

Declaration of COVID-19 Related Financial Distress

Compliant with Section 20 of the COVID-19 Tenant Relief Act of 2020, AB 3088
California Tenants ONLY

TO: Landlord Name: _____
Address: _____

FROM: Tenant Name(s): _____
Address: _____

Re: Rent for (*check one box only*)

- March 2020 – August 2020 September 2020 October 2020
 November 2020 December 2020 January 2021

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Tenant Signature: _____

Printed Name: _____

INSTRUCTIONS FOR USE

1. March through August 2020 Rent: If you did not pay rent for any month between March 2020 and August 2020 AND you have a COVID-19 related reason for not paying AND your landlord has not sent you a notice to pay or quit and/or a declaration that looks like the previous page, please read this declaration and if true for you, print it, mark the correct box for the months (one box only), date it, sign it and send it. See below for how to send. **Result:** The owner will not be able to evict you for these months. The owner can take you to small claims court to collect this rent debt.

2. September 2020 through January 2021 Rent: If you are unable to pay any months between September 2020 and January 2021, AND you have a COVID-19 related reason for not paying, for each and please read this declaration and if true, print it, mark the month (one box only), date it, sign it and send it. See below for sending instructions.

In order to stay out of eviction court for the months of September 2020 through January 2021, you also have to pay 25% of the rent for each of those months. You can pay it month by month or you can wait until January 30, 2021 to pay all 5 x 25% at once. **Result:** If, after consulting with a StayHousedLA attorney, you determine that you do not want to be in eviction court, pay the 25%. Tenants with severe bad conditions or living in illegal units should talk with a StayHousedLA County attorney before deciding whether to pay.

3. Landlord Sends You a Notice: If the owner sends you a notice to pay rent with a declaration, read it, if it is the same, date, sign and send it exactly as instructed in the notice. Note that sometimes owners change the address or the way to pay. Follow the instructions in the notice to pay rent or quit for where and how to send the rent or the declaration.

4. Follow these instructions even if you have sent a letter to your landlord each month that you have not paid.

5. How to send: Make a video of yourself doing these steps. Get a “proof of mailing” at the post office. Certified mail is not required. Email the video to yourself to avoid losing the evidence. Keep the copy of the declaration and your proof of mailing in a safe place. You could also mail a copy of your Declaration to yourself at your own address at the same time and keep the envelope when it comes – do not open it. Also Keep evidence of any partial payments that you make.

REASONING BEHIND THESE INSTRUCTIONS

1. Using the Declaration does two things:

- a. It provides a defense to an eviction case based on nonpayment of rent; and
- b. It converts your rent to “civil debt.” This means that the landlord can file a small claims case for the unpaid rent. If a landlord gets a judgment for the unpaid rent in small claims court, the landlord can collect that judgment by garnishing the your paycheck, levying the your bank account.

2. Proof of financial distress. You are not required to provide proof of financial distress unless the landlord demands it AND you annual household income is more than: (a) \$100,000; and (b) at or above 130% of median income in your county.

3. However, a landlord who doubts the truth of your Declaration could still try to evict you. In that case, you would have to provide proof to a court. Be prepared in advance by gathering all relevant evidence related to your loss of income and inability to pay. Eg. letter of termination, proof of unemployment, receipts for increased expense. Do not send bank statements to your landlord but we might want you to have them for court.

4. Using this declaration satisfies any local requirements to notify your landlord. Send the declaration by your rent due date and no later than 7 days from your due date. If your local city requires that you also provide proof, provide it.

The above information does not substitute for direct legal advice for your specific situation. If you have received a Notice to Pay Rent or Quit or any other type of eviction notice, sign up for a workshop and/or get legal help at StayHousedla.org. **Los Angeles County:** <https://www.StayHousedLA.org>.