

This form is provided to Landlords free of charge by

The Law Offices of Todd Rothbard

100 Saratoga Ave., Suite 200

Santa Clara, CA 95051

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Please email us and we will send you instructions on filling out and serving this notice, and will answer any other questions you may have.

**PRE-NOTICE OF RENT DELINQUENCY AND
NOTIFICATION TO LANDLORD OF COVERED REASON
FOR DELAYED PAYMENT AS A RESULT OF COVID-19**

On March 16, 2020, Governor Gavin Newsome Issued Executive N-28-20, that authorized local governments to limit a Landlord’s ability to evict a tenant between the date of the Order and May 31, 2020. On March 17, 2020, the City of Berkeley adopted the COVID-19 Emergency Response Ordinance, Berkeley Municipal Code Chapter 13.110 (the “Ordinance”), which was effective immediately, and through the Expiration of the City’s State of Emergency. The Ordinance prohibits evictions where a tenant is unable to pay rent due to “Covered Reason for Delayed Payment.”

The Ordinance Defines “Covered Reason for Delayed Payment” means a situation where

- (1) the basis for an eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand); or substantial out-of-pocket medical expenses; and
- (2) the decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

In order to be protected by the Ordinance, a Tenant must notify the Landlord that their inability to pay qualifies as a Covered Reason for Delayed Payment and provide documentation.

This Notice is intended to serve as Landlord’s “Pre-Notice of Rent Delinquency” as required by B.M.C. § 13.110.020.

You are delinquent in rent in the amount of \$_____

Within three days, excluding weekends and holidays, you are required to provide Landlord with a notice and documentation of a basis for an inability to pay rent under as provided by the Ordinance, if you have such basis.

Notice and Documentation should be Provided to:

Name: _____

Address: _____

By Mail In person, between the hours of ____ and _____, on the days ____ to ____

You may provide the required Notice and Documentation by using the below form.

You may use this form to notify your landlord that you intend to seek the protection of the Ordinance by providing the required Notice and Documentation.

Name: _____

Address: _____

I intend to seek protection against eviction for nonpayment of rent under C the COVID-19 Emergency Response Ordinance, Berkeley Municipal Code Chapter 13.110 (the "Ordinance").

I owe rent for _____ (month), 2020, in the amount due of \$_____.

I am able to pay \$_____. I am not able to pay the remaining amount due of \$_____.

I have suffered a substantial decrease in household or business income resulting from the COVID-19 pandemic for the following reason: (you must check at least one)

- I am sick with COVID-19, or caring for a household or family member who is sick with COVID-19
- I have been laid-off, lost working hours, lost business income, or suffered other income reduction resulting from COVID-19 or the federal, state or local government response to COVID-19
- I have incurred substantial out-of-pocket medical costs related to COVID-19; or
- I suffered another substantial decrease in income caused directly by COVID-19 or the governmental response to the COVID-19 pandemic. Explain _____

Documentation. In addition to notifying your Landlord of your inability to pay, you are required to provide documents to support the claims you made above, and that they are caused by the COVID-19 pandemic

I have attached the following documentation of the substantial decrease in income I have experienced due to COVID-19:

- Letter from employer citing COVID-19 as a reason for reduced work hours or termination.
- Paycheck stubs from before and after the COVID-19 outbreak
- Bank statements from before and after the COVID-19 outbreak showing a reduction in income
- Receipts for increased out of pocket medical expenses, due to COVID-19
- Other proof of substantial loss of income related to COVID-19
- Other: _____

Tenant Signature: _____

Date: _____

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effective immediately, and through the Expiration of the City’s State of Emergency. The Ordinance prohibits evictions where a tenant is unable to pay rent due to “Covered Reason for Delayed Payment.”

You were previously served with a “Pre-Notice” of Rent Delinquency, as required by B.M.C. § 13.110.020 on _____ (date), wherein you were directed to Notify your Landlord if your non-payment results from a “Covered Reason for Delayed Payment” as defined by the Ordinance, and submit documentation thereof. Within three days after service of said Pre-Notice upon you, excluding weekends and judicial holidays, you failed to submit said notice and documentation.

In order to be protected by the Ordinance you should, prior to the expiration of this Notice, notify your Landlord that your inability to pay qualifies as a Covered Reason for Delayed Payment and provide documentation. You may notify your Landlord of your intention to assert this defense by filling out and returning the attached form.

Dated:

By: _____

Name:

Landlord/ Agent

Attachment 1: Notice Of Rent Delinquency And Notification To Landlord Of Covered Reason For Delayed Payment As A Result Of Covid-19

THIS NOTICE SUPERSEDES ALL PREVIOUSLY SERVED NOTICES TO PAY OR QUIT

**NOTICE OF RENT DELINQUENCY AND
NOTIFICATION TO LANDLORD OF COVERED REASON
FOR DELAYED PAYMENT AS A RESULT OF COVID-19**

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(2) the decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

In order to be protected by the Ordinance, a Tenant must notify the Landlord that their inability to pay qualifies as a Covered Reason for Delayed Payment and provide documentation.

You may use this form to notify your landlord that you intend to seek the protection of the Ordinance by providing the required Notice and Documentation.

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I have incurred substantial out-of-pocket medical costs related to COVID-19; or

I suffered another substantial decrease in income caused directly by COVID-19 or the governmental response to the COVID-19 pandemic. Explain _____

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Letter from employer citing COVID-19 as a reason for reduced work hours or termination.

Paycheck stubs from before and after the COVID-19 outbreak

Bank statements from before and after the COVID-19 outbreak showing a reduction in income

Receipts for increased out of pocket medical expenses, due to COVID-19

Other proof of substantial loss of income related to COVID-19

Other: _____

Tenant Signature: _____

Date: _____

DECLARATION OF SERVICE OF NOTICE TO RESIDENT

I, the undersigned declare that at the time of service of the papers herein referred to, I was at least eighteen (18) years of age, and that I served the following notice:

Three Day Notice to Pay Rent or Quit

On the following resident(s): _____, and
all tenants in possession

on the _____ day of _____ 20__.

BY DELIVERING a copy for each of the above-named resident(s) PERSONALLY

OR

BY LEAVING a copy for each of the above-named resident(s) with a person of suitable age and discretion at the residence or usual place of business of the resident(s), said resident(s) being absent thereof;

AND MAILING by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

OR

BY POSTING a copy for each of the above-named resident(s) in a conspicuous place on the property therein described there being no person of suitable age or discretion to be found at the residence or any known usual place of business of said resident(s);

AND MAILING by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

I declare, under penalty of perjury, that the foregoing is true and correct and if called as a witness to testify thereto, I could do so competently.

Executed this _____ day of _____, 20__ at _____ California.

Declarant