

Quick Summary of COVID Rent Bill Extension (Assembly Bill 2179) Effective April 1, 2022, through June 30, 2022

In September of 2020, California passed the Tenant Relief Act preempting a maze of local rent moratorium rules where a tenant claims a COVID financial hardship as a basis for not paying rent. This statewide preemption law was due to expire on March 31, 2022. AB 2179, among other things, extends the statewide preemption period through June 30, 2022. It is noted that AB 2179 is a bi-partisan bill with support from both sides of the aisle. Here are the key points:

- **Emergency rental assistance programs have not been extended.**
The last day for a landlord to apply for emergency rental assistance is March 31, 2022. On April 1, 2022, the Housing is Key portal will be closed.
- **To obtain a judgment for eviction (unlawful detainer) based on a demand for transition period or recovery period rental debt, the landlord must have applied for emergency rental assistance prior to April 1, 2022. Or, neither the landlord nor the tenant submitted an application for emergency rental assistance to cover the unpaid rent amount owing prior to March 31, 2022.**
A landlord may issue a 3-day notice to pay rent or quit for recovery period rent (or 15-day notice for transition period rent), but the landlord will not be able to obtain a judgment for eviction if the landlord had not applied for rental assistance by March 31, 2022, where the tenant has also applied for rental assistance. (Note that this is not indicated C.A.R.'s COVID pay rent or quit forms). However, where neither the tenant nor the landlord submitted an application for rental assistance prior to April 1, 2022, for rent that came due prior to April 1, 2022, the tenant will not receive eviction protections based on an application for emergency rental assistance.
- **All of the COVID notices for transition period and recovery period rental debt have been revised.**
These forms must be used starting April 1, 2022, but not earlier. They will be in use through June 30, 2022. The revised forms include: PRQ-CRP-2; PRQ-TP-4; PMC-CRP-2; PMC-TP-4; PRQ-4; and PCQ-4. In using these forms, it is critical to carefully read the instructions just below the heading, which indicate when and for which rent period the form is to be used.
- **Clarifies prior legislation (Assembly Bill 832) which appeared to require a denial of emergency rental assistance before a landlord could proceed with an eviction lawsuit.**

The Rental Housing Recovery Act (AB 832) appeared to require the landlord obtain a denial of emergency rental assistance before proceeding with an eviction lawsuit. But where a tenant refused to cooperate in the rental assistance process, it was unclear

whether obtaining a formal denial was still required. AB 2179 clarifies this issue. It allows that a judgment for unlawful detainer may be granted when there is a denial or when the application is incomplete because the tenant has failed to complete their portion and the landlord completed theirs. This will apply to unlawful detainer actions filed between April 1, 2022, and June 30, 2022, when demanding recovery period (or COVID period) rental debt.

- **Preemption Extended**

Under AB 2179, any extension, expansion, renewal, reenactment, or new adoption of a measure, however delineated, that occurs between August 19, 2020, and June 30, 2022, shall have no effect before July 1, 2022. This rule was previously due to expire on March 31, 2022.

However, a city or county retains authority to extend, expand, renew, reenact, or newly adopt an ordinance that requires just cause for termination of a residential tenancy or amend existing ordinances that require just cause for termination of a residential tenancy, consistent with subdivision (g) of Section 1946.2, provided that a provision enacted or amended after August 19, 2020, shall not apply to rental payments that came due between March 1, 2020, and June 30, 2022.

The net effect of this statewide preemption is that a local ordinance such as the Los Angeles County eviction protection ordinance as it pertains to rental payments will likely have no effect before June 30, 2022, even though that ordinance is set to take effect April 1, 2022. However, other parts of this ordinance that protect tenants against various fault and no-fault eviction and harassment and retaliation, and the rent freeze portion, will be effective.

Warning: if an owner is considering ignoring a local eviction moratorium as it pertains to rent payments due prior to June 30, 2022, they must be advised to consult with their own landlord/tenant attorney.

Note however there are special preemption rules re the collection of rental debt owing from March 2020 through September of 2021.