

EMERGENCY ORDERS

The following table is a synopsis of local and state declarations, orders, rules, etc., which affect civil operations in the San Luis Obispo County Superior Court. The table focuses on civil court operations and does not include information affecting operations in the criminal, juvenile, family, or probate departments.

The table is for informational purposes only and should not be relied on in lieu of reviewing the original documents.

DATE	FROM	SUBSTANCE	LEGAL AUTHORITY
03/04/2020	Governor's Office Declaration of Emergency	Declaration of State of Emergency	Emergency Services Act (Gov. Code, § 8625, et seq.) ESA
03/13/2020	San Luis Obispo County Declaration of Local Health Emergency	Declaration of Local Health Emergency (Penny Borenstein)	
03/13/2020	San Luis Obispo County Proclamation of Local Emergency	Proclamation of Local Emergency (Wade Horton)	
03/14-03/17 2020	Various Cities in SLO County Cities' Proclamations of Local Emergency	<ul style="list-style-type: none"> • Arroyo Grande = March 17, 2020 • Atascadero = March 17, 2020 • Grover Beach = March 16, 2020 • Morro Bay = March 14, 2020 • Paso Robles = March 17, 2020 • Pismo Beach = March 17, 2020 • San Luis Obispo = March 17, 2020 	
03/16/2020	Chief Justice First Advisory Message	Blueprint for what would be presumptively approved per Government Code § 68115	
03/16/2020	Chief Justice SLO Emergency Order #1	Authorizes the Court to do the following: <ul style="list-style-type: none"> • Hold sessions anywhere in the county 	Gov. Code, § 68115 - Judicial Emergencies

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		<ul style="list-style-type: none"> • Declare 10 court days from date of this order (03/16/20) are deemed holidays for purposes of filing papers with court (CCP § 12 and § 12a) • Extend the five-year period for bringing an action to trial (or three-year period for new trial) by not more than 30 days for cases where the statutory deadline would expire between 03/16/20 to 04/10/20 (CCP §§ 583.310, 583.320.) • Extend for up to 30 days the duration of any restraining order that would otherwise expire within 14 days of the date of this order (03/16/20) 	
03/16/2020	<p>Presiding Judge Duffy SLO Court Administrative Order No. 20-01</p>	<p>¶ 1] Sets forth limited operations of court (no civil other than “time sensitive hearings”), from 03/16 to 04/10/20</p> <p>¶ 2] Deems 10 court days from 03/16/20 as holidays under CCP § 12 and § 12a for purposes of filing papers, except for filings related to the limited operations set forth in ¶ 1</p> <p>¶ 5] Any judge may extend by not more than 30 days the five-year period for bringing an action to trial (or three-year period for new trial), for cases where the statutory deadline would expire between 03/16/20 to 04/10/20. (CCP §§ 583.310, 583.320.)</p> <p>¶ 6] Any judge may extend duration of restraining order that would otherwise expire within 14 days of 03/16/20</p> <p>¶ 17] Any judge may continue Civil L&M hearings, short cause matters, and trials de novo for up to 30 days</p> <p>¶ 18] Any judge may continue all civil long cause jury and non-jury trials and 22b Case Management matters for up to 90 days</p>	<p>SLO Emergency Order #1</p>

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03/16/2020	<p>Governor’s Office Executive Order N-28-20 - Unlawful Detainer</p>	<ul style="list-style-type: none"> • Waives time limit in Pen. Code, § 396(f) re residential eviction through 05/31/20 • Suspends any law which would restrict a local government’s exercise of police power to impose substantive limitations on residential or commercial evictions (only applies to evictions set forth in this executive order - see order for details) • Suspends the statutory cause of action for judicial foreclosure under CCP § 725a, et seq., unlawful detainer under CCP § 1161, et seq., and any other statutory cause of action that could be used to evict or eject a residential or commercial tenant ... to the extent to which a local government has imposed a limitation on such evictions pursuant to ¶ 2 • Nothing in this Order relieves a tenant of the obligation to pay rent, nor restricts a landlord’s ability to recover rent due • Protections in effect through May 31, 2020 	
03/16/2020	<p>San Luis Obispo County Emergency Order & Regulation No. 3 - Unlawful Detainer</p>	<ul style="list-style-type: none"> • In order to protect the health, safety and welfare of the residents of the County, suspends through May 31, 2020 (unless otherwise terminated or extended), the authority of any landlord to commence evictions on any residential or commercial property for the following reasons: <ul style="list-style-type: none"> ○ The basis of the eviction is non-payment of rent, or a foreclosure, due to financial impacts related to the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19; and ○ The financial impacts related to COVID-19, as defined in this order, are documented. • A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161, paragraph 2, file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. 	

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		<ul style="list-style-type: none">• A landlord knows of a tenant’s inability to pay rent within the meaning of this order if the tenant, within 30 days, after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim.• For purposes of this order, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text.• Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim. Nothing in this order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency.• A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this order; nor may a landlord seek rent that is delayed or the reasons stated in this order through the eviction process.• For purposes of this order, “financial impacts related to COVID-19” include, but are not limited to, lost household income as a result of any of the following:<ul style="list-style-type: none">○ Being sick with COVID-19 or caring for a household or family member who is sick with COVID-19;○ Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;○ Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;○ Extraordinary out-of-pocket medical expenses related to COVID-19; or○ Child-care needs arising from school closures related to COVID-19.• For purposes of this order, “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161, paragraphs 1 and 5.
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		<ul style="list-style-type: none"> • This order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency order was proclaimed. • All public housing authorities in the County are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority. • Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19. • This order shall be liberally construed to provide the broadest possible protection for the citizens of the County. • The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this order. • This order shall remain in effect until May 31, 2020, unless otherwise terminated or extended. 	
03/19/2020	Governor’s Office Executive Order N-33-20	Shelter In Place Order <ul style="list-style-type: none"> • Except as needed to maintain continuity of operations of the federal critical infrastructure sections • Identifying Critical Infrastructure 	Gov. Code, § 8567 ESA Various Health & Safety Code sections
03/20/2020	Chief Justice Second Advisory Message	Reiterates that each of the 58 superior courts retains local authority to establish and maintain its own court operations.	

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		<p>In addition to steps already taken under the Emergency Orders granted to each superior court, the superior courts are encouraged to consider the following suggestions - actions which may be taken immediately to protect court users' constitutional and due process rights:</p> <p>Civil:</p> <ul style="list-style-type: none"> • Suspend all civil trials, hearings, and proceedings for at least 60 days, with the exception of time-sensitive matters, such as restraining orders and urgent dependency, probate, and family matters • When possible, provide that any urgent matters may be done telephonically under the general policies encouraging such uses in CCP § 367.5(a) and CRC 3.670. 	
03/23/2020	<p>Chief Justice First Statewide Order</p>	<ul style="list-style-type: none"> • All jury trials suspended and continued for 60 days from date of this order (03/23/20); Courts may conduct trial at an earlier date, upon a finding of good cause or through use of remote technology when appropriate • Time period for holding civil trials is extended for 60 days from date of this order (03/23/20); Courts may conduct trial at earlier date, upon a finding of good cause or through use of remote technology when appropriate (CCP §§ 583.310, 583.320.) • Trial courts may immediately adopt new local rules to address the impact of COVID-19 but must (a) provide copy to Judicial Council staff; (b) post notice of change prominently on court's website (along with effective date); and (c) distribute new rule immediately. No litigant's substantive rights shall be prejudiced for failing to comply with new or amended 	<p>Cal. Const. Art. VI, § 6 Gov. Code, § 68115</p>

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		rule until at least 20 days after the rule change has been distributed (CRC 10.613(i) .)	
03/27/2020	Governor’s Office Executive Order N-37-20 - Unlawful Detainer	<ul style="list-style-type: none"> • The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements: <ul style="list-style-type: none"> ○ Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement. ○ The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following (see order for list) ○ The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant’s changed financial circumstances, to support the tenant’s assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent. • No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1. • The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020. • Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent. • Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property. 	

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		<ul style="list-style-type: none"> • Supersedes Executive Order N-28-20 to the extent that there is any conflict • This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person. 	
03/27/2020	Governor's Office Executive Order N-38-20	<p>Governor Newsom providing emergency authority to the Chairperson of the Judicial Council to allow the Judicial Council flexibility needed to address impact of COVID-19 on court system.</p> <ul style="list-style-type: none"> • Suspends Gov. Code, § 68115 (and any other provision of law) to the extent it limits the subject matter the Chief Justice may address via emergency order or statewide rule. Does not restrict Chief Justice's current authority under Gov. Code, § 68115 • Suspends Gov. Code, § 68115 and § 68072 to the extent it limits the Chief Justice's authority to provide for a statewide or local rule or order amending the CRCs (or any other applicable court rule), or other expedited procedure to amend the CRCs (or any other applicable court rule). Extend rulemaking authority of Judicial Council to its constitutional maximum under Cal. Const. Art. VI, § 6. • To the extent that any statute is inconsistent with the Judicial Council's exercise of its rulemaking authority, the relevant statute is suspended (see conditions). <p>The following statutes are further suspended:</p> <ul style="list-style-type: none"> • CCP § 2025.310(b) (telephonic deposition), to the extent that it limits a court's authority to provide 	<p>Gov. Code, §§ 8567 and 8571 and ESA</p>

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		<p>that a party deponent may appear at a deposition by telephone.</p> <ul style="list-style-type: none"> • CCP § 1010.6(b)-(d) (electronic service), to the extent it limits a court’s authority to order parties to accept electronic service or to perform service electronically. 	
03/28/2020	<p>Judicial Council Report of Judicial Council</p>	<p>Recommends:</p> <ul style="list-style-type: none"> • Authorizing Chief Justice to issue statewide orders to extend the time periods for bringing actions to trial by more than 30 days (power lasts until 90 days after state of emergency is lifted) • Directing superior courts to make use of available technology when possible to conduct judicial proceedings and court operations remotely • Submit recommendation to the Governor requesting emergency executive order suspending all legal authorities that impede these recommendations • Extending authority in Gov. Code, § 68115 to allow Chief Justice to issue statewide emergency orders without the need for individual requests 	<p>Executive Order N-38-20</p>
03/30/2020	<p>Chief Justice Second Statewide Order</p>	<p>Executive Order N-38-20 “suspends Gov. Code, § 68115 and any other provision of law to the extent that those laws impose or imply a limitation on my authority to authorize via emergency order or statewide rule, any court to take any action I deem necessary to maintain the safe and orderly operation of the courts.”</p> <ul style="list-style-type: none"> • Authorizes superior courts to issue implementation orders that extend the five-year period for bringing an action to trial (or three-year period for new trial) by no more than 60 days from the last date on which the 	<p>Executive Order N-38-20 Cal. Const. Art. VI, § 6 Gov. Code, § 68115</p>

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		<p>statutory deadline otherwise would have expired. (CCP §§ 583.310, 583.320.)</p> <ul style="list-style-type: none"> • Orders that the 60-day continuance of jury trials authorized by First Statewide Order on 03/23/20 is to be calculated from the date for which the trial was set or extended as set forth above, whichever is longer • Suspends any rule of the Cal. Rules of Court to extent it would prevent a court from using technology to conduct judicial proceedings and court operations remotely 	
04/06/20	Judicial Council Emergency Rules	<p>Emergency Rule 1 - Unlawful Detainer Emergency Rule 2 - Judicial Foreclosures Emergency Rule 3 - Use of Technology for Remote Appearances Emergency Rule 5 - Personal Appearance Waivers of Defendants' During Health Emergency Emergency Rule 8 - Emergency Orders; TROs [modified on 04/20/20; JC minutes showing changes] Emergency Rule 9 - Toll the Statutes of Limitations for Civil Causes of Action [amended on 05/29/20; Amended Emergency Rule 9] Emergency Rule 10 - Extensions of Time in which to Bring a Civil Action to Trial Emergency Rule 11 - Depositions Through Remote Electronic Means</p>	Executive Order N-38-20
04/09/20	Chief Justice SLO Emergency Order #2	<p>Authorizes the Court to do the following:</p> <ul style="list-style-type: none"> • Hold sessions anywhere in the county • Declare 04/08/20 through 05/08/20 be deemed holidays for purposes of filing papers with the court (CCP § 12 and § 12a) • Extend the five-year period for bringing an action to trial (or three-year period for new trial) by not more 	Executive Order N-38-20 Cal. Const. Art. VI, § 6 Gov. Code, § 68115

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		<p>than 60 days for cases where the statutory deadline would expire between 04/13/20 and 05/08/20 (CCP §§ 583.310, 583.320.)</p> <ul style="list-style-type: none"> • Extend by not more than 60 days the duration of any temporary restraining order that would otherwise expire from 04/13/20 and 05/08/20 	
04/09/20	<p>Presiding Judge Duffy SLO Court General Order Re Implementation</p>	<p>[¶ 1] For purposes of computing time for filing papers with the Court under CCP § 12 and § 12a, 04/08/20 through 05/08/20 are deemed holidays</p> <p>[¶ 3] Court may hold sessions anywhere in the county from 08/13/20 through 05/08/20</p> <p>[¶ 4] Any judge may extend by not more than 60 days the five-year period for bringing an action to trial (or three-year period for new trial). (CCP §§ 583.310, 583.320.)</p> <p>[¶ 5] Any judge may extend the duration of a temporary restraining order that would otherwise expire from 04/13/20 through 05/08/20, by not more than 60 days</p>	<p>SLO Emergency Order #2</p>
	<p>Presiding Judge Duffy SLO Court Administrative Order No. 20-07</p>	<p>[¶1] Any judge may require that judicial proceedings be conducted remotely, including e-filing and e-service</p> <p>[¶ 8] Civil law matters from 03/16/20 to 05/08/20 will be continued</p> <ul style="list-style-type: none"> • L&M briefing to be based on new hearing date • Parties may use Emergency Agreement to Waive Motion Hearing and Submit on Papers • Court retains authority to require different treatment for particular cases when necessary <p>[¶ 9] All civil trial dates vacated and will be reset</p> <p>[¶ 10] Ex partes may be filed in accordance with CRC 3.1200 et seq., but will be decided without a hearing.</p> <p>[¶ 11] UD's to be processed in accordance with Emergency Rule No. 1</p>	<p>First Statewide Order Second Statewide Order SLO Emergency Order #1 SLO Emergency Order #2 Emergency Rules</p>

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04/17/20	Judicial Council Emergency Rule Appendix	<p>Emergency Rule 12 - Electronic Service</p> <ul style="list-style-type: none"> • Applies to all general civil cases and proceedings under the Family and Probate Codes <ul style="list-style-type: none"> ○ Does not include: small claims; UDs; and petitions to prevent civil harassment, elder abuse, and workplace violence (CRC, rule .6) • Does not apply in cases where parties are already required to provide/accept notices and documents by electronic service • Required = Represented parties who have appeared in an action • Permissive = Self-represented parties, permitted only with written consent • Sunset = 90 days after Governor lifts state of emergency or amended/repealed by Judicial Council 	Executive Order N-38-20
04/20/20	Judicial Council Emergency Rule Appendix	<p>Emergency Rule 13 - Effective Date to Modify Support Orders</p> <p>Emergency Rule 8 - Restraining Orders (modification)</p> <ul style="list-style-type: none"> • Removes automatic extension and requires that courts give parties a way to request/renew them 	Executive Order N-38-20
04/23/20	Governor’s Office Executive Order N-57-20	<ul style="list-style-type: none"> • Exempts financial assistance made available in response to the COVID-19 pandemic (e.g., the CARES Act) from attachment, levy, execution, or garnishment (extends to funds held in account to extent those funds are traceable to the financial assistance received) 	Gov. Code, §§ 8567 and 8571 and ESA

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		<ul style="list-style-type: none"> The provisions of Part 2, Title 6.5 and Part 2, Title 9, Division 2 of the CCP are suspended (Attachments and Enforcement of Money Judgments) Does Not Apply to Child Support, Spousal Support, or Family Support Obligations or Any Criminal Restitution Payable to Victims 	
05/07/20	Chief Justice SLO Emergency Order No. 3	<p>Authorizes the Court to do the following:</p> <ul style="list-style-type: none"> Hold sessions anywhere in the county through June 5, 2020 Declare 05/09/20 through 06/05/20 be deemed holidays for purposes of filing papers with the court (CCP § 12 and § 12a) 	Executive Order N-38-20 Cal. Const. Art. VI, § 6 Gov. Code, § 68115
05/07/20	Presiding Judge Duffy Implementation Order	<p>[¶ 1] For purposes of computing time for filing papers with the Court under CCP § 12 and § 12a, 05/09/20 through 06/05/20 are deemed holidays</p> <p>[¶ 3] Court may hold sessions anywhere in the county from 05/09/20 through 06/05/20</p>	SLO Emergency Order No. 3
05/11/20	San Luis Obispo County Superior Court Rule 2.09 - Videoconferencing	Addresses Remote Court Appearances Via Video Conferencing	First Statewide Order
05/28/20	San Luis Obispo County Superior Court Rule 32.02	Addresses Face Coverings and Physical Distancing at the San Luis Obispo County Courthouse	First Statewide Order
05/29/20	Judicial Council Amended Emergency Rule 9	<p>Emergency Rule 9 - Toll the Statutes of Limitations for Civil Causes of Action (amendment)</p> <ul style="list-style-type: none"> The statutes of limitations ad repose for civil causes of action that exceed 180 days are tolled from April 6, 2020, until October 1, 2020 	Executive Order N-38-20

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		<ul style="list-style-type: none">• The statutes of limitations and repose for civil causes of action that are 180 days or less are tolled from April 6, 2020, until August 3, 2020• Advisory Committee Comment: This rule applies to statutes of limitations on filing causes of action found in codes other than the Code of Civil Procedure, including on causes of action found in the Family Code and Probate Code	