

Eviction Resolution Program Frequently Asked Questions

Do I have access to a lawyer if I am a landlord?

The bill provides for a Right to Counsel only for tenants facing eviction for non-payment of rent, but not to landlords who aim to evict as an “unlawful detainer” process. If you are a landlord, and you wish to retain an attorney, you are free to do so at your own cost.

Do I have access to a lawyer if I am a tenant?

If you are a tenant that is facing eviction for back rent, the bill allows you the right to free legal counsel as available. You are also permitted to retain an attorney at your own cost, or proceed unrepresented if you choose.

What will this program cost me?

The ERP is free to the tenant and landlord. The Dispute Resolution Centers are here to guide both landlords and tenants through the process, to refer clients to resources, and to provide conciliation and mediation services. All of this is provided at no cost to either party.

Can landlords evict tenants for back rent accrued during the moratorium, or only the rent that goes unpaid after the moratorium ends?

The eviction moratorium was to prevent unlawful detainer cases for non-payment of rent during the period of time most impacted by Covid-19. Tenants who could pay during the moratorium were still expected to pay rent. Those who could not would not be evicted for non-payment during the moratorium, but still owe rent for all the time they occupied the premises. If back owed rent is due that accrued either before, during, or after the moratorium, the landlord may file an eviction after the moratorium ends.

What are the Rent Assistance funding sources and how much are they?

Different guidelines and amounts are allocated for each assistance program because the funds have been granted through different federal and state entities. Funding is to be spent by December 31, 2021.

How much will any particular tenant qualify for? How is this all determined? What happens when the money runs out?

All will guide applicants through an application intake to determine the right source of funding based on their situation. These criteria include percentage of federal poverty level, Fair Market Rent versus actual rent, number of months of back rent, etc. Immigration status is not a consideration for this funding.

What happens when the money runs out?

Generally speaking, funds are available on a first come, first served basis. All funds will be distributed by December 31, 2021, but the program continues until June 2023. When the funds are either entirely spent or the date to spend them has passed, the focus for ERP will shift to resolution only through conciliation and mediation.