

KNOW YOUR RIGHTS: COVID-19 TENANT PROTECTIONS

Bet Tzedek Legal Services

May 28, 2020

RENT DEFERRAL AND EVICTION PROTECTIONS

- Applies to tenants unable to pay rent due to COVID-19, including:
 - **Loss of income** due to workplace closure
 - **Childcare expenses** due to school closure
 - **Health care expenses** for self, household, or family
 - **Reasonable expenditures** related to government's emergency measures

CITY OF LOS ANGELES TENANT PROTECTIONS	
Rent Deferral	Yes
Repayment Period	12 mos.
Prohibits Nonpayment Evictions*	Yes
Prohibits Late Fees	Yes

RENT DEFERRAL AND EVICTION PROTECTIONS (CONT.)

- **Protected tenants can postpone paying rent**
 - Must pay back rent within 12 months after local emergency period expires
- **Not rent forgiveness**
- **No interest** or late fees
- **Doesn't matter** if unit is rent controlled or not

CITY OF LOS ANGELES TENANT PROTECTIONS	
Rent Deferral	Yes
Repayment Period	12 mos.
Prohibits Nonpayment Evictions*	Yes
Prohibits Late Fees	Yes

NOTICE TO LANDLORD

- No requirement to tell landlord about inability to pay rent
- **But** we recommend that tenants notify their landlord
 - **In writing:** could include
 - a letter
 - An email
 - Text
 - **As soon as possible**

CITY OF LOS ANGELES TENANT PROTECTIONS	
Notice Deadline	None
Documentation Deadline	None

DOCUMENTATION

- No need to send documents to the landlord
- **But** you should gather and keep proof of your financial circumstances, including:
 - Paycheck stubs
 - Letter from employer about layoff
 - Bank statements
 - Doctor's notes
 - Notice of school closure
- You may need to use these documents later (e.g., in court)

CITY OF LOS ANGELES TENANT PROTECTIONS	
Notice Deadline	None
Documentation Deadline	None

NOTICE TO LANDLORD (CONT.)

- Bet Tzedek has a sample letter at

<http://www.bettzedek.org/our-services/resources/>

CITY OF LOS ANGELES TENANT PROTECTIONS	
Notice Deadline	None
Documentation Deadline	None

- Make sure you keep proof that you gave notice!

REPAYMENT PLANS

- **Exercise caution.**
- Tenants **don't** have to agree to a payment plan
 - **Seek legal advice first.**
- Tenants **do not** need to turn over their stimulus check



OTHER PROTECTIONS

- **Generally, no-fault evictions prohibited** (e.g., owner move-in, Ellis Act)
 - 30/60/90-day notice to quit
 - Additional restrictions on Ellis Act evictions
- **No evictions** based on unauthorized occupants, pets, or nuisance if related to COVID-19
- **Landlords must provide notice** of protections
- Private right of action for tenants

CITY OF LOS ANGELES TENANT PROTECTIONS	
Prohibits No-Fault Evictions	Yes*
Prohibits Other Evictions	Yes*
Ellis Act Restrictions	Yes



RENT FREEZE

- Applies **only** to occupied, rent-stabilized (LARSO) units in the City of L.A.
- No rent increases until one year after local emergency period ends
- For units not covered by LARSO, no rent-gouging (increases over 10%) during local emergency



STATUS OF EVICTION CASES IN L.A. COUNTY

- Most eviction cases are frozen due to court closure
- Courts cannot issue a summons in an eviction case
 - **Exception:** where necessary to protect health and safety
- If you receive a summons and complaint:
 - You have **5 days** to respond
 - **Seek legal help immediately**
- If you receive any court papers or eviction notice from your landlord, **seek legal help immediately**



- This is a summons
- If you receive a summons in an eviction case, you have 5 days to respond

SUMMONS (CITACION JUDICIAL)		SUM-100
NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):		FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):		
<p>NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.</p> <p>You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.</p> <p>There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.</p> <p>Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.</p> <p>Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.</p>		
The name and address of the court is: (El nombre y dirección de la corte es):		CASE NUMBER: (Número del Caso):
<p>The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):</p> <p>DATE: _____ Clerk, by _____, Deputy (Fecha) (Secretario) (Adjunto)</p> <p>(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)</p>		
[SEAL]	<p>NOTICE TO THE PERSON SERVED: You are served</p> <p>1. <input type="checkbox"/> as an individual defendant.</p> <p>2. <input type="checkbox"/> as the person sued under the fictitious name of (specify):</p> <p>3. <input type="checkbox"/> on behalf of (specify):</p> <p style="margin-left: 40px;">under: <input type="checkbox"/> CCP 416.10 (corporation) <input type="checkbox"/> CCP 416.60 (minor)</p> <p style="margin-left: 40px;"><input type="checkbox"/> CCP 416.20 (defunct corporation) <input type="checkbox"/> CCP 416.70 (conservatee)</p> <p style="margin-left: 40px;"><input type="checkbox"/> CCP 416.40 (association or partnership) <input type="checkbox"/> CCP 416.90 (authorized person)</p> <p style="margin-left: 40px;"><input type="checkbox"/> other (specify):</p> <p>4. <input type="checkbox"/> by personal delivery on (date)</p>	
<div style="display: flex; justify-content: space-between;"><div>Form Adopted for Mandatory Use Judicial Council of California SUM-100 [Rev. July 1, 2009]</div><div>SUMMONS</div><div>Page 1 of 1 Code of Civil Procedure §§ 412.20, 465 www.courts.ca.gov</div></div>		

LOCKOUTS

- L.A. County Sheriff's Department is **not** conducting lockouts right now
 - Exception: "emergent circumstances"
- Landlords **cannot** lock out tenants to try to evict them
 - They also cannot:
 - Shut off utilities
 - Remove doors/windows
 - Remove tenant's personal property
 - Landlords can face criminal penalties and may be required to pay damages
- If your landlord is threatening to lock you out, **seek legal help immediately**



LANDLORD ENTRY

- Normally, landlords must give sufficient notice (at least 24 hours) to enter
 - Must specify purpose (e.g., repairs)
- If repairs not urgent:
 - Ask to postpone
- If repairs needed to address an emergency, you can request:
 - Masks and protective equipment for workers
 - Sanitize surfaces after repairs
 - Narrow timeframe



COVID-19 Rapid Response Free Legal Services for Tenants:

EVICITION PREVENTION LEGAL CLINIC

by the Preventing and Ending Homelessness Project



MONDAYS, WEDNESDAYS & FRIDAYS

10AM - 12PM & 3PM - 5PM



If you need **legal advice** or have
questions about your rental
housing, leave a voicemail at
323-939-0506 or email
housinghelp@bettzedek.org to
request an appointment.

WWW.BETTZEDEK.ORG

COVID-19 State of Emergency: What Tenants in Los Angeles County Need to Know

1. **You have protections.** Many emergency measures have passed, giving impacted tenants more rights and protections.
2. **If you are unable to pay your rent because of COVID-19, seek legal advice immediately.** In most cases, you are required to give your landlord notice within seven days after the rent is due. You can visit *norent.org* for help writing a letter to your landlord.
3. **Don't rush to sign a payment plan.** If your landlord asks you to sign a payment plan, be cautious and get legal help **before** you sign.
4. **Your landlord cannot lock you out of your home or apartment.** This is illegal and a crime under the law. Your landlord must follow the law and the court process.
5. **Most unlawful detainer (eviction) lawsuits are on hold.** However, you might still receive an eviction notice from the landlord, and the landlord might still file an eviction lawsuit. If you receive a 3-day notice to pay or quit from the landlord, papers in the mail from the court, or other legal documents, seek legal advice immediately. If you receive a **summons** in an eviction lawsuit, you must file an answer with the court **within 5 days**.
6. **Stay put and get help.** If you get a notice from the landlord or receive court papers, seek legal advice. Learn what protections apply to you. The L.A. County Sheriff's Department is currently not enforcing evictions (or lockouts) unless it is an emergent case. This could change without notice.

QUESTIONS

Contact us at:

housinghelp@bettzedek.org

Hana Kommel

Matthew Kay

