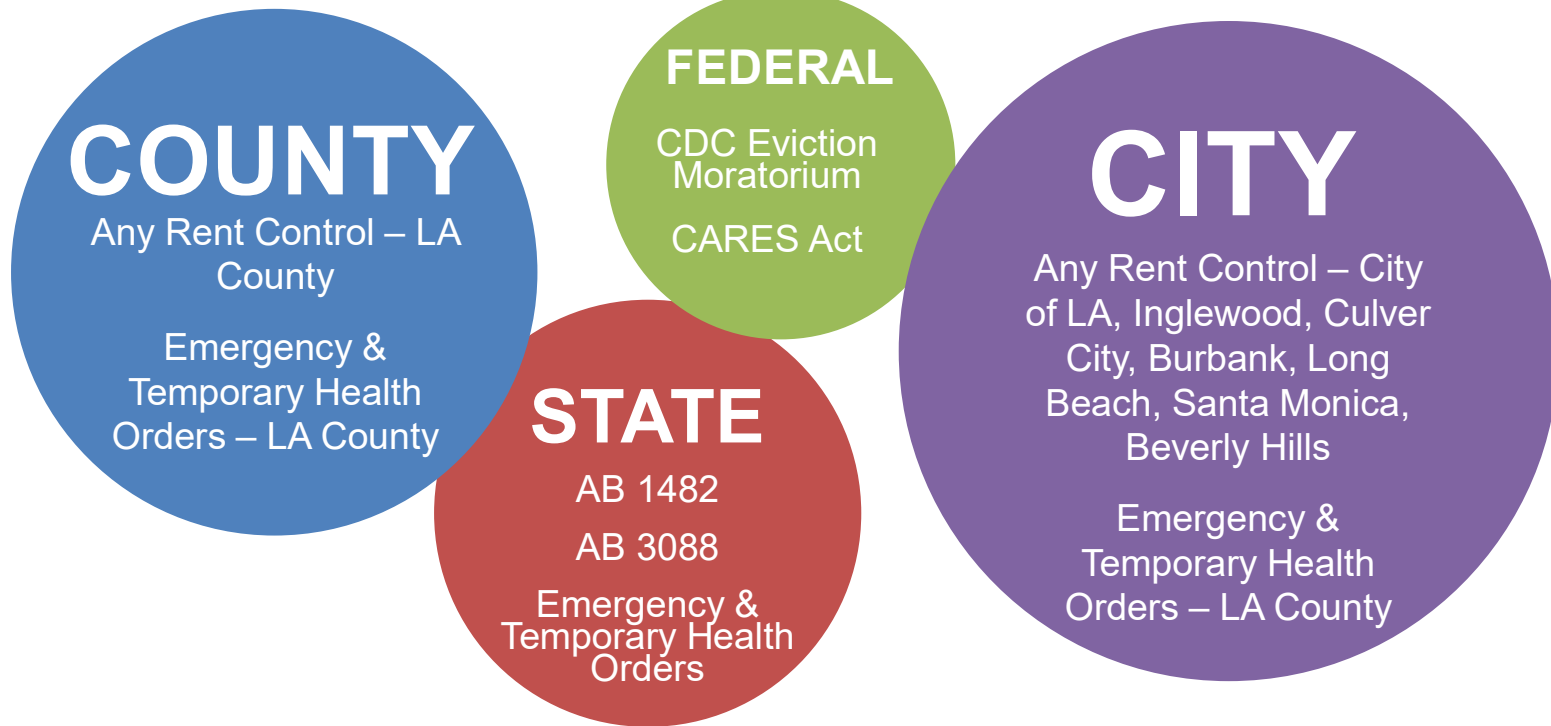


THIS  SHOW THAT WE CALL 2020

LANDLORD TENANT ISSUES TODAY



Tenant Protections Overlapping Legislation



FEDERAL LEVEL PROTECTIONS

CARES ACT

The Coronavirus Aid, Relief, and Economic Security (CARES) Act provides certain protections from eviction and late fees due to nonpayment of rent for most tenants in federally subsidized or federally backed housing.

The CARES Act protections apply to you if:

- You receive federal rental assistance from a voucher or grant program
- You or your landlord receive assistance through federally-subsidized housing programs
- Your rental home or apartment building has a federally-backed mortgage

From March 27 to July 24, 2020, if you were covered by the CARES Act protections, your landlord or housing authority:

- May not file a legal action to evict you for nonpayment of rent or other fees or charges
- May not charge fees, penalties, or other charges related to nonpayment
- Must give you a 30-day notice to vacate (leave the property), but no sooner than July 25, 2020
- In some situations (generally single-family homes), the eviction protections [have been extended until December 31, 2020 for loans backed by the](#) FHA, VA, USDA, and Fannie Mae or Freddie Mac.
- In addition, if your landlord is getting CARES Act relief from mortgage payments on your home, then you may be protected from eviction for a longer period.

These CARES Act protections do not apply if:

- Your landlord filed a lawsuit to evict you before March 27, 2020. In this situation, you might still receive eviction protection offered by your state or local jurisdiction.
- You are being evicted for reasons other than nonpayment of rent or fees and charges related to nonpayment of rent. For instance, your landlord can still evict you for breaking other agreements in your lease.

Rent payments are still due

- Even if the CARES Act eviction moratorium or a state or local eviction moratorium applies to you, rent payments are still due on the usual date. If you can, continue to pay your rent to avoid eviction in the future.

CDC EVICTION MORATORIUM

On September 1, the CDC issued an [order](#) halting residential evictions through December 31, 2020. The order is not in effect until it is published in the Federal Register. It is [scheduled](#) for publication September 4. The order applies to just about all residential renters in Wisconsin. That's very different from the previous federal moratorium, which only protected people residing in properties with federally backed financing or receiving federal assistance.

One of the most important things to know is that **protection under the order is not automatic**. It applies to a residential tenant who has provided their landlord a declaration containing certain assurances:

- That the individual used best efforts to obtain all government assistance for rent/housing.
- That the individual (i) has an income less than \$99,000 in 2020 (\$198,000 for joint filers), (ii) was not required to report income in 2019, or (iii) received a CARES stimulus check.
- That the individual is unable to pay full rent because of a substantial loss of work/income/hours, or extraordinary out-of-pocket medical expenses.
- That the individual is making best efforts to make timely partial payments.
- That an eviction would likely leave the individual homeless or forced into a congregate living setting because they lack another available housing option that would not increase their housing costs (i.e. there is not a cheaper rental option).

The order includes a declaration form for renters to use. Declarations *do not* go to the federal government – just the landlord. Individuals must make these declarations under the penalty of perjury, and each adult listed on a lease must complete the declaration. Violators of the order can face criminal penalties.

Here is what the moratorium does not do:

- It does not relieve rent payments
- It does not prevent late fees/penalties
- It does not prevent eviction for other reasons
- It does not affect foreclosure actions
- It does not protect people residing in hotels/motels or like properties

WHY HAVEN'T I HEARD MUCH ABOUT THE CDC EVICTION MORATORIUM?

***Gov. Newsom: CDC eviction ban does not apply in California
September 2, 2020***

Gov. Gavin Newsom today said the national eviction moratorium announced this week by the U.S. Centers for Disease Control will not apply in California because the Golden State already has stronger eviction protections in place.

The CDC is exempting locations with “the same or greater level of public-health protection than the requirements listed in this Order.”

“Our protections are not impacted by those federal rules and regulations,” Newsom said during a press conference today. “Our protections go a little farther than the federal government. There is no income cap as the federal government currently has.

“Again, ours go through Feb. 1 of next year. They don’t expire at the end of this year.... And California, again, is leaning in more aggressively than we believe in any other state in this country.”

STATE LEVEL PROTECTIONS

AB 1482 (Chiu) – Tenant Protection Act of 2019

The Tenant Protection Act of 2019 was signed by Governor Newsom on October 8th, 2019 and takes effect on January 1, 2020. The law limits how much rents can be increased and the allowable reasons for evicting tenants in covered units:

Rent Cap

- Rent increases limited to **annual change in regional CPI + 5%** in any 12-month period, not to exceed 10%.
- Applies retroactively to rent increases starting on **March 15, 2019** (increases over cap roll back on 1/1/20).
- In effect until **2030**.

Local Ordinances

- Preserves local jurisdictions' ability to adopt new rent control that conforms to existing Costa-Hawkins law.
- Preserves local jurisdictions' ability to enforce and modify existing Just Cause protections, and allows jurisdictions to enact new Just Cause protections going forward if they are more protective than AB 1482.

“Just Cause” Eviction Requirements

- Effective after 12 months of tenancy, protecting renters from an eviction for no reason.
- Provides for **one month’s rent relocation payment** or rent waiver in the case of a no-fault just cause eviction, such as owner move-in or capital improvements.
- **Allowable At-Fault Reasons for Eviction:** Nonpayment of Rent, Breach of Lease, Committing Nuisance or Waste, Failure to Renew Similar Lease, Criminal Activity on Premises or Directed at Landlord/Agent, Unauthorized Subleasing, Refusing Lawful Entry, Using Premises for Unlawful Purpose, Failure of Resident Mgr. to Vacate After Employment, Failure to Vacate After Giving Notice or Agreement to Vacate
- **Allowable No-Fault Reasons for Eviction** (*Requires one month’s rent as relocation assistance*): Owner/Family Move-In, Government Order to Vacate, Withdrawal of Property from Rental Market (Ellis), Intent to Demolish or Substantially Remodel

Covered Units

- Covers all multifamily housing and apartments in California.
- Covers single family homes and condos owned by corporations, including Real Estate Investment Trusts and LLCs controlled by corporations. Single family homes and condos owned by individuals and family trusts are exempt so long as notice is given to tenants.
- 15-year new construction exemption.
- Other limited, specific exemptions, such as college dorms and owner-occupied duplexes.
- Exception to Just Cause protections in limited cases of a new roommate moving in within the first two years of tenancy.

I'M A SUPER BUSY AGENT – WHAT'S MY TAKE AWAY?

All tenants in units covered by the bill must receive a notice explaining the just cause and rent cap protections. In addition, an owner claiming an exemption under the single-family home or condo exemption must provide a written notice to the tenant. For a tenancy existing before July 1, 2020, this notice may be provided in the rental agreement. For any tenancy commenced or renewed on or after July 1, 2020, this notice must be provided in the rental agreement.

If the owner does not provide the required notice, then the property is NOT exempt from just cause or the rent cap.

The notice language must read:

- *“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”*

WHAT ELSE....?

Get Your Allowable Rent Increase Right

Find your CPI (Consumer Price Index)

PROPERTY COUNTY

Los Angeles

BASE INCREASE	CPI INCREASE	AB 1482 ALLOWABLE INCREASE*
5%	0.69%	5.69%

AB 3088 CRTA (Covid-19 Tenant Relief Act)



AB 3088 - COVID-19 TENANT RELIEF ACT OF 2020

Evictions Under the COVID-19 Tenant Relief Act

- Extends notice period from 3 to 15 days (not including weekends or holidays) to provide tenant additional time to either pay or provide declaration of hardship in response to landlord's notice to pay rent or quit.
- Tenant cannot be evicted for nonpayment due to a COVID-19 related hardship for rent due between March 1 – August 31, 2020, if tenant returns declaration of hardship under penalty of perjury within 15-day notice period.
- Tenant cannot be evicted for nonpayment due to a COVID-19 related hardship for rent due between September 1, 2020 – January 31, 2021, if tenant returns declaration of hardship under penalty of perjury within 15-day notice period and pays 25% of the missed rent payments for that period by January 31, 2021.
- Higher income tenants (over \$100K household income or over 130% of median household income) must provide some form of documentation, as specified in the bill.
- Tenants can be evicted beginning October 5, 2020 if they fail to return COVID-19 related hardship declaration to landlord.
- Applies to all residential rental tenants and mobile home residents, including single-family home and ADU rentals.
- Eviction cases for just causes other than non-payment (e.g., nuisance) can begin September 2, 2020.
- Just cause under AB 1482 (Tenant Protection Act of 2019) is extended to all tenants until February 1, 2021. Delays any eviction cases for non-payment (not due to COVID-19 hardship) until October 5, 2020.
- Amends existing retaliation law to prohibit landlord from evicting a tenant for a reason other than non-payment of rent in retaliation for having unpaid COVID-19 rental debt.

Tenants Still Responsible for Paying Unpaid Amounts to Landlords

- If the tenant complies with the above, any remaining unpaid rent due between March 1, 2020 – January 31, 2021, is not a ground/basis for eviction, but is still owed to the landlord as a form of consumer debt
- Small claims court jurisdiction is temporarily expanded to allow landlords to recover these amounts.
- Landlords may begin to recover this debt on March 1, 2021.

Other Protections for Tenants

- Requires landlords to provide hardship declaration forms in a different language if rental agreement was negotiated in a different language, consistent with existing law.
- Provides tenants a backstop in an eviction case if they have a good reason for failing to return the hardship declaration to the landlord within 15 days.
- Requires landlords to provide tenants a notice detailing their rights under the Act.
- Eviction judgments in non-payment of rent cases filed between March 4, 2020 – January 31, 2021, are subject to masking and are not publicly available, regardless of the outcome. Sunsets February 1, 2021.

Statewide Consistency and a Pause on Local Measures

- Existing local ordinances remain in place until they expire. Local actions that occur after August 19, 2020 cannot take effect before February 1.
- If an ordinance that establishes a time-period for repayment, that repayment period must begin (for unpaid rent due between March 1, 2020 and January 31, 2021) **on March 1, 2021**, unless the ordinance specifies an earlier date.
- Clarifies that nothing in the Act affects a local jurisdiction's ability to adopt an ordinance that requires just cause, consistent with state law, provided it does not affect payments due between March 1, 2020 and January 31, 2021.

Protections for Small Landlords

- Extends the Homeowners' Bill of Rights' anti-foreclosure protections to small landlords (1-4 units, non-owner occupied) if landlord is an individual, tenant moved in prior to March 4, and tenant fails to pay rent due to loss of income.
- Provides accountability and transparency provisions to protect small landlord borrowers who request CARES-compliant forbearance; authorizes a borrower who is materially harmed to file a lawsuit.

Penalties on Landlords Who Do Not Follow Court Eviction Process

- Adds a new penalty of between \$1,000 and \$2,500 against landlords who resort to self-help (i.e., locking the tenant out, throwing personal property out onto the curb, shutting off utilities) to evict a tenant, rather than going through the required court process. Sunsets February 1, 2021.

Entire Act Sunsets February 1, 2025 (nothing in the bill applies to rent due after January 31, 2021)



L.A. County Supervisors Seek to Mandate Rent

Deferrals Beyond State Guidelines

Oppose Unprecedented Overreach!



Upcoming legislation would prolong COVID-19 eviction protections

California lawmakers are introducing a pair of bills that would keep COVID-19 eviction protections in place well into 2021 and perhaps longer.

News of the bills came Monday, the first day of the new legislative session and less than two months before current eviction protections are set to expire. The proposals also come as California experiences a new surge in coronavirus cases and stay-at-home orders. The proposals will initially lack much detail but can be fleshed out before lawmakers reconvene hearings early next year.

Legislators are seeking a replacement for the COVID-19 Tenant Relief Act of 2020, which passed as AB 3088 this summer and is scheduled to expire Jan. 31, 2021.

One of the proposals, from Assemblyman David Chiu, D-San Francisco, would extend the eviction protections under AB 3088 until the end of next year. Unlike AB 3088, however, Chiu's legislation would allow local governments to impose additional eviction rules.

Another proposal is expected from Sens. Anna Caballero, D-Salinas, and Steven Bradford, D-Gardena. This legislation is expected to extend the provisions of AB 3088 for a brief period with opportunities to renew at certain intervals.

AGAIN WITH THIS GUY.....



Emergency & Temporary Health Orders

https://covid19.ca.gov/?utm_source=google&utm_medium=cpc&utm_campaign=ca-covid19response-august2020&utm_term=ca%20stay%20at%20home%20order&gclid=Cj0KCQiAzzs-BRCCARIsANotFgP6Snk3wpXQfz0wEheMFkui4N5JKqI9FF29M15ivKEs-90uYpyxTkQaAg6yEALw_wcB

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Regional-Stay-at-Home-Order-.aspx#>

WHAT'S LA COUNTY DOING?

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodetid=TIT8COPRBUWARE_DIV3HO_CH8.52REST

The County of Los Angeles Board of Supervisors approved a [Permanent Rent Stabilization Ordinance](#) for eligible rental units in the unincorporated areas of Los Angeles County which became effective on **April 1, 2020**. Rent stabilization is a local law that standardizes the amount of rent increases and extends eviction protections.

Here's what the ordinance provides:

- A maximum cap for rent increases as determined by the County. *Based on the Consumer Price Index and shall not exceed 8%. **Some exemptions apply.***
 - The maximum allowable increase is **three percent (3%)** through June 30, 2021.
- A provision requiring a **"just cause"** reason for evictions, even if the unit is not covered by the rent restrictions in the ordinance. **Note: These units may still be subject to State rent restrictions/limits.**
- A provision requiring relocation assistance for **"no fault"** evictions and certain temporary displacements.
- A process for property owners who believe they are not receiving a fair return on their property to increase rent above the County determined maximum cap.
- A process for property owners to pass through a portion of the costs for certain property improvements or renovations to renters.
- A provision that allows property owners with 50 or fewer rental units to pass on the direct cost of the Measure W parcel tax to renters (approved by voters in the November 2018 election). This cost is separate from rent increases.
- A requirement for property owners to register all rental units annually, including changes in tenancy, rental rate, and amenities.

To find out if a property is in an unincorporated area of Los Angeles County, use the "Find Your District" feature at <https://lavote.net/apps/precinctsmaps> and select "District Map Look Up By Address".

**Questions? Contact the
Los Angeles County
Department of
Consumer and
Business Affairs:**

Call us toll-free at:
(833) 223-RENT (7368)

Email us at:
rent@dcbalacounty.gov

Visit our website:
rent.lacounty.gov



LA COUNTY DPH EMERGENCY HEALTH ORDERS

<http://www.publichealth.lacounty.gov/>

http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/HOO_SaferatHome_SurgeResponse.pdf

REVISED TEMPORARY TARGETED SAFER AT HOME HEALTH OFFICER ORDER FOR
CONTROL OF COVID-19: TIER 1 SUBSTANTIAL SURGE UPDATED RESPONSE | 12/9/2020

REVISED TEMPORARY TARGETED SAFER AT HOME HEALTH OFFICER ORDER FOR CONTROL OF COVID-19:

TIER 1 SUBSTANTIAL SURGE UPDATED RESPONSE

Revised Order Issued: December 9, 2020

Effective 11:59PM (PST) on December 9, 2020 to at least 11:59PM (PST) on December 27, 2020. This order may be extended if the projections of the Southern California Region's total available adult ICU bed capacity is less than 15%.

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code §120295; Los Angeles County Code § 11.02.080.)

CITY LEVEL PROTECTIONS

Rent Controlled Cities



Remember that these local cities have some form of rent control:



Los Angeles (City)

<https://hcidla.lacity.org/RSO-Overview>



Culver City

<https://www.culvercity.org/City-Hall/Reports-policies-local-laws/Interim-Rent-Control-Measures>



Inglewood

https://www.cityofinglewood.org/DocumentCenter/View/15458/OR-DIANCE-20-03_signedcopy



Long Beach

<http://www.longbeach.gov/lbds/hn/>



Burbank

<https://www.burbankca.gov/departments/community-development/housing-economic-development/housing/the-burbank-landlord-tenant-commission>



Beverly Hills

<http://www.beverlyhills.org/departments/communitydevelopment/rentstabilizationdivision/?NFR=1>



Santa Monica

<https://www.smgov.net/rentcontrol/>

CITY LEVEL PROTECTIONS

CITY OF LOS ANGELES EMERGENCY HEALTH ORDERS

https://www.lamayor.org/sites/g/files/wph446/f/page/file/20201202%20Mayor%20Public%20Order%20Targeted%20SAH%20Order_1.pdf



ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: December 2, 2020

20. Office-based businesses included on the State of California [listing of critical sectors](#), when teleworking is not possible. Aside from healthcare operations, essential infrastructure, and essential government functions, essential office-based businesses that are open for indoor operations must limit indoor capacity to 25% of maximum occupancy. Professional services, such as legal, leasing and **real** estate transactions, payroll or accounting services, when necessary to assist in the permitting, inspection, construction, transfer and recording of ownership of housing, and when necessary to achieve compliance with legally mandated activities are permitted. Housing units and real property may be shown, provided that appointments and other residential viewings occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. However, such in-person visits are not permitted when a tenant occupant is still residing in the residence, unless the owner first obtains the tenant's written consent.

TENANTS AND YOUR LISTINGS

1. Has the owner served the AB 1482 exemption notice?
2. Are the Owner and Tenant on good terms?
3. Can you help the Tenant find other housing?
4. Is the owner willing to help with relocation/moving costs even if not mandated?
5. Avoid escalations.
6. Do NOT get into a de facto property management situation.
7. Do not serve notices, even if otherwise allowable.
8. ALWAYS follow COVID showing rules.

<https://www.carcovidupdates.org/>

<https://files.covid19.ca.gov/pdf/guidance-real-estate--en.pdf>



Cleaning and Disinfecting Protocols for Shown Properties

- Thoroughly clean shown properties and disinfect commonly used surfaces including counters, door and cabinet handles, key lock boxes, keypads, toilets, sinks, light switches, etc. These surfaces must be cleaned and disinfected before and after each showing. Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- During a showing, introduce fresh outside air, for example by opening doors/windows, weather permitting, and operating ventilation systems.
- Instruct workers to wipe down and disinfect equipment that passes between workers and customers, including clipboards and keys, after each use.
- Provide time for workers to implement cleaning practices at shown properties during their shift. Cleaning assignments should be assigned during working hours as part of the worker's job duties.
- Real estate licensees should ensure shown properties are equipped with proper products, including hand sanitizer and disinfecting wipes, for use by workers and clients as needed.
- All people entering a property, including agents, brokers, inspectors, and clients, must wash hands with soap and water or use hand sanitizer immediately upon entry and before touring or inspecting the property.
- Adjust or modify showings to provide adequate time for proper cleaning and disinfecting. If the property is currently occupied, ensure adequate time to disinfect after occupants leave for showings and before and after clients view the property.

HOW TO HANDLE NEW LEASES

Leasing these days can be nerve-racking. Here are some tips:

- Now is NOT the time to be flexible with applicants. If they don't meet criteria, dump them. Consider Job, Income, Savings, Residential History, etc.
- Tenant non-payment protections are likely to be extended past January 31, 2021!
- Always run your own screenings. Do not accept one given to you by the tenant or their agent.
- Consider charging 6 months rent upfront (the minimum initial prepaid rent that California allows).
- Do NOT cover any unnecessary utilities or services.
- Do NOT include parking with apartments and even some SFRs.
- Do NOT prorate the first month's rent. Second month is prorated.
- Do NOT cover/warranty appliances and personal items of owners.
- Always issue rules and regulations for Tenants.
- Do NOT forget to check the exemption box on the RCJC if it applies. This is CRITICAL!!!