



# Los Angeles County's COVID-19 Tenant Protections for Residential Tenants and Mobilehome Space Renters



## What is the County's COVID-19 Tenant Protections Resolution?

On September 28, 2021, the Los Angeles County Board of Supervisors ("Board") adopted the Los Angeles County ("County") COVID-19 Tenant Protections Resolution ("COVID-19 Tenant Protections"), which extended certain protections previously in effect under the County's Eviction Moratorium. The COVID-19 Tenant Protections provide affirmative defenses against evictions for residential\* and commercial tenants, including mobilehome space renters, through January 31, 2022, unless repealed or extended by the Board. Under these protections, residential and commercial\* tenants, including mobilehome space renters may not be evicted for COVID-19 related nonpayment of rent\*\* as well as no-fault reasons, denying entry to a landlord, nuisance, or unauthorized occupants or pets – if related to COVID-19.

## What do the County's COVID-19 Tenant Protections include for residential tenants and mobilehome space renters (collectively, "Tenants")?

- Provides an affirmative defense for evictions, except where necessary to protect public health and safety, for:
  - o Nonpayment of rent due to COVID-19 related financial hardship through **September 30, 2020\*\***;
  - o No-fault reasons, including but not limited to, a landlord's intent to substantially remodel or demolish the property, except:
    - As of July 1, 2021, where a landlord who owns a single-family home, mobilehome space, condominium unit, duplex, or triplex on or before June 30, 2021, and intends to move into up to two units for their or their family member's use as their principal residence;
  - o Unauthorized occupants or pets whose presence is necessitated due to COVID-19;
  - o Nuisance; or
  - o Denying entry to a landlord,
- Prohibits rent increases or new pass-throughs for rent stabilized units or mobilehome spaces in unincorporated areas of the County (Chapter 8.52 and 8.57 of the County Code)
- Prohibits imposing or charging late fees, interest, and any related charges for unpaid rent accrued during the protection Period\*\*\*.

## Does this mean Tenants don't need to pay their rent?

No. The County's COVID-19 Tenant Protections are **not** a cancellation of rent owed by a tenant during the Moratorium or Protections period. Tenants who have provided a notice to their landlord of their inability to pay rent under the COVID-19 Tenant Protections during the period of March 4, 2020 through September 30, 2020 will have until September 30, 2021 to repay all past due rent during that period. For past due rent accrued between October 1, 2020 and September 30, 2021, tenants must follow the directives under the State's eviction protections (AB 3088, SB 91, AB 81, and AB 832) in order to establish protections against eviction. Tenants are encouraged to pay partial rent during the protections period if they are able to do so and work out a payment plan with their landlord during and after the termination of the COVID-19 Tenant Protections. For more information about the state's eviction protections please visit [www.housing.ca.gov](http://www.housing.ca.gov).

*\*Note: Please refer to Frequently Asked Questions (FAQ) for commercial tenants as this FAQ contains information related to residential tenants and mobilehome space renters only.*

*\*\*Note: Between October 1, 2020 and March 31, 2022, the County's COVID-19 Tenant Protections will not apply to residential tenants and mobilehome space renters facing eviction for nonpayment of rent due to COVID-19 related financial hardship, as they are preempted by state law..*

*\*\*\*Note: Prohibition against late fees, interest, or other charges does not apply to residential and mobilehome space rent incurred between October 1, 2020, and September 30, 2021.*

### **Who is covered by the County's COVID-19 Tenant Protections?**

The COVID-19 Tenant Protections apply to residential tenants, commercial tenants and mobilehome space renters in unincorporated Los Angeles County, as well as cities in the County that do not have a moratorium in place. The COVID-19 Tenant Protections also apply to tenancies in incorporated cities within the County that have a moratorium in place to the extent the County's COVID-19 Tenant Protections provide greater tenant protections. If your city has its own eviction protection, the County's rules may not apply. On September 1, 2020, the Board of Supervisors established the County's protections as a baseline for all residential and commercial tenancies in Los Angeles County, with certain exceptions, as long as the local declaration of emergency remains in place. Please visit <http://www.dcba.lacounty.gov/noevictions> for a list of incorporated cities' COVID19 eviction protections in the County.

### **Can a Landlord evict a Tenant to move into a Property under the COVID-19 Tenant Protections?**

As of July 1, 2021, a landlord or a qualifying family member can move into a single-family home, mobilehome space, condominium unit, duplex, or triplex (collectively "units") if the property was purchased on or before June 30, 2021, and if they meet the following criteria:

- The Landlord or Landlords qualifying family member must physically reside at the property for at least thirty-six (36) consecutive months;
- The Tenants of the unit must be current on rent payments and not have been impacted by COVID-19;
- The Landlord or Landlords qualifying family member must be similarly situated to the Tenant currently occupying home;
- The Landlord must provide at least sixty (60) days' notice to Tenant
- The Landlord must pay tenant relocation assistance as required by the County's [Rent Stabilization Ordinance](#) or the incorporated city's applicable ordinance or regulation.

For more information on owner move-in requirements, contact the Los Angeles County Department of Consumer and Business Affairs (DCBA) at (800) 593-8222.

### **What are the State's Eviction Protections and how do they impact the County's COVID-19 Tenant Protections?**

On June 28, 2021, Governor Newsom signed AB 832 into law, which extended state protections (previously AB 3088, SB 91, and AB 81) for residential and mobilehome space renters facing eviction due to COVID-19 financial hardship through September 30, 2021. With the expiration of AB 832, Tenants that have not paid their rent and did not meet repayment requirements under the state law are no longer protected from eviction. Tenants are urged to apply to the state's rent relief program, as you may be more protected from eviction. The County is preempted by state law from enacting new or amending existing protections for residential tenants related to nonpayment of rent due to COVID-19 until March 31, 2022. However, all other Tenant protections offered through the County, including protections for no-fault evictions, denying entry to a landlord, and evictions for unauthorized occupants, pets, and nuisance, will remain in effect through January 31, 2022. For more information on the protections established by AB 3088, SB 91, AB 81, and AB 832, guidelines related to landlord-issued notices, certification requirements, and more, please visit: <http://www.housing.ca.gov> or call 1-833-422-4255.

### **Do Tenants have to do anything to be protected against eviction for nonpayment of rent?**

Tenants covered under the County's COVID-19 Tenant Protections must notify their landlord, through a self-certification within seven (7) days after rent is due, unless extenuating circumstances exist. Between October 1, 2020 and September 30, 2021, Tenants must comply with the certification requirements established in AB 3088/SB 91/AB 832 in order to be protected from eviction. Tenants may still be protected against eviction after September 30, 2021 if they apply for rent relief. Visit: <http://www.housing.ca.gov> for more information about whether this applies.

### **Is there Rental Assistance available for Tenants and Landlords?**

Yes! The CA COVID-19 Rent Relief program helps income-eligible households with both for past due and future rent payments rent and utilities. Both landlords and tenants are encouraged to apply as soon as possible to take advantages of these funds while they are available. Income-eligible applicants may qualify regardless of immigration status and will not be required to show proof of citizenship. Most areas in the County are covered by the State's COVID-19 Rent Relief Program. Visit [housingiskey.com](https://housingiskey.com) to determine which program is right for you and to apply for assistance.

### **What if a landlord violates a condition of the COVID-19 Tenant Protections?**

Landlords are prohibited from harassing or intimidating Tenants that exercise their rights under the COVID-19 Tenant Protections and may be subject to administrative fines and penalties for violating this provision. Tenants, or a representative acting on behalf of the Tenant, may sue a landlord in court for violations of the COVID-19 Tenant Protections.

Additionally, the County or State protections, or a combination of these may provide an affirmative defense if a Tenant is served with an unlawful detainer (formal eviction notice) or is facing other civil actions for failure to pay back rent due to financial impacts from COVID-19. Tenants are not required to move unless they are served with a five (5) Day Notice to Vacate from the Sheriff's Department.

Tenants that receive an eviction notice should contact Stay Housed LA to see if they qualify for free legal assistance, and for help understanding their rights, responding to notices, short-term rental assistance, and/or access to other resources by visiting [www.stayhousedla.org](http://www.stayhousedla.org) or calling DCBA at 800-593-8222 for more information.

**If you have questions or need assistance, contact us:**

 (800) 593-8222

 [rent@dcba.lacounty.gov](mailto:rent@dcba.lacounty.gov)

 [RENT.LACOUNTY.GOV](http://RENT.LACOUNTY.GOV)

 [STAYHOUSEDLA.ORG](http://STAYHOUSEDLA.ORG)