



## COVID-19

### TENANT RIGHTS AND JUDICIAL COUNCIL AMENDMENTS

Please be advised that due to the U.S. being in a state of emergency, government directives and orders, and associated enforcement procedures are rapidly changing. The contents of this document do not have the force and effect of law. This document is intended only to provide clarity for the public regarding existing requirements under the law or agency policies. This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to housing in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, Inland Counties Legal Services, cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation. Please do not hesitate to call us to obtain the most up to date information regarding your situation.

1. **Q: What emergency rules were put in place by the Judicial Council of California Amendments to the California Rules of Court on April 6, 2020?**  
**A:** On April 6, 2020, the Judicial Council of California adopted an emergency rule that stalls or brings to a halt evictions and judicial foreclosures other than those necessary to protect public health and safety for a period of up to 90 days after the Governor declares that the state of emergency related to COVID-19 is lifted or until amended or repealed by the Judicial Council.
2. **Q: How do these emergency rules affect the issuance of summons for unlawful detainer eviction?**  
**A:** A court may not issue a summons on a complaint for unlawful detainer unless the court finds on the record that the action is necessary to protect public health and safety.
3. **Q: How do these emergency rules affect entry of default in unlawful detainer eviction?**  
**A:** A court may not enter a default or default judgment in unlawful detainer for failure of the defendant to appear unless it finds both that it is necessary to protect public health and safety and that the defendant has not appeared in time to provide an answer by law, inclusive of any executive order such as Governor's Executive Order, N-37-20.
4. **Q: How do these emergency rules affect unlawful detainer trials?**  
**A:** A court may not set a trial date earlier than 60 days after request for trial is made unless it is necessary to protect public health and safety. Any trial that is already set as of 4/6/2020 must be continued at least 60 days from the initial date of trial.
5. **Q: Do I still owe rent to my landlord under these emergency rules?**  
**A:** Yes. The Judicial Council's emergency rules only delays the eviction process, it does not relieve you of your obligation to pay the rent.

**If you need assistance with any of the issues described above, please call our intake line at 1- (888) 245-4257,  
or apply online at [inlandlegal.org/apply](http://inlandlegal.org/apply)**



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### FEDERAL HOMEOWNER PROTECTIONS

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**1. Q: I am a homeowner having trouble with my monthly mortgage payment because of the COVID-19 pandemic, what rights do I have?**

**A:** The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, allows for homeowners experiencing a financial hardship as a result of COVID-19 to request a forbearance for federally backed mortgage loans.

**2. Q: What is a forbearance?**

**A:** Forbearance isn't the same as forgiveness. Forbearance will allow you to reduce or suspend your monthly mortgage payments for a period of time. You'll still owe payments that you skipped after the forbearance period ends.

**3. Q: What is a Federally Backed Mortgage Loan?**

**A:** A federally backed mortgage loan is a loan such as those that are insured by the Federal Housing Administration (FHA) or purchased or securitized by Fannie Mae or Freddie Mac. A majority of mortgage loans in the U.S. fall within this category.

**4. Q: Do I have a right to request a forbearance?**

**A:** If you have a federally backed mortgage loan and are experiencing financial hardship as a result of COVID-19, you get a right to a forbearance. The forbearance period will last up to 180 days and may be extended for up to another 180 days. Interest will still accrue during the forbearance period, but the servicer may not add additional fees, penalties or interest beyond that which would normally be charged if you made all your payments on time. The servicer cannot report your loan to credit reporting agencies as delinquent if you were not already behind when you entered into the forbearance agreement.

**5. Q: How can I get a forbearance?**

**A:** To get the forbearance, contact your servicer and affirm via attestation that you have suffered a financial hardship due to COVID-19. You should not be required to provide additional supporting documentation beyond your attestation.

**6. Q: I am a homeowner, are there any protections against foreclosure during the COVID-19 pandemic?**

**A:** The Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, includes a 60-day foreclosure moratorium starting March 18, 2020, for federally backed mortgage loans. Under this Act, a servicer of a federally backed mortgage loan may not start the foreclosure process, move for a foreclosure judgment, or order of sale, or start a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020.

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## COVID-19

### FEDERAL HOMEOWNER PROTECTIONS PT. 2

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**7. Q: What is a federally backed mortgage loan?**

**A:** A federally backed mortgage loan is a loan such as those that are insured by the Federal Housing Administration (FHA) or purchased or securitized by Fannie Mae or Freddie Mac. A majority of mortgage loans in the U.S. fall within this category.

**8. Q: Do I still get protection under the CARES act if I do not have a federally backed mortgage loan?**

**A:** If your loan is not a federally backed mortgage loan, it is not covered under the CARES act. If your loan is not federally backed, you might still be covered by a moratorium under state law or local law.

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