

Eviction Guidance for California Senior Communities During COVID-19 Pandemic

Due to the worldwide COVID-19 pandemic, California has implemented eviction restrictions on all landlords. These restrictions have been issued in several forms, and have changed over the last few weeks. The purpose of this alert is to provide a brief overview of the current statewide rules regarding evictions as applied to senior communities.

On March 16, 2020, Governor Gavin Newsom first issued an executive order authorizing local governments to halt evictions, among other things. The response from local governments was underwhelming. Thus, on March 27, 2020, Governor Newsom issued a statewide, two-month moratorium on evictions of all tenants who could not afford to pay rent for reasons related to COVID-19.

On April 6, 2020, the Judicial Council of California adopted emergency Rules of Court for unlawful detainers. The emergency rules effectively halt all unlawful detainers, unless necessary to protect public health and safety. The emergency rules will remain in place for ninety days after the state of emergency is lifted, unless amended or repealed by the Judicial Council.

In addition to the statewide emergency rules, superior courts in each county have issued their own temporary rules due to the COVID-19 pandemic. These rules vary widely by county and may provide limitations beyond those in the statewide emergency rules. In Contra Costa County, for example, for situations involving health and safety, parties must first seek a restraining order, and then seek permission from a hearing judge to file an unlawful detainer action.

Under California RCFE law, in most cases, RCFE licensees must issue a thirty-day eviction notice. Termination notices for CCRC residents require ninety-day notices. Accordingly, a natural question is whether licensees can and should serve termination notices now, so that the unlawful detainer lawsuits can be pursued once the emergency rules are lifted and courts are again operating at full capacity.

These decisions should be made on a case-by-case basis taking into consideration the facts and circumstances – including potential risk to health and safety, applicable law, and existing



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court rules. Public relations risks should also be considered, both the risk of proceeding and, for issues involving health and safety risks to the community, not proceeding at this time.

The legal and factual landscape has been changing rapidly during this crisis. Communities facing potential eviction situations should consult legal counsel to discuss the specific facts involved and to identify permissible and appropriate approaches.

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