

1 This matter came before the Court after an Alternative Writ was issued by the Court of
2 Appeal regarding the breadth of the Preliminary Injunction herein. Having reviewed the moving
3 papers and considered argument from the parties, IT IS HEREBY ORDERED that the
4 Preliminary Injunction is MODIFIED to read as follows:

5 (1) Respondent California Department of Housing and Community Development is
6 hereby enjoined from issuing any denials of rental assistance to applicants who have
7 timely submitted their applications and are awaiting an initial determination and from
8 affirming a denial in any pending appeals.

9 (2) Respondent California Department of Housing and Community Development is
10 hereby enjoined from letting unappealed denials for which the 30-day time period to
11 appeal has not yet elapsed as of July 7, 2022, become “final denials” after the 30-day
12 time period; the 30- day time period is tolled for such denials.

13 (3) Excepted from the above, the Respondent California Department of Housing and
14 Community Development may issue denials of rental assistance to applicants who are
15 awaiting an initial determination, have been earlier denied and have an appeal pending, or
16 have been issued a denial which has not become final due to the tolling of time ordered in
17 the preliminary injunction herein. Such denials, in whatever category of applicant, must
18 identify the category or categories the department has determined were not satisfied in
19 the application and each specific fact supporting the department’s denial determination as
20 well as the nexis between the specific fact or facts and the category or categories to which
21 the fact(s) applies.

22 A check box approach that does not inform a denied applicant of the specific reason their
23 application is denied, in whole or in part, does not satisfy due process or the mandate of the
24 Alternative Writ.
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1 This order shall not be construed to restrain the Department from continuing to review rental
2 assistance applications and approving rental assistance application or to seek additional
3 information on application for which the issuance of a denial has been enjoined or stayed.
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5 IT IS SO ORDRED
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7 Dated: January 19, 2023
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9 Frank Roesch
10 Judge of the Superior Court
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