

## DECLARATION OF COVID-19-RELATED FINANCIAL DISTRESS

COVID-19 TENANT RELIEF ACT OF 2020 (AB 3088), The Extended Tenant Relief Act (SB 91) and California Code of Civil Procedure section 1179.02

TO: Landlord Name: \_\_\_\_\_  
Address: \_\_\_\_\_

FROM: Tenant Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_

Re: Inability to pay rent due to COVID-19

*(If you have not already sent this declaration for the following months, check any box that applies)*

- |   |   |                                       |
|---|---|---------------------------------------|
| <input type="checkbox"/> March 2020 – August 2020 | <input type="checkbox"/> September 2020 | <input type="checkbox"/> October 2020 |
| <input type="checkbox"/> November 2020            | <input type="checkbox"/> December 2020  | <input type="checkbox"/> January 2021 |
| <input type="checkbox"/> February 2021            | <input type="checkbox"/> March 2021     | <input type="checkbox"/> April 2021   |
| <input type="checkbox"/> May 2021                 | <input type="checkbox"/> June 2021      |                                       |

*(For future months send one month at a time)*

- |                                    |                                      |   |
|------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> July 2021 | <input type="checkbox"/> August 2021 | <input type="checkbox"/> September 2021 |
|------------------------------------|--------------------------------------|---|

Dear Landlord,

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: \_\_\_\_\_

Print Name: \_\_\_\_\_ Sign \_\_\_\_\_

## INSTRUCTIONS FOR USE

**Why fill out this declaration?** If you follow these steps, your COVID-19 related rent debt will become regular consumer debt with some consumer protections against credit impact AND the landlord will not be able to evict you for it. Please follow these instructions and come to a webinar.

### **Have you missed any rent from March 2020 through the present?**

1. Read the attached declaration.
2. If it is true in your situation, print it.
3. Check all of the boxes for any **PAST** months that you have not paid.
4. Make a copy.
5. Make an un-interrupted video of yourself that clearly shows the form is properly filled out and that shows you putting the form into a correctly addressed envelope and that shows you walking into the post office with the envelope. Mail it. Get a proof of mailing for about \$1.00.
6. If there is a drop box at your building, make another video dropping it into the drop box.
7. Send a copy to the owner by email.

### **Will you be unable to pay your rent for the current month?**

1. On or BEFORE your rent due date, print a new form.
2. Mark the current month only.
3. Make a copy.
4. Make an un-interrupted video of yourself that clearly shows the form is properly filled out and that shows you putting the form into a correctly addressed envelope and that shows you walking into the post office with the envelope. Mail it. Get a proof of mailing for about \$1.00.
8. If there is a drop box at your building, make another video dropping it into the drop box.
9. Send a copy to the owner by email.

**Pay 25% of your rent for September 2020 through September 2021:** To complete the process you **MUST** pay 25% of your rent for the months from September 2020 through September 2021. The deadline to do this is September 30, 2021. You also have the option of paying each month.

**Participate in Rental Assistance Program:** Go to [housingiskey.gov](https://housingiskey.gov) to start the process of applying for the government to pay your landlord your rent debt. LA City, City of Long Beach and Santa Clarita residents may be re-directed to your own city's website.

**If the landlord sends you a 15-day notice to pay rent or quit:** If you have followed our instructions above and 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 to pay rent or quit. Note that sometimes owners change the address or the way to pay when they send a notice to pay rent or quit. Follow the instructions in the notice to pay rent or quit. If it is different, come to one of our webinars for instructions.

## COMMON QUESTIONS

**I missed these deadlines. What can I do?** Print and send today.

**I already sent a letter for these months?** That is not good enough. This is a declaration with specific language.

**I already sent the letter or form my City recommended?** That is not good enough for the State law. This State law declaration is, however, good enough to meet all City and LA County requirements. Do both. To stay out of eviction court you **MUST** do this one.

**I sent it but didn't take a video:** Do it again. In the video explain: "I am doing this again because I didn't take a video the first time.

## REASONING BEHIND THESE INSTRUCTIONS

- Using the Declaration does three things:
  - It provides a defense to an eviction case based on nonpayment of rent; and
  - It cuts down on harassment by the landlord.
  - If the landlord harasses you after you notify them of your COVID-19 related reason not to pay, you have a stronger case for damages.
  - 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, etc. The law provides some protection against credit impact
- Proof of financial distress.** Tenants are not required to provide proof of financial distress unless the landlord demands it AND their annual household income is more than: (a) \$100,000; and (b) at or above 130% of median income in their county.
- 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. 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.
- Using this declaration satisfies any local requirements to notify your landlord. We recommend you send the declaration by your rent due date and no longer than the 7<sup>th</sup> day after your rent due date. If your local city requires that you also provide proof, provide it.
- If you are unsure, go to StayHousedLA.org and sign up for one of our workshops and if you are still not sure, then request legal help on our website.

### When should you request a lawyer?

- If you get any paper from the court or the Sheriff.
- If you are facing an illegal lockout and/or an illegal utility termination.
- We prioritize by urgency. We should respond within 48 hours. If we don't call the number provided.

### When should you come to a Webinar?

- To learn your rights.
- If you have a notice from the landlord.
- If you have general questions.
- If you are being harassed.
- If you have a notice to pay rent or quit.
- If we have not gotten back to you.

**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 sign up for a webinar. Seek legal advice as instructed above.

StayHousedla.org. <https://www.StayHousedLA.org>.