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## Eviction Relief for Residents of California Nursing Homes and Assisted Living Facilities

### Judicial Council of California adopts emergency rule for the duration of the COVID-19 crisis

While state, county, and municipal authorities in California have sensibly acted to limit evictions during the current shelter-in-place order, these measures have provided little protection for residents of skilled nursing facilities (“SNFs”) and residential care facilities for the elderly (“RCFEs”)—until now.

In a meeting on April 6, 2020, the Judicial Council of California adopted an emergency rule effectively stopping all evictions, other than those necessary to protect public health and safety, for the duration of the COVID-19 emergency. <https://assets.documentcloud.org/documents/6826551/20-141-Emergency-Rules-Complete-Rule-Set-as.pdf>.

The emergency rule prohibits a California court from issuing a summons in an eviction case— also called an “unlawful detainer” proceeding— unless the eviction is necessary to protect public health and safety. A tenant will not need to respond to a new eviction case until the rule is lifted.

Moreover, even in an unlawful detainer proceeding that has already begun and has had a trial date set as of April 6, 2020, trial must be continued – that is, delayed – at least 60 days from the initial date of trial.

Because non-emergency evictions from nursing homes and residential care facilities for the elderly are not enforceable absent a court order issued in an unlawful detainer action, the new rule should protect residents in these facilities.

Residents of SNFs or RCFEs who receive eviction notices should refer administrators to the new rule and can decline to leave. They can also call CANHR for help in understanding how the rules may apply to their individual situations.

This new court rule will remain in effect until 90 days after the Governor lifts the state of emergency related to the COVID-19 pandemic, or until it is amended or repealed by the Judicial Council.

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