

MARIN COUNTY COVID-19 CRISIS UPDATE Frequently Asked Questions

Legal Aid of Marin serves clients in matters related to housing, employment, and public benefits. We will address the most common questions we have received in these areas. Our office is closed to the public, but we are available via telephone at (415) 492-0230. If you still have questions after reading these FAQs, please do not hesitate to call us and leave a message with your name and number.

HOUSING

Many tenants find themselves unable to pay their rent because of the COVID-19 crisis and shelter in place orders. Furthermore, many are concerned about losing their housing and being exposed to the virus. Several recent laws and policies have been enacted to protect tenants.

JUDICIAL COUNCIL RULE: Effective April 6, 2020

The Judicial Council enacted a new rule that halts effectively all evictions in California during the COVID-19 crisis. When a landlord files an unlawful detainer (eviction lawsuit), California courts cannot issue a summons, unless necessary to protect public health and safety, so the case cannot proceed. California courts are also not allowed to enter a default judgment when a tenant has not responded to an eviction lawsuit. If an eviction lawsuit was filed before the crisis, any scheduled trial must be postponed for 60 days. Essentially, this rule prevents eviction cases from beginning or from proceeding forward. This Judicial Council rule will be in effect during California's state of emergency and 90 days after the governor lifts the state of emergency.

CARES ACT: Effective March 27, 2020

The Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") includes important, immediate protections for tenants and homeowners. This law applies to anyone residing in federally subsidized housing – public housing, rural housing voucher program, project-based section 8, low income housing tax credit properties (LIHTC), single family homes, condominiums, apartments where the owner has a federally backed home mortgage. For these residents, a landlord cannot proceed with an eviction action for non-payment of rent for 120 days from March 27, 2020 and your landlord cannot charge you late fees. Finally, a landlord **MUST** give a 30 day notice (instead of a 3 or 10 day notice) for non-payment of rent **but cannot issue it** until this moratorium expires.

MARIN COUNTY EVICTION MORATORIUM: Effective March 24, 2020

The Marin County Board of Supervisors enacted an emergency eviction moratorium (Resolution No. 2020-27) to temporarily protect tenants from being displaced from their homes during the ongoing COVID-19 public health crisis. This eviction moratorium protects eligible tenants against evictions due to COVID-19 related non-payment of rent.

Please read these FAQs for more detailed information on the various forms of protection from eviction during the COVID-19 crisis.

1. I lost some or all my income due to COVID-19 and/or the shelter in place order. Now I can't pay my rent. Can my Landlord evict me?

No! The most important thing to remember is that your Landlord cannot force you to leave your home by changing the locks or just telling you to leave. Even during this emergency, there is still a legal process that the Landlord must follow to evict someone. There are new policies and laws that protect people from eviction during this crisis. No matter where you live in Marin County, there are protections for you against eviction. Some of these protections require you to notify your Landlord. Please read question 10 for more information.

2. Can my Landlord evict me through an Unlawful Detainer (eviction lawsuit)?

No. As of April 6, 2020, a new rule stops any Landlord from using an eviction lawsuit to evict you. A Landlord can file that lawsuit, but the court won't issue a summons. A summons lets you know that your landlord is suing you and that you must respond to the lawsuit. With no summons being issued by the court, the case won't officially "start." This protection is in place until 90 days after the state of emergency is lifted by the Governor.

3. What if there's already an Unlawful Detainer filed against me?

A new rule prevents any Unlawful Detainer from proceeding forward during the state of emergency. If you have already been served and have already answered the lawsuit, your Landlord may request a trial but it will be scheduled for at least 60 days from now, sometimes longer.

4. When can a Landlord start an Unlawful Detainer against me?

The court rule will be in effect for the duration of California's COVID-19 state of emergency, and 90 days afterward. This means your Landlord cannot serve you with a new Unlawful Detainer until 90 days after the state of emergency has been lifted.

5. What if I live in federally subsidized housing? Do the same rules apply?

If you live in federally subsidized housing, (including public housing, project-based section 8 housing, low-income housing tax credit property (LIHTC), the Housing Choice Voucher program, the rural housing voucher program, private homes with a federally-backed home mortgage) then you are not only protected by the new court rules but also by the CARES Act.

6. How does the CARES Act apply to me if I live in subsidized housing?

A landlord cannot proceed with an eviction for non-payment of rent for 120 days from March 27th. This means that your Landlord cannot try to evict you if you can't pay your rent until after July 25, 2020. Also, your landlord also cannot charge you late fees. Finally, a landlord MUST give you 30 day notice (instead of a 3 or 10 day notice) for non-payment of rent but cannot give you this notice until this part of the CARES Act expires.

7. If I live in federally subsidized housing, should I tell my Landlord that I can't pay rent?

Yes, you should report all changes in income to your Landlord. This is especially important because the CARES Act does not forgive your rent for the months you can't pay. Please notify your Landlord and ask them to adjust your rent accordingly.

8. I live in a home with a mortgage, but I'm not sure if it's federally backed. How can I find out?

You can look up your federal loan information at the following websites:

<https://www.knowyouroptions.com/loanlookup> or [FreddieMac.com/mymortgage](https://www.FreddieMac.com/mymortgage)

9. If I don't live in federally subsidized housing, are there other protections for me?

Yes! Marin County passed a Resolution on March 24, 2020 that protects renters. This Resolution requires that you notify your Landlord and provide proof that you can't pay the rent if you lost income due to COVID-19 or sheltering in place. This protection is currently in place until May 31, 2020.

10. How do I provide proper notice and proof to my Landlord that I can't pay my rent?

In order to receive protection, tenants need to notify their landlord of their financial loss related to COVID-19 within 30 days of the rent payment due date (30 days before or 30 days after). **This notice must be written.** You can write your Landlord a letter on paper (and make a copy to keep for your records!), email, or even send a text message on your phone. You then have one week (7 calendar days) after submitting this letter to give your landlord documentation of this financial impact. If possible, submit the notice and documentation at the same time. "Financial impact" means a substantial loss of income due to business closure or reduction of hours, layoffs, missing work due to child care/school closures, medical expenses

related to being ill with COVID-19 or caring for a family member who is ill with COVID-19, or other related loss of income.

Please see our website for a sample letter to your Landlord, as well as a sample letter from your employer regarding financial impact: [Legaidmarin.org/covid-19/](https://legaidmarin.org/covid-19/)

11. What kind of documentation do I need to submit to my Landlord to show “financial impact”?

You have one week after notifying your Landlord to submit proof of the financial impact of COVID-19. Here are some examples of sufficient documentation:

- A letter from employer or other source of income citing COVID-19 as a reason for reduced work hours, termination, or other significant reduction in pay (see [Legaidmarin.org/covid-19/](https://legaidmarin.org/covid-19/) for a sample employer letter)
- Pay stub showing loss of hours, wages, or income due to COVID-19
- Bank statements showing a reduction in income following the COVID-19 outbreak
- Documentation of medical expenses or financial impact related to COVID-19, or caring for someone in your household with COVID-19
- If you are self-employed, a letter or similar documentation that shows that COVID-19, the Marin County Public Health’s shelter-in-place order or the State of California’s order, that has forced you to close your business or prevents you from working. Documentation showing the closure of a school or childcare facility where a child in the resident’s care would otherwise be present during the resident’s working hours
- Cost of childcare due to school closure

Any medical or financial information that you submit to your Landlord during this time must be kept confidential by the landlord.

12. I’m confused. Can you remind me again what I need to submit to my Landlord?

- (1) Written notification that COVID-19 has impacted you financially and you are unable to pay the rent **AND**
- (2) Proof that your income has been reduced or that you have COVID-19 expenses that make you unable to pay the rent

13. Where in Marin does this apply?

It applies to all cities and towns throughout Marin County, as well as unincorporated areas of the County.

14. Does this new Resolution apply to all tenants?

The Resolution applies to all tenants of all rental properties, residential *and* commercial. This includes single-family homes, Accessory Dwellings Units, duplexes, room rentals, and multi-family homes. It also applies to rentals of mobile home spaces and tenancies in RV parks.

15. What if I sublet, or rent a room or part of a room from another tenant?

The Resolution applies both to tenants who sublet and to tenants on the lease. You must notify the person to whom you pay the rent (the “master tenant”) just as you would a Landlord, and provide them with your proof of loss of income. We recommend that you share these FAQs to your master tenant if they are unable to pay their rent as well.

16. Can I just tell my Landlord once that I can't pay the rent?

No. For each month that you are unable to make your rental payment you must notify your Landlord in writing and provide proper documentation. For example, you may have to tell your Landlord that you cannot pay April rent, and later notify your Landlord that you cannot pay May rent.

17. How long does the eviction moratorium last?

The eviction moratorium is currently in place until May 31, 2020, in accordance with Governor Newsom's Executive Order N-28-20. However, if the public health emergency is extended past May 31, the Marin County Board of Supervisors may lengthen the expiration of the Resolution.

18. So what happens on June 1, 2020, or whenever the moratorium ends?

As it stands right now, you will have to pay back all the rent you owe for April and May, or any months you were unable to pay rent under the resolution. **The eviction moratorium does not forgive rent owed.** For most people this will be a hardship as they have been without work for several months. Remember, a Landlord cannot charge you late fees in addition to the back rent.

The Marin Board of Supervisors approved money to be given to several agencies in Marin County to distribute. This money will be used to provide emergency rental assistance. The agencies are: St. Vincent de Paul Society, the Ritter Center, Adopt-A-Family, North Marin Community Services, and West Marin Community Services. Contact info for these organizations are listed on our website under Legalaidmarin.org/covid-19/ Please reach out to them and leave a message as these organizations are trying to address the needs of all Marin County tenants. Any money or assistance you receive from these organizations during the crisis is not subject to the public charge rule.

19. Can I pay back my rent in installments?

Our website has a sample letter requesting a payment plan that you can send to your landlord. Trying to negotiate with your Landlord regarding a payment plan can be an effective way to avoid an eviction once the public health emergency ends. Please feel free to use the sample letter in order to request a payment plan to repay the rent. If you can agree with your Landlord on a payment plan, make sure to put that agreement in writing and have the Landlord sign it.

20. I can make partial rent payments but can't pay the full amount. Should I still pay what I can?

This is up to you. We recommend trying to pay what you can as it will reduce your rent debt in the long run and might make your Landlord less likely to try to evict you once the moratorium is over. However, your priority should be your health and the health and safety of your family, so basic necessities like food and medicine should come first.

21. My Landlord doesn't want to negotiate a payment plan and there is no way I'll be able to get the money together on June 1, 2020 to pay back the debt. What will happen to me?

It's possible that your Landlord will serve you a 3-Day Notice to Pay Rent or Quit (eviction notice) for non-payment of rent. If you have properly notified your Landlord and attempted to work out a payment plan, but your Landlord has refused, please contact Legal Aid of Marin to discuss your options.

22. What if my Landlord tries to evict me during the public health emergency even though I gave him notice that I can't pay the rent?

Contact Legal Aid of Marin to discuss your options.

23. Does the eviction moratorium apply to everyone, including people without immigration status?

The Resolution applies to everyone! Your immigration status does not stop you from being protected by this Resolution.

24. What if I can't pay my utilities bill? Will my power be shut off?

During the state of emergency, PG&E will not shut off power to any customers because they do not pay their bill. You can visit pge.com to see how you can reduce your bill. Please

communicate with your energy and utility providers to ask about their policy regarding paying back past due bills once the state of emergency is lifted.

25. Where can I go to get more resources or information?

Please call Legal Aid of Marin at (415) 492-0230 ext. 102 or visit our website at Legalaidmarin.org/covid-19/

EMPLOYMENT

1. I lost my job or had my hours reduced due to COVID-19. What can I do?

You may file a claim for Unemployment Insurance benefits with the California Employment Development Department (EDD). Unemployment Insurance provides benefit payments to workers who have lost wages and meet all of the eligibility requirements.

If you are temporarily unemployed and plan to return to the same employer, the usual requirement of looking for work while you are collecting benefits does not apply.

For more information about Unemployment Insurance benefits and to file a claim, visit <https://www.edd.ca.gov/Unemployment>.

2. How can I receive income if I am undocumented?

Unfortunately, undocumented workers are not eligible to receive Unemployment Insurance benefits. Only individuals with legal authorization to work in the United States are eligible for Unemployment Insurance.

However, undocumented workers may be eligible for other programs, including:

- State Disability Insurance (SDI)
- Paid Family Leave (PFL)
- Paid sick days

3. What if my child's school or childcare is closed and I have to miss work to care for them?

According to the Families First Coronavirus Response Act, you may be able to access 12 weeks of paid leave if your employer has fewer than 500 employees.

Also, you may be eligible to receive Unemployment Insurance benefits. The California Employment Development Department (EDD) is advising people to apply for unemployment insurance if they have lost income because they miss work to care for a child and have exhausted all other care options.

4. How can I receive income if I can't work because I need to take care of a family member who is sick?

You may use paid sick days, to take care of a sick family member.

Additionally, if you are missing work to care for a close family relative who is seriously ill, you may be eligible to receive Paid Family Leave (PFL). For more information on PFL and to apply, please visit www.edd.ca.gov/Disability.

5. What if I am unable to work because I am sick?

Employees are entitled to use paid sick time if they miss work due to an illness. If you are an employee in California, you have a right to at least 3 paid sick days. Also, the Families First Coronavirus Response Act may allow you to access an additional two weeks of paid sick leave, if your employer has fewer than 500 employees.

You may also be eligible for State Disability Insurance (SDI), which provides short-term payments to eligible workers who have lost wages due to an illness. For more information and to apply online, visit the Employment Development Department (EDD) at www.edd.ca.gov/Disability.

PUBLIC BENEFITS

1. If I need to access health services for me or my children during this crisis, will it affect my public charge determination?

No. If you will be adjusting status and will undergo a public charge determination, the use of public benefits by your minor children will not be looked at. If you are accessing health care during this emergency (such as testing, treatment and preventive care, including vaccines if a vaccine becomes available) related to COVID-19, this will not be considered in a public charge determination. You can get more information here: <https://www.uscis.gov/greencard/public-charge>

2. Is Marin County Health & Human Services office (the County Welfare Department) still open to the public?

The lobbies of Marin County Health & Human Services are closed to the public. Certain emergency-related services remain available through the reception area at the 120 N. Redwood Dr. location. Paper applications are available outside and verification drop-boxes are in place at both the 120 N. Redwood Dr. and 3240 Kerner Blvd locations. Services can also be accessed by calling [1-877-410-8817](tel:1-877-410-8817).

3. Can I still apply for public benefits?

Yes, you can apply for CalWorks (Cash Aid of individuals with children under 18), CalFresh (also known as food stamps, help for buying food), MediCal (medical insurance coverage), and General Relief (cash assistance for individuals over 18 with no children and limited resources).

4. How can I apply?

All programs except General Relief can be applied for online at: <https://c4yourself.com/c4yourself/index.jsp>. Paper applications are also available and can be picked up in-person outside at the main office located at 120 N. Redwood Dr. San Rafael, CA and at the Health and Wellness Center 3240 Kerner Blvd. San Rafael, CA 94901. Spanish and English are available and other languages are available upon request. Once an electronic application or paper application is submitted, you will be contacted over the phone for an interview. In-person interviews may occur for certain individuals in emergencies or for those without a telephone.

5. What documents will I have to provide?

Necessary documents vary depending on the program. Generally, Identification, Citizenship and Residency documents needed. Proof of current income and resources may be needed as well. Examples of income proof could be your last paycheck stub or tax return. An example of proof of resources may be a recent bank account statement. Eligibility Workers will work with applicants to try to get required verifications, and not to delay application processing if applicants don't have everything.

6. If I'm eligible for CalFresh or CalWORKs, how will I get an EBT card?

In most cases, the EBT card will be sent in the mail. In-person pick up available for certain individuals without mailing addresses.

7. I have Medi-Cal now, but my annual redetermination is due or overdue. Will my coverage be cancelled?

No. At this time there will be no here will be no cancellation of coverage due to incomplete redeterminations.

8. I am required to complete job search activities to receive benefits. How do I complete with the shelter in place ordinance?

Work requirements have been temporarily waived for all programs until this emergency is over.