

VENTURA
SUPERIOR COURT
FILED

SEP 18 2020

MICHAEL D. PLANET
Executive Officer and Clerk
BY:  Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

**ADMINISTRATIVE ORDER No. 20.34 RE:
IMPLEMENTATION OF AB 3088, THE
TENANT, HOMEOWNER, AND SMALL
LANDLORD RELIEF AND STABILIZATION
ACT AND CENTER FOR DISEASE CONTROL
AND PREVENTION MORATORIUM ON
EVICTIONS**

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THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

On April 6, 2020, the Judicial Council issued California Rules of Court, 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.

On August 31, 2020, the California Legislature adopted Assembly Bill 3088, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, as urgency legislation with an effective date of September 2, 2020. AB 3088 restricts processing of certain residential unlawful detainers based upon a failure to pay rent after March 1, 2020, due to COVID-19 financial distress and establishes new procedures that must be followed prior to initiating a residential unlawful detainer. AB 3088 added *Code of Civil Procedure*, §1179.01, et seq., which is known as the COVID-19 Tenant Relief Act of 2020. On September 1, 2020, the Center for Disease Control issued a federal agency order creating a moratorium on certain residential

1 evictions due to failure to pay rent to prevent the further spread of COVID-19. The moratorium
2 is in effect through December 31, 2020. See 85 Fed. Reg. 55292 (Sept. 4, 2020).

3 The changes in the law require the court to retroactively and prospectively screen
4 unlawful detainer cases for processing based upon the type of case, factual basis for the
5 unlawful detainer and procedural protections operative on specific dates.

6 To implement *Code of Civil Procedure*, §1179.01.5(c), which requires a plaintiff to file an
7 Unlawful Detainer supplemental cover sheet, plaintiffs seeking issuance of a summons or
8 request for entry of default in a case that has been held for processing must submit a
9 supplemental cover sheet with any filing, filed after September 1, 2020. The court clerk shall
10 notify any plaintiff that has submitted any filing from September 1, 2020 - September 18, 2020
11 to inform the plaintiff that a supplemental cover sheet is required before the court can take any
12 action on the submission. For any new unlawful detainer action filed after September 18, 2020,
13 plaintiff must file a supplemental cover sheet with the complaint, or the complaint will be
14 rejected.

15 The supplemental cover sheet will assist the court to screen and process cases based
16 upon state, federal and local law, and should include an explanation as to why plaintiff believes
17 it is appropriate for the court to proceed with the action in light of all the new changes to the
18 laws on eviction.


19 Plaintiffs do not need to file the form in any case in which all parties have previously
20 appeared and no judgment has yet issued.

21 The CDC Moratorium on Evictions does not restrict the initiation of an action for unlawful
22 detainer. As the issuance of a writ of possession is a ministerial function of the Clerk's office,
23 and because the execution of a writ of a possession by the Sheriff's Department is a ministerial
24 duty, default judgments and judgments involving residential evictions will be screened by a
25 judicial officer for compliance with applicable law, including the CDC Moratorium on
26 Evictions. Only eligible judgments will be filed. Any party whose judgment is held for
27 processing will be timely notified of the determination by the court.

1 The Court adopts this order under its authority provided in *California Code of Civil*
2 *Procedure* §§128 and 187. Failure to comply with this order and file the supplemental cover
3 sheet will be grounds for dismissal of the action. In the event of further change in the law, or
4 the issuance of a mandatory form by the Judicial Council of California, this standing order may
5 be amended, modified or rescinded as necessary.

6
7 IT IS SO ORDERED.

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9 DATED: September 18, 2020

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11 
12 BRUCE A. YOUNG
13 PRESIDING JUDGE