

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

Phone: (408) 244-4200

Email: [office@toddrothbardlaw.com](mailto:office@toddrothbardlaw.com)

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 24, 2020, the City of Hayward adopted an emergency ordinance establishing a temporary moratorium on evictions (the “Ordinance”), which was effective immediately, and through June 22, unless extended. The Ordinance prohibits the service of a three day notice to pay or quit where the Landlord reasonably knows that the tenant cannot pay due to COVID-19 and prohibits evictions where a tenant is unable to pay rent due to “Covered Reason for Delayed Payment.”

Under the Ordinance “Covered Reason for Delayed Payment” means a situation where

(1) the tenant demonstrates that their inability to pay rent arises 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 was unable to work because their children were out of school, 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 the decrease in household or business income or the out-of-pocket medical expenses were 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.”

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 City of Hayward emergency ordinance establishing a temporary moratorium on evictions (the "Ordinance") by providing the required Notice and Documentation.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I intend to seek protection against eviction for nonpayment of rent under 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 have suffered a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work,

I was unable to work because my children were out of school,

I have suffered a substantial decrease in business income caused by a reduction in opening hours or consumer demand, or

I have substantial out-of-pocket medical expenses and the decrease in household or business

I have 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:

a statement signed under penalty of perjury that the inability to pay is caused by the COVID-19 pandemic or the governmental response to it

medical bills or reports

documents showing reduced income such as pay stubs or unemployment benefit documents

correspondence from an employer citing COVID-19 as a basis for reduction in work hours or termination of employment.

Other Documentation: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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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:

Owner / Agent for Landlord

Attach. 1: Notification To Landlord Of Covered Reason For Delayed Payment As A Result Of COVID-19

Attach. 2: Hayward Just-Cause Eviction Protections for Tenants (English and Spanish)

CC: Hayward Rent Division

**THIS NOTICE SUPERSEDES ALL PREVIOUSLY SERVED NOTICES TO PAY OR QUIT**

## **NOTIFICATION TO LANDLORD OF COVERED REASON FOR DELAYED PAYMENT AS A RESULT OF COVID-19**

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I have 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

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Other Documentation: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Date: \_\_\_\_\_





## JUST-CAUSE EVICTION PROTECTIONS FOR TENANTS

In the City of Hayward, landlords must have a legally justifiable reason to evict a tenant from any type of rental housing and state the reason for eviction on any notice to terminate tenancy. Under the City's Just Cause for Tenant Eviction Ordinance, landlords may evict tenants for the following reasons:

- 1 Tenant has not paid their rent.
- 2 The tenant has continued to ignore terms of the lease.\*
- 3 The tenant has substantially damaged the property and will not agree to repair or pay for repairs.\*
- 4 The tenant refused to sign a new lease that is identical to the old one (when the old one expires.)
- 5 The tenant has continued to bother other tenants and neighbors after being told to stop.\*
- 6 The tenant will not let the landlord into the building, even with written notice.
- 7 The landlord wants to perform repairs to the unit to meet the City's building standards, that cannot be completed with the tenant living there. The owner must obtain permits from the City. Once work is complete, the tenant must be offered the unit first.
- 8 The landlord wants to demolish the unit.
- 9 The landlord wants to move into the unit or wants to allow certain family members to move in. These family members include the landlord's spouse, domestic partner, child, spouse's child, parent, sibling, grandparent, or grandchild. This is not allowed if there is a similar unit on the property that is vacant and available.
- 10 The landlord wants to move into the unit and the lease allows this.
- 11 The tenant is convicted of using the rental unit for any illegal purpose.
- 12 The tenant has used or allowed the use of the unit for the manufacture, sale, distribution, possession, or use of illegal drugs.
- 13 The tenant has continued to break the rules of the property.\*
- 14 The landlord fires the tenant, and housing was part of the employees pay.
- 15 The tenant has threatened to kill or hurt any person on the premises. A report must be filed with the Hayward Police Department.

*\* Tenant must be told in writing that their behavior or actions are not acceptable.*

In addition to the causes for eviction stated above, a landlord may cite any reason for eviction included in state or federal law. Landlords must notify tenants of existence of the ordinance by April 5, 2019 and upon re-renting the unit.

» **FOR MORE INFORMATION** » Please contact the City of Hayward Rent Review Program  
(510) 583-4454 | [www.hayward-ca.gov/housing](http://www.hayward-ca.gov/housing) | 777 B Street, Hayward, CA 94541

*City of Hayward staff cannot provide legal advice, if you need help with an eviction, please seek the advice of an attorney.*



## PROTECCIÓN PARA INQUILINOS DE DESALOJO POR CAUSAS JUSTAS

En la ciudad de Hayward, los propietarios deben tener una razón legalmente justificable para poder desalojar a un inquilino de cualquier tipo de vivienda de alquiler y requieren declarar el motivo del desalojo en el aviso para terminar un arrendamiento. De acuerdo a la Ordenanza adoptada de la Ciudad para el Desalojo de inquilinos por Causas Justas (Ordenanza), los propietarios están permitidos desalojar a inquilinos por las siguientes razones:

- 1 El inquilino no ha pagado su alquiler.
- 2 El inquilino continúa ignorando los términos del contrato de arrendamiento. \*
- 3 El inquilino ha causado daños sustanciales a la vivienda o propiedad y no se compromete a reparar o pagar las reparaciones.
- 4 El inquilino negó firmar un nuevo contrato de arrendamiento que es idéntico al anterior, cuando el antiguo expira.
- 5 El inquilino continúa causando molestias a otros inquilinos y vecinos después de haber sido advertido que pare el comportamiento ofensivo. \*
- 6 El inquilino no permite que el arrendador o dueño entre en su unidad después de haber recibido aviso por escrito legal.
- 7 El propietario quiere realizar reparaciones a la unidad para cumplir con los requerimientos de construcción de la ciudad que no son posible completar estando el inquilino ocupando la vivienda. El propietario es requerido obtener los permisos de la ciudad. Ya completo las reparaciones y el trabajo, la unidad debe de ofrecerse al inquilino original.
- 8 El propietario quiere demoler la unidad o vivienda.
- 9 El propietario quiere mudarse a la unidad o permitir que ciertos miembros de la familia ocupen la unidad. Estos miembros de la familia incluyen al cónyuge del propietario, pareja doméstica, hijos, hijos del cónyuge, padres, hermanos, abuelos o nietos. Esta causa no es justificable si existe una unidad disponible, vacante y similar en la propiedad.
- 10 El propietario desea mudarse a la unidad y el contrato de arrendamiento lo permite.
- 11 Condenan el inquilino por usar la vivienda de alquiler para cualquier propósito ilegal.
- 12 El inquilino ha utilizado o permitido el uso de la unidad para la fabricación, venta, distribución, posesión o uso de drogas ilegales.
- 13 El inquilino continúa violando las reglas de la propiedad de alquiler. \*
- 14 El propietario despide al inquilino cuando su vivienda formaba parte del sueldo como empleado.
- 15 El inquilino ha amenazado con matar o lastimar a cualquier persona en la propiedad de alquiler. Se requiere reportar y presentar un informe al Departamento de Policía de Hayward

*\* El inquilino debe ser informado por escrito de que su comportamiento o acciones no son aceptables.*

Además de las causas de desalojo mencionadas anteriormente, un arrendador o propietario puede citar cualquier motivo de desalojo que está incluido en la ley estatal o federal. Los propietarios están requeridos notificar a los inquilinos sobre la existencia de esta Ordenanza antes del 5 de abril de 2019 y al volver alquilar una unidad.

» PARA MÁS INFORMACIÓN » Comuníquese con el programa de la Ciudad de Hayward encargado de revisar la ordenanza de la estabilización de alquileres, "Rent Review Program."

(510) 583-4454 | [www.hayward-ca.gov/housing](http://www.hayward-ca.gov/housing) | 777 B Street, Hayward, CA 94541

*El personal de la ciudad de Hayward no puede proporcionarle asesoramiento legal; si necesita ayuda con un desalojo, solicite el asesoramiento de un abogado.*

# 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 also served the same notice on the City of Hayward Housing Division, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, as follows:

BY EMAIL [rentalnotifications@hayward-ca.gov](mailto:rentalnotifications@hayward-ca.gov)

**OR**

BY MAILING by first class mail on said date a copy to the City by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to **Housing Division, 777 B Street, Hayward, CA 94541**

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