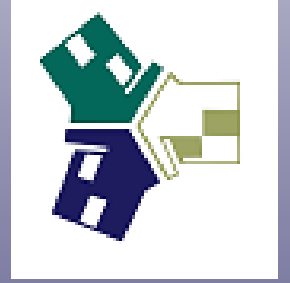




**What landlords should know
about rent increases, unpaid
rent, and evictions during
COVID-19 and beyond**

Rent Increases

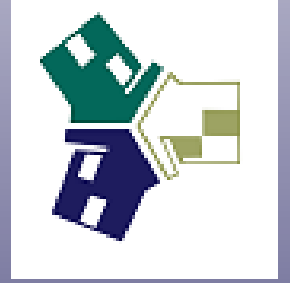


No moratorium on rent increases during COVID-19

However, 2 Laws may apply to rent increases in Fremont:

1. Tenant Protection Act of 2019 (6.1% rent cap)
 - Applies to older multi-family properties (15 years+)
 - Most single-family properties are exempt, but only if exemption notice provided to tenant
 - Below-market or subsidized units are exempt
 - [Increases over 10% require 90-day notice]

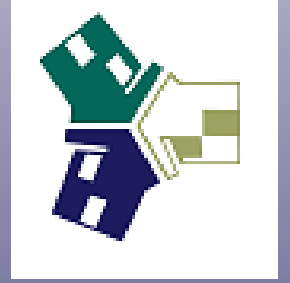
Rent Increases



Exemption notice for single-family properties:

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

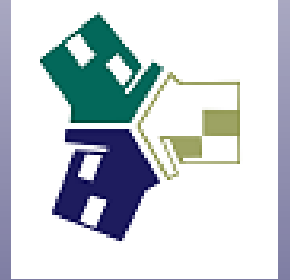
Rent Increases



2. Nearly all rental units must comply with Rent Review Ordinance (RRO)

- RRO is a process to resolve rent increase disputes
- No limit on the amount of increases
- One increase per year
- Notice of “availability of rent review” required
- Non-compliance means rent increase is invalid, and tenants can demand a refund

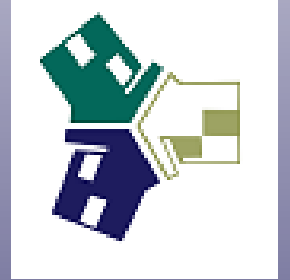
Unpaid Rent



Eviction moratoriums (city, county, state, federal) impact evictions and nonpayment options

- Alameda County ordinance is most protective
- No evictions for nonpayment caused by COVID
- Upon request, a tenant “shall” provide documentation of “Qualifying Loss” within 45 days
- Any remedy for failure to provide documentation?
- No late fees or interest if late due to qualifying loss

Unpaid Rent

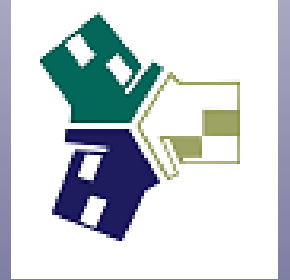


Repayment of back rent

(County ordinance enacted April 2020 and expires "60 days after the expiration of the local health emergency.")

- Rent that became due while ordinance in effect should be repaid "within 12 months from the date the rent became due."
- If not, may collect as "consumer debt"
- May not collect through eviction process
- Repayment period may not extend beyond 8/31/22
(CCP 1179.05(a)(2)(C))

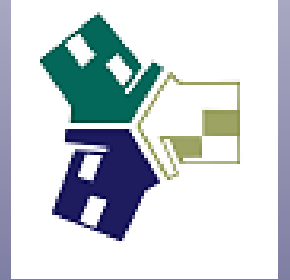
Unpaid Rent



Collection of COVID-19 Rental Debt

- Collect now through Keep Fremont Housed
- No 12-month wait or court action required
- However, your tenant must be eligible (low income, impacted by COVID-19, still in unit)
- Tenant must apply and submit documents
- What if your tenant will not cooperate?

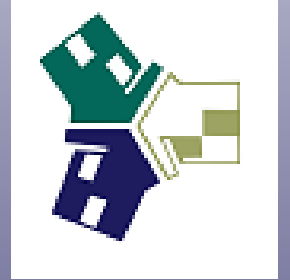
Unpaid Rent



Collection of COVID-19 Rental Debt by Court Action

- COVID-19 rental debt = rent not paid between March 1, 2020 and June 30, 2021
- Superior Court beginning July 1, 2021
- Small Claims Court beginning August 1, 2021 (if more than 12 months after rent first due)
- No monetary limit through July 1, 2025

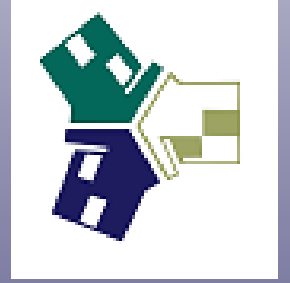
Unpaid Rent



Collection of COVID-19 Rental Debt by Court Action

- In any action to recover COVID-19 rental debt, plaintiffs must document their efforts to seek rental assistance for tenant or cooperate with tenant's efforts
- Otherwise, the court may reduce the amount of damages awarded if tenant eligible and funds available
- **Tip:** Often, defendant must be served in person

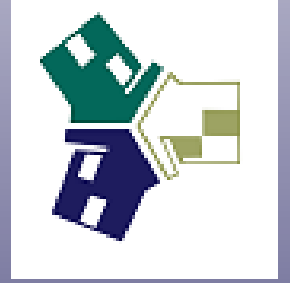
Terminations/Evictions



County ordinance: “No landlord may evict or otherwise require a resident to vacate a residential unit ...”

- No requirement resident impacted by COVID-19
- Exceptions: must be stated in termination notice and eviction complaint
 1. Taking unit off rental market in accordance with Ellis Act, which does not apply in Fremont
(Owner move-in or unit sold to someone who intends to live there)

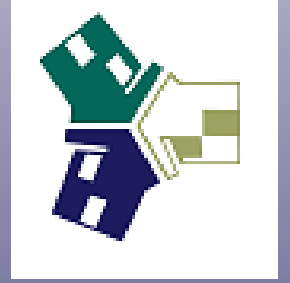
Terminations/Evictions



County ordinance: “No landlord may evict or otherwise require a resident to vacate a residential unit ...”

- Exceptions:
 2. To comply with order issued by government agency or court
 3. Continued occupancy by resident poses imminent threat to health or safety

Terminations/Evictions

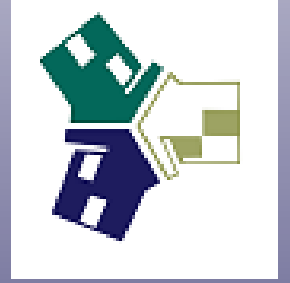


Procedures for Notice of Termination:

- **Notices must include a copy of county ordinance and city moratorium (executive order), 20 pages total, plus the following:**

“NOTICE: THE COUNTY OF ALAMEDA HAS ADOPTED A TEMPORARY MORATORIUM ON EVICTIONS DURING THE COVID-19 LOCAL HEALTH EMERGENCY INCLUDING EVICTIONS FOR NONPAYMENT OF RENT OR MORTGAGE PAYMENTS DUE TO COVID-19. A COPY OF THE COUNTY ORDINANCE IS ATTACHED. UPDATED INFORMATION MAY BE AVAILABLE FROM THE COUNTY’S HOUSING AND COMMUNITY DEVELOPMENT AT: Jennifer.pearce@acgov.org or 510-670-6474.”

Terminations/Evictions

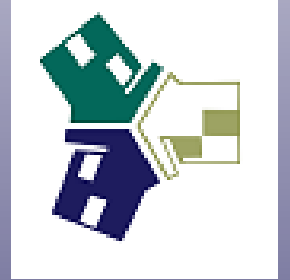


Procedures for Notice of Termination:

Question: Does a termination to sell a unit (take off the rental market) require that when the notice is served, the property is already in a contract for sale to a buyer who intends to occupy? (CCP 1179.03.5(a)(3)(A)(iii))

- **A legal aid attorney advised that another section of same law allows “withdrawal of property from rental market” without this requirement**

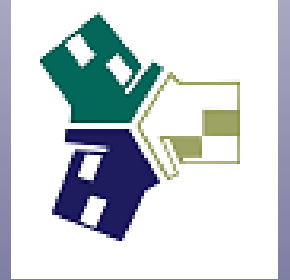
Terminations/Evictions



Beyond COVID-19 when moratoriums expire:

- **Tenant Protection Act of 2019 requires “just cause” to terminate tenancies (generally, applies to older multi-family properties and single-family units exempt)**
- **If TPA applies, a termination notice must specify a reason, either “at-fault” cause (nonpayment or other violation), or “no-fault cause (owner move-in)**
- **If “no-fault” termination, landlord must pay relocation payment equal to one month’s rent**

Resources



- Fremont Landlord-Tenant Services: Free counseling for landlords and tenants, confidential and neutral. 510-574-2270
Email: Fremont@housing.org
- The Tenant Protection Act of 2019
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB1482
- Fremont Rent Review Program:
<https://fremont.gov/3049/Rent-Review-Program>
- Alameda County Ordinance: <http://acgov.org/cda/hcd/>