



March 17, 2020

Chief Justice Tani Cantil-Sakauye  
Chair, Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102

RE: Urgent Action to Protect California Communities

Dear Chief Justice Cantil-Sakauye:

On behalf of the undersigned organizations tasked with providing legal assistance and support to some of our state's most vulnerable residents, we write to request that you take immediate action to protect us and our client communities from needless risk and potential harms during the continuing COVID-19 outbreak. As the outbreak and our public responses continue to develop, it is increasingly apparent that there is a need for a clear statewide directive to the courts. Given the expanding orders for all Californians to shelter in place, the only appropriate response is to suspend court operations across the state. Suspension would include an immediate halt on pending and new unlawful detainers, as well as the issuance and enforcement of writs of possession and execution. Allowing these matters to proceed during a public health crisis may subject the public to increased risk and vulnerability and frustrate community members' ability to take recommended or required protective measures.

While suspending all court operations is necessary to prevent people from congregating in courthouses, the need for a moratorium on eviction actions is particularly dire. Given the severe consequence of evictions, including potential homelessness and potential for families moving into overcrowded conditions, a statewide moratorium on evictions is critical. This will both relieve the pressure for vulnerable tenants to appear in crowded courthouses for their hearings and ease the potential impacts of displacement on those same populations' ability to protect themselves – including losing access to basic hygiene, being forced into unsafe situations on the streets or crowded shelters, and decreased ability to attend to medical needs. A moratorium on such evictions during a serious pandemic does not prevent the circumstances underlying such cases from being addressed eventually; it simply recognizes that this is the wrong time to allow tenants to be displaced from their homes.

While we appreciate the challenges of responding to this evolving crisis and the limits of the Chief Justice's statutory authority, this situation is completely unprecedented and more decisive and comprehensive steps are necessary. Absent a clear directive, local courts are responding to the outbreak in different ways, creating confusion for litigants and legal services programs. These confusing and constantly changing policies have required some legal aid programs to choose between protecting their staff in compliance with local directives to close businesses and,



on the other hand, ensuring access to justice for their vulnerable clients who may face displacement from their homes during a public health emergency.

We request that you take decisive action to respond to this public health emergency and issue a statewide directive to all local courts to request emergency orders that allow for the following:

- Cancel scheduled hearings or provide the maximum extension for all pending unlawful detainer cases while declarations of emergency related to COVID-19 are in effect;
- Cancel scheduled hearings for civil matters and provide the maximum extension for all other pending civil matters except for true emergency proceedings such as temporary restraining orders to prevent domestic violence and elder abuse and urgent hearings related to immigration petitions while declarations of emergency related to COVID-19 are in effect;
- Declare a moratorium on new unlawful detainer filings in the courts and on entry of default in these matters while declarations of emergency related to COVID-19 are in effect;
- Declare a moratorium on the issuance and execution of writs of possession and execution while declarations of emergency related to COVID-19 are in effect, and for an appropriate period of time thereafter.

These actions will allow us to take appropriate protective measures related to the COVID-19 pandemic without being forced to choose between putting ourselves at risk and leaving our clients without access to the resources they need to navigate the courts. Given the widely varying approaches taken by different courts, the need for comprehensive guidance and statewide action is clear. We must all work together to make sure all California residents are protected during this difficult time, and we should not be allowing more residents to be placed in jeopardy of homelessness and negative health outcomes by continuing business as usual in our courts.

Sincerely,

Alexander Harnden  
Policy Advocate  
Western Center on Law & Poverty

On behalf of:

ACLU California

Alliance for Californians for Community  
Empowerment (ACCE)

Alliance for Children's Rights

Affordable Housing Services

BASTA, Inc.

Bay Area Legal Aid



Bet Tzedek Legal Services	California Rural Legal Assistance
Central California Legal Services	Centro Legal de la Raza
Community Legal Services in East Palo Alto	Disability Rights California
Disability Rights Education & Defense Fund	Disability Services and Legal Center
East Bay Community Law Center	ELDR Center
Eviction Defense Collaborative	Fair Housing Advocates of Northern California
Fair Housing Napa Valley	Family Violence Appellate Project
Family Violence Law Center	Greater Bakersfield Legal Assistance
HEART L.A.- Housing Equality & Advocacy Resource Team	Housing Rights Center
Inland Counties Legal Services	Inner City Law Center
Law Foundation of Silicon Valley	Leadership Counsel for Justice and Accountability
Legal Aid Foundation of Los Angeles	Legal Aid Foundation of Santa Barbara County
Legal Aid of Marin	Legal Aid Society of San Diego
Legal Aid Society of San Mateo County	Legal Services of Northern California
Mental Health Advocacy Services, Inc.	National Housing Law Project
Neighborhood Legal Services of LA County	Pasadena Tenants Union
Public Advocates, Inc.	Public Counsel
Public Interest Law Project	Public Law Center
San Luis Obispo Legal Assistance Foundation	Tenant Sanctuary
Tenderloin Housing Clinic	Veterans Legal Institute