

COVID-19/Coronavirus Eviction Update

NEW UPDATE: San Diego Superior Court Closed until May 26, 2020.

The ban on evictions has steadily increased since the spread of COVID-19. A summary of every state and federal and court administrative order is set forth below. The Orders start with the most restrictive orders upon evicting a tenant. Legal ways to collect rents:

UNLAWFUL DETAINER LAWSUITS-STOPPED BY COURTS

On April 6, 2020, the Judicial Council of California banned the filing of all new unlawful detainer lawsuits and issuance of summons. This order will remain for 90-days after the Governor lifts state of emergency orders. All other Orders limit the type of notice you can serve legally. You need to contact Attorney Marshall to determine what notices are not legal.

STATE OF CALIFORNIA ORDERS- LIMITS RENT-Foreclosure- EVICTIONS

On March 16, 2020, Governor Newsom issued an Executive Order N-28-20 This Order allows local governments to halt residential or commercial evictions caused by the COVID-19 pandemic. This Executive Order remains in effect through May 31, 2020, unless extended. This Order only applies to evictions based on nonpayment of rent and post-foreclosure evictions. .

CITY OF SAN DIEGO ORDER-Limits RENT & Foreclosure Evictions

The City of San Diego enacted a temporary (30-day) moratorium on evictions caused by the coronavirus. Legally, the scope of the local ordinance cannot exceed the parameters of the state law. This means only nonpayment of rent cases and post-foreclosure evictions. Chula Vista has enacted a similar ordinance. It is virtually certain this order will be enacted as an ordinance and therefore can be in place at least until May 31, 2020 per state law.

FEDERAL "CARES" ACT

The CARES Act bans evictions for rental units financed by federal loans FANNIE MAE etc.

SOLUTION-TAKE ACTION

- 1) Serve a 7-Day Eviction Notice if your tenant does not pay rent or proof of inability to pay due to Covid-19.
- 2) Serve a 30-Day or 60-Day Notice if they do not comply with the 7-Day Rent Demand.
- 3) File a winning lawsuit that is not rent-based when legally allowed. Do not have to wait 6-months.

Call Attorney Daniel Marshall at 619-993-5778