

PRESS RELEASE: COVID-19 and Evictions

For Immediate Release

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Kern County, California

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Have evictions in Kern County stopped?

NO. However some parts of the eviction process have been delayed by 60 days by Governor Newsom and the Kern County Court.

What types of evictions are delayed?

Different levels of government as well as the court system have issued orders that delay eviction cases. None of these orders provide that a tenant's rent is waived.

U.S.

The federal stimulus package, the CARES Act, includes a 120-day eviction moratorium for tenants who can't pay rent. The moratorium only applies to renters in properties, both single-family homes and apartments, whose owners have federally backed mortgages. Every renter who lives in federally subsidized low-income housing is also covered. More information on the CARES Act eviction moratorium is available here: <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>

California – Governor's Orders

Governor Newsom issued two executive order related to evictions:

EO N-28-20

Gov. Newsom issued the first executive order regarding evictions on March 16, 2020, EO N-28-20. This order called on local jurisdictions to determine what additional measures are needed to promote housing security and stability to protect public health or mitigate economic impacts of COVID-19. The order also suspended any state law that restricted a local government's exercise of police power to substantially limit residential or commercial evictions.

This order means that cities and counties can enact local restrictions on evictions. This order itself, however, did not create any limitations on evictions.

The order also prohibits rent gouging (under Penal Code § 396(f)) through May 31, 2020.

Executive Order N-28-20 is available here:

<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.16.20-Executive-Order.pdf>

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EO N-37-20

Gov. Newsom issued the second executive order regarding evictions on March 27, 2020, EO N-37-20. This order gives some limited protection to tenants who are unable to pay due for a reason directly related to COVID-19. The order says that those tenants should have 60 days to respond to an unlawful detainer (eviction) complaint, instead of the normal 5 court days. However, in order to get that protection, the tenant needs to meet the criteria listed below:

- Before 03/27/2020, the tenant paid rent to the landlord by agreement,
- The tenant notifies the landlord of the need to delay all or some rent for reasons related to COVID-19
 - In writing
 - Before the rent is due or within seven days after the rent is due.
- Non-payment of rent for reasons related to COVID-19 means the following:
 - Lost wages due to lay off or loss of hours due to COVID-19
 - Missed work due to being sick with COVID-19 or taking care of someone who is sick with COVID-19
 - Missed work due to needing to provide childcare because of school closures
- The tenant provides to the landlord verifiable documentation of the reason for the non-payment, no later than the date that they pay the back-due rent. Documentation includes:
 - Termination notices,
 - Payroll checks,
 - Pay stubs,
 - Bank statements,
 - Medical bills,
 - Signed letters, or
 - Employer or supervisor statements explaining the tenant's changed financial circumstances.

If a tenant meets these criteria, then *if* the landlord files an eviction case based on nonpayment of rent, the tenant should have 60 days, instead of 5 court days to respond to the eviction lawsuit. However, this order does **not** provide the tenant with a defense to an eviction lawsuit, or require the landlord to enter a payment plan, or even require the landlord to accept the rent at a later date.

This order is in effect until May 31, 2020.

This order is inadequate for many reasons, including those stated above. It puts the burden on tenants to prove that they should be protected. It does not protect tenants who do not know about the order and therefore do not provide their landlord with the required written notification. It also simply delays evictions, and does not offer tenants any substantive remedy (for example, a requirement that they can pay the rent back over longer time period). A detailed analysis of why this order is inadequate can be found here: <https://wclp.org/analysis-of-governor-newsoms-executive-order-regarding-evictions-during-the-covid-19-crisis/>

Executive Order N-37-20 is available here:

<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf>

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California – Court Systems

Kern County Superior Court

The Kern County Superior Court (the trial court system) has issued several orders that will delay most civil cases, including unlawful detainer (eviction) cases. The court website has all the court orders and posts new orders when they come out. Check for updates: <https://www.kern.courts.ca.gov/>

Currently, it appears that the court is not setting unlawful detainer trial dates until after May 22, 2020.

However, if an unlawful detainer has been filed against you, you should **call the court** and find out if and when any court dates have been scheduled for **your specific case**.

As a practical matter, the delay in trial dates will mean that tenants who are facing eviction cases will be able to stay in their homes for longer, because these cases will take longer to be resolved. If you are a tenant in an eviction case, you can also use the time leading up to your trial date to try to negotiate a settlement with your landlord.

The court has also declared that the dates between March 18 and April 30, 2020 are holidays for purposes of calculating the deadlines for responding to court cases. This means that if you are served with an unlawful detainer complaint between March 18 and April 30, 2020, your landlord should not be able to get a default judgment against you during this time period. Even then you are not protected under the Governor's executive order on evictions, the 5-day period for responding to the case will not start until May 1, 2020.

Kern County

Kern County Board of Supervisors

The Kern County Board of Supervisors has not issued any local ordinance or order stopping evictions in Kern County.

City of Bakersfield

The City of Bakersfield has not issued any local ordinance or order stopping evictions.

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