

This form is provided to Landlords free of charge by

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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.



NOTICE RE: SAN MATEO COUNTY EMERGENCY REGULATION 2020-001

On March 24, 2020, the San Mateo County Board of Supervisors adopted Emergency Regulation 2020-001, which places a temporary Countywide moratorium on evictions from residential units for (1) non-payment of rent by tenants directly impacted by the novel coronavirus (COVID-19) pandemic; and (2) certain no-fault causes unless the eviction is necessary for the health and safety of the tenant, other residents in the tenant's building, the landlord, or the landlord's family.

The Emergency Regulation will be effective until May 31, 2020, unless it is extended by the Board of Supervisors. The Emergency Regulation is Countywide, which means it applies in all cities located within the County as well as in the unincorporated area.

While the Emergency Regulation remains in effect, if a tenant does not make a rent payment when it is due and the landlord wishes to move forward with an eviction for that failure to timely pay rent, the landlord must first send the tenant a copy of this "Notice Re: San Mateo County Emergency Regulation 2020-001".

After the landlord provides the tenant with a copy of this Notice, the tenant has **14 days** to **(1)** notify the landlord in writing (e.g., letter, email or text message) that the tenant cannot pay the rent in full and on time if the tenant's ability to timely pay the full rent has been directly impacted by COVID-19, and **(2)** provide the landlord with documentation showing that the tenant's inability to pay is directly due to COVID-19 or the government's response to COVID-19, such as bank statements, pay stubs or statements under oath attesting to circumstances of inability to pay.

Examples of ways that a tenant's ability to pay rent may be directly impacted by COVID-19 include the following:

- increased out-of-pocket medical costs related to COVID-19
- loss of household income as a result of being sick with COVID-19 or as a result of caring for a household or family member who is sick with COVID-19
- loss of income because of a lay-off, loss of hours, loss of business, or other income reduction resulting from COVID-19, or in order to comply with the local shelter-in-place order issued by San Mateo County Health Officer, the statewide shelter-in-place order issued by the Governor, or any other order or recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others
- inability to work because of the need to care for minor children affected by school, pre-school and/or childcare closures.

To be eligible for protection under the Emergency Regulation, tenants must make partial monthly rent payments if they are able. However, a tenant has **up to 180 days** after the Emergency Regulation expires to pay the full amount of rent payments missed as a direct result of COVID-19.

Within **90 days** after the Emergency Order expires, the tenant must pay the full amount of missed payments, if able to do so. If the tenant is still unable to do so as a direct result of COVID-19, the tenant must provide the landlord another written notice and additional documentation to extend the payment date an additional **30 days**. The tenant may provide additional written notices and documentation **every 30 days** to further extend the deadline, **but under no circumstances is the landlord required to extend the deadline beyond 180 days after the Emergency Regulation expires**. The landlord cannot charge or collect a late fee for any missed payment covered by this Emergency Regulation.

The Emergency Regulation does **not** relieve the tenant of the obligation to pay current rent as it comes due after the Emergency Regulation expires.

In addition to protections against evictions based on non-payment of rent, the Emergency Regulation also temporarily suspends a landlord's ability to evict a tenant for reasons not based on the alleged fault of the tenant (i.e., no-fault evictions), **except** evictions that are **(1)** necessary for the health and safety of the tenant, other residents in the tenant's building, the landlord, or the landlord's family; or **(2)** based on the intent to occupy the residential real property by the landlord or the landlord's family.

A tenant can raise the Emergency Regulation as an affirmative defense to any unlawful detainer action initiated by a landlord in violation of the Regulation. In addition, if a landlord knowingly violates the terms of the Emergency Regulation, a tenant may bring an action against the landlord and recover money damages, including damages for mental or emotional distress. The Emergency Regulation makes clear, however, that any action taken by a landlord to evict a tenant will not be considered a violation where the action was taken before the tenant provided the landlord a written notice of inability to pay full rent due and supporting documentation, provided that the landlord does not take any further actions to evict the tenant after receiving the written notice and documentation.

A complete copy of Emergency Regulation 2020-001 can be found at the following link:

<https://housing.smcgov.org/covid-19-smc-eviction-regulations>

Dear _____,

You are receiving this notice because you are a tenant/tenants residing at _____, Rent in the amount of \$_____
is due as of _____ for the month(s) of _____ 2020 **unless** you promptly (1) notify the landlord in writing at the contact information below that the stated amount of rent due or a portion of it is covered by San Mateo County Emergency Regulation 2020-001 described in the above notice; and (2) provide the landlord documentation to support that claim.

Please consult the "Notice Re San Mateo County Emergency Regulation 2020-001" for more information.

LANDLORD INFORMATION:

Landlord Name: _____ Contact Person: _____

Address: _____ City: _____ State: _____ Zip Code : _____

Mobile Phone Number: _____ E-mail: _____

Sincerely,

NOTIFICATION TO LANDLORD OF TENANT'S LOST HOUSEHOLD INCOME 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 Supervisors of the County of San Mateo enacted Emergency Regulation No. 2020-001, establishing a temporary, countywide moratorium on eviction for non-payment of rent by residential tenants directly impacted by the COVID-19 pandemic, which was made immediately effective and terminates on May 31, 2020, unless further extended.

The moratorium applies only to "Delayed Payments," which is the amount of past due rent that a tenant is unable to pay due to one of the following: (i) a Tenant lost household income as a result of being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (ii) a Tenant lost household income as a result of a lay-off, loss of hours, loss of business, or other income reduction resulting from COVID-19 or the federal, state or local government response to COVID-19; (iii) a Tenant lost household income due to compliance with the Shelter-in-Place Order or a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others until the Termination Date; (iv) a Tenant lost household income as a result of caring for minor children affected by school, pre-school and/or childcare closures until the Termination Date; (v) a Tenant or a member of Tenant's household incurred substantial medical costs related to COVID-19; and (vi) a Tenant suffered any other substantial financial hardship caused directly by COVID-19 or the governmental response to the COVID-19 pandemic. To qualify as a Delayed Payment, a tenant must notify the Landlord in writing within 14 days after receiving a written notice of the Emergency Regulation from the Landlord, or later than 14 days if justified by extraordinary circumstances, and provide documentation to support their assertion that it qualifies as a delayed payment.

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 Emergency Regulation.

Name: _____

Address: _____

I intend to seek protection against eviction for nonpayment of rent under County of San Mateo enacted Emergency Regulation No. 2020-001.

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 Loss of Household 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
- Due to compliance with the Shelter-in-Place Order or a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others until the Termination Date;
- Due to having to care for minor children affected by school, pre-school and/or childcare closures
- I have incurred substantial medical costs related to COVID-19; or
- I suffered another substantial financial hardship caused directly by COVID-19 or the governmental response to the COVID-19 pandemic.

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 financial impacts 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
- Increased out of pocket medical expenses, due to COVID-19
- Other proof of substantial loss of income related to COVID-19
- Letter confirming school or daycare closure due to COVID-19 and lack of paid sick leave.
- Other: _____

Tenant Signature: _____

Date: _____

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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.

In compliance with Regulation No. 2020-001, you were served with written notice of the Emergency Regulation, using a form developed and approved by the San Mateo County Director of Housing, on _____. Within 14 days after service of said Notice upon you, you failed to notify your Landlord or provide documentation to support any claim that said due and unpaid amount of rent qualifies as a Delayed Payment as required by Regulation No. 2020-001.

Dated: March 26, 2020

By: _____
Name:
Agent /Landlord

THIS NOTICE SUPERSEDES ALL PREVIOUSLY SERVED NOTICES TO PAY OR QUIT

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