

# ATTENTION CALIFORNIA LANDLORDS: UNLAWFUL DETAINER BAN ENDING

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## CALIFORNIA COURTS OPEN TO EVICTION CASES BEGINNING SEPTEMBER 2, 2020



In April 2020, in response to the COVID-19 pandemic, the California Judicial Council adopted temporary emergency rules prohibiting most unlawful detainer actions from proceeding. The temporary rules were imposed to balance the health and safety of the public and access to the justice system while the California Legislature was

not in session. The laws enacted to protect tenants have, in many instances, caused great harm to landlords who have shouldered the burden of continuing to operate and manage their properties without the benefit of all of their rental income.

With the Legislature now meeting again, the Judicial Council recognized that it should cede policy decisions to the Legislature and voted today, August 13, 2020, to end the temporary emergency rules pertaining to unlawful detainer cases. (You may recall our recent bulletin describing the lawsuit by the Pacific Legal Foundation stating the Judicial Council did not have the legal power to impose the moratorium).

**Effective September 2, 2020, California courts will again be able to accept and process new unlawful detainer complaints, issue summonses and enter default judgments in active cases.**

At the time of publication of this bulletin, the California Legislature has not passed any legislation which will affect evictions of commercial tenants. However, many cities and counties have enacted local ordinances which temporarily restrict or limit the eviction process for tenancies within their jurisdictional boundaries. Although courts will begin accepting eviction cases on September 2, Landlords need to take note of the additional local rules which may limit their rights in particular locations. Courts have implemented procedures to hear cases while maintaining public safety, including the use of remote technology, and are now able to provide justice to more parties. We anticipate these new procedures and previous court closures may result in delays to unlawful detainer cases.

We encourage property owners who are experiencing challenges with their tenants to contact experienced real estate attorneys before September 2, 2020, to develop a plan of action that is compliant with State laws and local ordinances. For more information regarding how these rules may affect your properties, please contact Alison Geddes at Trainor Fairbrook.