

RECEIVED

Item No. 11

MAY 20 2020

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

12:25pm

AGENDA BILL

For the Regular Meeting of: May 26, 2020

Originating Department: Community Development

Department Director:


Joe Perez

City Manager:


Michael Flad

SUBJECT: RESOLUTION EXTENDING THE RESTRICTION ON EVICTIONS OF COMMERCIAL AND RESIDENTIAL TENANTS TO JUNE 30, 2020, DUE TO THE ONGOING COVID-19 PANDEMIC

PURPOSE: To consider adopting a Resolution extending the restriction on evictions of commercial and residential tenants due to the nonpayment of rent where the failure to pay rent results from income loss resulting from the Coronavirus Disease 2019 (COVID-19) pandemic. This Resolution is effective immediately, upon adoption, and will remain in effect through and including June 30, 2020. This action would be consistent with Los Angeles County's extension of their moratorium to June 30, 2020.

RECOMMENDED ACTION: Adopt Resolution extending the restriction on evictions of commercial and residential tenants to June 30, 2020, due to the ongoing Coronavirus Disease 2019 pandemic.

FISCAL IMPACT: None.

ANALYSIS: The COVID-19 pandemic continues to impact the operations of restaurants, schools, businesses and other establishments throughout City. These disruptions have mostly been the result of the County and State orders to close businesses, restrict services provided to the public, or limit the number of persons that can gather in contained areas. As a result of this public health emergency and the precautions recommended by health authorities, many residential and commercial tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss.

Federal Actions

On March 18, 2020, the Department of Housing and Urban Development (HUD) suspended evictions and foreclosures through the end of April, 2020. HUD's action applies only to homeowners with mortgages insured by the Federal housing administration, a HUD agency that backs affordable home loans issued through private firms.

State Executive Order

On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 (Attachment E) that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020

City of South Gate Resolution 2020-08-CC

On March 24, 2020, the City Council adopted Resolution No. 2020-08-CC, ratifying Executive Order No. 03.18.2020, which declared a temporary moratorium on evictions for nonpayment of rent by residential or commercial tenants impacted by the COVID-19 crisis. This Executive Order was issued on March 18, 2020 by the Director of Emergency Services. On April 15, 2020, the City Council adopted Resolution No. 2020-09-CC ratifying the issuance of Executive Order No. 04.08.2020 by the Director of Emergency Services extending the restriction on evictions of commercial and residential tenants through and including May 31, 2020. On May 12, 2020, the City Council adopted Resolution No. 2020-19-CC finding there is a need to continue the local emergency within the City as a result of the ongoing COVID-19 pandemic.

Resolution No. 2020-09-CC remains in effect through and including May 31, 2020. Landlords are prohibited from evicting tenants for no fault evictions unless necessary for Health and Safety purposes. The Resolution requires tenants to demonstrate that they are unable to pay their rent due to financial impacts related to COVID-19. The tenant, within 30 days after the date the rent is due, must notify the landlord in writing of their lost income and inability to pay the full rent due to financial impacts related to COVID-19 and provide documentation for support of the claim.

Los Angeles County Board of Supervisors

On May 12, 2020, the Los Angeles County Board of Supervisors voted to extend the County's Moratorium on evictions until June 30, 2020, including the reevaluation every 30 days until further extensions. They also voted to exempt multi-national companies and publicly traded businesses from the County's emergency tenant protection policies. This exemption ensures that businesses that have the means to pay rent do not exploit the residential and commercial eviction moratorium.

Proposed City Resolution

The proposed Resolution extends the restriction on evictions for commercial and residential tenants to June 30, 2020. This Resolution does not relieve the tenant from eventually paying rent, and encourages landlords to provide tenants up to six (6) months following the expiration of Executive Order No. 04.08.2020, which is June 30, 2020, to repay any back due rent. During this period, a landlord may not use the eviction process to charge or collect a late fee for such rent that is delayed for the reasons stated in Executive Order No. 04.08.2020. It should be noted that the proposed Resolution contains the same provisions included in Resolution No. 2020-09-CC.

In addition, Resolution No. 2020-09-CC applies if the inability to pay rent is due to substantial medical costs related to COVID-19. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. For purposes of this Resolution "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out of pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

BACKGROUND: On March 4, 2020, Los Angeles County declared a local and public health state of emergency in response to the increased spread of COVID-19, the disease caused by the novel coronavirus. In response to the global pandemic, experts are urging all individuals to practice social

distancing, which refers to avoiding close contact with other individuals in order to avoid catching the virus yourself and to avoid passing it on to others. The Centers for Disease Control and Prevention recommends that people who are mildly ill with COVID-19 or other similar illnesses self-isolate to avoid interacting in public. The State of California has also issued a policy that large gatherings should be rescheduled or canceled, while smaller events can proceed only if the organizers can implement social distancing of six feet per person. While these measures are necessary to fight the global pandemic, they can have extreme economic impacts. Fear of the widening public health crisis has impacted consumer behavior, and as a result, people in our community may see their incomes reduced or may have to take time off work to care for their health or the health of family members. In the face of this uncertainty, residents and business owners may need to make difficult financial decisions and may be unable to pay rent due to reduced income.

During a state of emergency, it is a crime for a landlord to take advantage of the situation by evicting a tenant and then raising the rent above the existing tenant's rent under Penal Codes. 396(f). In addition to the City's general police power under article XI, section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary, and other Resolutions and regulations not in conflict with general laws, during a local emergency, Government Code, § 8634 (and WHMC Chapter 2.80) also authorize the City to promulgate orders and regulations necessary to provide for the protection of life and property.

- ATTACHMENTS:**
- A. Proposed Resolution
 - B. South Gate Resolution 2020-09-CC (with Executive Order No. 04.08.2020)
 - C. South Gate Resolution 2020-08-CC (with Executive Order No. 03.18.2020)
 - D. State of California Executive Order N-28-20

RESOLUTION NO.

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, EXTENDING THE RESTRICTION ON EVICTIONS OF
COMMERCIAL AND RESIDENTIAL TENANTS TO JUNE 30, 2020 DUE
TO THE ONGOING CORONAVIRUS DISEASE 2019 PANDEMIC**

WHEREAS, since the outbreak of the respiratory disease named Coronavirus Disease 2019, abbreviated COVID-19 ("COVID-19"), international, national, state, and local health and governmental authorities have been responding to the ongoing COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and to help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020; and

WHEREAS, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City"), pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code, to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

WHEREAS, on March 19, 2020, as the State Public Officer and Director of the California Department of Public Health, the Governor of the State of California issued Executive Order N-33-20, a stay at home or at their place of residence order until further notice, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

WHEREAS, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

WHEREAS, the City desires to continue to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between residential tenants and landlords during the period of declared emergency; and

WHEREAS, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

WHEREAS, it is the intent of the City to continue to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

WHEREAS, on March 24, 2020, the City Council adopted Resolution No. 2020-07-CC ratifying the declaration of the existence of a local emergency within the City as a result of the spread of the COVID-19 as declared by the City's Director of Emergency Services on March 18,

2020; and

WHEREAS, on March 24, 2020, the City Council adopted Resolution No. 2020-08-CC ratifying the issuance of Executive Order No. 03.18.2020 by the City's Director of Emergency Services restricting evictions of commercial and residential tenants through and including April 30, 2020, due to the spread of the COVID-19; and

WHEREAS, the Los Angeles Superior Court announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

WHEREAS, on April 6, 2020, the Judicial Council of California placed a hold on nearly all evictions in the State of California (1) suspending all unlawful detainer actions (not involving health or safety reasons) until 90 days after California's COVID-19 state of emergency crisis ends; (2) preventing the entry of default and/or default judgments in unlawful detainer actions unless the court finds a health and safety reason; (3) and mandating that unlawful detainer actions be set no earlier than 60 days after a request for trial, unless there is a health or safety reason, and continuing trials presently on calendar as of April 1, 2020 to be continued for at least 60 days; and

WHEREAS, on April 15, 2020, the City Council adopted Resolution No. 2020-09-CC ratifying the issuance of Executive Order No. 04.08.2020 by the City's Director of Emergency Services extending the restriction on evictions of commercial and residential tenants through and including May 31, 2020, due to the COVID-19 pandemic; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the COVID-19 pandemic, on May 12, 2020, the City Council adopted Resolution No. 2020-19-CC finding there is a need to continue the local emergency within the City as a result of the ongoing COVID-19 pandemic; and

WHEREAS, on May 12, 2020, the Los Angeles County Board of Supervisors extended the County's Moratorium on evictions until June 30, 2020, including the reevaluation every 30 days until further extensions; and

WHEREAS, it is necessary to exercise the authority to issue this regulation related to the protection of life and property during the ongoing COVID-19 pandemic.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. After duly considering all the information presented by the City's Director of Emergency Services, the City Council hereby extends the restriction on evictions of commercial and residential tenants to June 30, 2020, due to the ongoing COVID-19 pandemic.

SECTION 2. The City Council hereby declares and reaffirms that a landlord shall not endeavor to evict a residential or commercial tenant in either of the following situations:

- (1) For nonpayment of rent if the tenant proves that the tenant is unable to pay rent due to financial impacts strictly related to COVID-19; or
- (2) For a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord.

SECTION 3. The City Council hereby declares and reaffirms that a landlord who knows that a tenant cannot pay some or all the rent temporarily for the reasons set forth above shall not serve a notice pursuant to California Code of Civil Procedure 1161(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. A landlord knows of a tenant's inability to pay rent within the meaning of this Resolution 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 strictly to COVID-19, and provides documentation to support the claim. For purposes of this Resolution, "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 Resolution 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 on such terms as may be set by a judge assigned to hear the unlawful detainer action. During the period, from March 18, 2020 through and including June 30, 2020, a landlord also may not use the eviction process to charge or collect a late fee for such rent that is delayed for the reasons stated in this Resolution. **For clarification purposes, this Resolution does not relieve a tenant from the obligation to pay rent, or restrict the landlord's ability to recover rent that is due, after the expiration date of this Resolution, or upon the expiration of any subsequent Resolution which may extend the June 30, 2020 date. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Landlords are encouraged to provide tenants up to six (6) months following the expiration of this Resolution to repay any back due rent.**

SECTION 4. For purposes of this Resolution, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income because of any of the following:

- (1) Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- (2) Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
- (3) Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- (4) Extraordinary out-of-pocket medical expenses; or
- (5) Child care needs arising from school closures related to COVID-19.

[Remainder of page left blank intentionally.]

SECTION 5. For purposes of this Resolution, "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(1), 1161(5), or 1161c. This Resolution 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 was proclaimed. Subject to judicial review on a case by case basis, this Resolution grants a defense if an unlawful detainer action is commenced in violation of this Resolution.

SECTION 6. The City Council hereby declares and reaffirms that in lieu of "in person" opening of public works bids, and consistent with South Gate Municipal Code Section 1.54.440.B, and the "shelter in place" and social distancing directives of state and local officials, during the period in which this Resolution remains effective, bids received in connection with public work solicitations may be conducted electronically through teleconferencing in lieu of "in person" participation.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 26th day of May 2020.

CITY OF SOUTH GATE:

By: _____
Maria Davila, Mayor

ATTEST:

By: _____
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney

RESOLUTION NO. 2020-09-CC

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, RATIFYING THE ISSUANCE OF EXECUTIVE ORDER
NO. 04.08.2020 BY THE DIRECTOR OF EMERGENCY SERVICES
EXTENDING THE RESTRICTION ON EVICTIONS OF COMMERCIAL
AND RESIDENTIAL TENANTS TO MAY 31, 2020 DUE TO
THE CORONAVIRUS DISEASE 2019 PANDEMIC**

WHEREAS, since the outbreak of the respiratory disease named Coronavirus Disease 2019, abbreviated COVID-19 ("COVID-19"), international, national, state, and local health and governmental authorities are responding to the ongoing COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020; and

WHEREAS, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

WHEREAS, on March 19, 2020, as the State Public Officer and Director of the California Department of Public Health, the Governor of the State of California issued Executive Order N-33-20, a stay at home or at their place of residence order until further notice, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

WHEREAS, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

WHEREAS, the City desires to continue to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

WHEREAS, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

WHEREAS, it is the intent of the City to continue to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

WHEREAS, on March 18, 2020, serving as the Director of Emergency Services, issued Executive Order No. 03.18.2020 restricting evictions of commercial and residential tenants through and including April 30, 2020 due to the spread of the COVID-19; and

WHEREAS, the Los Angeles Superior Court announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

WHEREAS, on April 6, 2020, the Judicial Council of California placed a hold on nearly all evictions in the State of California (1) suspending all unlawful detainer actions (not involving health or safety reasons) until 90 days after California's COVID-19 state of emergency crisis ends; (2) preventing the entry of default and/or default judgments in unlawful detainer actions unless the court finds a health and safety reason; (3) and mandating that unlawful detainer actions be set no earlier than 60 days after a request for trial, unless there is a health or safety reason, and continuing trials presently on calendar as of April 1, 2020 to be continued for at least 60 days; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the COVID-19 pandemic, it is necessary to exercise the authority to issue this regulation related to the protection of life and property; and

WHEREAS, on April 8, 2020, the Director of Emergency Services issued Executive Order No. 04.08.2020 extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the COVID-19 pandemic.

[Remainder of page left blank intentionally.]

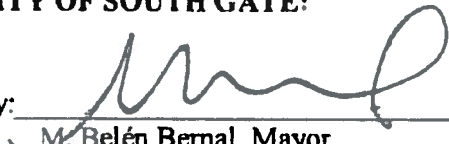
NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby ratifies the issuance of Executive Order No. 04.08.2020 by the Director of Emergency Services extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the COVID-19 pandemic, attached hereto as Exhibit "A" and dated April 8, 2020.


SECTION 2. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 15th day of April, 2020.

CITY OF SOUTH GATE:

By: 
M. Belén Bernal, Mayor

ATTEST:

By: 
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

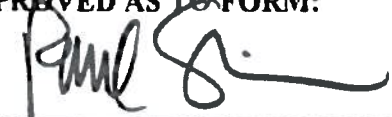
By: 
Raul F. Salinas, City Attorney

Exhibit "A"

PROCLAMATION ISSUING EXECUTIVE ORDER NO. 04.08.2020 BY THE DIRECTOR OF EMERGENCY SERVICES EXTENDING THE RESTRICTION ON EVICTIONS OF COMMERCIAL AND RESIDENTIAL TENANTS TO MAY 31, 2020 DUE TO THE CORONAVIRUS DISEASE 2019 PANDEMIC

WHEREAS, since the outbreak of the respiratory disease named Coronavirus Disease 2019, abbreviated COVID-19 ("COVID-19"), international, national, state, and local health and governmental authorities are responding to the ongoing COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020; and

WHEREAS, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

WHEREAS, on March 19, 2020, as the State Public Officer and Director of the California Department of Public Health, the Governor of the State of California issued Executive Order N-33-20, a stay at home or at their place of residence order until further notice, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

WHEREAS, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

WHEREAS, the City desires to continue to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

WHEREAS, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

WHEREAS, it is the intent of the City to continue to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

WHEREAS, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

WHEREAS, on March 18, 2020, serving as the Director of Emergency Services, issued Executive Order No. 03.18.2020 restricting evictions of commercial and residential tenants through and including April 30, 2020 due to the spread of the COVID-19; and

WHEREAS, on April 6, 2020, the Judicial Council of California placed a hold on nearly all evictions in the State of California (1) suspending all unlawful detainer actions (not involving health or safety reasons) until 90 days after California's COVID-19 state of emergency crisis ends; (2) preventing the entry of default and/or default judgments in unlawful detainer actions unless the court finds a health and safety reason; (3) and mandating that unlawful detainer actions be set no earlier than 60 days after a request for trial, unless there is a health or safety reason, and continuing trials presently on calendar as of April 1, 2020 to be continued for at least 60 days; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the continued spread of COVID-19, it is necessary to exercise my authority to issue this regulation to continue to protect life and property.

NOW, THEREFORE, I, Michael Flad, the Director of Emergency Services for the City of South Gate, do hereby issue the following Executive Order No. 04.08.2020 ("Order") extending Executive Order No. 03.18.2020 to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

The temporary moratorium on the eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:

For purposes of this Order, from March 18, 2020 through and including May 31, 2020, no landlord shall endeavor to evict a residential or commercial tenant in either of the following situations:

- (1) For nonpayment of rent if the tenant proves that the tenant is unable to pay rent due to financial impacts strictly related to COVID-19; or
- (2) For a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord.

A landlord who knows that a tenant cannot pay some or all the rent temporarily for the reasons set forth above shall not serve a notice pursuant to California Code of Civil Procedure 1161(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. 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 strictly 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 on such terms as may be set by a judge assigned to hear the unlawful detainer action. During the period, from March 18, 2020 through and including May 31, 2020, a landlord also may not use the eviction process to charge or collect a late fee for such rent that is delayed for the reasons stated in this Order. **For clarification purposes, this Order does not relieve a tenant from the obligation to pay rent, or restrict the landlord's ability to recover rent that is due, after the expiration date of this Order, or upon the expiration of any subsequent Order which may extend the May 31, 2020 date. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Landlords are encouraged to provide tenants up to six (6) months following the expiration of this Order to repay any back due rent.**

For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income because of any of the following:

- (1) Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- (2) Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
- (3) Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- (4) Extraordinary out-of-pocket medical expenses; or
- (5) 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(1), 1161(5), or 1161c.

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 was proclaimed.

Subject to judicial review on a case by case basis, this Order grants a defense if an unlawful detainer action is commenced in violation of this Order.

On a separate matter, in lieu of "in person" opening of public works bids, and consistent with South Gate Municipal Code Section 1.54.440.B, and the "shelter in place" and social distancing directives of state and local officials, during the period in which this Order remains effective, bids received in connection with public work solicitations may be conducted electronically through teleconferencing in lieu of "in person" participation.

This Order shall be superseded by further Order by the Director of Emergency Services adopted during the local emergency that expressly superseding this Order, or by superseding action taken by the City Council.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

THIS EXECUTIVE ORDER NO. 04.08.2020 IS HEREBY ISSUED ON THIS 8th DAY OF APRIL 2020, AND IS EFFECTIVE IMMEDIATELY.

CITY OF SOUTH GATE:

By: 

Michael Flad, City Manager/
Director of Emergency Services

ATTEST:

By: 

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: 

Raul F. Salinas, City Attorney

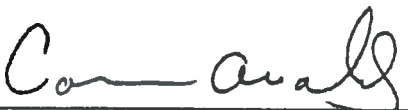
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 2020-09-CC was adopted by the City Council at their Special Meeting held on April 15, 2020, by the following vote:

Ayes: Council Members: Bernal, Diaz, Davila, Rios and De Witt
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on April 21, 2020.



Carmen Avalos, City Clerk
City of South Gate, California

RESOLUTION NO. 2020-08-CC

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, RATIFYING THE ISSUANCE OF EXECUTIVE ORDER
NO. 03.18.2020 BY THE DIRECTOR OF EMERGENCY SERVICES
RESTRICTING EVICTION OF COMMERCIAL AND RESIDENTIAL
TENANTS DUE TO THE SPREAD OF THE CORONAVIRUS DISEASE 2019**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, on March 18, 2020, the Federal Housing Finance Agency has directed Fannie Mae and Freddie Mac to suspend foreclosures and evictions for a limited time due to the coronavirus national emergency. Borrowers impacted by the coronavirus may apply to their lender for a mortgage payment to be suspended for up to 12 months due to hardship caused by the coronavirus; and

WHEREAS, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

WHEREAS, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

WHEREAS, the City desires to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

WHEREAS, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

WHEREAS, it is the intent of the City to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

WHEREAS, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

WHEREAS, loss of income because of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that people regularly wash their hands will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise the authority to issue this regulation related to the protection of life and property; and

WHEREAS, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City pursuant to Section 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

WHEREAS, on March 18, 2020, the Director of Emergency Services also issued Executive Order No. 03.18.2020 to restrict eviction of commercial and residential tenants due to the spread of the COVID-19.

[Remainder of page left blank intentionally.]

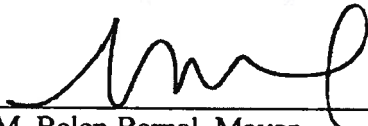
NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby ratifies the issuance of Executive Order No. 03.18.2020 by the Director of Emergency Services restricting eviction of commercial and residential tenants due to the spread of the COVID-19, attached hereto as Exhibit "A" and dated March 18, 2020.

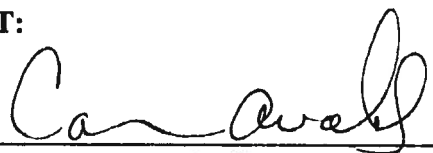
SECTION 2. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 24th day of March 2020.

CITY OF SOUTH GATE:

By: 
M. Belen Bernal, Mayor

ATTEST:

By: 
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

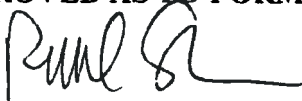
By: 
Raul F. Salinas, City Attorney

Exhibit "A"

**PROCLAMATION ISSUING EXECUTIVE ORDER NO. 03.18.2020 BY
THE DIRECTOR OF EMERGENCY SERVICES TO RESTRICT
EVICTION OF COMMERCIAL AND RESIDENTIAL TENANTS DUE TO
THE SPREAD OF THE CORONAVIRUS DISEASE 2019**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

WHEREAS, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, on March 18, 2020, the Federal Housing Finance Agency has directed Fannie Mae and Freddie Mac to suspend foreclosures and evictions for a limited time due to the coronavirus national emergency. Borrowers impacted by the coronavirus may apply to their lender for a mortgage payment to be suspended for up to 12 months due to hardship caused by the coronavirus; and

WHEREAS, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

WHEREAS, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

WHEREAS, the City desires to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

WHEREAS, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

WHEREAS, the Health Officer for Los Angeles County, effective March 16, 2020, has ordered the immediate closure of several business establishments, including bars and nightclubs that do not serve food, movie theatres, live performance venues, and gyms and fitness centers;

WHEREAS, it is the intent of the City to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

WHEREAS, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

WHEREAS, loss of income because of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that people regularly wash their hands will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Michael Flad, the Director of Emergency Services for the City of South Gate, do hereby issue the following Executive Order No. 03.18.2020 ("Order") to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

A temporary moratorium on eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:

For purposes of this Order, from March 18, 2020 through and including April 30, 2020, no landlord shall endeavor to evict a residential or commercial tenant in either of the following situations:

- (1) For nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19; or
- (2) For a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord.

A landlord who knows that a tenant cannot pay some or all the rent temporarily for the reasons set forth above shall not serve a notice pursuant to California Code of Civil Procedure 1161(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. 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 on such

terms as may be set by a judge assigned to hear the unlawful detainer action. 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 for 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, tenant lost household income because of any of the following:

- (1) Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- (2) Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
- (3) Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- (4) Extraordinary out-of-pocket medical expenses; or
- (5) 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(1), 1161(5), or 1161c.

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 was proclaimed.

Subject to judicial review on a case by case basis, this Order grants a defense if an unlawful detainer action is commenced in violation of this Order.

[Remainder of page left blank intentionally.]

This Order shall be superseded by further Order by the Director of Emergency Services adopted during the local emergency that expressly superseding this Order, or by superseding action taken by the City Council.

As a result of the local emergency, for a period of 60 days from the date of this Order, the City hereby suspends: (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills; (b) the imposition of late payment penalties or fees for delinquent water and or sewer bills; and (c) the imposition of late payment penalties or fees for parking violations.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

THIS EXECUTIVE ORDER NO. 03.18.2020 IS HEREBY ISSUED on this 18th day of March 2020, and is EFFECTIVE IMMEDIATELY.

Office of the
South Gate City Clerk

MAR 18 2020

FILED

CITY OF SOUTH GATE:

By: 

Michael Flad, City Manager/
Director of Emergency Services

ATTEST:

By: 

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: 

Raul F. Salinas, City Attorney

RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 2020-08-CC was adopted by the City Council at their Regular Meeting held on March 24, 2020, by the following vote:

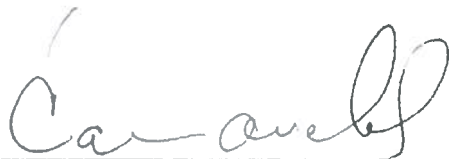
Ayes: Council Members: Bernal, Davila, Diaz and Rios

Noes: Council Members: None

Absent: Council Members: De Witt

Abstain: Council Members: None

Witness my hand and the seal of said City on April 2, 2020.



Carmen Avalos, City Clerk
City of South Gate, California

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

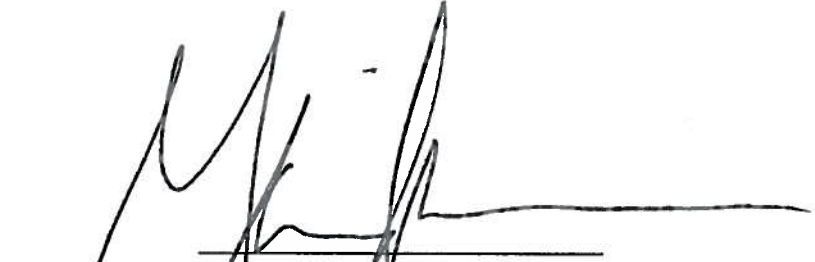
- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions 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.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State