

ATTORNEY GENERAL BECERRA WARNS TENANTS TO ACT NOW TO PRESERVE THEIR RIGHTS

On March 27, Governor Newsom signed an executive order that, until May 31, 2020, can slow down the eviction process for the tenants who cannot afford their rent because of COVID-19, including for the following reasons:

1. You could not work because you were sick with a suspected or confirmed case of COVID-19 or you were caring for a household or family member who was sick with a suspected or confirmed case of COVID-19.
2. You experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response.
3. You had to miss work to care for a child whose school was closed in response to COVID-19.

Importantly, the executive order does not ban all evictions, and does not provide any rent forgiveness. **Tenants should continue paying their rent if they can afford to do so.**

You Must Act Quickly to Preserve Your Rights

If you cannot pay all or part of your rent due to COVID-19, you must act now to preserve your rights. The benefits of the executive order are not automatic; you must take the below actions in order to receive those benefits.

First, notify your landlord immediately if you can't pay all or part of your rent because of the COVID-19 crisis. Under the executive order, you must notify your landlord that you need to delay paying all or some of your rent *in writing* as soon as possible, and no later than **7 days** after the date your rent is due. You should specify in detail the reason(s) why you cannot afford the full amount. You can use any written method to notify your landlord, such as text, email, or letter, but be sure to save a copy for your records. Click this [link](#) for a form you can use to notify your landlord.

Second, gather and keep any and all documents that show how the COVID-19 crisis has prevented you from paying your rent. The executive order requires you to gather “verifiable documentation” of your inability to pay your rent. If you lost your job or had your hours reduced due to COVID-19, ask your employer for a signed letter or note right away. You should also save pay stubs, bank statements, medical records, and ANY other documents that shows how your financial situation has changed due to COVID-19. We know it may be difficult to gather this information in the middle of the COVID-19 crisis, but it is critical that you make every effort to find and save these documents to preserve your rights. You will need to give this documentation to your landlord when you pay back your rent.

The Executive Order Is Not a Ban on All Evictions

The Governor's executive order is not a ban on all evictions, but it does provide certain protections to tenants during the COVID-19 emergency. If and only if you take the steps described above, the executive order provides you with two main protections, both of which **expire on May 31, 2020**.

Delay of the Eviction Process: Your landlord can still file an eviction lawsuit against you if the courts where you live are accepting filings. But, if you meet the requirements above, the executive order gives you extra time to respond to the lawsuit. Specifically, you have **60 extra days** to submit a response to the eviction lawsuit, instead of the normal 5 days. If you are served with an eviction law suit (also called an "unlawful detainer"), you should notify your landlord and the court right away that you believe you have a COVID-related inability to pay rent and that you have taken the necessary steps to qualify for the 60-day extension.

Certain Tenants Cannot Be Removed from Their Homes: Sheriffs are not allowed lock out a tenant who qualifies for protection under the executive order. If the sheriff comes to your door with a notice to vacate, or you receive a writ of possession—a court document that allows the sheriff to lock out a tenant—and you believe you are entitled to protection under the executive order, notify the sheriff right away. It may be advisable to provide documentation showing your inability to pay and that you notified your landlord in the manner indicated above. You should also try to contact your local legal aid office, which may be able to help.

Your City or County May Provide Stronger Protections than the Executive Order

Many cities and counties have taken action to protect tenants during the COVID-19 crisis. In some cases, the local protections where you live may be stronger than the Governor's executive order, and those stronger local protections remain in effect following the Governor's order. There may also be different requirements you need to meet to qualify for the protections provided by your city or county. As soon as you can, check the webpages for the city and county where you live to see if they have helpful information for tenants. Some cities also have a Rent Board or similar housing agency that may be another source of information for tenants.

If You Need Help, Call Your Local Legal Aid Office

If you need help understanding the Governor's executive order or the protections for tenants that apply where you live, your local legal aid provider may be able to help you at little to no cost. To find a legal aid office near where you live, please visit <http://lawhelpca.org> and click the "Search for Legal Help" tab.