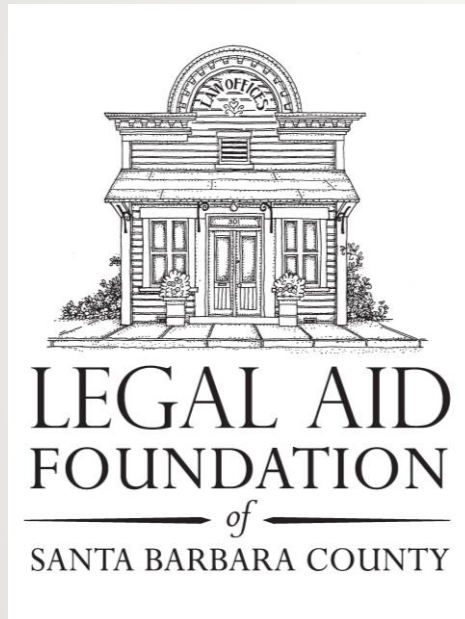


At Risk of Eviction? The End of California's COVID Eviction Moratorium



LEGAL AID FOUNDATION OF
SANTA BARBARA COUNTY

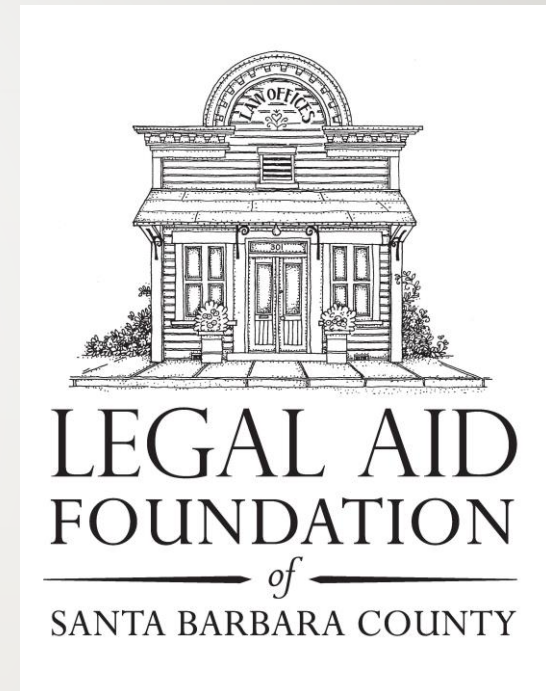
JENNIFER R. SMITH
EXECUTIVE DIRECTOR

10/05/2021

NOTE: THIS PRESENTATION IS FOR
GENERAL INFORMATION ONLY
AND IS NOT CONSIDERED LEGAL
ADVICE

Who we are:

- The Legal Aid Foundation of Santa Barbara County is a non-profit law firm. Our mission is to provide high-quality civil legal services to **low-income and other vulnerable residents** in order to ensure equal access to justice. We change lives through direct representation, legal advice and information, and community education.
- Santa Barbara, Lompoc, Santa Maria



What we do:

Family Violence Prevention

Domestic Violence/Elder Abuse Restraining Orders & related services
Immigration remedies for victims of crimes

Sargent Shriver Civil Counsel (Mid/North County)

Guardianship/Conservatorship of the Person
Housing: Eviction Defense

Housing & Consumer Protection

Eviction prevention and defense
Fair Housing
Foreclosure prevention
Senior victims of financial abuse and exploitation

Legal Resource Centers

Courthouse Self-Help Centers

Project Outreach & Bankruptcy Clinic



Eviction Process

- Eviction is a process. A tenant does not need to immediately leave their home when they receive an eviction notice.
- Landlord lockouts, intimidation, or evicting tenants outside of the court process are against the law.

Step 1: Eviction notice. As the first step the landlord must provide the tenant a written notice.

One type is the **Notice to Pay Rent or Quit**. Under current state law, it must be given to tenants 15 business days before they must "pay or quit." Starting October 1, 2021, a Notice to Pay or Quit must give tenants at least 3 business days to pay the rent owed.

Step 2: Eviction Lawsuit (“Unlawful Detainer”). A landlord must use the court system and obtain approval by the court to evict a tenant.

Step 3: Physical Eviction. After an eviction lawsuit, the sheriff’s department would remove the tenant. A tenant would get a 5-day notice before this happens.

**FORMER COVID PROTECTIONS
(until 09/30/21)**

What is the eviction for?

**Missed rent since
March 1, 2020 due to
COVID-19 financial challenges**

**TENANT: Declaration of COVID-19 Financial
Distress**

Other reason



If the tenant returned the declaration within 15 business days, how are they protected from eviction moving forward?

Missed rent from	March 1 - August 31, 2020	September 1, 2020 - September 30, 2021
How is the tenant protected from eviction?	Tenant can never be evicted for failing to pay this rent.	<ul style="list-style-type: none"> • Tenant cannot be evicted until October 1, 2021 for failing to pay this rent. • If the tenant pays 25% of their rent due during this period by September 30, 2021, they can never be evicted for failing to pay this rent.
What about the rent owed?	You still owe the missed rent, but you cannot be evicted for it. Your landlord could sue you for the missed rent.	

End of the State's Eviction Moratorium

- Tenants can no longer submit a “Declaration of Covid-19 Related Financial Distress” instead of paying rent
- Tenants who did not pay 25% of their total rent due between Sept 1, 2020 and Sept 30, 2021 by September 30th may be evicted for failure to pay their rent
- Most pre-COVID eviction laws go back into effect

New Landlord Obligations

October 1, 2021 – March 31, 2022

Temporary Court Process

- After September 30, 2021, a modified court procedure will be in effect from October 1, 2021, until March 31, 2022.
- Key Components are:
 - End of the state eviction moratorium
 - Return to 3-day “Pay or Quit” Notices moving forward
 - **Requires landlords to apply for rental assistance before proceeding with unlawful detainer**



Modified Court Procedure from Oct 1, 2021 – Mar 31, 2022

Applies if:

- Landlord is filing an unlawful detainer action based, in whole or in part, on the Tenant's failure to pay rent *any time* between March 1, 2020, and March 31, 2022; and
- The tenancy was established before October 1, 2021

Acknowledgements

- Legal Aid Housing Attorneys
- State of California Dept of Housing & Comm Dev.
Housing is Key
- Western Center on Law & Poverty