

# CORONAVIRUS (COVID-19) Information

## Regarding Evictions

**\*\* NOTE: Along with our partners, the Public Law Center will continue to advocate for stronger tenant protections in the State of California. Because the protections for tenants and homeowners are developing during the COVID-19 pandemic, please check this page for updates, which we will provide as we receive them.**

Understanding California Judicial Council California Rules of Court, Emergency Rules 1 and 2:

<https://wclp.org/summary-california-courts-emergency-rule-on-evictions-and-foreclosures/>.

On April 6, 2020, the Judicial Council of California, which governs all procedures for the state courts in California, adopted California Rules of Court, emergency rules 1 and 2.

Under the Court's Orders, Emergency Rule of Court, emergency rule 1 effectively stops all new eviction cases, other than those necessary to protect public health and safety, for the duration of the COVID-19 emergency. The rule is applicable to all courts and to all eviction cases, whether they are based on a tenant's missed rent payment or another reason. This new court rule will apply until 90 days after the Governor lifts the state of emergency related to the COVID-19 pandemic, or until it is amended or repealed by the Judicial Council. The rule:

- Prohibits a court from issuing a summons after a landlord files an eviction case, unless necessary to protect public health and safety. This means that, even if a landlord files an eviction case, the tenant will not be under the normal five-day deadline to respond. The time for the tenant to respond to a new eviction case will not begin until the Judicial Council lifts the rule, giving a tenant time to find legal assistance, which ensures that no tenant's right to tell his or her side of the story in court is denied due to the emergency.
- Prohibits a court from entering an automatic default judgment against the tenant because the tenant failed to file a response, unless the court finds:
  - o The eviction is necessary to protect public health and safety; and
  - o The tenant failed to respond in the time required by law, including any extension that may apply due to the Governor's Executive Order regarding evictions during the COVID-19 emergency.
- For eviction cases where the tenant has responded or appeared, prohibits a court from setting the case for trial earlier than 60 days after a trial is requested, unless necessary to protect public health and safety.
- Requires any trial in an eviction case that was already scheduled as of April to be postponed until at least 60 days after the initial trial date.

In addition, Judicial Council adopted an emergency rule related to judicial foreclosures, California Rule of Court, emergency rule 2. This rule also applies until 90 days after the Governor lifts the COVID-19 state of emergency. The rule:

- Prohibits a court from taking any action or issuing any decisions or judgments unless necessary for public health and safety.
- Postpones any legal deadlines for filing foreclosure cases.
- Extends the period for exercising any rights in a foreclosure case, including any right of redemption from a foreclosure sale, or petitioning the court in relation to such a right.

While these emergency rules effectively put evictions and judicial foreclosures on hold at least through the summer, the rules do not:

- Establish any new tenant rights or defenses to an eviction;
- Address requirements for notifying landlords or providing documentation when tenants are unable to pay rent due to loss of income or other COVID-19 related reasons; or
- Address how repayment of past due rent that a tenant was unable to pay due to COVID-19, will be handled.

Understanding California Executive Order No. N-37-20 (March 27, 2020):

- Accordingly, the best way to protect yourself is to pay your rent on time, if you can.
- If you cannot pay your rent because of COVID-19, a.k.a., Coronavirus, inform your landlord in writing as soon as possible, before rent is due. Under California Executive Order N-37-20, you **only** have **seven days** after the rent is due to inform your landlord that you are unable to pay the rent for the month. Keep copies of what you send and the responses that you receive from your landlord.
- Take pictures of all documentation that shows you lost income because of COVID-19. These can include:
  - Paystubs
  - A letter from your boss indicating that you have been laid off due to COVID-19
  - Bank statements
  - Notices that your kids' school is closed
  - Doctor's note showing that you had to stay home to care for yourself or someone else
- Even if you tell your landlord that you cannot pay the rent and give them documentation of your inability to pay the rent, your landlord might still give you an eviction notice. If you receive an eviction notice demanding that you pay rent, you may Public Law Center at 714.541.1010 x 303, for assistance.

- Our friends and partners at Legal Services of Northern California have produced an excellent video in both English and Spanish that explains California’s Executive Order N-37-20:
  - English: <https://www.youtube.com/watch?v=gQ8DbB95jNs>
  - Spanish: <https://www.youtube.com/watch?v=Z213rgvZugo>
- Note, CA Executive Orders N-28-20 (March 16, 2020), and N-37-20 (March 27, 2020), offer **NO** protections if you received the following type of eviction notice:
  - 3-Day to Pay Rent or Quit, and your inability to pay rent is not due to COVID-19 financial impacts;
  - 3-Day Notice to Perform Covenant or Quit
  - 3-Day Notice to Quit
  - 30-Day or 60-Day Notices to Quit

If you receive any of the eviction notices listed here, you may call Public Law Center at 714.541.1010 x 303, for assistance.

- Some cities in Orange County have additional protections for tenants and homeowners affected by COVID-19. Please call Public Law Center at 714-541-1010 x 303 to find out which rules apply to you.
  - The chart below attempts to summarize the latest information on COVID-19-related tenant protections in Orange County cities that have adopted them. **Please note that because of developing changes, this chart might not reflect all current protections. For the best information about the status of evictions where you live, we recommend that you check the website for the city where you live.**

<F:\Housing\Housing Tools\Covid-19 Resources\OC Eviction moratoria v3 Allie 4.3.2020.docx> (Information current as of April 3, 2020.)

### Resources

Orange County Superior Court, regarding Court Closures: [www.occourts.org](http://www.occourts.org)

Guide on COVID-19, Disasters, Emergencies, and Price Gouging in California, (Chris Barta, J.D.), NOLO Press, available at <https://www.nolo.com/legal-encyclopedia/disasters-emergencies-and-price-gouging-in-california.html>, last visited on April 4, 2020.

### Local resources

- Community Legal Aid So-Cal: [www.communitylegalsocal.org](http://www.communitylegalsocal.org)
- Latino Health Access: [www.latinohhealthaccess.org](http://www.latinohhealthaccess.org)
- The Kennedy Commission: [www.kennedycommission.org](http://www.kennedycommission.org)
- Tenants United Santa Ana: <http://tenantsunitedsantaana.org>

### Statewide and National Resources

- Disability Rights California – [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
- National Housing Law Project: [www.nhlp.org](http://www.nhlp.org)

**Please see fact sheets, on the homeowner and tenant protections under CARES Act (March 27, 2020), (Federal Stimulus), for those who own homes with federally backed mortgages, or who are tenants in federally subsidized housing, available at [www.nhlp.org](http://www.nhlp.org).**

- Tenants Together: [www.tenantstogether.org](http://www.tenantstogether.org)
- Western Center on Law and Poverty: [www.wclp.org](http://www.wclp.org)