

AB 15 (CHIU)

EXTENDING THE TENANT, HOMEOWNER, AND SMALL LANDLORD RELIEF AND STABILIZATION ACT OF 2020

SUMMARY

AB 15 continues crucial protections for COVID-impacted tenants by extending the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020.

BACKGROUND

Since the beginning of the COVID-19 pandemic, millions of Californians have lost their jobs and renters have been disproportionately affected by the pandemic's economic fallout. In response to this crisis, the Legislature passed and Governor Newsom signed into law AB 3088 (Stats. 2020, Ch. 37), an urgency measure that protects tenants with COVID-19 financial impacts from being evicted due to missed rent.

Before COVID-19, over half of California tenants were considered rent-burdened, which is defined as paying over 30 percent of their income on rent. During the pandemic renters have continued to struggle, and US Census Bureau data from October 28 – November 9 indicate that roughly 2 million of California's renter households report "little or no confidence" in their ability to pay next month's rent. Without further legislative action, the housing affordability crisis the state was facing before COVID could lead to mass evictions and an increase in homelessness.

THE PROBLEM

California's COVID-19 eviction protections are set to expire on February 1, 2021. Without action to extend the sunset date, tenants who cannot immediately resume regular rent payments could face an eviction within days.

Under AB 3088, tenants who missed rent are required to return a signed declaration under penalty of perjury to establish that they have experienced a COVID hardship in order to get protections from eviction. Specifically, AB 3088's main provisions include:

Protected Time Period - March 1, 2020 to Aug 31, 2020: Tenants who return the COVID hardship declaration can never be evicted based on this missed rent. They still owe the full amount and landlords can collect it through the courts.

Transition Time Period - September 1, 2020 to January 31, 2021: If a tenant pays at least 25% of their rent each month during this time period, then they cannot be evicted. Renters still owe landlords the remaining 75%.

AB 3088 also:

- Extends the timeline for renters to respond to the "pay or quit" notice that starts the eviction process from 3 business days to 15 business days.
- Increases penalties for landlords who engage in illegal lockouts and other intimidation practices to remove tenants outside of the eviction process.
- Prohibits landlords from evicting renters without cause by requiring "just cause" evictions for all tenancies.

As California has seen a stark increase in COVID cases this fall, it is more important than ever to keep renters housed in order to curb transmission of the virus. Without action from the Legislature, AB 3088 will expire and tenants will be left with no protections as the pandemic continues.

THE SOLUTION

AB 15 extends the eviction protections from AB 3088 to ensure that renters are able to remain in their homes during the pandemic. The bill also prevents landlords from bringing lawsuits to collect missed rent against tenants while AB 3088's eviction protections are in place. While continuing the state's temporary eviction policy is only part of the solution for tenants and landlords to recover financially, AB 15 is urgently needed to ensure continuity in protections as the COVID-19 pandemic is ongoing.

SUPPORT

Alliance of Californians for Community Empowerment (ACCE)
California Rural Legal Assistance Foundation
Inner City Law Center
Leadership Counsel for Justice and Accountability
PolicyLink
Public Advocates
Western Center on Law and Poverty

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