

What Parkowners Need to Know About AB 832 – Extension of the COVID-19 Tenant Relief Act



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Webinar Presented by:

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Who are John & Bill ?



John Pentecost is the Managing Partner of Hart King and has been with the firm since 1988. He is the leader in the firm's manufactured housing practice. With over 30 years of experience dealing with manufactured housing and mobilehome park communities, John has handled numerous eviction and other landlord-tenant based dispute trials. John defends Park owners in all actions ranging from lease disputes to state and federal discrimination issues, Americans with Disabilities Act (ADA) matters, easements, and title and failure to maintain lawsuits.



Bill Dahlin has been practicing law and helping manufactured housing community owners and managers since 1988. He has been trial counsel in multiple cases involving the protection of property rights, including disputes over rent control, including the 9th circuit Guggenheim v. City of Goleta case. Bill assists in issues arising out of mobilehome park closures, subdivisions, park sales and purchases, ground lease disputes and failure to maintain. Bill understands the needs and goals of park owners. Rent control, utility billings and residency issues are the primary basis of Bill's practice.

Governor Signs Short-term Extension Of COVID-19 Eviction Moratorium

- On June 28, 2021 Governor Gavin Newsom signed AB 832, which extended California's eviction moratorium through October 1, 2021.
- Much of the publicity surrounding AB 832 focused on the extension of the deadline—from June 30, 2021 to September 30, 2021—for tenants, who are unable to pay rent due to COVID-19 financial distress, to pay 25 percent of the unpaid rent. However, there are other provisions in the Bill that modify the procedure for demanding unpaid rent and requirements for filing an unlawful detainer lawsuit after September 30, 2021.

Rent Relief in California: How to Apply, and What You Could Get

- Tenants still must submit a declaration saying they are unable to make full rent and pay at least 25% of their monthly rent between Sept. 1, 2020 and June 2021, or in bulk, by Sept. 30, to avoid eviction.
- Tenants and landlords each have responsibilities. There are parts of the application to be filled out by both parties. If both a landlord and a tenant apply for funds, the money will go directly to the landlord. It will only go to the tenant if the landlord declines to participate in the program. The bill expands eligibility to tenants who may have moved out of their home during the pandemic, who were not covered previously. They can now apply for back rent owed to a previous landlord.
- If a tenant applies first, the landlord will be notified and invited to participate. If a landlord applies first, the state will contact the tenant to gather additional information, like their income.

- Most landlords and tenants who qualify can apply through the state's website, Housing Is Key (<https://housing.ca.gov/>).

Important Notice Requirement by July 31, 2021

- AB 832 requires Parkowners to serve an informational notice on all residents who, as of July 1, 2021, have unpaid rent payments due on or after March 1, 2020. This notice must be served by July 31, 2021.

New 15/60 Day Notices are required for rent due from September 1, 2020, Through September 30, 2021

- New 15/60 day notices are required after June 30, 2021 pursuant to AB 832. There are new statutory notices required in these new notices. Discontinue the use of the 15/60 day notices mandated by SB 91. These new 15/60s will cover the period between September 30, 2020, and October 1, 2021. Parkowners should serve these new notices every month in which the resident fails to pay rent from July 1, 2021, through September 1, 2021.

If I Am A Landlord, Am I Required To Apply For Rent Relief?

- No, but if a landlord wants to start eviction proceedings after September 30, due to unpaid rent, the landlords will need to show that they or their tenants have attempted to apply for rent relief. If they don't receive word on their application from either the state or their tenant, or if their tenant doesn't qualify or meet the income requirements, the landlord can proceed with the eviction.

How Much Money Can Be Received?

- There isn't any cap on how much rent aid an individual can qualify for under the state's program. And the state says it will keep accepting applications and sending out checks until the pool of money runs out. Rules vary for programs run by local jurisdictions which have a cap on dollar amount per tenant assistance.
- In some cases, like if a landlord refuses to accept the funds, the tenant could use the money to cover future rent payments, but only after past due rent has been paid.

COVID-19 Rental Housing Recovery Act

AB 832 adds the COVID-19 Rental Housing Recovery Act, which requires modifications to a notice to pay rent or quit demanding “COVID-19 recovery period rental debt,” which is defined as “rental debt of a tenant under a tenancy that came due between October 1, 2021, and March 31, 2022.” Such pay rent or quit notices would revert to the regular 3-60 day notices, unless the moratorium is extended once again! A notice demanding COVID-19 recovery period rental debt must include the following information:

1. The amount of rent demanded and the date each amount became due.
2. The telephone number and internet website address of the pertinent government rental assistance program.
3. The following bold text in at least 12-point font:

IMPORTANT NOTICE FROM THE STATE OF CALIFORNIA – YOU MUST TAKE ACTION TO AVOID AN EVICTION: As part of the state’s COVID-19 relief plan, money has been set aside to help renters who have fallen behind on rent or utility payments.

If you cannot pay the amount demanded in this notice, **YOU SHOULD COMPLETE A RENTAL ASSISTANCE APPLICATION IMMEDIATELY!** It is free and simple to apply. Citizenship or immigration status does not matter.

DO NOT DELAY! IF YOU DO NOT COMPLETE YOUR APPLICATION FOR RENTAL ASSISTANCE WITHIN 15 BUSINESS DAYS, YOUR LANDLORD MAY BE ABLE TO SUE TO OBTAIN A COURT ORDER FOR YOUR EVICTION.

You can start your application by calling 1-833-430-2122 or visiting <http://housingiskey.com>.

Helpful Links re. California Rent Relief Programs

- [Housing Is Key \(ca.gov\) - https://landlordtenant.dre.ca.gov/](https://landlordtenant.dre.ca.gov/)
- [California Apartment Association - https://caanet.org/ctra/](https://caanet.org/ctra/)
- Your local city's website COVID-19 Resources Page

Questions? Call the CA COVID-19 Rent Relief Call Center at 1-833-430-2122, which is open from 7 a.m. to 7 p.m. daily.

Parkowners are strongly advised to seek the advice of their park attorneys before proceeding with any eviction proceeding after October 1, 2021. The new eviction requirements are very complicated and will require careful notices and applications for rental assistance on the part of the parkowner.

Questions?



Thank you!



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