

California Legislature

August 5, 2020

Honorable Tani Cantil-Sakauye, Chief Justice
Supreme Court of California
350 McAllister Street
San Francisco, Ca 94102-4797

Dear Chief Justice Cantil-Sakauye:

We are writing to express deep appreciation for your leadership during this crisis and to share our concerns about the proposal to rescind Emergency Rules 1 and 2 as early as August 14. We respectfully request that the Judicial Council consider maintaining Emergency Rules 1 and 2 until September 5 or an earlier date after legislation is signed into law addressing policies for unlawful detainer and judicial foreclosure proceedings in light of the COVID-19 pandemic.

Our primary concern about the potential repeal of Emergency Rules 1 and 2 on August 14 pertains to ensuring the integrity of the legislative process for pending bills. The COVID-19 crisis has already required the Legislature to radically change how it conducts business in a matter of months, including several revisions to the legislative calendar, the development of new avenues for public participation, and a substantial reduction in the number of bills under active consideration. However, despite these alterations, the Legislature has continued to operate with the goal of concluding its business by our constitutionally-mandated deadline for the end of session on August 31 (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Should the Judicial Council rescind Emergency Rules 1 and 2 on August 14, such an action would almost certainly have the effect of forcing the Legislature to make an impossible decision: risk having two and half weeks of chaos as unlawful detainer and judicial foreclosure proceedings resume with no statewide COVID-19 response legislation in place, or be forced to expedite the process for all bills related to those topics. Speeding up the legislative process is nearly impossible, given the current precautions needed to reduce the risk of viral transmission during legislative business. For example, while several policy committees typically hold hearings in the same room on a given day, new COVID-19 cleaning procedures necessitate a significant reduction in the number of hearings and give less flexibility for sudden changes to the schedule.

Currently, the two most prominent bills addressing evictions and foreclosures – AB 1436 (Chiu, Bonta, Gonzalez, Limón, Santiago, and Wicks) and SB 1410 (Caballero and Bradford) – are scheduled to be heard in committee in mid-August. Any attempt to expedite legislation would lead to a sudden reduction in the amount of time stakeholders have for negotiations, in addition to reduced public input and far less time for legislators to deliberate on various policy options.

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Additionally, even after bills are considered in committee in mid-August, it would still require a considerable amount of time before either measure could meet other legislatively-required milestones necessary for them to be passed by both houses and transmitted to the Governor.

As such, we respectfully request the Judicial Council to consider a September 5 date for the repeal of Emergency Rules 1 and 2 in order to ensure that there is no gap between the protections conveyed by the Judicial Council and those that could be passed by Legislature and signed into law by the Governor. Doing so will give the Legislature and Governor sufficient time to craft a solution to this problem without endangering potentially millions of Californians.

We appreciate your consideration of this matter.

Sincerely,



Toni G. Atkins
Senate President pro Tempore



Anthony Rendon
Speaker of the Assembly



David Chiu, Chair
Assembly Housing & Community
Development Committee



Mark Stone, Chair
Assembly Judiciary Committee



Richard Bloom,
Assemblymember, 50th District