

# Understanding Alameda County's Emergency Eviction Protections

The Alameda County COVID-19 Eviction Moratorium protects many tenants from most types of evictions. Please read this FAQ for information on your protections under the Alameda County Eviction Moratorium. For advice specific to your situation, contact a legal services provider. **Note: This FAQ was updated on April 20, 2021. Prior versions of this document may exist and contain outdated information.**

## 1. Can I be evicted if I can't pay rent because of the COVID-19 pandemic?

Under the Alameda County eviction moratorium, no landlord may evict a tenant who has experienced a substantial hardship or inability to make rent payments due to the COVID-19 pandemic; however, you are still responsible for repaying the unpaid rent. State law (SB 91) tells us what tenants must do to benefit from additional protections against evictions based on unpaid rent. Please see the graphic below for more information.

### Tenant Protections under SB 91

**Do you have unpaid rent due  
between  
March 1, 2020 - August 31, 2020?**

**\*Starting August 1, 2021, your landlord may sue you in small claims court to recover the rent due, but you cannot be evicted for failing to pay rent during this period.**

*\*This protection only applies to you if you gave your landlord a declaration of COVID-19-related financial distress within 15 days of your landlord giving you a 15-Day Notice to Pay Rent or Quit.*

**Do you have unpaid rent due  
between  
September 1, 2020 - June 30,  
2021?**

**On or before June 30, 2021,  
you must:**

- 1) pay your landlord 25% of the total rent due between September 1, 2020 - June 30, 2021, and**
- 2) give your landlord a declaration of COVID-19-related financial distress within 15 days of your landlord giving you a 15-Day Notice to Pay Rent or Quit.**

**Has your landlord opted in to a  
state rental assistance program?**

**If your landlord waives 20% of the rent due between September 1, 2020 - June 30, 2021, the state may pay 80% of rent due.**

**Both tenants and landlords can apply for state rental assistance.**

## 2. How do I prove that I can't afford to pay rent?

The Alameda County eviction moratorium doesn't require you to provide documents unless your landlord requests proof that you can't afford to pay rent; however, there is no downside to providing that documentation, and we recommend that you do so, as soon as you can, to be as protected as possible. You can provide documentation in the form of pay stubs, a letter from your employer, child care bills, medical bills, bank statements, or other similar documents. **You should redact sensitive information from those documents.**

If your landlord requests proof that you can't afford to pay rent due to COVID-19, you must provide this documentation within forty-five (45) days of the request or within thirty (30) days after the County's shelter in place order is lifted, whichever is later. You should complete [this form](#) and include documentation of the hardship. If you do not have any documents to prove that you can't afford to pay rent due to COVID-19, you can write your own declaration or complete [this form](#).

If you receive a 15-Day Notice to Pay Rent or Quit, you will be the most protected if you give your landlord a signed declaration that says you have been affected by the COVID-19 pandemic. You should complete [this form](#) and include documentation of the hardship. If you do not have any documents to prove that you can't afford to pay rent due to COVID-19, you can write your own declaration or complete [this form](#).

### 3. What do I do if my landlord gives me a 15-day Notice to Pay Rent or Quit?

Tenants who receive a 15-day Notice to Pay Rent or Quit should reach out to us.

The Alameda County eviction moratorium does not require you to sign a "Declaration of Covid-19-Related Financial Distress;" however, there is no downside to signing that form and it is recommended that you do so as soon as you can. If you can't pay rent due to the COVID-19 pandemic, you should give your landlord the declaration form no later than the day that you usually pay your rent. You will be signing the declaration form "**under penalty of perjury**" so you should only sign it if the statements in it are true for you. You should also include documentation of your COVID-related hardship if you can, such as pay stubs, bank statements, etc. **You should redact sensitive information from those documents.**

### 4. What types of evictions are allowed during the COVID-19 pandemic?

Under the Alameda County eviction moratorium, you can be evicted if the eviction is based on:

- you being an imminent threat to public health and safety of other tenants at the property,
- a court or government agency ordering you to vacate the property, or
- your landlord permanently removing the property from the rental market.

In these cases, your landlord *might* file an eviction lawsuit; however they are still required to follow the formal eviction process and you may not need to move out. If you receive an eviction notice, you should contact a legal services organization for advice.

### 5. What can't my landlord do?

If your income is affected by COVID-19, all evictions based on nonpayment of rent are prohibited.

**a. Increase your rent**

Under a separate law, rent increases cannot be more than 10%% per year<sup>1</sup>

**b. Harass you**

Including extreme harassing behavior such as removing outside doors or windows.

**c. Retaliate against you**

**i. Including utility shut-off and lockouts**

Landlords may face increased penalties for trying to engage in these practices

**d. Charge you late fees**

No late fees may be charged (or interest) for rent due beginning 3/1/20

**e. Use your security deposit to cover rent that you couldn't pay due to COVID-19**

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<sup>1</sup> Please contact Centro Legal for additional information to see if you may be covered by any other rent control laws.

**6. Am I protected by any other laws?** Possibly.

**a. CDC order**

This may protect you from eviction until June 30, 2021 as long as you can state that you have tried your best to obtain governmental assistance for paying rent.

**b. Alameda County Moratorium**

This will offer you the strongest protections, but to use its protections, you should submit proof of your COVID-related loss of income or increase in expenses, pay stubs, bank statements, a letter from your employer, child care bills, or medical bills. If you do not have any documentation, you can use [this](#) form.

**7. How long will most evictions be suspended for?**

Till 60 days after the local emergency moratorium is lifted. On or after August 1, 2021, landlords can sue tenants in small claims court for unpaid rent even if the tenant can't pay rent due to COVID-related reasons. However, under the local moratorium, tenants have the right to repay the rent within one year from the date that the rent became due. So, if you didn't pay rent in March 2021 because your income was impacted by COVID-19, you will have until March 2022 to pay that month's rent back. This should limit the months the landlord can sue in small claims court cases for tenants impacted by COVID-19, at least in the near future. Please contact a legal services provider for more information about this. We encourage all tenants to reach out to a legal services lawyer before agreeing to a repayment plan.

**8. Is there a required minimum payment that I must make and what happens to my unpaid rental balance?**

To qualify for protections under state law, and if you are able to, you should pay at least 25% of either the rent amount due each month OR 25% of the total rent due between Sept 1, 2020 by June 30, 2021.

**9. Will prospective landlords be able to access the court records of evictions during this time?**

Not if the eviction is based on nonpayment of rent and it was filed between 3/4/20 - 6/30/21.

**10. Where can I find rental assistance?**

Contact [Centro Legal](#) for information on applicable programs you may be eligible for.

**11. Where can I find help?**

Contact us by call or text at **510-751-6511** or any of our partner organizations below:

[Asian Pacific Islander Legal Outreach](#) - (510) 251-2846

[Bay Area Legal Aid](#) - (888) 382-3405

[East Bay Community Law Center](#) - (510) 548-4040, ext. 629

[Eviction Defense Center](#) - (510) 452-4541

[Legal Assistance for Seniors](#) - (510) 832-3040