



June 9, 2020

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688

Chief Justice Cantill-Sakauye and Members of the Judicial Council:

On behalf of the Southern California Rental Housing Association (SCRHA) and its nearly 3,000 members who represent over 128,000 rental units in Southern California, we would like to commend you on your actions to protect Californians. As state and local governments begin steps to reopen, we would like to respectfully request that the Judicial Council revisit recent emergency rules, especially as they relate to unlawful detainer actions.

The rental housing industry is experiencing unique impacts during the COVID-19 emergency. While local, state and federal governments have taken action to protect residential tenants via eviction moratoriums, there is little support for rental property owners during this time. Rental property owners have a variety of financial responsibilities that are very difficult to meet without rental income. Because rental housing is considered an essential business, rental property owners must continue to pay management and maintenance employees and outside vendors (such as plumbers, landscapers, pool maintenance and pest control vendors) in addition to other operating expenses, many of which have increased during this time due to residents working from home. Furthermore, placing property owners in financial danger jeopardizes their ability to provide rental housing into the future.

The closure of the courts for cases other than those related to health and safety creates a scenario in which property owners have no recourse for non-payment of rent or ongoing lease violations. Eviction moratorium ordinances require that tenants demonstrate a financial hardship as a result of COVID-19. However, due to the Judicial Council's Emergency Rule 1, many tenants are opting not to pay rent even if they have not suffered a hardship. In addition, tenants who are violating their leases in other ways are emboldened by the inability of the rental property owner to take any action against them due to Emergency Rule 1. This is especially harmful in situations where a tenant is creating ongoing noise disturbances or other nuisances for their neighbors.

No property owner wants to evict a resident for no reason, especially during these unprecedented times. However, the unlawful detainer process is often the only recourse property owners may employ to recoup unpaid rent, provide other tenants with a reasonable level of quiet enjoyment of their homes and/or recover possession of the rental unit.

SCRHA supports the recommendations from the chairs of the Judicial Council's six internal committees, specifically:

- Amend California Rules of Court, emergency rule 1 to provide that the rule will remain in effect until August 3, 2020, or until otherwise amended by the Judicial Council;
- Amend California Rules of Court, emergency rule 2 to remove the tolling provision, because the tolling of all civil causes of action is addressed in emergency rule 9, and provide that the



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remainder of the rule will remain in effect until August 3, 2020, or until otherwise amended by the Judicial Council; and

- Add an Advisory Committee Comment to each of the rules noting that if the Legislature acts on bills it is considering relating to unlawful detainers and judicial foreclosures before August 3, 2020, the council may amend the rules further.

We encourage you to revisit the limitations on unlawful detainer proceedings. Courts, such as those in San Diego, are already extremely overburdened due to funding constraints over the years. Further delaying the courts' ability to issue Summons in unlawful detainer cases and/or proceed with cases that were already filed prior to the issuance of the Governor's Emergency Declaration will only compound the problem. The proposed amendments above will assist courts that have not yet reopened to prepare for re-opening and to more effectively handle the backlog of existing cases and the influx of new cases.

Thank you in advance for your consideration.

Sincerely,

Kendra Bork
2020 President

Alan Pentico
Executive Director