

2021 TENANT COVID RECOVERY PROPOSAL – SB 282 Dash Three

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Note: The Dash Three amendments make 2 significant changes, as concessions to address landlord feedback:

- a) The provisions related to guests and occupants are amended, to ensure that landlords can screen guests for conduct if they stay longer than 15 days and may require an extended guest to enter a temporary occupancy agreement. There are a couple of additional technical amendments to clarify issues for landlords and tenants. (see #4 below)
- b) The presumption of retaliation for termination notices delivered to tenants who are protected by the grace period is removed. (see #5 below)

Summary of Provisions in Dash Three:

1. **Same as Dash 1: Extension of Grace Period and Notice Through February, 2022:** The eviction moratorium expires on July 1, and tenants will owe all of their back rent, plus current month's rent from that day forward. At the same time, millions of dollars in federal rent assistance will be available but not yet distributed. To ensure that tenants and landlords can avail themselves of the rent assistance available, and to protect against an eviction cliff in July, the bill proposes to extend the grace period for repayment of back rent.
 - **Extend the grace period for all tenants for repayment of back-rent to February 28, 2022.** *This extension ensures that tenants have sufficient time to pay back their accumulated debt during the pandemic, and time for the uptake and distribution of rent assistance dollars to landlords.*
 - **Continue the temporary 10-day non-payment termination notice through February 28, 2022.** *The extra time would allow tenants the possibility of finding rent assistance to avoid eviction.*
2. **Same as Dash 1: Protection from Collateral Consequences of COVID-Era FED Records: Screening and sealing protections** Many tenants who have not been able to pay and are protected from eviction for non-payment are getting evicted for minor violations. And once the moratorium ends, we are worried that many tenants who have not been able to catch up will face non-payment evictions. The impact of an eviction record can have lasting devastation on a person's access to credit, access to housing, and more. To prevent the COVID pandemic from having lasting housing impacts, the bill will protect against use of FED records from the COVID pandemic period. It will:
 - **Prohibit landlords from considering FEDs from the COVID period when screening applicants.**
 - **Expand the current FED expungement process to include FEDs from the COVID period.**
3. **Same as Dash 1: Credit History: Prohibit credit history reports for the COVID period.** To ensure that non-payment and late rent payments protected during the moratorium or grace period do not end up following a tenant into the future, the bill proposes two things:
 - **Permanently continue the prohibition on credit reports for rent debt protected by the moratorium or grace period.**
 - **Prohibit landlords from screening tenants based on nonpayment during the eviction moratorium and grace period.**
4. **Dash Three Change:** **Prohibit landlords from evicting tenants who have provided temporary shelter to friends or family during the COVID period, through February 28, 2022:** This is a growing concern. Due to the pandemic and the wildfires, more people have had to double-up to save funds and/or to care for family members, only to suffer eviction for violation of landlord policies. To address this, the bill will:
 - **Temporarily prevent the use of landlord-imposed guest visit limitations as a means for eviction.** Occupancy standards imposed by other law or regulation will still apply. If a guest stays longer than 15 days, landlords may screen the guest for conduct, and may require a temporary occupancy agreement. As under current law, landlords may still regulate conduct violations.

5. **Dash Three Change: Retaliation provisions:** Tenant advocates have reported an increase in for-cause notices, and report fear of retaliation for use of the moratorium and grace period protections. The bill would address this concern by:
- **Temporarily extending to February 28, 2022 the HB 4401 increased damages provision for retaliation violations.**