



March 15, 2020

Judge Desautels, Judge McKinney, Mr. Finke,

After reviewing the Court's March 14, 2020 press release, the East Bay tenant organizations have additional questions and concerns that we would to address immediately with Department 511 and Presiding Judge Desautels.

In light of the continued public health crisis associated with the spread of COVID-19, we request that Alameda County Superior Court take the following additional steps immediately to protect the health and safety of Alameda County residents:

1. **Continue all court trials and court trial settlement conferences:** Currently, the Court only agreed to continue trials and settlement conferences for unlawful detainers set for jury trials. While this is a positive first step, continuances should be extended to *all* landlords and tenants regardless of the form of the trial. Court trials tend to represent around half of the unlawful detainer calendar each week, which means there could easily still be 20-25 cases calendared on Wednesdays and Thursdays, compelling anywhere from 40-60 parties to court, along with court staff. The [Public Health Guidance](#) referenced in the court's press release recommends that "Gatherings for people at high risk of complications from COVID-19 should be limited to a ***maximum of 10 people.***" Many participants in the UD calendar, tenants and landlords alike, fall into the high risk category defined by the Alameda County Public Health Department. By continuing settlement conferences and trials for tenants who did not request jury trials, the court is compelling potentially high risk people to court regardless of their health – forcing extremely vulnerable people into groups of more than 10. And while the court has encouraged telephonic appearances in its guidance, it must be noted that many, if not all, of the tenants with court trials are *unrepresented*. Thus, it is highly unlikely that they will be aware of the court's press release, or have the experience or sophistication to advocate for continuances and/or telephonic appearances. **Thus, we ask that all settlement conferences and trials be continued for 3 weeks, regardless of whether they are court or jury trials.**
2. **Continue all ex parte hearings for entry of judgment:** We also ask that the court delay all hearings requesting entry of judgment for a period of 3 weeks. Presently, the Alameda County Sheriff's Department is still executing writs of possession, which is pushing potentially sick people out of their homes and either onto the streets or into the homes of other community members. Increasing the homeless population and overcrowding fellow community members facilitates this spread of this COVID-19, and runs against the County's Public Health Guidance.



3. **Cease all requests for entry of default, default judgment & writs execution:**
Currently, the only legal services provider that is still open is Eviction Defense Center. Given that the Self-Help Center, EBCLC, Bay Area Legal Aid, and Centro Legal de la Raza are limited to phone assistance during this time, it is imperative that the Court cease entry of default in unlawful detainers. Without taking this step, tenants could be defaulted simply because they are unable to obtain help. In addition, many pro per tenants will not have the sophistication or financial means to navigate the fax filing system. As a result, large groups of confused, high risk, and potentially ill tenants will be flooding the civil filing departments in Rene C Davidson and the Hayward Hall of Justice attempting to file answers, when they should all be home. This furthers the public health risk by exposing not only court staff but all citizens in civil filing. Delaying the entry of default will allow legal service providers to advise tenants to comply with the County's public health guidance to stay home during this crisis.

4. **Urge the Sheriff's Department to cease execution of evictions:** We ask that the Court join us in our request to the Sheriff's Department that they cease executing evictions during this crisis. As discussed above, forcing people out of their homes runs directly contrary to the guidance of the Governor and public health department.

Thank you for your time and consideration during this incredibly busy and uncertain time. Our organizations are prepared to meet with court staff immediately, and hope to discuss these concerns in more detail on Monday.

Thank you,

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