

# HOUSING JUSTICE PROJECT

*Housing & Tenant*

*Rights*

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# Bridge Proclamation

**EFFECTIVE JULY 1 – SEPTEMBER 30, 2021**

## IMPORTANT ASPECTS

- This is not an extension of the eviction moratorium
- Tenants who were living in hotels/motels/AirBnBs/long-term care facilities and other non-traditional housing are not protected under this proclamation
  - They can be evicted starting July 1
- Late fees are still prohibited through December 31, 2021
- Rent increases are allowed starting July 1
  - Landlord must provide 60 days' written notice first
    - Some tenancies are exempted and may allow for a shorter notice period

## RENT OWED FROM FEB 29, 2020 – JULY 31, 2021

LANDLORD MUST OFFER YOU A REPAYMENT PLAN!

In addition, a landlord may begin the eviction process only if:

- ✓ Rental assistance programs are operational in your county
- ✓ Mediation programs are operational in your county
- ✓ They give the tenant written notice (hard copy or electronic) that these programs are operational and invites you to participate, and;
- ✓ You refuse or do not respond within 14 days

**YOU DO NOT NEED TO ACCEPT A REPAYMENT PLAN BUT YOU MUST RESPOND WITHIN 14 DAYS!**

**DO NOT IGNORE IT.**

**DO NOT MOVE OUT.**

# Just Cause Evictions

## EVICTIONS ALLOWED STARTING JULY 1, 2021

- i. Lease violations (10-day notice)
- ii. Nuisance, waste or other criminal activity (3-day notice)
- iii. No-cause termination exception (60-day), this is complex – tenants should talk with an attorney
- iv. Owner or immediate family wants to occupy the unit as principal residence (90-day notice)
- v. Owner wants to sell (90-day notice)
- vi. Owner wants to convert the property (120-day notice)
- vii. Unit condemned by local agency (30-day notice, less if landlord would be subjected to criminal or civil penalties)
- viii. Landlord shares dwelling unit with tenant and no longer wants to (20-day notice)
- ix. Transitional housing program expires, tenant ages out of program, tenant completed program & no longer is eligible (30-day notice)
- x. Lease expires and tenant doesn't sign new lease after landlord offered new lease at least 30 days before expiration
- xi. Intentional misrepresentation/omission of info on tenant's initial application that would've caused the LL to request additional info or take adverse action (30-day notice)
- xii. Other good cause constituting a legitimate economic or business reason (60-day notice)
- xiii. 4+ lease violations , even if cured, in past 12 months (60-day notice)
- xiv. Required to register as sex offender during tenancy, or failure to disclose in initial application (60-day notice)
- xv. Unwanted sexual advances/sexual harassment/assault towards prop owner, manager, employee or another tenant based on race/gender/other protected status (20-day notice)
- xvi. Main tenant vacates but other occupants remain and fails to apply to become a party to the rental agreement within 30 days or the application is denied

# Recent Changes

## **RENT ACCRUED BETWEEN MAR 1, 2020 – DECEMBER 31, 2021**

Landlord or prospective landlord may NOT:

- Report to a prospective landlord a tenant's non-payment of rent or eviction resulting from it
- Take adverse action based on the nonpayment
- Deny, discourage or make unavailable a rental unit based on any prior or current exposure or infection of COVID-19
  - Or inquire about, consider or require disclosure of such, unless necessary to evaluate a reasonable accommodation request
- Charge late fees

Any violation of the above is subject to 2.5x monthly rent and legal fees, as determined by the courts

## **“RIGHT TO COUNSEL” QUALIFICATIONS**

- ✓ Receives public assistance
- ✓ Annual income (after taxes) at or below 200% federal poverty level

## **14-DAY NOTICE REQUIREMENTS**

- Informs tenant of their right to counsel and the contact info
- Info on the Dispute Resolution Center (DRC)
- Info on state and local rental assistance programs
- Notice provided to local DRC

# Repayment Plans

## REQUIREMENTS FOR REPAYMENT PLANS UNDER SB 5160

- ✓ Does not exceed 1/3 of the monthly rent charges owed
- ✓ Begin no sooner than 30 days after the plan is offered
- ✓ Only covers rent (no legal/late/other fees)
- ✓ No source of income discrimination
- ✓ Does not include provisions such as:
  - Compliance with rental agreement, payment of legal fees if tenant defaults on payment plan
  - Requires tenant to apply for or provide proof of government benefits
  - Waiving rights to notice to eviction or other related provisions before writ is issued

## LANDLORD MITIGATION PROGRAM

For unpaid rent accrued between Mar 1, 2020 – Dec 31, 2021, landlord may file for a reimbursement claim up to \$15,000 IF:

- ✓ Tenant is low-income or resource-limited or experiencing hardship and voluntarily vacated or abandoned the unit as a result; OR
  - Cannot be due to landlord filing an eviction
- ✓ Tenant defaults on a repayment plan and the tenant is still there

Landlord may not take legal action or pursue collections against the tenant for damages or any remaining unpaid rent not covered by the program

# Eviction Resolution Program



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**HJP DOES NOT RECOMMEND TENANTS AGREE TO MEDIATION WITHOUT CONSULTING AN ATTORNEY FIRST! MEDIATION IS NOT FOR EVERYONE AND THERE IS STILL A POWER IMBALANCE.**

# Rental Assistance

## **EPRAP (EVICTION PREVENTION RENTAL ASSISTANCE PROGRAM)**

Three components:

- 1) Landlord Program
  - Known as the “large landlord” payout fund – for landlords who have 5+ tenants behind on rent, they can ask to have all their tenants covered under this
  - Application has closed
- 2) Tenant Program
  - Known as the “lottery” system
  - ~500 names are drawn weekly
- 3) Hub & Spoke Program
  - Rental assistance provided through by-and-for providers to serve most marginalized tenants
  - Agencies are intentionally not advertised to be able to serve their existing clients/community

## **LIMITED LANDLORD RELIEF PROGRAM**

Thru the Department of Commerce, landlords must:

- Be sole investor
- Own less than 5 properties/units
- Make less than family median income
- Have tenant(s) who are non-communicative or not eligible for EPRAP

## **LANDLORD MITIGATION PROGRAM**

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Landlord may not take legal action or pursue collections against the tenant for damages or any remaining unpaid rent not covered by the program

## **LANDLORD DAMAGE RELIEF PROGRAM**

Program has been around since June 7, 2018 for landlords that have screened, approved and offered housing to a tenant using a rental subsidy (except properties operated by housing authorities)

- Offers up to \$1,000 reimbursement for required move-in upgrades
- Up to fourteen days’ rent loss
- Up to \$5,000 in qualifying damages caused by a tenant during tenancy

# Contact Us

## EMAIL ADDRESS

[hjpstaff@kcba.org](mailto:hjpstaff@kcba.org)

## HOTLINE NUMBER

(206) 267-7069

## WEBSITE

[www.housingjusticeproject.org](http://www.housingjusticeproject.org)

## FOR TRAINING & MEDIA INQUIRIES:

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