

# Understanding Alameda County's Emergency Eviction Protections

While statewide protections against non-payment evictions have ended, the Alameda County COVID-19 Eviction Moratorium continues to protect many tenants from most types of evictions. Please read this FAQ for information on your protections under the Alameda County Eviction Moratorium. For advice specific to your situation, please contact one of the legal services providers mentioned on the last page of this FAQ. **This FAQ was updated on March 2, 2023. Prior versions of this document may exist and contain outdated information. For the most up-to-date information, visit [Centro Legal's website](#) and the [Alameda County Housing Secure website](#).**

## 1. How long will most evictions be suspended?

Until the Alameda County eviction moratorium expires, which is anticipated to be on April 29, 2023. However, we encourage tenants to regularly check the Alameda County Housing Secure website at [ac-housingsecure.org](http://ac-housingsecure.org) for the most current information about the moratorium.

## 2. Can I be evicted if I can't pay rent because of the COVID-19 pandemic?

Under the Alameda County eviction moratorium, no landlord may evict a tenant who submits proof that they can't afford to pay rent because of the COVID-19 pandemic; however, you are still responsible for repaying the unpaid rent even after the moratorium expires. **It is important to submit proof of financial distress in order to be protected.**

Since November 1, 2021, landlords have been able to sue tenants in small claims court for unpaid rent even if the tenant can't pay rent due to COVID-related reasons. However, you have the right to repay the rent within one year from the date that the rent became due. For example, if you didn't pay rent in March 2022 because your income was impacted by COVID-19, you will have until March 2023 to pay that month's rent back. Please reach out to a lawyer before agreeing to a repayment plan.

## 3. How do I prove that I can't afford to pay rent because of the COVID-19 pandemic?

The Alameda County eviction moratorium doesn't require you to provide documents unless your landlord requests proof that you can't afford to pay rent; however, we recommend providing that documentation as soon as you can. You can provide documentation in the form of pay stubs, a letter from your employer, child care bills, medical bills, bank statements, or other similar documents. **You should cross-out or blacken with a pen sensitive information from those documents.**

If your landlord requests proof that you can't afford to pay rent due to COVID-19, you must provide this proof within forty-five (45) days of the request or within thirty (30) days after the County's shelter in place order is lifted, whichever is later. You should complete [this form](#) and include documentation of the hardship. If you do not have any documents to prove that you can't afford to pay rent due to COVID-19, you can write your own declaration or complete [this form](#). Remember to keep a copy of all documents you submitted to your landlord and to write down the name of the person who received the documents you sent.

#### 4. What do I do if my landlord gives me a Notice to Pay Rent or Quit?

If you receive a Notice to Pay Rent or Quit, and experienced a COVID-related hardship, you will be most protected if you give your landlord a signed version of the forms above, with proof of your financial hardship (see above).

It is recommended that you submit a “Declaration of COVID-19 Related Financial Distress.” If you can’t pay rent due to the COVID-19 pandemic, you should give your landlord the declaration form no later than the day that you usually pay your rent. You will be signing the declaration form “**under penalty of perjury**” so you should only sign it if the statements in it are true for you. You should also include documentation of your COVID-related hardship if you can, such as pay stubs, bank statements, etc. **You should redact sensitive information from those documents.** Tenants who receive a Notice to Pay Rent or Quit should also reach out to a legal services provider as soon as possible.

#### 5. When do I have to repay my rent?

Under the local moratorium, tenants have 12 months to repay their COVID-related back rent before the landlord can sue them for it in small claims or civil court, as long as they satisfy the requirements above. However, you cannot be evicted for not paying rent that was due between March 24, 2020 and up to sixty (60) days after the expiration of the Local Health Emergency if you were unable to pay due to a COVID-19 financial hardship.”<sup>1</sup>

#### 6. Who can I talk to if I applied for rental assistance and have questions about my application?

If you live in **Oakland**, contact Keep Oakland Housed at [Keep Oakland Housed](#) or call the following numbers: 510-899-9289, 510-860-4985, or 510-452-4541.

If you live in **Fremont**, you can [Keep Fremont Housed](#) or call 510-574-2028.

If you live in **any other city in Alameda County** and applied to Alameda County Housing Secure Emergency Rental Assistance Program (ERAP), you should have received an email from [techsupport@ac-housingsecure.org](mailto:techsupport@ac-housingsecure.org) with instructions to activate and log-in to the ERAP portal to check the status of your application and upload any documents if applicable. Please use that same email for any questions related to accessing the portal and checking your application. You can also check the status of your application by visiting <https://www.ac-housingsecure.org/tenant> and clicking “Check Status.”

#### 7. What types of evictions are allowed during the COVID-19 pandemic?

Under the Alameda County eviction moratorium, you can only be evicted if the eviction is based on:

- you being an imminent threat to public health and safety of other tenants at the property,
- a court or government agency ordering you to vacate the property, or

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<sup>1</sup> “[I]t shall be an affirmative defense that the rent became due during the effective periods of Sections 6.120.030.A. or D. or 6.120.040.A. or D. of this ordinance (on or after March 24, 2020 and on or before sixty (60) days after the expiration of the Local Health Emergency).” ALAMEDA COUNTY ORDINANCE Ord. No. 2020-32 , § 2, 6-23-20; Ord. No. 2020-39 , § 2, 7-14-20; Ord. No. 2020-41 , § 2, 8-4-20).

→ your landlord permanently removing the property from the rental market.

In these cases, your landlord *might* file an eviction lawsuit; however they are still required to follow the formal eviction process and you may not need to move out. If you receive an eviction notice, you should contact a legal services organization for advice.

## 8. What can't my landlord do while the moratorium is in place?

### a. Increase your rent

Under a separate law, your landlord cannot increase your rent by more than 10% per year until the California state of emergency lifts.<sup>2</sup>

### b. Harass you

Including extreme harassing behavior such as removing outside doors or windows.

### c. Retaliate against you

Landlords may face increased penalties for engaging in activities, such as trying to evict you, shutting off your utilities, or locking you out of your apartment.

### d. Charge you late fees

No late fees may be charged (or interest) for rent due beginning 3/1/20 until the end of the moratorium period.

## 9. Am I protected by any other laws?

While the county moratorium will offer you the strongest protection, other moratoria, including Oakland and Berkeley's moratoria, are still in effect. To be safe, you should submit proof of your COVID-related loss of income or increase in expenses to your landlord in the form of pay stubs, bank statements, a letter from your employer, child care bills, or medical bills. You can use [this](#) form if you don't have any documents.

## 10. Is there a required minimum payment that I must make to be protected?

No. Most rental assistance programs have closed as of March 31, 2022, but local programs offered by community organizations may offer limited assistance.

## 11. Where can I find help?

1. [Centro Legal](#) - (510) 437-1554 (call or text); [tenantsrights@centrolegal.org](mailto:tenantsrights@centrolegal.org)
2. [Asian Pacific Islander Legal Outreach](#) - (510) 251-2846
3. [Bay Area Legal Aid](#) - (510) 250-5270
4. [East Bay Community Law Center](#) - (510) 548-4040, ext. 201
5. [Eviction Defense Center](#) - (510) 452-4541
6. [Legal Assistance for Seniors](#) - (510) 832-3040

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<sup>2</sup> Please contact Centro Legal to see if you may be covered by any other rent control laws.