



**SUBJECT:** EVICTION GUIDANCE – Status of Recent Efforts to Limit Evictions During Covid-19 Pandemic  
**FROM:** Inner City Law Center  
**DATE:** March 19, 2020

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Evicting people from their homes in the midst of this pandemic is cruel and jeopardizes public health. Recognizing this, and recognizing that requiring tenants, landlords, and their lawyers to go through the eviction process would not allow for social distancing, the Los Angeles Superior Court, the Governor of California, the Mayor of Los Angeles, and the Los Angeles City Council and County Board of Supervisors have taken emergency action to limit evictions throughout Los Angeles for at least the next month. This memo summarizes the impact of those actions on the eviction process in Los Angeles as of noon on March 19, 2020.

**Most eviction actions are stayed until at least April 17, 2020.** The bottom line is that the vast majority of unlawful detainer (i.e., eviction) actions are stayed until April 17. While new unlawful detainer complaints may still be filed in Superior Court, tenants do not have to respond to these complaints before April 17. It is important to note that the emergency actions that have been taken do not change tenants' responsibility to pay rent. They change whether a tenant can be evicted for failing to pay rent. But rent is still due. Inner City Law Center strongly encourages tenants who receive notices from their landlord or a court to promptly contact us or another attorney to ensure that their rights are protected and that the proper preparation is taken for when this temporary relief is lifted.

**The Superior Court of Los Angeles' emergency order pauses current eviction trials and extends the time to respond to new unlawful detainer complaints until April 17, 2020.** On March 17, Presiding Judge Kevin Brazile issued a General Order for the Superior Court of Los Angeles County entitled "Administrative Order of the Presiding Judge Re COVID-19 Pandemic." Of all the recent actions, the order from the Superior Court action will have the greatest impact on reducing evictions in the next month. This [General Order](#) impacts evictions in two primary ways:

1. All courtrooms in Los Angeles County, including those handling evictions, will be closed until April 17, 2020, except for time-sensitive, essential functions. Since the Court's General Order does not categorize unlawful detainer trial dates as time-sensitive, essential functions, current unlawful detainer cases with court dates before April 17 have been automatically continued. Since courtrooms remain open for civil *ex parte* proceedings, the courts are still open to hear emergency eviction-related motions.
2. There is nothing currently in place to prevent a landlord from filing an eviction case. However, the statutory five-day period for a tenant to respond to this filing has been extended until at least April 17. The General Order provides that March 17, 2020, to April 16, 2020, have been designated as "court holidays" for the purpose of determining the five-day period in which a defendant must respond to an unlawful detainer complaint under

CCP Section 1167. As such, none of the days between March 17 and April 16 count against the five-day period in which a tenant must respond to the complaint. Tenants do not have to respond to eviction complaints before April 17.

**The Los Angeles County Sheriff will not conduct lock-outs during this health crisis.** The Superior Court's General Order does not halt lock-outs based on previous court orders or agreements. However, on March 18, the LA County Sheriff [tweeted](#) that Sheriff Deputies will not be conducting evictions. The Sheriff's office has also confirmed this policy via telephone. Despite this pause, Inner City Law Center still strongly recommends that tenants who have received a lock-out notice from the Sheriff or who have an upcoming move-out date contact a lawyer right away if unable to move due to inability to find housing during this crisis.

**The current "moratorium" orders will have little immediate impact due to their narrowness.** The moratoriums issued to date are not bars to evictions. Rather, they create a new affirmative defense to a limited number of eviction actions. The defense is only applicable to nonpayment of rent cases where the tenant's inability to pay is a direct effect of this pandemic. As an affirmative defense, this inability to pay and its link to the pandemic must be proven by the tenant at trial. The current so-called moratoriums do not promote social distancing since they still require the tenant and their attorney to gather documents, file papers establishing the defense, and appear in court.

On March 16, Governor Newsom issued [Executive Order N-28-20](#) which authorized local governments (cities and counties) to limit residential and commercial evictions in response to COVID-19 so long as three conditions are met: (1) the eviction is due to nonpayment of rent; (2) the nonpayment of rent is due to a substantial decrease in income or substantial out-of-pocket medical expenses; and (3) the decrease of income or out-of-pocket medical expenses is due to the pandemic or the governmental response to the pandemic. Local governments may place such limitations until May 31, 2020, unless the deadline is extended. The Governor's order also extended until May 31, 2020 the price-gouging restriction on landlords evicting tenants in order to rent the same unit at a higher price to a subsequent renter.

On March 15, 2020, Mayor Garcetti issued a [Public Order under City of Los Angeles Emergency Authority](#) restricting landlords from evicting residential tenants while the City remains under a local emergency period "if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic." As noted above, the Mayor's order allows tenants to raise as an affirmative defense to an unlawful detainer action that the tenant was unable to pay due to circumstances related to the pandemic. On March 17, 2020, the Los Angeles City Council instructed the City Attorney to draw up an emergency eviction moratorium that might reach further than Mayor Garcetti's order, but the details are yet to be finalized.

The Los Angeles County Board of Supervisors has placed restrictions on two types of evictions in unincorporated areas of L.A. County. There is a moratorium on all no-fault evictions. No-fault evictions, where a landlord wants the tenant out but the tenant has done nothing wrong, cannot go forward. This limitation does not apply to "at fault" evictions, such as evictions based on nonpayment of rent and violations of the rental agreement. In addition, the Board of Supervisors has restricted landlords from evicting residential tenants for nonpayment of rent if the tenants can show that they were unable to pay rent because of the coronavirus. These restrictions on evictions in unincorporated L.A. County are retroactive to March 4 and will remain in effect until May 31, 2020. Tenants in unincorporated L.A. County will also have six months after the end of the emergency proclamation to pay owed back-rent.

The Housing Authority of the City of Los Angeles (HACLA) has also taken several steps in response to the pandemic. While HACLA's offices are currently closed for in-person matters, HACLA is conducting all work by phone, mail, and internet. The following items will be processed by mail and internet: applicant referrals, annual reexaminations of participants, and RFTAs. Certificates and vouchers are being delivered to clients by mail or through case managers at partnering homeless service organizations for as long as the organization is available. HACLA is continuing initial inspections for new contracts as well as emergency complaint inspections, but routine inspections are on hold. All voucher expiration dates are being extended to 270 days, and for clients near the end of that expiration time period, HACLA will grant an extension of 90 days. HACLA has prioritized processing reexaminations of tenant income decreases due to becoming job less.

Despite President Donald Trump's announcement, there is no federal moratorium on eviction from public or subsidized housing. There are some new protections for owners of single-family homes with FHA-insured mortgages and for those with mortgage financing from Fannie Mae and Freddie Mac. On March 18, U.S. Department of Housing and Urban Development Secretary Ben Carson [tweeted](#) that he is "working with Congress to give HUD the authority to prevent evictions in Public Housing programs."

It is important to note that the orders from the Governor, Mayor, City, and County are limitations and moratoriums on evictions. They are not limitations or moratoriums on paying rent. Rent is still due. These new measures just say that if a tenant cannot pay because of the pandemic, they cannot be evicted and they have six months following the expiration of the local emergency period to repay any back rent that is due.

**We need a much more comprehensive statewide moratorium on eviction filings, except those required for public safety.** Can you imagine your family being evicted from your home in the midst of this pandemic? That would not be healthy for any of us, and no one should have to deal with that right now. During this time, unpaid rent should be treated as consumer debt and be pursued as such, rather than as a basis for eviction.

**Tenants should not wait until April 17 to seek help with eviction matters.** Landlords can still serve notices to terminate tenancy and can still file eviction complaints with the court. Inner City Law Center strongly encourages all tenants who receive a notice to terminate or an unlawful detainer complaint to do their best to comply with the notices and to seek immediate legal help. Do not wait until April 17. It is important that tenants gather and maintain documents related to the economic impact of this pandemic on their ability to pay rent. We expect that lawyers who defend evictions will be overwhelmed once these limitations are lifted, and there may be strategic reasons to respond to unlawful detainer complaints now, rather than waiting until April 17. Tenants should reach out to an attorney as soon as possible. The next page has some local legal resources for doing so.

## Tenant Referral Resources

### **Inner City Law Center:**

- Current Inner City Law Center clients should dial our main line at (213) 891-2880, dial the extension of the attorney or paralegal who is helping you with your case, and leave a voice message.
- Potential new clients who are facing possible eviction at the Stanley Mosk Courthouse at 111 N. Hill Street should email [evictions@innercitylaw.org](mailto:evictions@innercitylaw.org). We will make every effort to reply to your email within two business days.

**Eviction Defense Network:** Potential clients should email [askanattorney@edn.la](mailto:askanattorney@edn.la) or text or call (213) 537-5473.

**Shriver Project:** Potential clients whose case is at the Stanley Mosk Courthouse can call the Shriver Hotline at (818) 485-0576 or email [ShriverSHpublic@nlsla.org](mailto:ShriverSHpublic@nlsla.org).

**Neighborhood Legal Services Los Angeles:** Current Neighborhood Legal Services clients should contact the staff member who has been helping you. Potential new clients should contact the Neighborhood Legal Services General Help Line at 1-800-433-6251. The help line is open between 9:00 a.m. and 5:00 p.m., Monday through Friday.

**Public Counsel:** Current Public Counsel clients should contact the staff member who has been helping you. Potential new clients should call Public Counsel at 213-385-2977, ext. 100, and leave a voicemail. On the voicemail, the potential client should explain the exact legal issue that the client is facing and leave contact information. The call will then be routed to the Public Counsel project most suited to provide the services needed.

**Bet Tzedek:** Current Bet Tzedek clients should contact the staff member who has been helping you. Potential new clients should call the Bet Tzedek intake line at 323-939-0506.

**Legal Aid Foundation of Los Angeles:** Current LAFLA clients should contact the staff member who has been helping you. Potential new clients should call the LAFLA help line at 1-800-399-4529. This line will be open Monday through Friday from 9:00 a.m. to 12:00 p.m., or from 1:00 p.m. to 4:30 p.m. for online intake only. A potential new client can also apply for services online at <https://lafla.org/get-help/>.