



Chambers of
ERICK L. LARSH
PRESIDING JUDGE

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE, WEST
DEPARTMENT C1
SANTA ANA, CA 92701

Administrative Order No. 21/14

UNLAWFUL DETAINER ACTIONS FILED WITHOUT ISSUANCE OF A SUMMONS

Unless specified conditions are met, the COVID-19 Rental Housing Recovery Act (Code Civ. Proc., § 1179.08 *et seq.*) prohibits a Court from issuing a summons on a complaint filed between October 1, 2021 and March 31, 2022 if the complaint is based at least in part on the nonpayment of residential unlawful detainer rent. (Code Civ. Proc., § 1179.11, subd. (a).) The COVID-19 Rental Housing Recovery Act further provides that if the criteria for issuance of a summons pursuant to subdivision (a) of section 1179.11 have not been satisfied within 60 days of the complaint's filing, the court shall dismiss the action without prejudice. The COVID-19 Rental Housing Recovery Act does not set forth procedures to implement its requirements.

Courts have inherent power to adopt any suitable method of practice, if the procedure is not specified by statute or by rules adopted by the Judicial Council. (*In re Amber S.* (1993) 15 Cal.App.4th 1260, 1264; *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967.) When a plaintiff files an unlawful detainer complaint that does not meet the requirements for issuance of a summons under subdivision (a) of Code of Civil Procedure section 1179.11, pursuant to Code of Civil Procedure section 1179.14 and the Court's inherent authority to create procedures where justice demands it, the Court directs the clerk's office to set an Order to Show Cause re Dismissal 60 days later, or as soon as feasible after 60 days have elapsed.

This Order applies to unlawful detainer actions filed between October 1, 2021 and March 31, 2022. This Order will expire on March 31, 2022 or when ordered otherwise by the Court.

IT IS SO ORDERED this 29th day of November 2021, at Santa Ana, California.

A handwritten signature in blue ink, appearing to read "Erick L. Larsh", written over a horizontal line.

Erick L. Larsh
Presiding Judge