

SEP - 4 2020

By *Adrian Bell*
DEPUTY CLERK

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO
DEPARTMENT EIGHT**

* * * *

In Re Unlawful Detainer Matters.

Case No.: MISC 002743

**STANDING ORDER IMPLEMENTING
AB 3088 COVID-19 TENANT
PROTECTION ACT AND CENTER
FOR DISEASE CONTROL
MORATORIUM ON EVICTION**

(EFFECTIVE SEPTEMBER 4, 2020)

THE COURT FINDS AS FOLLOWS:

1. On April 6, 2020, the Judicial Council issued Emergency Rule 1 which prohibited the processing of summons and defaults in unlawful detainer matters with certain exceptions. Emergency Rule 1 expired on September 1, 2020. During the period of April 6, 2020 through September 1, 2020, the court received unlawful detainer actions for filing but did not release the summons or conformed complaints unless as expressly authorized by law. During the period of April 6, 2020 through September 1, 2020, the court received requests for entry of default in pending unlawful detainer actions but did not process the defaults due to Emergency Rule 1 unless as expressly authorized by law.

1 2. On August 31, 2020, the California Legislature adopted Assembly Bill 3088, the
2 COVID-19 Tenant Relief Act of 2020, adopted as urgency legislation with an effective date of
3 September 2, 2020. AB 3088 restricts processing of certain residential unlawful detainers
4 based upon a failure to pay rent after March 1, 2020, due to COVID-19 financial distress and
5 establishes new procedures that must be followed prior to initiating a residential unlawful
6 detainer. AB 3088 adopted Code of Civil Procedure, § 1179.01.5(c) which requires a plaintiff
7 to file an Unlawful Detainer Supplemental Cover Sheet with specified contents.

8 3. To implement Code of Civil Procedure, § 1179.01.5(c), Local Form 3012-CV is
9 adopted for non-mandatory use.

10 4. On September 1, 2020, the Center for Disease Control issued a federal agency order
11 creating a moratorium on certain residential evictions due to failure to pay rent related to
12 COVID-19 through December 31, 2020 (see [federalregister.gov.d.2020-19654](https://www.federalregister.gov/d/2020-19654) to be published
13 in Federal Register on September 4, 2020.).

14 5. Because the changes in the law require the court to retroactively and prospectively
15 screen unlawful detainer cases for processing based upon the type of case, factual basis for the
16 unlawful detainer and procedural protections operative on specific dates, plaintiffs seeking
17 issuance of a summons or request for entry of default in a case that has been held for processing
18 shall submit an Unlawful Detainer Supplemental Cover Sheet. For any new unlawful detainer
19 action after September 2, 2020, plaintiff shall file an Unlawful Detainer Supplemental Cover
20 Sheet. Parties may create their own form consistent with Code of Civil Procedure,
21 §1179.01.5(c) or use Local Form 3012-CV. Because this form will assist the court to screen
22 and process cases based upon state, federal and local law, the court strongly encourages
23 litigants to utilize this form. Plaintiffs do not need to file an Unlawful Detainer Supplemental
24 Cover Sheet in any case in which all parties have previously appeared and no judgment has yet
25 issued.


1 6. The CDC Moratorium on Evictions does not restrict the initiation of an action for
2 unlawful detainer. Because the issuance of a writ of possession is a ministerial function of the
3 Clerk's office and because the execution of a writ of a possession by the Sheriff's Department
4 is a ministerial duty, default judgments and judgments involving residential evictions will be
5 screened by a judicial officer for compliance with applicable law, including the CDC
6 Moratorium on Evictions, and only eligible judgments will be filed. Any party whose
7 judgment is held for processing as a result of the application of the CDC Moratorium on
8 Evictions will be timely notified of the determination by the court.

9 7. Due to the effect of emergency orders imposing limited operations, Emergency Rule 1,
10 AB 3088 and the CDC moratorium on evictions, the court will not process notices of dismissal
11 for unlawful detainer actions that are filed but not prosecuted within 60 days until April 5,
12 2021. (See CCP, § 1167.1; Cal. Rules of Court, standard 2.2(i).)

13 8. The court adopts this Standing Order and Local Form 3012-CV as a local rule, form and
14 order necessary to address the impact of the COVID-19 pandemic to take effect immediately.
15 (March 23, 2020, Statewide Order issued by Chief Justice Tani G. Cantil-Sakauye, p. 2, ¶ 4.)
16 In the event of a further change in law this standing order may be modified or rescinded as
17 necessary.

18 **IT IS SO ORDERED.**

19 Dated: September 4, 2020

20 
21 **WENDY G. GETTY**
22 **Civil Supervising Judge**
23 **Solano County Superior Court**