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**FILED**  
KERN COUNTY  
SUPERIOR COURT

OCT 07 2020

BY  DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF KERN

**IN 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 (REVISED OCTOBER  
7, 2020)**

MISCELLANEOUS NO.: STO-20-0016

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

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.

On August 31, 2020, the California Legislature adopted Assembly Bill 3088, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, adopted 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

1 procedures that must be followed prior to initiating a residential unlawful detainer. AB  
2 3088 added Code of Civil Procedure, § 1179.01, et seq., which is known as the  
3 COVID-19 Tenant Relief Act of 2020. On September 1, 2020, the Center for Disease  
4 Control issued a federal agency order creating a moratorium on certain residential  
5 evictions due to failure to pay rent to prevent the further spread of COVID-19. The  
6 moratorium is in effect through December 31, 2020. See 85 Fed. Reg. 55292 (Sept.  
7 4, 2020). The changes in the law require the court to retroactively and prospectively  
8 screen unlawful detainer cases for processing based upon the type of case, factual  
9 basis for the unlawful detainer and procedural protections operative on specific dates.

10 To implement Code of Civil Procedure, § 1179.01.5(c), which requires a plaintiff  
11 to file an unlawful detainer supplemental cover sheet with specified contents, the court  
12 requires plaintiffs to file *Plaintiff's Mandatory Cover Sheet and Supplemental*  
13 *Allegations – Unlawful Detainer (Judicial Council Form UD-101)*. Plaintiffs seeking  
14 issuance of a summons or request for entry of default in a case that has been held for  
15 processing must submit Form UD-101 with any future filing. For any new unlawful  
16 detainer action filed after October 9, 2020, plaintiff must file this form with their  
17 complaint, or the complaint will be rejected.

18 Form UD-101 will assist the court to screen and process cases based upon  
19 state, federal and local law, and should include an explanation as to why plaintiff  
20 believes it is appropriate for the court to proceed with the action in light of all the new  
21 changes to the laws on eviction. Parties are further advised to consider using the new  
22 Judicial Council forms to provide a *Coversheet for Declaration of COVID-19 Related*  
23 *Financial Distress (Form UD-104)* and the *Attachment – Declaration of COVID-19*  
24 *Related Financial Distress (Form UD-104(A))*, as well as the revised Judicial Council  
25 form for the *Answer – Unlawful Detainer (Form UD-105)*.

1 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  
3 function of the Clerk's office and because the execution of a writ of a possession by  
4 the Sheriff's Department is a ministerial duty, default judgments and judgments  
5 involving residential evictions will be screened by a judicial officer for compliance with  
6 applicable law, including the CDC Moratorium on Evictions, and only eligible  
7 judgments will be filed. Any party whose judgment is held for processing as a result of  
8 the application of the CDC Moratorium on Evictions will be timely notified of the  
9 determination by the court.

10 The Court adopts this standing order under its authority under California Code  
11 of Civil Procedure §§ 128 and 187. Failure to comply with this Standing Order and file  
12 the mandatory form UD-101 will be grounds for dismissal of the action. This order  
13 rescinds the Court's September 14, 2020 Standing Order on the same subject. In the  
14 event of further change in the law, this standing order may be modified or rescinded  
15 as necessary.

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17 THIS ORDER IS EFFECTIVE on October 7, 2020.

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19 Dated: October 7<sup>th</sup>, 2020.

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23 Judith K. Dulcich, Presiding Judge  
24 Kern County Superior Court  
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