

KNOW YOUR RIGHTS FOR COMMUNITIES AFFECTED BY ANTI-ASIAN VIOLENCE

APRIL 21, 2021



I. CRIMINAL JUSTICE AND VICTIMS' RIGHTS

1. Reporting the Crime

Record Details of the Incident: First, remember that hate crimes can happen to anyone. You are not to blame. After the initial shock of the incident has passed, write down exactly what happened. Include as many specific details as possible. Keep and make copies of all documentation (e.g., hate mail or recordings of hate calls). Photograph any physical injuries, offensive graffiti, and/or evidence of vandalism.

Keeping Victim's Information Private: Some information collected during the investigation will become public record. If you want your contact information to be kept private, you should inform the law enforcement office handling your case of this. If you keep your contact information private, only law enforcement personnel and the offender's lawyer may access it. But you do not have to talk to or meet with the offender's lawyer. If the lawyer calls or contacts you, you can ignore the calls or refuse to speak to him/her.

Victim's Access to Police Report: You have the right to the public parts of the police report, including: information about the incident and the arrest; names and addresses of the person arrested and other people and witnesses involved in the case (except confidential informants); statements from witnesses and other parties, if any; description of any property involved; date, time, and location of the incident; and diagrams, photos or other documentary evidence.

However, there are some parts of the record that are not public, that cannot be shared with victims, including: an investigating officer's analysis or conclusion; information that could endanger the safety of someone involved in the case; Information that would risk the successful investigation of the case or a related case. To access a report, you must send a written request to the police station where the police report was filed.

2. The District Attorney (“DA”) Files Charges:

After the crime, the police will send a report to the District Attorney’s (“DA”) office, and the DA will decide if there is enough evidence to prove the crime took place. If not, the person arrest will be released. If there is enough evidence, the person will be charged. There will be a written Complaint that lists the charges. The charges could be either: a misdemeanor, a less serious crime that can be punished with a fine and/or up to 1 year in jail; or a felony, a more serious crime that can be punished with a fine and/or more than 1 year in prison or death.

If you need translation support to understand court proceedings, you may request assistance from the court. While the Alameda County and San Francisco County’s District Attorney Offices do not offer translation or interpretation services, such services can be requested for participants in court proceedings in both counties. In Alameda County, a request should be made to the DA, and in San Francisco County, a request should be made to Clerk’s office or the courtroom clerk.

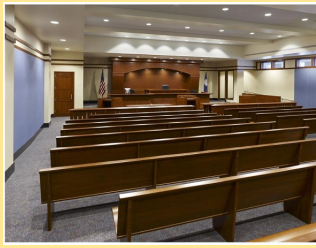


3. Support for Victims After the Arrest

Victim Witness Assistance Center: Each county in California has a Center, usually at the DA’s office. Each Center has a Victim Advocate on staff who helps victims find counseling and housing, prepare for court, apply for compensation, and get protective orders, if needed.

- Alameda County – (510) 272-6180, askvw-da@acgov.org
- San Francisco County – (628) 652-4100, victimservices@sfgov.org
- San Mateo County – (650) 599-7479, da.smcgov.org
- Sacramento County – (916) 874-5701, daoffice@sacda.org
- Stanislaus County – (209) 525-5541

California Victim Compensation Board (CalVCB): The CalVCB program helps reimburse victims of violent crimes for certain crime-related expenses, such as medical, funeral, relocation, income, etc. Even if the DA does not file charges, victims may still be able to get compensated for their losses if they qualify. To apply for CalVCB, please call 1-800-777-9229 or visit www.vcgcb.ca.gov/victims/. Note: A victim cannot receive restitution from the offender and reimbursement from CalVCB for the same expense. If this happens, the victim will have to return any reimbursement funds to CalVCB.



4. Arraignment: First Court Appearance

The offender (now defendant) is taken to court, told about the charges, and asked to plead “guilty” or “not guilty.” The offender is also told that he or she has the right to a lawyer. Most defendants plead “not guilty” at this time, and the judge will set a date for a preliminary hearing. But most cases do not go to trial. That’s because most defendants make a “plea deal” before the trial. The deal would be to say “guilty” or “no contest” in exchange for a lighter sentence, and sentencing would take place within 6 days. (No contest has the same effect as a guilty plea).

What Happens after a Guilty/No Contest Plea? Most defendants plead guilty or no contest and the following may occur: (i.) Jail—the defendant may be sent to jail or prison to serve the sentence; (ii.) Work Release—the defendant may serve the sentence by doing a Work Release or Community Service program (usually with the Sheriff’s Department). The defendant must pay to sign up for this program (iii.) House Arrest—the defendant may serve the sentence under house arrest. He/ she will wear an electronic device that is usually monitored by the Sheriff’s Department. The defendant must pay for this program.

What Happens After a Not Guilty Plea?: (i.) Jail—the defendant may have to stay in jail during the trial. This is called remand to custody; (ii.) Bail—If the defendant can pay bail, he/she can be out of jail and return to court for the trial; (iii.) O.R. Release--O.R. (own recognizance) is the defendant’s promise to return to court for the trial. There is no bail or other condition. If he/she does not return as promised, the court will put out an arrest warrant.

How the Court Decides if the Defendant Will Stay in Jail: In determining whether a defendant will stay in jail, the court will look at a number of factors, including the seriousness of the crime(s); impact on the victim(s); defendant’s ties to the community; defendant’s criminal record; defendant’s flight risk; risk of danger to the victim and the community.

5. What Happens Before the Trial?

- Preliminary Hearing: A judge reviews the evidence to decide if there is probable cause (enough evidence) to hold the defendant for trial on the crime(s) charged.
- Discovery: The DA and defense lawyer must exchange most of their evidence before the trial. Some of the evidence is considered “privileged” and does not have to be exchanged. This process gives one side an idea of how strong the other side’s evidence may be.

- Pre-Trial Motions: These are requests to a judge before the trial to ask for a decision on a particular topic, such as to make someone testify (Motion to Compel Testimony), or to dismiss the case (Motion to Dismiss). Both sides can present witnesses and other evidence. Winning or losing a pre-trial motion does not mean a sure win or loss for the case.
- Plea Deal (Plea Agreement): The DA and defendant may make a plea deal at any time until the court reads the verdict.
- Trial Date: The law guarantees the defendant a speedy trial. The date must be set within 30 days of the arraignment or the defendant's not guilty plea, whichever is later. Note: Many defendants waive (give up) their right to a speedy trial. If that happens, the court will schedule a trial date that is after the 30-day limit.

6. The Trial

A Defendant Who Pleads Not Guilty Will Have a Trial. There are two kinds of trials: (1.) A Bench Trial: Judge only, if the defendant asks for it and gives up the right to a jury trial, or (2.) Jury Trial: 12 peers, selected by DA and Defense lawyer by questioning people from the jury pool.

What Happens at the Trial? To try to prove his/her case, each side (the DA and the Defense lawyer) will: Make opening statements; Present evidence and witnesses; Cross examine witnesses and make objections; Present closing arguments.

What Happens After the Trial? A judge or jury will say the verdict out loud. The possible verdicts are:

- Not Guilty: If the judge or jury finds the defendant not guilty, the defendant is acquitted of the charges. That means he/she is free to go. The charge will be on the defendant's criminal record. But it will also show that he/she was found not guilty. The DA cannot appeal the case or bring the case to trial again.
- Hung Jury: In a jury trial, all 12 jurors must agree that the defendant is guilty or not guilty. If they do not agree, they will tell the judge, and the judge will declare a "mistrial." The DA may dismiss the case, try to negotiate it with the defense, or bring the case to trial again.
- Guilty: A judge or jury may find the defendant guilty of all or some of the charges. If this happens, the defendant can appeal in certain situations.



7. The Sentence

A defendant's sentence depends on his/her specific case. The defendant may be ordered to: pay a fine to the State of California; pay restitution to the victim; go to jail (if the sentence is 1 year or less); go to prison (if the sentence is more than 1 year); be on probation or parole.

Victims also have the right to ask the offender to pay them for their losses, even if the offender is in county jail or state prison. Victims can obtain a restitution order for payments while offenders are in jail/prison. People on probation and parole must obey certain rules or terms, including paying restitution. If they do not, they can be fined and/or sent to jail or prison. The terms of probation are often attached to the plea agreements.



8. After the Sentencing

Appeals: A defendant found guilty of a crime may ask a higher court to decide if he/she received a fair trial. This is called an appeal. A defendant found guilty of a felony may not ask for a new trial. But he/she has the right to ask for an appeal if: (1) there was not enough evidence to justify the verdict, or (2) there were mistakes of law made before or during the trial. The defendant must ask the Court of Appeals to appeal this case within 60 days of the sentencing. The appeal is not like the trial. There will be a panel of judges, and no witnesses or jury. The judges may decide to affirm (keep), modify, or undo the lower court's decision. If the defendant and DA want to challenge the Court of Appeal's decision, they must do so in the Supreme Court. As with other hearings, victims have the right to be notified about the appeal hearing, to attend it, and to receive a copy of the court's decision. The California Attorney General's Office - Victim Services Unit will support victims and serve as the Victim Advocate at this stage: 1-877-433-9069.

Victims Can Collect Restitution: Victims may start collecting restitution at any time after a court has ordered the defendant to pay a specific amount to a specific person. If the defendant is in state prison, the California Department of Corrections and Rehabilitation ("CDCR") will start collecting on the victim's behalf. For more information, call CDCR at: 1-877-256-6877. If the defendant is in county jail or has been released, the victim may need to ask a civil court to enforce the restitution order with a lien, wage garnishment, or bank levy. **The victim may request the court issue a restitution order to pay for many kinds of losses, including: stolen or damaged property; medical or dental expenses; mental health counseling expenses; loss of income; funeral expenses; legal fees; some security costs; and home or vehicle modifications if the victim becomes permanently disabled.**

9. Marsy's Law Rights

Overview of Marsy's Law: Keep in mind that, throughout your criminal justice case, you have rights under California's Marsy's Law (also known as the Victim's Bill of Rights Act), which provides important rights to victims of physical, psychological, or financial harm as a result of a crime or attempted crime. Victims include the direct victim, a close family member, guardian, or a legal representative. Some rights under Marsy's Law are automatically applied by the criminal justice system, such as the right to be informed about Marsy's Law and to receive a copy of the law (translated copies of Marsy's Law are available here: <https://oag.ca.gov/victimservices/marsy>). However, some rights need to be specifically asked for, such as the right to be notified about all hearings.

The following victims' rights under Marsy's Law are applicable to all stages of criminal proceedings.

- The right to be notified of Marsy's Law and one's rights as a victim of crime.
- The right to be provided with a Marsy's Rights Card.
- The right to be treated fairly and respectfully, with concern for one's privacy. No one is allowed to harass or abuse a victim during the criminal justice system.
- The right to be notified of specific public proceedings throughout the criminal justice process and to be present and heard during those proceedings.
- The right to have one's safety protected with restraining orders against the defendant or anyone acting for the defendant.
- The right to have the trial and other criminal proceedings processed without delay.

10. Resources for Crime Victims - Below is a compilation of statewide and local victim's counseling, advocacy, and financial support resources.

Statewide Resources

- California Attorney General's Office – Victims Services Unit: Provides support, information, and assistance to victims during the appeals process. 1-877-433-9069; www.oag.ca.gov/victimservices.
- California Department of Corrections and Rehabilitation (CDCR) Office of Victim & Survivor Rights & Services: Helps victims get restitution, notification about custody or parole hearings, and write impact statements while the defendant is in prison or jail. 1-877-256-6877; www.cdcr.ca.gov/.
- California Victims Compensation Board (CalVCB): Helps reimburse victims of violent crimes for certain crime-related expenses. Victims have the right to apply for reimbursement for losses such as: medical, funeral, relocation, income, etc. 1-800-777-9229; www.vcgcb.ca.gov/victims.
- California Secretary of State Safe at Home Program: Assists victims of domestic violence or stalking. The Program provides a confidential P.O. Box addresses to protect victims' privacy and anonymity. 1-877-322-5227; www.sos.ca.gov/registries/safe-home/.

- National Center for Victims of Crime: A nonprofit organization that advocates for victims' rights, trains professionals who work with victims, and serves as a trusted source of information on victims' issues. The National Center is dedicated to helping crime victims and their families rebuild their lives. 1-844-LAW-HELP (529-4357); www.victimsofcrime.org/.
- Victims' Legal Resource Center (VLRC): Provides crime victims with information about their rights and local resources, such as: counseling, shelters, advocacy, and more. 1-800-VICTIMS (842-8467); 1800VICTIMS@pacific.edu; www.1800VICTIMS.org/.
- Victim/Witness Assistance Centers: Victim Advocates at each Center offer a variety of services to crime victims, such as guiding them through the criminal justice system and updating them about the status of their case.
- California Department of Corrections and Rehabilitation (CDCR) Inmate Locator: Provides notices to victims about a defendant's custody status. 1-916-445-6713 inmatelocator.cdcr.ca.gov.

Local Community Resources in the Bay Area

- Community Health for Asian Americans (<https://chaaweb.org/>): Provides community-based behavioral health services for children, youth, and adults through therapy, case management, alcohol and other drug prevention and treatment, consultation, and psychological assessment. CHAA offers wraparound services for children, adolescents, and their families facing emotional and behavioral challenges, and adults who are homeless or at-risk.
- Vietnamese American Community Center of the East Bay (<https://www.vacceb.net/>): VACCEB provides refuge and resources for low-income, Southeast Asians and other underrepresented immigrant communities in the San Francisco Bay Area. VACCEB provides a variety of support services, including access to nutritional meals, senior programs, housing assistance, immigration legal and education services, English as a Second Language (ESL) classes, and employment development.
- Korean Community Center of the East Bay (<https://kcceb.org/>): KCCEB holds senior leadership programs, senior fall prevention and Tai Ji Quan classes, citizenship preparation classes, wellness workshops, meals for seniors, information on social services and health insurance, COVID 19 senior check-in calls, Korean information lines on various government safety net services in the Bay Area, and counseling.
- Chinatown Community Development Center (<https://www.chinatowncdc.org/>): The Chinatown Community Development Center aims to build community and enhance the quality of life for San Francisco residents. CCDC primarily serves the Chinatown neighborhood, and also serve other areas including North Beach and the Tenderloin. CCDC offers counseling for variety of issues including eviction, rent increases, translation and filing of forms, etc. Housing counseling drop-in hours are available to the general public without an appointment every Monday 2-4 PM and every Thursday 10:30 AM - 12:30 PM at 663 Clay Street, San Francisco, CA 94111. Appointments can be made by calling 415-984-2728.

- Asian Prisoner Support Committee (APSC) (<https://www.asianprisonersupport.com/>): APSC's mission is to provide direct support to Asian and Pacific Islander (API) prisoners and to raise awareness about the growing number of APIs being imprisoned, detained, and deported. APSC's ROOTS 2 Reentry (R2R) program provides support formerly incarcerated APIs and "Others" in Alameda county as they return home and embark on their reentry journey. For more information, please email referrals@asianprisonersupport.org.
- APIENC (<https://apienc.org/>): APIENC aims to build queer and transgender Asian and Pacific Islander power to amplify voices and increase the visibility of Asian communities. Through organizing in the Bay Area, the goal is to inspire and train grassroots leaders, and partner with organizations to sustain a vibrant movement ecosystem.
- API Legal Outreach (<https://www.apilegaloutreach.org/>): Provides information and legal services for a number of topics (hate crimes, elder abuse, domestic violence, immigration, child custody, housing, etc.). Appointments can be made at (415)567-6255 or (510)251-2846 Monday through Friday between 9 AM and 5 PM.
- Family Bridges, Inc. (<https://www.familybridges.org/services/>): Offers social services program (general information and referral, citizenship services and notary public service), and walk-ins are available Monday through Friday from 9 AM to 12 PM and from 1 PM to 3 PM at: 168 - 11th Street, Oakland, CA. Appointments can be made through (510) 839-2022.
- Asian Health Services (<https://asianhealthservices.org/>): Asian Health Services, founded in 1974, provides health, social, and advocacy services for all regardless of income, insurance status, immigration status, language, or culture. The membership services department is located at 818 Webster Street, Oakland, CA 94607, and individuals can also call 510-986-6880 to schedule a registration appointment.

Financial Support for Victims of Anti-AAPI Violence in the Bay Area

- Asian Health Services has started its Oakland Chinatown Victim's Fund (<https://asianhealthservices.org/donate>) to support individuals and families impacted by the recent crime and assaults that have occurred in Oakland Chinatown. Please contact Asian Health Services for information on applying to become a beneficiary of these funds.
- The Community Youth Center of San Francisco ("CYC") has established its Victims and Survivors Fund (<https://www.gofundme.com/f/sf-api-victims-and-survivors-assistance-fund?fbclid=IwAR0kBeCDeCde5WjLNwSGFTeNF-TfuzXCq89Dve2vp5F7j97f0s25qZlf0r0>) to help address the immediate needs of those affected by anti-AAPI violence. The funds raised in this campaign go directly to support the various financial needs of API victims and survivors to aid them in a path to healing. The creation of this fund is part of CYC's process of building a city-wide social support and safety infrastructure to provide service coordination to assist API families and victims of crime. Please contact CYC at (415) 775-2636 or cyc@cycsrf.org for information in applying for this fund.



II. STUDENT ADVOCACY

1. Definition of Bias or Hate-Motivated Bullying

Bullying is aggressive behavior that is meant to hurt another person who did not cause the aggressive behavior. The person doing the bullying says or does something on purpose to harm the other person physically or emotionally. The person doing the bullying has (or others think they have) more power and strength than the person being bullied. Power can be in age, physical strength, or popularity. The behavior often happens again and again.

Bias or hate-motivated bullying is a bias against or hate for a person or group. If the behavior or incident is hate-motivated, it may, in some instances, constitute a hate crime. Some examples of hate-motivated bullying include taunting one's race, religion, national origin, sexual orientation, or physical or mental disabilities. The bullying behavior may also be aggressive, antagonistic, and assaultive.

2. Statewide Resources for Parents Whose Children Are Facing Anti-Asian Bullying

Parents play a critical role in recognizing signs of bullying. Students often act differently, clothes may be torn, or are less interested in school work.

Parents ultimately should take action if something feels different with their interaction with their child. If you suspect your child is being bullied, talk to your child and make him/her feel supported. Document all of the facts of the conversation and report the bullying to the school and/or file formal complaints with the school district and/or federal Department of Education.

Ask the school for its anti-bullying policies and complaint process. These documents must be readily accessible at the school or on the school district's website (required under California's Seth's Law, which provides that, "[i]f school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so." School districts must adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, or bullying. The process must include a timeline to investigate and resolve complaints and an appeals process for the complainant. All complaints are to remain confidential, as appropriate, and schools are required to protect complainants from retaliation.

Talk with school administrators about what happened and make sure the story is documented in writing by school staff. You should ask the school for its plan to address the bullying and a timeline of next steps. If the school does not take steps to correct the problem, or if you are uncomfortable talking with school staff, you can also file a complaint. There are three kinds of complaints:

- File a formal Uniform Complaint Procedure (UCP) complaint (https://www.aclunc.org/docs/uniform_complaint_form.pdf) with the school district, which can be appealed to the California Department of Education. These complaints can be filed on behalf of yourself or someone else and can be anonymous.
- A formal California Attorney General (AG) Complaint. An AG complaint about school bullying or harassment is filed with the California Bureau of Children's Justice.
- File a formal "OCR" complaint with the Department of Education Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html?src=image>). These complaints can be filed on behalf of yourself or someone else and can be anonymous.

Schools must step in and address bullying or harassment. However, a school may not automatically suspend or expel the bullying student, since that is often not the most effective way to stop or prevent bullying and harassment. Schools may refer students who have been bullied or have engaged in bullying, and who observe bullying to counselors and can resolve conflict through positive behavior interventions.

3. Resources on Anti-AAPI Bullying and Hate In Schools

- Act To Change (<https://acttochange.org/covid-19/>), is a national 501(c)(3) nonprofit organization working to address bullying, including in the Asian American and Pacific Islander (AAPI) community. Kids and teens are bullied in schools all across the country. Unfortunately, many AAPI youth who are bullied face unique cultural, religious, and language barriers that can keep them from getting help. This campaign aims to empower students, families, educators with the knowledge and tools you need to help stop and prevent bullying in your communities. Act to Change offers an assortment of COVID-19 resources to fight bullying and hate, including a "Racism is a Virus Toolkit," and resources to report incidents of anti-AAPI violence, harassment, and cyberbullying.
- CYC's Stand Up for AAPI Youth during COVID Campaign (<https://www.cycsf.org/stand-up-for-aapi-youth-during-covid/>), which recognizes that COVID-19 has created fear and anxiety against the AAPI population, and AAPI communities have been unfairly scapegoated for the virus. This program strives to teach youth about the dangers of racism. CYC has partnered with Beyond Differences for a campaign called "Know Your Classmates." The campaign's objective is to create a nationwide advocacy movement where youth learn to reject hateful rhetoric and advocate for tolerance and acceptance. To find out more about the campaign, please visit Beyond Differences at <https://www.beyonddifferences.org/standup4aapiyouth/>.

4. Information to Address Bullying in San Francisco and Oakland Unified School Districts

Anti-Bullying Policy in the SFUSD. Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or harassment or who has witnessed bullying or harassment in the San Francisco Unified School District (SFUSD), should report the incident to a teacher, the principal, a compliance officer, or any other trusted school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying or harassment involving a student shall, within one business day, report his/her observation to the principal, whether or not the alleged target files a complaint. The student who is the alleged target of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying. Within two business days of receiving a report of bullying and harassment on the basis of belonging to or being perceived as belonging to a protected class (defined in California as relating to race or ethnicity, national origin, immigration status, etc.), the principal shall notify the District compliance officer. In addition, when a report of bullying or harassment is submitted, the principal or a District compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint.

How to File a Formal Written Complaint Regarding Bullying or Harassment in the SFUSD. If you or someone you know has been the victim of bullying or harassment in a program or activity hosted by the SFUSD, please report the incident directly to your school site administrator. After receiving the report, a member of the school site administrative team will investigate the reported incident. Other school site members, such as a school site council, dean, or school site social worker, may also assist as necessary. For more information regarding the investigation process, please see SFUSD's Bullying & Harassment Investigation Handout at <https://drive.google.com/file/d/1u-1iFSrUzeIX5AljHG7syt5zax-pdE5D/view>.

You may also report the incident by filing a Uniform Complaint with SFUSD's Office of Equity. Please see the Uniform Complaint Procedure webpage for more information (<https://www.sfusd.edu/services/family-supports-services/report-a-concern/uniform-complaint-procedure>).



Translation Access: The SFUSD offers the following translation and interpretation services for families: <https://www.sfusd.edu/services/family-supports-services/translation-interpretation>. The school district's Translation and Interpretation Unit (TIU) acts as the essential bridge of communication between English Learning (EL) families and the SFUSD. If you are a parent/guardian of a SFUSD student and would like to request translation (written) and/or interpretation (oral) services, you may complete the forms in the above website. Due to high volume of requests and limited staff capacity, the TIU asks that families let them know their needs as early as possible.

Anti-Bullying Policy and Written Complaint Procedures in the OUSD. Similarly, any student, parent, or guardian who believes that the student has been subjected to bullying in the Oakland Unified School District ("OUSD") may file a written complaint. All written complaints of bullying that allege the bullying relates to a protected characteristic such as race, national origin, religion, sexual orientation, disability, or gender identity shall be promptly forwarded to the OUSD's Ombudsperson for investigation. The principal of the subject school, or his/her designee will make every effort to complete an investigation within fourteen school days and report his/her findings to the complainant. If the principal or designee verifies that bullying occurred, the principal or designee will, to the extent permitted by confidentiality laws, document the actions taken to end the bullying, address the effects of the bullying on the student who has been bullied, and put in place measures to prevent retaliation or further bullying. You may access the form to report incidents of bullying, harassment, or intimidation here: <https://www.ousd.org/bullyingprevention>. Forms are also available in Chinese, Vietnamese, and Khmer.





III. HOUSING RIGHTS

1. COVID-19 Impact on Housing Rights in California

Temporary Eviction Moratorium Law:

The State of California legislature has enacted, and the Governor has signed, two state laws, Assembly Bill No. 3088, which took effect on August 31, 2020, and Senate Bill No. 91, which took effect on February 1, 2021, that provide state-wide eviction and foreclosure protections for many residential tenants and property owners suffering from economic hardship due to COVID-19. These protections extend through June 30, 2021. State law has replaced local legislation in providing protections for residential tenants facing evictions.

What Does the Temporary Eviction Moratorium Mean For Me?

- If you were unable to pay all or some of your rent between March 1, 2020 and August 31, 2020:
- If your landlord gives you a notice to "pay or quit," they must provide a notification which explains your rights and obligations. (A notice to "pay or quit" is a notice from your landlord that gives you a certain amount of time to pay the outstanding rent you owe or vacate your home.)
- You cannot be evicted if you return a declaration of COVID-19 related financial distress, signed under penalty of perjury, and returned within 15 business days of receiving a notice to "pay or quit."
- Your landlord must provide this to you to complete and sign, and it must be in the language of your rental agreement if you entered into your rental agreement on or after September 1, 2020. It is very important that you provide the signed declaration within 15 business days or an eviction proceeding may be filed against you.
- If your household income is more than 130% of the median household income in your county and more than \$100,000, your landlord may demand proof of your COVID-19 related hardship be provided to support your declaration. There are several things you can use to satisfy this requirement, such as a tax return, pay stubs, and a statement from your employer, among other things.
- If you are unable to provide the declaration to your landlord within 15 business days, you may still submit the declaration to the court for similar protections if you have a "good reason" for not providing it. "Good reasons" include mistakes, inadvertence, surprise, or excusable neglect as interpreted in the California Code of Civil Procedure.

If you were unable to pay all or some of your rent between September 1, 2020 and June 30, 2021:

- All of the same rights and obligations above apply.
- In addition, by June 30, 2021, you must pay at least 25% of the rent due during the period of September 1, 2020 through June 30, 2021.
- You may do this by paying at least 25% each month, or by paying a lump sum equaling 25% of your rent during the time period, or by some other means.
- The key thing to remember is that - by June 30, 2021 - you must pay 25% of the rent due between September 1, 2020 through June 30, 2021.

Legally Permitted Landlord Actions:

Until July 1, 2021, a landlord can only evict a tenant if they provide a legally valid reason. It is illegal for a landlord to give a tenant a 30 or 60 day eviction notice without a stated reason. This is commonly known as a "no-cause" eviction. The stated reason must match one of the valid reasons allowed by the law, a "just cause" eviction.

Landlords who do such things as lock tenants out, remove personal property or shut of utility services to evict a tenant, rather than going through the required court process, could face fines of between \$1,000 and \$2,500. These penalties are in effect until July 1, 2021. If you believe you have been unlawfully evicted or if you need legal advice, you should consult with an attorney. If you need low- or no-cost legal help, visit www.lawhelpca.org and/or <https://landlordtenant.dre.ca.gov/resources/tenant.html> for additional resources.

2. Housing Discrimination

What is Housing Discrimination? The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.

Who is Protected? The FHA prohibits discrimination in housing because of: race; color; national origin; religion; sex; familial status; disability.

What is Prohibited under the FHA in the Sale or Rental of Housing? It is illegal discrimination to take any of the following actions because of race, color, religion, sex, disability, familial status, or national origin

What Do I Do If I Think I'm Being Discriminated Against under FHA? Anyone who has been or will be harmed by a discriminatory housing practice may file a complaint against property owners, property managers, developers, real estate agents, mortgage lenders, homeowners associations, insurance providers, and others who affect housing opportunities. If you believe your rights may have been violated, you may submit a complaint. Because there are time limits on when a complaint can be filed with HUD after an alleged violation, you should submit a complaint as soon as possible after the incident happens.

How to File a Complaint

- Online: You can file a complaint with FHEO at https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.
- Email: You can download the form available at https://www.hud.gov/sites/documents/DOC_12150.PDF, which is also available in Arabic, Cambodian, Chinese, Korean, Russian, Somali, Spanish, and Vietnamese, and email it to your local FHEO office at the email address on this list (https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo).
- Phone: You can speak with an FHEO intake specialist by calling 1-800-669-9777 or 1-800-877-8339. You can also call your regional FHEO office at the phone numbers on the list available here: https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo.
- Mail: You can print out this form at https://www.hud.gov/sites/documents/DOC_12150.PDF (also available in Arabic, Cambodian, Chinese, Korean, Russian, Somali, Spanish, and Vietnamese) and mail it to your regional FHEO office at the address on this list: https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo.



3. COVID-19 Impact on Housing Rights in San Francisco

Temporary Eviction Moratorium Due to COVID-19: Mayor London Breed issued an order temporarily suspending residential evictions. This means you cannot be evicted from your home during this time unless you are being evicted for violence, threats of violence, health and safety issues, or the Ellis Act (where your landlord is going out of the rental business).

Temporary Rent Payment Extension: You also have more time to pay your rent from March 13, 2020 until after the Order expires due to financial impacts of COVID-19, such as business closure, high medical expenses, and loss of work or wages (including staying at home to care for a family member or child from school or childcare closures). You should do your best to tell your landlord in writing with proof that you cannot pay due to COVID-19. If your landlord contacts you for a repayment agreement, please talk to a lawyer. Note: This rent is not forgiven and will have to be paid within six months after the Mayor's Order ends. Also, you must pay your rent if you are not financially impacted by COVID-19.

For Tenants in Subsidized Housing: If you live in subsidized housing (such as Section 8 or Public Housing) where your rent is based on your income, you should report changes in income right away, so your rent can be lowered. Keep a copy of what you submit as proof.

Temporary Rent Freeze: There is a temporary pause on certain rent increases that stops all rent increases that would have gone into effect on or after April 7, 2020. Rent increases that went into effect before April 7, 2020 are still in effect.

4. Legal Assistance for Tenants in the Bay Area

- Asian Americans Advancing Justice: 址: 55 Columbus Avenue San Francisco, CA 94111 電話?: (415) 896-1701 網站: www.advancingjustice-alc.org Services in English, Cantonese, Mandarin, Vietnamese, and Arabic; other languages may be available upon request. 我們可提供普通話、廣東話、越南語、阿拉伯語及英語的服務，需要其它語言服務請提前通知。
- API Legal Outreach: 地址: 1121 Mission Street San Francisco, CA 94103 電話: (415) 567-6255 or (510) 251-2846 網站: www.apilegaloutreach.org Services in English, Cantonese, Mandarin, Vietnamese, Korean, Tagalog, and Spanish. 我們使用廣東話、普通話、越南話、日語、菲律賓語、韓語及西班牙語。
- Legal Assistance to the Elderly 長者法律援助 地址: 1663 Mission Street, Suite 225, San Francisco, CA 94103 電話: (415) 538-3333 網站: info@laesf.org Services in English, Cantonese, Mandarin, Spanish, Korean and Russian for SF residents who are 60+ or have a disability. 為六十歲以上長者或殘障人士提供使英語、粵話、普通話、西班牙語、韓語及俄羅斯語。