

Housing Program UPDATES

Eviction Moratorium

The **San Jose City Council has enacted a temporary moratorium on evictions** in the City of San Jose for renters on the basis of nonpayment of rent resulting from wage loss due to the coronavirus (COVID-19) pandemic.

A landlord cannot evict a tenant if the tenant cannot pay rent because they lost income due to COVID-19.

The tenant must provide documentation of this to the landlord prior to the date rent is due. Information and a template letter in English, Spanish, and Vietnamese is available at <https://www.lawfoundation.org/coronavirus>

The moratorium will remain in effect for 30 days but can be extended with City Council approval.

Court Closure

UDs are not being processed right now. Even if a landlord files an eviction lawsuit, the civil clerk's office will not file-mark the complaint until the Court reopens after April 6, and then the tenant will have 5 days to answer after the date.

Tenants cannot file answers right now. The court is closed, and the civil clerk's office is not accepting any filings. The tenant will need to respond to the eviction lawsuit once the court reopens after April 6.

The sheriff is not executing writs (lockouts). We have been told that the sheriff should not be conducting lockouts of tenants while the Shelter in Place ["SiP"] order is in effect. If a tenant is illegally being locked out by their landlord, they should call non-emergency law enforcement services at 3-1-1.

If a tenant does get a sheriff's notice to vacate, the tenant can still go to court to ask for a Stay. The tenant will need to tell the Bailiff at the Court that they are going in for an ex-parte. These are one of the few types of court hearings that are still happening.

Eviction cases are postponed until after April 6. Anyone who had an eviction trial scheduled between now and April 6 will have their court date postponed until after the SiP is lifted. The tenants will need to check with the civil clerk's office after April 6 to find out their new trial date.

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Law Foundation Response

Our office is currently closed to the public and we cannot take in-person meetings with any clients. All our work is now remote, either over the phone or email.

We are not completing Answers for clients. If someone calls in or is referred by an agency, we are unable to do the answer paperwork for the client.

Instead, we will put this person's name on a list to receive a call back from Law Foundation once the SiP is lifted.

Once the SiP is lifted, we will immediately prioritize scheduling these clients first to help with their answers.

If the client wants to fill out an answer so they are ready to file once the SiP is lifted, we can email an electronic copy of the Answer packet to the client and walk them through it over the phone.

We are not completing Stays for clients. We are asking all clients who believe they received a sheriff's notice to send us a copy of the notice via our client email address (housinghelp@lawfoundation.org).

We will be advising clients that the sheriff's office is not executing lockouts during this time so they should be able to stay in their unit until April 6.

If a client wants to file a Stay during the SiP, we will send the client an electronic copy of the Stay packet and walk them through filling it out over the phone.

Clients will still be able to file these motions even when the court is closed. Law Foundation will not be representing anyone on the Stays filed during the SiP.

We are still accepting eviction cases for full representation. If a tenant already filed an answer, they can call our intake line to find out if we can represent them in their eviction case. We would need a copy of their Summons and Complaint, and a copy of the Answer they filed in order to fully assess the case.

How to Contact the Law Foundation

We are still available to clients through our intake line: **(408) 280-2424**

We are also taking client intake inquiries via our new client email address: housinghelp@lawfoundation.org

If any agencies have general questions unrelated to specific clients, please continue to **contact Lauren Carden** at lauren.carden@lawfoundation.org or at (408) 280-2493.

Resources for the Public

Please encourage clients to visit our website for more information:

Related to COVID-19: <https://www.lawfoundation.org/coronavirus>

Related to other housing issues: <https://www.lawfoundation.org/resources-housing>