

EVICTIION DEFENSE: COVID-19 Reforms



WHAT THIS TRAINING COVERS

1. **Temporary Pause on Evictions During the Crisis**
2. **Substantive Defenses to Evictions After the Crisis**
3. **CARES Act**
4. **Questions**

PROCEDURAL PAUSE: JC ER 1

- ✘ Pause on Summons

 - + No Summons = No Answer Deadline

- ✘ Pause on Defaults

 - + No Defaults = No Lockouts

- ✘ Pause on Trial Dates

 - + 60 Days

JC ER 1 EXCEPTION

- ✘ Public Health & Safety Exception



PROCEDURAL PAUSE: COURT CLOSURE



COURT CLOSURE: 2 KEY QUESTIONS

- ✘ When Will Clerk's Office Open?
- ✘ When Will Courts Open for UD Dates?

IF JC ER 1 TERMINATES FIRST...

April 6: ER 1 Goes Into Effect

LL Seeking Summons

LL Seeking Default

LL Seeking Continued Trial Date

LL Seeking Initial Trial Date

ER 1 Terminates

LL must wait for LASC Order opening clerk's office

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LL must wait until court reopens for UD trial dates

LL must wait until court reopens for UD trial dates

LASC Clerk's Office Reopens

LL may receive Summons

LL may seek default as LL would have pre-pandemic

LL must wait until court reopens for UD trial dates

LL must wait until court reopens for UD trial dates

LASC Courts Reopen for UD Trial Dates

LL may obtain trial date as LL would have pre-pandemic

LL may obtain trial date as LL would have pre-pandemic

IF LA COURTS OPEN FIRST...

April 6: ER 1 Goes Into Effect

LL Seeking Summons

LL Seeking Default

LL Seeking Continued
Trial Date

LL Seeking Initial Trial Date



LASC Clerk's Office Reopens

LL must wait until ER 1 terminates

LL must wait until ER 1 terminates

LL must wait until court reopens for UD
trial dates

LL must wait until court reopens for UD
trial dates



LASC Courts Reopen for UD Trial Dates

LL must wait until ER 1 terminates

LL must wait until ER 1 terminates

LL may receive trial date that is 60 days
later than previous trial date

LL may receive trial date that is 60 days
later than request for trial



ER 1 Terminates

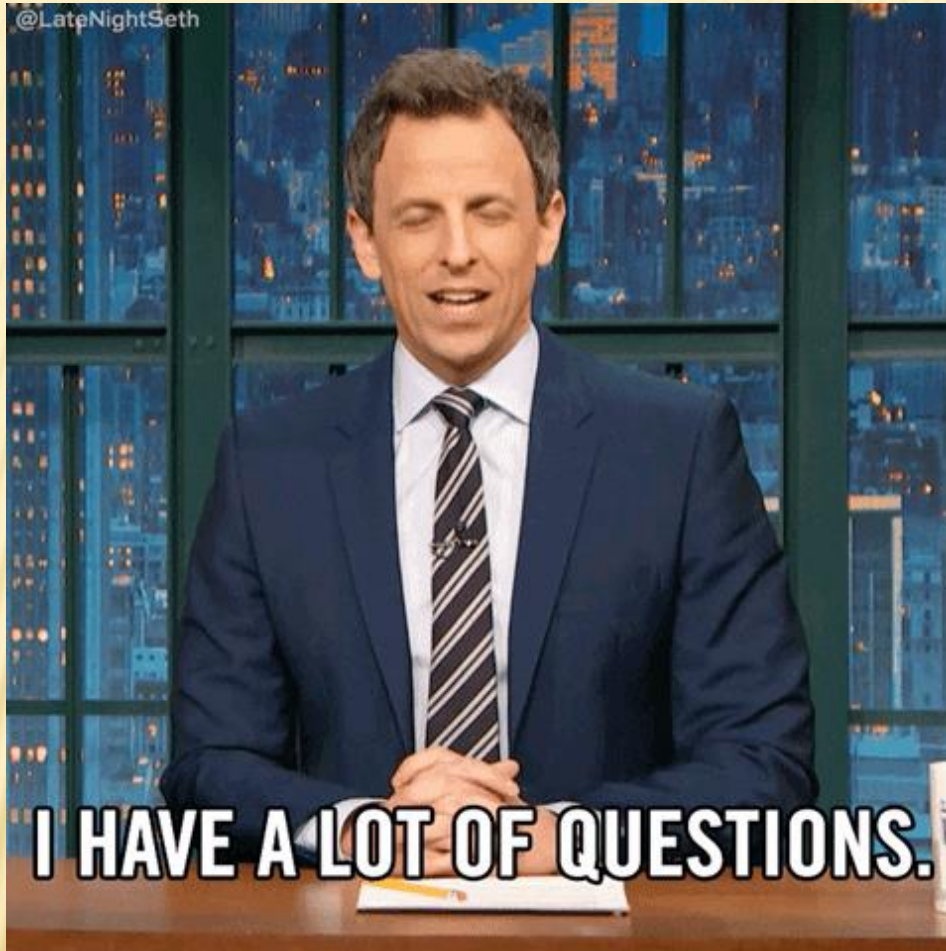
LL may receive summons and proceed as
LL would have pre-pandemic

LL may seek default judgment as LL
would have pre-pandemic

LL may obtain trial date as LL would have
pre-pandemic

LL may obtain trial date as LL would have
pre-pandemic

@LateNightSeth



I HAVE A LOT OF QUESTIONS.

PROCEDURAL PAUSE: EO 37-20

- ✘ Summary: Procedural pause for tenants who are unable to pay due to COVID-19
 - + 60-day extension for Answer deadline
 - + No eviction writs executed
- ✘ Key: Only while Order is in effect
- ✘ When will this matter?
 - + If JC ER 1 expires before the Order expires
 - + If landlord seeks “public health & safety” exception for default judgment

PROCEDURAL PAUSE: SHERIFF IS NOT CONDUCTING LOCKOUTS





Yeah, I have a lot of questions.

COUNTY-WIDE ORDER

- ✘ Applies to Unincorporated LA and cities in LA County that haven't created COVID residential tenant protections
- ✘ Defenses:
 - + Inability to Pay due to COVID-19
 - + No-fault
 - + Unauthorized Occupants
 - + Unauthorized Pets
 - + Nuisance Related to COVID-19
- ✘ Rent freeze for Unincorporated LA only

CITY OF LA ORDER

✘ Defenses:

- + Inability to Pay due to COVID-19

- + No-fault

- + Unauthorized Occupants

- + Unauthorized Pets

- + Nuisance Related to COVID-19

✘ Private Right of Action for Tenants

OTHER LOCAL ORDERS

- ✘ Cities have been passing their own protections
- ✘ Changes frequently
- ✘ See tracker

CARES ACT

- ✘ 120-day moratorium on nonpayment evictions starting March 27
- ✘ 30-day notice required after that

