

2021 New Judicial Council and Tenancy Termination COVID-19 Forms

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Form Name

When to Use Form(s)

<p>Covid-19 Rights Informational Notices for AB3088 enacted August 31, 2020</p>	<p>Landlord and Tenant COVID-19 Rights by DRE after AB3088</p> <p>Use this interactive chart to guide you through the landlord and tenant residential eviction process.</p> <p>Pending are AB 15 extending AB3088 to December 31, 2021 and Senate bill 3 extending AB3088 through March 31, 2021.</p>	<ul style="list-style-type: none"> • Before February 1, 2021, the legislature is likely to extend the current eviction laws of AB3088 for at least a few more months. • Commercial eviction laws remain unchanged and are based upon September 23, 2020 Executive Order N-28-20, extended the timeframe for the tenant protections to March 31, 2021.
<p>Forms Demanding Payments Due Between Mar. 2020 & Aug. 31, 2020</p>	<p>15-Day Notice to Pay Rent or Quit (Rent Due March 1, 2020 – August 31, 2020)</p> <p>Blank Declaration of Inability to Pay Rent because of COVID-19-Related Financial Distress (Rent Due March 1, 2020 – August 31, 2020) to give tenant</p>	<ul style="list-style-type: none"> • The tenant owes one or more rent payments due between March 1, 2020 and August 31, 2020. (Can only evict if no signed declaration is returned by the tenant—but see County laws.) • Note: the 15 days do not include weekends and court holidays • Serve 15-day notice to pay with blank declaration of inability to pay due to Covid-19. The property cannot be subject to the Cares Act or CDC Act.
<p>Forms Demanding Payment Due Between Sept. 1 2020 & Jan. 31, 2021</p>	<p>15-Day Notice to Pay Rent or Quit (Rent Due September 1, 2020 to January 31, 2021)</p> <p>Blank Declaration of Inability to Pay Rent because of COVID-19-Related Financial Distress (Rent Due September 1, 2020 – January 31, 2021) to give tenant</p>	<ul style="list-style-type: none"> • If between September 1, 2020 and January 31, 2021, the tenant has not paid at least 25% of the total rent due as of date of service. • The property cannot be subject to the Cares Act or CDC Act. • Look for an extension of the Cares Act, or CDC Act or county rules. Tenant must return a signed declaration or the landlord can file unlawful detainer action. (See if the high-income tenant rules apply.)
<p>Miscellaneous</p>	<p>State Income Limits (If high income or not)</p> <p>Must add to all notices the name of landlord, where to pay rent, phone number, etc. as otherwise required by law.</p> <p>Voluntary Residential Rent Payment agreements</p>	<ul style="list-style-type: none"> • Verify if high income by looking at tenant's application. • Do not forget to comply with local rent control, county, the new 2020 statewide rent control, the CDC and Cares Act rules. • These agreements are void if payback before 2/1/2021 or after 3/1/2022.
<p>New Judicial Council Pleadings Sept. and Oct. 2020</p>	<p>The new mandatory Unlawful Detainer forms and guides:</p> <ul style="list-style-type: none"> • UD-100 New Complaint Unlawful Detainer (Sept. 1, 2020) • UD-101: Plaintiff's Mandatory Cover Sheet & Supp. Allegations—Unlawful Detainer 	<ul style="list-style-type: none"> • UD-104: Cover Sheet for Declaration of Covid-19–Related Financial Distress • UD-104(A): Attachment—Declaration of Covid-19–Related Financial Distress • UD-105: Answer—Unlawful Detainer