

# Amended Emergency Rule 409

## Kings County Superior Court Local Rules

Effective September 2, 2020, Kings County Superior Court Emergency Rule 409 is hereby amended to read as follows:

- A. No summons may be issued in connection with new complaints for unlawful detainer based in whole or in part on nonpayment of rent or other charges until October 5, 2020. Beginning on September 2, 2020, the Court will issue summons in connection with new complaints for unlawful detainer which are not based, in whole or in part, on nonpayment of rent or other charges.
- B. **Mandatory Cover Sheet.** Between September 2, 2020, and October 4, 2020, inclusive, clerks will not accept unlawful detainer filings without a cover sheet, as required by Code of Civil Procedure section 1179.01.5(c), confirming that the matter is a case not based, in whole or in part, on nonpayment of rent or other charges. Parties shall use the mandatory form cover sheet issued by the Judicial Council pursuant to Code of Civil Procedure section 1179.01.5(c)(4). Prior to issuance of a mandatory form cover sheet by the Judicial Council, plaintiffs may use the Unlawful Detainer Supplemental Cover Sheet developed by the court and available on the court's website. The Supplemental Cover Sheet shall be in addition to other cover sheets that may be required by statute or rule, as set forth in Code of Civil Procedure section 1179.01.5(c)(3).
- C. Until October 5, 2020, no default or default judgment for restitution may issue in any unlawful detainer action that seeks possession of residential real property and that is based, in whole or in part, on nonpayment of rent or other charges. Beginning on September 2, 2020, the Court may enter default or default judgment for restitution in an unlawful detainer action that is not based, in whole or in part, on nonpayment of rent or other charges.
- D. Unlawful Detainer Complaints on file with the Court prior to September 2, 2020 shall be subject to the limitations set forth above. Accordingly, Plaintiffs seeking the issuance of a summons or the entry of default or default judgment for restitution in any pending action not based, in whole or in part, on nonpayment of rent or other charges, must file with the court the mandatory form coversheet discussed in Section (B). Cases for which no mandatory form coversheet are submitted to the court shall be processed in the same manner as new complaints for unlawful detainer actions based, in whole or in part, on nonpayment of rent or other charges.