

## **Santa Clara County COVID-19 Eviction Moratorium Frequently Asked Questions**

### **Are tenants and small businesses in Santa Clara County protected from eviction while the public health crisis goes on?**

Yes, for the most part. The County of Santa Clara has enacted a temporary moratorium on evictions for any residential renter or small business in the county who has lost income related to the coronavirus (COVID-19) pandemic.

That means your landlord cannot evict you if you cannot pay rent because you lost income due to COVID-19 or have had out-of-pocket medical expenses due to COVID-19 and you provide documentation to your landlord of this lost income or medical expenses.

### **Who is protected?**

All renters and small businesses in Santa Clara County who have had loss of income or out-of-pocket medical expenses because of the COVID-19 pandemic.

This includes job loss, having your hours cut at work, or having to work less because you have to take care of a sick relative or your child because schools are closed.

### **Should I pay rent?**

The eviction moratorium only prevents your landlord from evicting you while the public

health crisis continues. It does not waive any rent payments, or stop you from having to pay rent. It just means that while the public health crisis exists, your landlord cannot evict you for not paying rent.

Following the emergency, you will have 120 days to pay any rent that you did not pay while the moratorium was in effect. So, if you are able to pay rent, you should pay it, even if its partial payment so that you are not left with a huge sum to pay after the emergency is over.

Make sure you keep a record of the rent that you paid (for example: getting a receipt, taking a picture, confirming in a text).

### **What if I can't pay rent?**

If you cannot pay rent, you should immediately provide documentation to your landlord (as discussed below) to show that your income has been affected. This notification and documentation will protect you from eviction.

### **Do I owe rent after the eviction moratorium ends?**

Once the eviction moratorium ends, you will have 120 days to pay back rent. Your landlord cannot charge you late fees for any rent that you owed during the moratorium.

## Where can I get help with my rent?

You should reach out to one of the partner organizations in the Homeless Prevention System to access rental assistance.

We recommend you access these resources through Sacred Heart Community Services by contacting them at (408) 278-2166 or through their website at [www.sacredheartcs.org/covid-19](http://www.sacredheartcs.org/covid-19). There has been new funding support for this rental assistance program which will allow these resources to be provided to any tenant who:

- Is a resident of Santa Clara County.
- Has household income less than 80% of the area median income (AMI). This depends on the size of your household – for a family of four the cut-off is \$103,900 per year.
- Have suffered a documented loss of income related to COVID-19 impacts due to health, employment, or school/child care closures

See the Sacred Heart website at [www.sacredheartcs.org/covid-19](http://www.sacredheartcs.org/covid-19) for more information on what documentation needs to be provided.

## What documents do I need to provide to my landlord to show that I lost income?

You must show loss of income resulting from the COVID-19 pandemic through documentation, which also can include texts or e-mails, and provide this to your landlord. A sample letter is attached. You must show this documentation to your landlord before rent is due. Examples of this include:

- Documents showing you lost your job as a result of COVID-19 (i.e. a letter from an employer; an application for unemployment)
- Documents showing that you have had reduced hours because of COVID-19 (i.e. previous month's paystubs compared to recent paystubs or timecards; cancelled or

reduced orders/requests for services)

- Documents showing your employer has closed its business because of COVID-19
- Documents showing your child's school has closed because of COVID-19

**A template letter that you can fill in to provide to your landlord along with proper documentation is attached.**

## What do I do if I receive an eviction notice?

- If it is for non-payment of rent, and you can pay some rent, pay your rent.
- If you can't pay rent because you have lost income related to COVID-19, provide your landlord with documentation related to the fact that you lost income. See the question above for more specifics. You can send this via e-mail or text if necessary.
- If your landlord still provides you notice or threatens to evict you, please contact the Law Foundation at (408) 280-2424.

## Can I still be evicted for another reason? How would that happen?

Yes, the moratorium only protects against nonpayment and no-fault evictions of tenants impacted by the coronavirus crisis. Your landlord could still give you an eviction notice for other reasons, such as if you caused a nuisance or extensive damage to the property. If you received a notice like this, please contact the Law Foundation at (408) 280-2424.

## What if my landlord locks me out without notice?

It is illegal to lock out a tenant, especially during a public state of emergency. Landlords must always go through the court process to carry out an eviction. If you are locked out during the COVID-19 emergency, **please contact the Law Foundation at (408) 280-2424.**