

**Appendix I**

**Emergency rule 1. Unlawful detainers**

**(a) Application**

Notwithstanding any other law, including Code of Civil Procedure sections 1166, 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer.

**(b) Issuance of summons**

A court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety.

**(c) Entry of default**

A court may not enter a default or a default judgment for restitution in an unlawful detainer action for failure of defendant to appear unless the court finds both of the following:

(1) The action is necessary to protect public health and safety; and

(2) The defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

**(d) Time for trial**

If a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

**(e) Sunset of rule**

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

1 **Emergency rule 2. Judicial foreclosures—suspension of actions**

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3 Notwithstanding any other law, this rule applies to any action for foreclosure on a  
4 mortgage or deed of trust brought under chapter 1, title 10, of part 2 of the Code of Civil  
5 Procedure, beginning at section 725a, including any action for a deficiency judgment, and  
6 provides that, until 90 days after the Governor declares that the state of emergency  
7 related to the COVID-19 pandemic is lifted, or until this rule is amended or repealed by  
8 the Judicial Council:

- 9  
10 (1) All such actions are stayed, and the court may take no action and issue no  
11 decisions or judgments unless the court finds that action is required to further the  
12 public health and safety.  
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14 (2) Any statute of limitations for filing such an action is tolled.  
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16 (3) The period for electing or exercising any rights under that chapter, including  
17 exercising any right of redemption from a foreclosure sale or petitioning the court  
18 in relation to such a right, is extended.  
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21 **Emergency rule 3. Use of technology for remote appearances**

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23 **(a) Remote appearances**

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25 Notwithstanding any other law, in order to protect the health and safety of the public,  
26 including court users, both in custody and out of custody defendants, witnesses, court  
27 personnel, judicial officers, and others, courts must conduct judicial proceedings and  
28 court operations as follows:

- 29  
30 (1) Courts may require that judicial proceedings and court operations be  
31 conducted remotely.  
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33 (2) In criminal proceedings, courts must receive the consent of the defendant to  
34 conduct the proceeding remotely and otherwise comply with emergency rule  
35 5. Notwithstanding Penal Code sections 865 and 977 or any other law, the  
36 court may conduct any criminal proceeding remotely. As used in this rule,  
37 “consent of the defendant” means that the consent of the defendant is  
38 required only for the waiver of the defendant’s appearance as provided in  
39 emergency rule 5. For good cause shown, the court may require any witness  
40 to personally appear in a particular proceeding.  
41  
42 (3) Conducting proceedings remotely includes, but is not limited to, the use of  
43 video, audio, and telephonic means for remote appearances; the electronic