

*****ATTORNEY CLIENT COMMUNICATION. DO NOT DISSEMINATE*****

Re: Senate Bill 891 (SB 891) and Denial of Renter's Application for Rental Assistance

Dear Clients,

As a reminder, SB 891 provides that if a renter's application for rental assistance is no longer pending (meaning that the application is denied or closed), a housing provider may proceed with the following actions based upon the status of the termination for nonpayment of rent:

Scenario #1 Housing provider delayed issuing a Termination Notice for Nonpayment because renter provided proof of pending rental assistance application.

Action: Housing provider may issue a Termination Notice for Nonpayment.

Scenario #2 Housing provider issued a Termination Notice for Nonpayment and following service of the notice, renter provided proof of pending rental assistance application.

Action: Housing provider may issue a new Termination Notice for Nonpayment or file on prior notice. Please consult with counsel prior to proceeding.

Scenario #3 Housing provider issued Termination Notice for Nonpayment, an action was filed in court and proceeded to a First Appearance. At or before the First Appearance, the renter provided proof of pending rental assistance application and the First Appearance was set over until October 2022.

Action: Notify the court that the application for rental assistance was denied and request a new First Appearance.

If Andor Law filed an eviction or appeared on your behalf at a previous First Appearance related to nonpayment that was set over due to an application for rental assistance and you have received notification that the application was denied, please email or.evictions@andor-law.com with a copy of the communication related to the denial. We will request the court expeditiously set a new first appearance date and notify you of that date.

As a reminder, as of March 1, 2022, a housing provider may send termination notices to renters for amounts accrued during the “emergency period” (April 1, 2020 through June 30, 2021). Thirty (30) day “for cause” notices are recommended.

If your company is interested in hosting a webinar on this subject instructed by one of our attorneys, or to learn more about the virtual classes we offer, please contact Brittney Nelson at Brittney.nelson@andor-law.com.