

Pending Bills Addressing Eviction Protection, Rent Forgiveness or Rent Freezes

Below is a table listing pending bills before the California legislature addressing eviction protections, rent forgiveness, and/or rent freezes as of July 1, 2020. The table contains relevant text taken from the current version of the bill. The list is organized in numerical order, separating Assembly Bills from Senate Bills.

PENDING ASSEMBLY BILLS	
<u>Bill Number, Author</u>	<u>Bill Summary</u>
<p>AB-828 – (Ting, Gipson, Kalra) Temporary moratorium on foreclosures and unlawful detainer actions: coronavirus (COVID-19).</p>	<ul style="list-style-type: none"> • This bill would prohibit a person from taking any action to foreclose on a residential real property while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 15 days after the state of emergency has ended, including, but not limited to, causing or conducting the sale of the real property or causing recordation of a notice of default. • This bill would require a tax collector to suspend the sale, and not attempt to sell, tax-defaulted properties while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 15 days after the state of emergency has ended. • This bill would prohibit a county recorder from recording any instrument, paper, or notice that constitutes a notice of default, a notice of sale, or a trustee’s deed upon sale during the above-specified declared state of emergency relating to the COVID-19 virus. The bill would also prohibit a court from accepting a complaint in an action to foreclose. • This bill would prohibit a state court, county sheriff, or party to a residential unlawful detainer case from accepting for filing, or taking any further action including executing a writ of possession or otherwise proceeding with an unlawful detainer action during the timeframe in which a state of emergency related to the COVID-19 virus is in effect and 15 days thereafter, except as specified.
<p>AB-1436 – (Chiu, Bonta, Gonzalez, Santiago, Wicks) Tenancy: rental payment default: state of emergency: COVID-19.</p>	<ul style="list-style-type: none"> • This bill would prohibit a landlord from applying a security deposit or monthly rental payment for the satisfaction of an obligation other than the prospective month’s rent if the obligation accrued during or within 90 days after the termination of a state of emergency related to COVID-19, except as specified. The bill would provide that a tenant who failed to pay rent that accrued during that period shall not be deemed to be in default and would prohibit any action for recovery of unpaid rent until 15 months after the state of emergency is terminated. The bill would prohibit certain

	<p>entities, including a housing provider, from using an alleged default in rent that accrued during that period as a negative factor for the purpose of evaluating creditworthiness or for other specified purposes.</p> <ul style="list-style-type: none">• This bill would provide that a tenant is not guilty of unlawful detainer if the alleged default in payment of rent accrued during, or within 90 days after the termination of, a state of emergency related to COVID-19. The bill would require a landlord, in an action to recover a debt arising from an alleged default in rent accrued during that period to submit in the verified complaint or other document submitted under penalty of perjury the amount of any payments, mortgage forbearance, mortgage forgiveness, or property tax reduction obtained from the lender or local, state, or federal entities to offset, replace, or compensate the creditor for lost rental income, and would require a court to offset the amount of rental payments as specified.
<p>AB-2501 – (Limon) COVID-19: homeowner, tenant, and consumer relief.</p>	<ul style="list-style-type: none">• This bill would enact the COVID-19 Homeowner, Tenant, and Consumer Relief Law of 2020. The bill, with respect to residential mortgage loans, would prohibit a mortgage servicer, mortgagee, trustee, beneficiary, or authorized-agent from taking specified actions during the covered period. The “covered period” would be defined as the 12 months following the operational date of the act. The bill would prohibit the above persons from commencing or continuing any judicial foreclosure action, recording a notice of default, or taking any action to evict a person following a foreclosure. The bill would also require the above persons to stay all foreclosure proceedings and time limits in a judicial or nonjudicial foreclosure on a property during the covered period. The bill would not apply these provisions to a mortgage secured by a dwelling that any of the above persons has determined, after exercising reasonable diligence, is vacant or abandoned.
<p>AB-2887 – (Bonta, Chiu, Gipson, Santiago, Wicks et al.) Statewide emergencies: mitigation.</p>	<ul style="list-style-type: none">• This bill would, during a state-declared state of emergency, establish a moratorium of the collection of rent from a tenant that is a small business and a moratorium on the filing of an unlawful detainer action due to a default in the payment of rent against a small business, as defined.

PENDING SENATE BILLS	
<p>SB-915 (Leyva) – Mobile home parks: emergency relief: coronavirus (COVID-19).</p>	<ul style="list-style-type: none">• This bill would prohibit the management of a mobilehome park from terminating or attempting to terminate the tenancy of a homeowner or resident who is impacted by the coronavirus (COVID-19) pandemic, as specified, on the grounds of failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or failure to pay rent, utility charges, or reasonable incidental service charges during a declared state of emergency or local emergency related to the coronavirus (COVID-19) pandemic, and during a 120-day time period after the state of emergency or local emergency is terminated, unless necessary to protect the public health and safety. The bill would also prohibit, during this timeframe, the management of a mobilehome park from issuing certain notices relating to rent increases, termination of tenancy, or refusal to renew tenancy. The bill would also prohibit a court from issuing a summons on a complaint for unlawful detainer within this timeframe for failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or failure to pay rent, utility charges, or reasonable incidental service charges, unless the court finds the action necessary to protect public health and safety.
<p>SB-939 – (Weiner, Gonzalez) Emergencies: COVID-19: commercial tenancies: evictions.</p>	<ul style="list-style-type: none">• This bill would prohibit a commercial landlord, as defined, from serving a specified notice of eviction on a commercial tenant, as defined, until 90 days after the state of emergency proclaimed by the Governor on March 4, 2020, is lifted and if specified criteria apply, including that the commercial tenant served a written notice on the landlord affirming, under the penalty of perjury, that the commercial tenant is an eligible COVID-19 impacted commercial tenant. By creating a new crime with regard to the notice being signed under the penalty of perjury, the bill would impose a state-mandated local program. The bill would define an “eligible COVID-19 impacted commercial tenant” for the purposes of these provisions as a commercial tenant, operating primarily in California, that occupies commercial real property pursuant to a lease and that meets certain financially related criteria. The bill would provide that specified notices of eviction served on commercial tenants are void under specified circumstances, including that the commercial tenant was an eligible COVID-19 impacted commercial tenant at the time the notice of eviction was served. The bill, among other things, would also provide a means for

	<p>stopping an eviction in process, prohibit nonpayment of rent during the state of emergency from being grounds for an unlawful detainer action, as provided, limit when late fees can be imposed on a commercial tenancy, and require the landlord to provide written notice of the protections afforded by these provisions. The bill would prohibit the landlord from willfully harassing, intimidating, threatening, or retaliating against a commercial tenant with the intent to terminate the occupancy, and would subject the landlord to various damages if found by a court to have engaged in that behavior. The bill would also make a willful violation of these provisions an unlawful business practice and an act of unfair competition, subject to specified remedies and penalties.</p> <ul style="list-style-type: none">• This bill would authorize an eligible COVID-19 impacted commercial tenant, defined for the purposes of these provisions as a small business that operates primarily in California and is an eating or drinking establishment, place of entertainment, or performance venue that occupies commercial real property pursuant to a lease and that meets specified financially related criteria, to engage in good faith negotiations with its landlord in order to modify any rent or economic requirements. The bill would authorize an eligible COVID-19 impacted commercial tenant (eligible tenant) to serve written notice on the landlord, affirming under the penalty of perjury, that the commercial tenant is an eligible tenant and stating what lease modifications the commercial tenant is seeking. By creating a new crime with regard to the notice being signed under the penalty of perjury, the bill would impose a state-mandated local program. The bill would also provide that if the eligible tenant and the landlord do not reach a mutually satisfactory agreement within a certain timeframe, the eligible tenant is authorized to terminate the lease, as provided. The bill would exclude publicly traded companies and affiliated companies from these provisions. The bill would make these provisions inoperative on December 31, 2021, or 2 months after the declared state of emergency ends, whichever is later.
<p>SB-999- (Umberg) Mobilehome park Residencies: rent control; exemption: COVID-19</p>	<ul style="list-style-type: none">• Existing law, the Mobilehome Residency Law, prescribes various terms and conditions of tenancies in mobilehome parks. Existing law exempts a rental agreement in a mobilehome park that is in excess of 12 months' duration, and that meets other specified requirements, from local ordinances and initiative measures that establish a maximum amount that a landlord may

	<p>charge a tenant for rent, commonly referred to as rent control.</p> <ul style="list-style-type: none">• This bill would prohibit the above-described exemption from rent control in mobilehome parks for rental agreements from applying to a rental agreement entered into on and after February 13, 2020. The bill would repeal these provisions on January 1, 2025. The bill would declare that these provisions are severable. This bill would make related findings and declarations.
<p>SB-1410 – (Caballero, Bradford) COVID-19 emergency: tenancies</p>	<ul style="list-style-type: none">• This bill would authorize an owner of real property and a tenant to sign and execute a tenant-owner COVID-19 eviction relief agreement that, during a state of emergency related to the COVID-19 pandemic, and unspecified additional days, would allow the tenant to defer the tenant’s unpaid rent, and would prohibit the owner from serving a notice terminating the tenancy or filing a complaint for unlawful detainer for that unpaid rent or during the state of emergency, unless an exception applies. The agreement would require the tenant to repay the unpaid rent to the state as installments in accordance with a specified repayment schedule during taxable years beginning on or after January 1, 2024, and before January 1, 2034. The bill would require the owner of real property to offer the tenant a signed copy of the agreement, along with a specified notice, prior to executing the tenant-owner COVID-19 eviction relief agreement. The bill would require the owner of real property to obtain a signed acknowledgment of receipt from the tenant if the tenant declines the offer. If the tenant does not respond to the offer, the bill would require the owner to confirm, under penalty of perjury, that the owner hand-delivered or mailed the offer. By expanding the crime of perjury, the bill would impose a state-mandated local program.• This bill would void any demand for the payment of unpaid rent accrued, or any notice to terminate tenancy served, beginning on March 4, 2020, upon the declaration of the state of emergency related to the COVID-19 pandemic, and until the state of emergency is terminated, as provided. The bill would, during the state of emergency, prohibit an owner of real property from demanding payment of unpaid rent, serving a notice terminating tenancy, or filing a complaint for unlawful detainer, among other things, unless the owner includes a signed acknowledgment of receipt or a sworn confirmation of a rejected offer for a tenant-owner COVID-19 eviction

	<p>relief agreement.</p> <ul style="list-style-type: none">• This bill would require the Franchise Tax Board to calculate the repayment installments of unpaid rent, and would authorize a tenant to apply for reduction or forgiveness of repayment installments depending on the taxpayer's income. The bill would require specified persons to withhold the amount of each installment from each tenant's income during taxable years beginning on or after January 1, 2024, and before January 1, 2034, as provided. The bill would require the Franchise Tax Board to transfer these moneys to the Treasurer to be deposited in the General Fund.• This bill would specify that any deferment or repayment of rent authorized under these provisions is not included when determining the lowest gross rental rate for purposes of the Tenant Protection Act of 2019.
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