

INSTRUCTION SHEET (Form CA-400)

Informational Notice of COVID-19 Tenant Relief Act of 2020

Purpose:

On August 31, 2020, the California Legislature passed AB 3088, that provides certain protections to residents who are unable to pay rent for one or more months between March 1, 2020 and January 31, 2021 because they have experienced COVID-19-related financial distress, such as a loss of income or increased medical expenses. AB 3088 requires service of a specific 15-day notice, rather than a three-day notice to collect rent or other payments due between March 1, 2020 and January 31, 2021, under the rental/lease agreement. AB 3088 also extends “just cause” eviction requirements to all residential rental properties in California through January 31, 2021.

For information about the eviction protections enacted by AB 3088, and CAA’s 15-day notice and termination forms, go to www.caanet.org/AB3088/

When to Use the Form:

AB 3088 also requires landlords to provide an informational notice about tenant’s rights (Form CA-400) to:

All residents who, as of September 1, 2020, have not paid one or more rental payments that came due March 1, 2020 and September 1, 2020. The notice must be provided to these residents on or before September 30, 2020. This form may be served prior to the notice demanding payment, or concurrently with a 15-day notice served on or before September 30, 2020.

CAA recommends that the information notice also be provided to any resident who will be served a notice to pay rent or quit, or a notice to perform covenants or quit demanding rent or other charges that came due between September 1, 2020 and January 31, 2021, if the resident has not previously been provided with the informational notice.

Preparation of the Form:

1. Fill in the date of and names of the parties to the Rental/Lease Agreement and the location of the rental unit, including unit number and zip code.
2. **Signatures:** The person who signs for the Landlord may be the Landlord him/herself, or an agent who is authorized to act on behalf of the Landlord (the agent may be a manager, one of several co-owners, or another person). In the case of co-owners, the person who signs on behalf of the Landlord should be authorized to act on behalf of all the co-owners. If a manager or other person is signing on the owner’s behalf: (1) the Landlord’s name should be entered in the space marked “Landlord;” (2) the box next to “Landlord” must be checked and (3) the manager or other individual’s name should be signed, and company affiliation provided.

Copies:

1. A minimum of three copies are required: one copy for the Resident, the original for the Court, and one copy for your file.
2. More copies will be needed if there is more than one Resident.
3. Serve legible copies and maintain the original for possible court action.

Service of Notice:

1. This informational notice must be served on the Resident. Fill out the **Proof of Service** portion of this form IMMEDIATELY AFTER you have served this form. The Landlord or anyone at least 18 years of age can serve a notice on a Resident. The person who served the notice is the “Declarant.”
2. The informational notice may be served by “mail only.” CAA strongly recommends serving this notice by mail, rather than the other options in Section 3 below. However, if you are serving a 15-day Notice to Pay Rent or Quit or Notice to Perform Covenants or Quit concurrently with this notice, you cannot serve that 15-day notice by mail. For more information on how to serve the 15-day notice, see the instruction sheets for the 15-day notice(s) you are serving.
3. If the information notice is not served by mail, the Landlord must attempt personal service on the Resident at their residence and place of business before using “substituted” or “post and mail” service. Personal service means the notice is handed directly to the Resident by the person serving the notice. If multiple Residents have signed a joint Rental/Lease Agreement, it is sufficient to hand the copies for each Resident to just one of the Residents on the Rental/Lease Agreement. If there are multiple Residents and they either do not have a written Rental/Lease Agreement or if they signed separate Rental/Lease Agreements, the notice must be separately served to each. If the Landlord cannot find the Resident at home or at their business, the Landlord can move to the next option, known as “substituted” service: leaving a copy of the notice with someone



of “suitable age” at the Resident’s home or business and sending a copy of the notice through the mail to the Resident at their home. If the Landlord does not have the Resident’s home or business address or someone of “suitable age” cannot be found at either of those locations, the Landlord can use the last option, known as “post and mail” service: affixing a copy of the notice in a conspicuous place on the property and sending a copy through the mail to the Resident at the place where the property is situated. CAA strongly recommends using the “mail only” options described in Section 2.

4. The copy of the proof of service served on the Resident should be left unsigned.

Pitfalls and Precautionary Notes:

1. This form has been prepared by the California Apartment Association to help members comply with applicable California and Federal law. The California Apartment Association, its local Chapters, and Divisions do not make any representation or warranty about the legal sufficiency or effect of this form. Consult with an attorney if you require assistance in completing the form or to determine if use of the form is appropriate or changes to the form are necessary in any particular situation.
2. The California Apartment Association does not sanction any CAA form which has been altered or changed in any way.

