

Anti-Eviction Orders Challenged as Unconstitutional

Two landlords filed a lawsuit earlier this week challenging California courts' refusal to hear eviction proceedings. In its response to the COVID-19 pandemic, the agency that oversees California's courts declared that courts would not consider eviction cases for the duration of Gov. Gavin Newsom's state-of-emergency declaration plus 90 days.

The lawsuit claims the California Judicial Council violated the California Constitution, overriding state law without authority. According to the filing, the property owners are both retired. The tenants have not paid rent, one since January, damaged property, disturbed other tenants and, one was arrested on drug and firearms charges. Neither tenant has claimed any COVID-19 injury.

The California Constitution allows a governor to suspend statutes during a state of emergency when the governor determines that strict compliance with the statutes would prevent, hinder or delay the mitigation of the effects of the emergency. The Judicial Council's duties are limited to rules for court administration, practice and procedure. The lawsuit claims that the Governor may not delegate the emergency power to override statutes and in any event the Judicial Council went beyond the Governor's orders which were limited to prohibiting evictions due to nonpayment of rent as a result of documented COVID-19-related decrease in income or increase in medical expenses. That order was extended until July 28. The Judicial Council rule extends 90 days after the state of emergency is lifted. [Christiansen and Martin v. California Judicial Council](#) was filed on July 15, 2020 in Kern County Superior Court and the plaintiffs are represented by the Pacific Legal Foundation. C.A.R. IMPAC regularly awards grant money to PLF