

AB 3088: COVID-19 Residential Eviction Moratorium

The State Legislature enacted AB 3088 (Chiu) which was signed by the Governor and took effect on August 31, 2020. If a tenant suffered a loss of income or increased costs due to COVID-19, including increased childcare or elderly care costs and health care costs, the tenant and all members of the household are protected from eviction until February 1, 2021. The key provisions include:

- A landlord cannot evict for non-payment of the full amount of rent that was due between March 1, 2020 and August 31, 2020. The landlord can collect the debt through the small claims court process starting March 1, 2021. A landlord can evict a tenant only if they had violated the lease prior to March 1, 2020.
- A tenant only must pay 25% of the rent due for the months of September 2020 through January 2021. This rent payment can be made as late as January 31, 2021. The remaining amount owed can only be collected through a small claims court process.
- To obtain the eviction protection, the landlord must provide the tenant with a declaration that the tenant must sign and return to the landlord within 15 days. No financial verification is required unless the landlord has proof that the tenant earns at least \$100,000 or more than 130% of the county median income annually.
- A landlord can still evict a tenant for “just cause” if they violate the lease or for “no-fault” reasons such as an owner move-in. A landlord cannot evict a tenant to sell the rental unit unless the new owner moves into the unit.

The city council will consider repealing portions of the City’s residential eviction moratorium ordinance to avoid conflicts with this new law.

In the meantime, please contact the Tenant Protection Program at tpp@cityofsacramento.org or 916-808-8121 for questions or additional information regarding the city’s residential or commercial eviction moratorium ordinance.