



COVID-19 and State of Emergency Regulations Affecting Tenancies



—LAW OFFICE OF—
ROBERT M. WELLS

A PROFESSIONAL LAW CORPORATION

Restrictions in Solano County

- ▶ Gov. Newsom's Executive Order N-28-20 (3/16/2020) + N-37-20 (3/27/2020) + N-66-20 (5/29/2020)
- ▶ Emergency California Rules of Court, Rule 1 Unlawful Detainers passed April 6, 2020
- ▶ Solano Board of Supervisors Resolution 2020-67
- ▶ City of Vallejo Emergency Order dated March 17, 2020
- ▶ City of Benicia Emergency Service Order No. 20-1
- ▶ City of Suisun and Vacaville passed orders (but unable to obtain a copy of them)
- ▶ California Penal Code 396



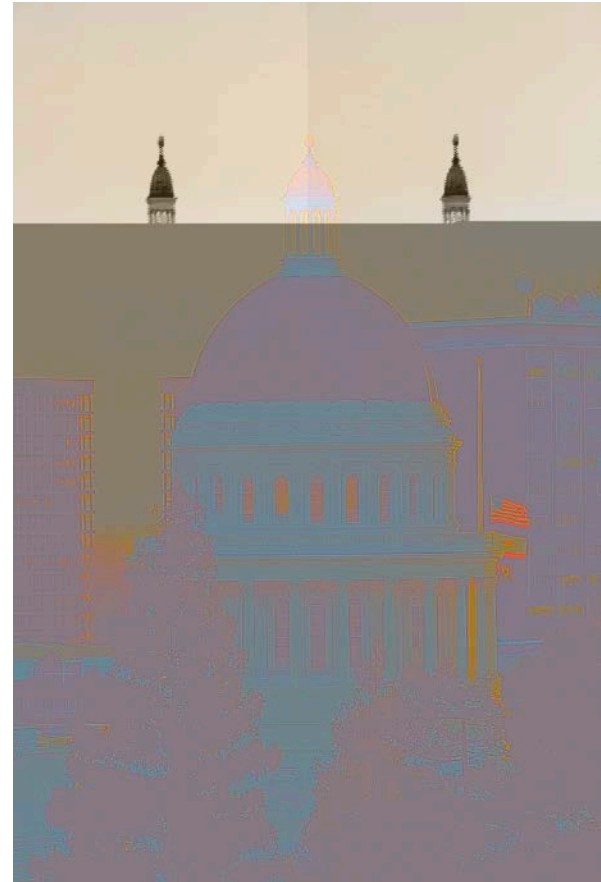
Restrictions Authorized by Governor's Office

- ▶ **Summary of Gov. Newsom's Executive Orders N-28-20 (3/16/2020) + N-37-20 (3/27/2020) + N-66-20 (5/29/2020)**
 - ▶ N-28-20: Activated Penal Code 396 price protections up to May 31, 2020; permitted local cities and counties to enact emergency eviction restrictions
 - ▶ N-37-20: Extended time for tenants to answer any eviction complaint is 60 days; excused tenants from paying rent during emergency under specific conditions placed in order
 - ▶ N-66-20: extends all protections of N-28-20 by 60 days



California Rules of Court Emergency Rule 1

- ▶ **The Big Rule That Is Affecting All Eviction Cases in California**
 - ▶ Created by the Judicial Council of California, the administrative body that governs all 58 County Courts in California
 - ▶ Bars virtually all evictions except evictions that are necessary to protect public health and safety
 - ▶ Rule is in effect until amended or repealed, or 90 days after the Governor declares the state of emergency related to COVID-19 is lifted.



California Rules of Court Emergency Rule 1

- ▶ **The Big Rule That Is Affecting All Eviction Cases in California**
 - ▶ Why the Courts are not accepting eviction cases
 - ▶ See meeting from April 6, 2020, of Judicial Council; go to 17:30 minutes in video for discussion of Rule 1 (discussion ends around 22:50 minutes in)
 - ▶ Link to video and audio:
<https://youtu.be/0FmfdFu6THc>



California Rules of Court Emergency Rule 1

- ▶ **When Will the Rule Expire???**
 - ▶ In this attorney's opinion, it's not going to expire for a while.
 - ▶ On June 10, 2020, the Judicial Council made it a point to defer a vote on amending Rule 1.
 - ▶ See <https://newsroom.courts.ca.gov/news/chief-justice-suspends-vote-on-eviction-foreclosure-emergency-rules>



Solano County Resolution No. 2020-67

- ▶ **Summary of the Protections**
 - ▶ No late fees for rent due in state of emergency
 - ▶ Bar on evictions for non-payment of rent if due to COVID-19 for all tenancies (residential and commercial)
 - ▶ Loss of income presumed to be related to COVID-19 pandemic during the state of emergency
 - ▶ Right to break residential lease if related to COVID-19
 - ▶ Tenants get best of both worlds. If a city has passed a stronger ordinance, tenants get the strongest protections of the city ordinance plus protections of the county ordinance.



Solano County Resolution No. 2020-67

- ▶ **No Evictions for Non-Payment of Rent If:**
 - ▶ Substantial reduction in household income
 - ▶ Substantial increase in expenses due to COVID-19 pandemic
 - ▶ Rule in place for 90 days after state of emergency is over as declared by the Governor
 - ▶ Defense to any eviction action



Solano County Resolution No. 2020-67

▶ Examples of Rule in Effect, Residence

- ▶ Job loss or reduction of work hours
- ▶ Cannot work due to care of self or family member due to COVID-19
- ▶ Harder time working due to having to home school kids
- ▶ Increase of household expenses such as food, child-care expenses, dependent care, etc.

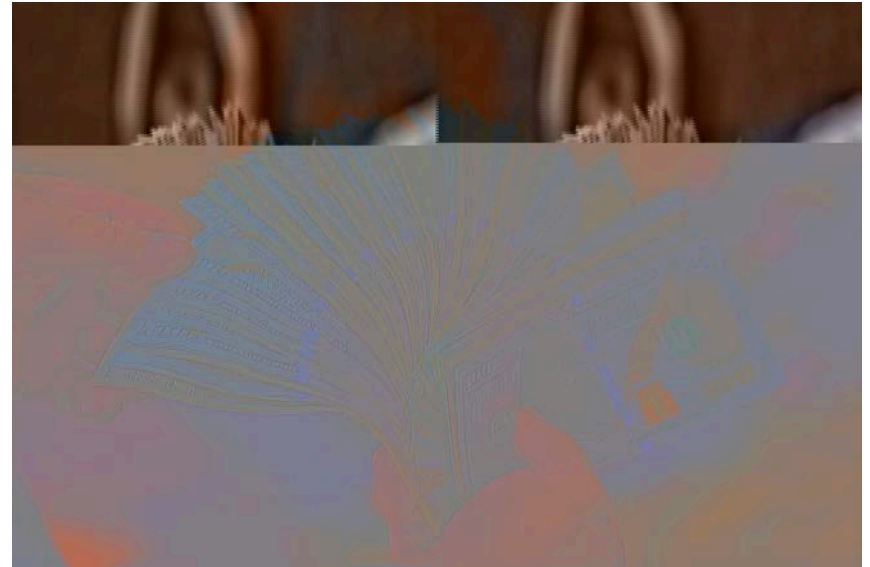
▶ Examples of Rule in Effect, Commercial Unit

- ▶ Business ordered shut down by health officer
- ▶ Cannot run business due to Court Order (attorneys can't go to court if Court was entirely closed)
- ▶ Business loss income due to interruptions (restaurants converting to take-out only)
- ▶ Increased supply costs (food, PPE equipment needed to run operations)



Solano County Resolution No. 2020-67

- ▶ **Presumption of Loss of Income Due to COVID**
 - ▶ Landlords have the burden to show that any loss of income or increase of expense is not related to COVID-19 pandemic since it's presumed it's related to emergency
 - ▶ Landlords may request evidence or documentation of job loss, wage loss, or medical expenses related to COVID-19



Solano County Resolution No. 2020-67

▶ More Protections

- ▶ Landlords cannot refuse to allow a tenant to stay in a tenancy under month-to-month agreement for failure to pay rent or late fees that accrued during the emergency for a period of 90 days after the state of emergency is over without allowing a tenant a chance to work out a payment plan.
- ▶ In English, that means you have no right to issue a no cause notice or kick out a tenant due to expiration of a lease if solely based on not paying rent or late fees that accrued during the emergency without trying to work out a payment plan.



Solano County Resolution No. 2020-67

▶ More Protections

- ▶ A payment plan under the resolution is presumed to be reasonable if (1) the tenant makes all future payments of the rent as they come due, (2) the past due rent is paid in full within 12 months of the agreement, (3) the tenant has good cause to believe he/she has the means to pay the agreed upon payments according to the schedule proposed



Solano County Resolution No. 2020-67

- ▶ **Presumption of Loss of Income**
 - ▶ A payment plan under the resolution is presumed to be reasonable if (1) the tenant makes all future payments of the rent as they come due, (2) the past due rent is paid in full within 12 months of the agreement, (3) the tenant has good cause to believe he/she has the means to pay the agreed upon payments according to the schedule proposed



Solano County Resolution No. 2020-67

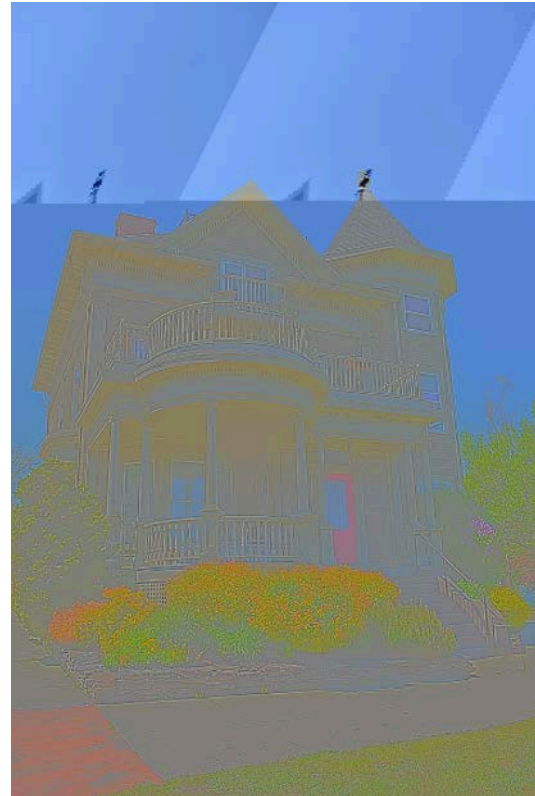
- ▶ **Additional Steps That Need to Be Taken**
 - ▶ Landlords must give disclosures in any three-day notice that demands rent or late fees that accrued during the state of emergency (March 4, 2020, to present) that state that tenant(s) cannot be evicted for rent or fees that became due during the pandemic.



City Ordinances

▶ Vallejo

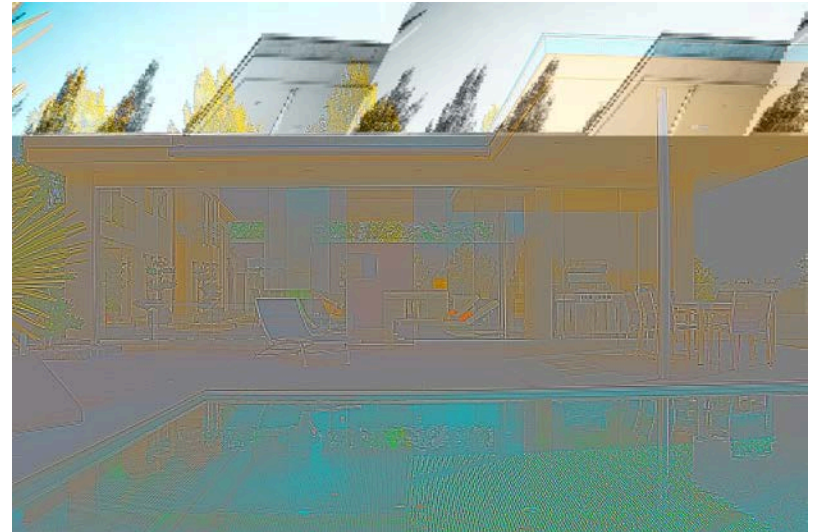
- ▶ In this attorney's opinion, the County Ordinance made the City Order obsolete other than the city bans evictions after a foreclosure since the county incorporated the structure in its ordinance.
- ▶ The City of Vallejo ordered no water service should be shut off due to COVID-19 related circumstances.



City Ordinances

▶ Benicia

- ▶ In this attorney's opinion, Benicia's Ordinance is more extensive.
- ▶ Why? Benicia has banned no-fault and no-cause 30/60/90-day notices as well as non-renewal of leases without cause (see Section 7 Benicia Order).
- ▶ Benicia tenants may apply for a restraining order to stop an eviction if it's in violation of the city's order.
- ▶ Violating Benicia's order has a treble damage clause (Court can award up to three times the actual damages sustained plus attorney's fees and costs).
- ▶ The Order is in place to May 31, 2020, plus any extension by the Governor (July 31, 2020).



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ **Price-Gouging Protections (Additional Protections of Rent Control during State of Emergency)**
 - ▶ Penal Code 396 prevents individuals and organizations from capitalizing on the misfortunes of a state of emergency by raising the price of essential consumer goods, including rental housing.
 - ▶ The law generally limits the maximum rental increase to which a landlord can raise rent (10% when a state of emergency is declared).



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ **Price Gouging Protections Expanded**
 - ▶ The prior Penal Code 396 only affected rental units offered for rent or currently rented.
 - ▶ The updated Penal Code 396 expands protections to housing units not on the market at the time the state of emergency is in effect.
 - ▶ Also, eviction protections are incorporated into the new penal code to prohibit eviction of tenants for the sole purpose of offering units to new tenants for prices higher than permitted under the statute.



Landlord-Tenant: Price Gouging and States of Emergency

▶ How Price Is Determined on Unrented Unit at Time of Emergency

- ▶ If unit was rented within one year prior to the emergency, then it's the most recent rent within the year before the emergency.
- ▶ For units not rented one year prior to the emergency, it's 160% of Fair Market Rent established by the U.S. Department of Housing and Urban Development.



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ **How Price Is Determined on Unrented Unit at Time of Emergency**
 - ▶ If unit is rented or advertised for rent within one year prior to the emergency, then it's the most recent rent or advertised rent within the year before the emergency.
 - ▶ Landlords who rented unfurnished units that are now rented furnished may increase the rent 5%.
 - ▶ No adjustment is allowed to the prior rent charged for any other good or service, including but not limited to gardening or utilities currently or formerly provided in connection with the lease.



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ How Price Is Determined on Unrented Unit at Time of Emergency
 - ▶ For units not rented one year prior to emergency, landlords may charge 160% of fair market rent established by the U.S. Department of Housing and Urban Development.
 - ▶ Landlords may increase the rent by 5% of the FMV established by HUD if the unit is fully furnished.



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ **How Long Do Penal 396 Restrictions Last?**
 - ▶ Generally, restrictions last the length of time that the state of emergency is declared by proclamation, plus any extensions.
 - ▶ Restrictions last 30 days after the state of emergency or extensions expire.



Landlord-Tenant: Price Gouging and States of Emergency

- ▶ Major Exceptions for Repairs beyond Normal Maintenance or for Increases Issued before Emergency
 - ▶ A greater rental price increase is not unlawful if the landlord can prove that the increase is directly attributable to additional costs for repairs or additions beyond normal maintenance that were amortized over the rental term that caused the rent to be increased greater than 10% or that an increase was contractually agreed to by the tenant prior to the proclamation or declaration.



Landlord-Tenant: Price Gouging and States of Emergency

▶ Penalties for Violations

- ▶ Criminal penalties up to \$10,000 in fines and up to one year in jail (misdemeanor)
- ▶ Civil penalties under the Unfair Business Practices Act under Business and Professions Code 17200





Any Questions?

**Presentation Materials: Executive Orders, Court Rules,
Press Releases and Emergency County and City Ordinances**

Governor Newsom Executive Order N-28-20

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 in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; 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 government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

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 to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

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.

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

Governor Newsom Executive Order N-37-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-37-20

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 in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience 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 rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

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 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:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. 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:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. 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.
- 2) 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.
 - 3) 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.

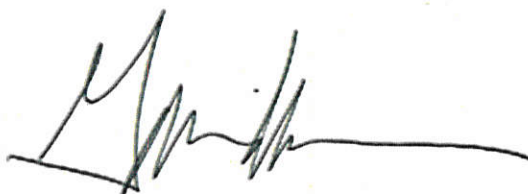
Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

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.

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 27th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Governor Newsom Executive Order N-66-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-66-20

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 the COVID-19 pandemic and the physical distancing measures implemented to combat it have affected governmental agencies, private businesses, and members of the public, with associated impacts on adherence to certain statutory and regulatory deadlines and other requirements; and

WHEREAS as a result of COVID-19, individuals seeking to obtain teacher credentials have been unable to meet certain credentialing requirements, and it is necessary to provide flexibility to minimize the impacts to these individuals and the State's supply of qualified teachers, while maintaining high teacher-credentialing standards; 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 rent, leaving them vulnerable to eviction, and also impacting owners reliant on rent; and

WHEREAS on April 16, 2020, the Department of Housing and Community Development issued guidance on relief options available to developers and property owners of Department-funded developments experiencing cash flow shortages due to decreased rental revenue as a result of COVID-19; and

WHEREAS certain projects and programs funded or administered through the Department of Housing and Community Development will continue to experience longer-term cash flow shortages as a result of COVID-19 and accordingly require continued and expanded administrative relief; and

WHEREAS said projects and programs funded or administered by or through the Department of Housing and Community Development serve essential public purposes such as promoting and maintaining affordable housing for Californians and assisting Californians experiencing or at risk of homelessness; and

WHEREAS the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act (Public Law 116-136) provides supplemental funding through the U.S. Department of Housing and Urban Development to the Department of Housing and Community Development's Emergency Solutions Grant and Community Development Block Grant programs to help cover higher anticipated costs and support administrative expenses related to actions to prevent, prepare for and respond to COVID-19; and

WHEREAS Public Law 116-136 additionally provides Community Development Block Grant recipients with new flexibilities with respect to the use of funding to support COVID-19 response; and

WHEREAS there remains an increased need for child care for families who may not have previously needed child care, or who may now require additional hours of child care; and

WHEREAS in light of the COVID-19 pandemic and stay-at-home order (issued via Executive Order N-33-20 on March 19, 2020), there remains an ongoing need to promote housing security and stability, and local jurisdictions may need to continue to take additional measures to protect public health and safety; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The requirement in Education Code sections 44225(a) and 44259(b)(3) and any accompanying regulations for preliminary multiple credential candidates and preliminary single subject credential candidates to complete the Teaching Performance Assessment (TPA) is suspended for candidates whose teacher preparation program verifies that, during the 2019-20 academic year, the candidate satisfies all of the following conditions:
 - (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
 - (ii) Was in the process of completing the TPA;
 - (iii) Was unable to complete the TPA due solely to school closures; and
 - (iv) Successfully completed all other preliminary teaching credential requirements.

Candidates for whom the TPA requirement is suspended pursuant to this Paragraph 3 must complete and pass a Commission-approved teaching performance assessment prior to being recommended for a clear teaching credential.

- 2) The requirement in California Code of Regulations, Title 5, section 80054(a)(2)(A) and (B) for preliminary administrative services credential candidates to complete the California Administrator Performance

Assessment (CalAPA) is suspended for candidates whose administrator preparation program verifies that, during the 2019-20 academic year, the candidate:

- (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
- (ii) Was in the process of completing the CalAPA;
- (iii) Was unable to complete the CalAPA due solely to school closures; and
- (iv) Successfully completed all other preliminary administrative services credential requirements.

Candidates for whom the CalAPA requirement is suspended pursuant to this Paragraph 4 must complete and pass a Commission-approved administrator performance assessment prior to being recommended for a clear administrative services credential.

- 3) The requirements in Education Code sections 44283 and 44283.2, and California Code of Regulations, Title 5, sections 80048.3(a)(5), 80048.8, 80071.5(a)(5), and 80413(a)(4) for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete the Reading Instruction Competence Assessment (RICA) are suspended for candidates who, between March 19, 2020 and August 31, 2020, were or are unable to complete the RICA due to COVID-19 related testing center closures. Candidates for whom the RICA requirement is suspended pursuant to this Paragraph must complete and pass Commission-approved reading instruction competence assessment prior to being recommended for a clear credential.
- 4) The requirement in Education Code section 44252(f)(1) and any accompanying regulations for credential program applicants to complete the California Basic Educational Skills Test (CBEST) prior to admission to a Commission-approved credential program is suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are unable to complete the CBEST due to COVID-19 related testing center closures. Applicants for whom the CBEST requirement is suspended pursuant to this Paragraph must complete the CBEST during their program prior to recommendation for a preliminary credential. Any use of these applicants' CBEST scores by teacher preparation programs shall be consistent with Education Code section 44252(f).
- 5) The requirement in Education Code section 44453(a) and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination (CSET) prior to admission to a university intern credential program; and the requirement in Education Code section 44325(c)(3) and any accompanying regulations for applicants for a university or district intern credential to complete a CSET are suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are

unable to complete the CSET due to COVID-19 related testing center closures. Applicants for whom the CSET requirement is suspended pursuant to this Paragraph must complete the CSET prior to being recommended for a preliminary credential. Additionally, notwithstanding the requirement in Education Code section 44326 that district interns teach only in the subject area for which they have met the subject matter requirement, district interns for whom the CSET requirement is suspended pursuant to this Paragraph may teach in the subject area for which they have enrolled.

- 6) Notwithstanding California Code of Regulations, Title 25, sections 7312(f), 8303, and 8309, the Department of Housing and Community Development shall implement financial and regulatory accommodations for projects adversely affected by the COVID-19 pandemic, including modifications to the rules regarding project reserves, in order to help maintain the projects' feasibility. Any standards and procedures developed to govern such financial and regulatory accommodations shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 7) The requirements specified in California Code of Regulations, Title 25, sections 8402, 8403(a), 8403(c), 8403(g), 8404, 8405, 8406, 8407, 8408, and 8410(a), governing the administration of the Emergency Solutions Grant Program, shall not apply to any funds allocated pursuant to Public Law 116-136. Within 10 days of this Order, the Department of Housing and Community Development shall develop and implement new streamlined procedures and conditions for the administration of such funds. The Department shall post such procedures and guidelines on its publicly accessible website. The development and implementation of such procedures and conditions shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 8) Health and Safety Code sections 50827(a), 50828, 50833(a), and 50833(b), requiring set-asides for economic development and housing in the Community Development Block Grant Program, shall not apply to any funding allocated pursuant to Public Law 116-136 or to funding for the 2019 or 2020 federal fiscal years that is used to respond to the COVID-19 pandemic.
- 9) Paragraph 1 of Executive Order N-45-20 is withdrawn and superseded by the following text:

In order to facilitate the continued provision of child care during the COVID-19 outbreak, any provision in Articles 1 through 11, 12, 15.5 through 18, 20, and 21 of Chapter 2 of Part 6 of Division 1 of the Education Code and implementing regulations in Chapter 19 and 19.5 of Division 1 of Title 5, California Code of Regulations, that restricts a child care and development program impacted by COVID-19 from serving children of essential critical infrastructure workers, as described in the document posted at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> is suspended through June 30, 2020 (or, for families enrolled in non-

CalWORKS early learning and care services, for 60 days following the date of the child's enrollment pursuant to Paragraphs 2 and 3 of Executive Order N-47-20, whichever is longer), on the condition that services are provided consistent with an informal directive or bulletin issued by the State Superintendent of Public Instruction pursuant to SB 117 (Chapter 3, Statutes of 2020) and that costs associated with all services provided pursuant to the informal directive or bulletin are within the budget authority of the California Department of Education.

10) Paragraph 5 of Executive Order N-45-20 is withdrawn and superseded by the following text:

The requirements in Education Code section 8273 and any accompanying regulations or other written policies or procedures related to assessment of fees for families using preschool and child care and development services pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code are suspended through June 30, 2020.

11) The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

12) The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended for an additional 60 days from the date of this Order.

13) The timeframe set forth in Executive Order N-40-20, Paragraph 7, is extended for an additional 60 days from the date of this Order.

14) The timeframe set forth in Executive Order N-40-20, Paragraph 9, is extended for an additional 60 days from the date of this Order.

15) The timeframe set forth in Executive Order N-40-20, Paragraph 10, is extended for an additional 60 days from the date of this Order.

16) The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days from the date of this Order.

17) The timeframe set forth in Executive Order N-40-20, Paragraph 13, is extended for an additional 60 days from the date of this Order.

18) The timeframe set forth in Executive Order N-40-20, Paragraph 15, is extended for an additional 30 days from the date of this Order.

19) The timeframe set forth in Executive Order N-40-20, Paragraph 16, is extended for an additional 60 days from the date of this Order.

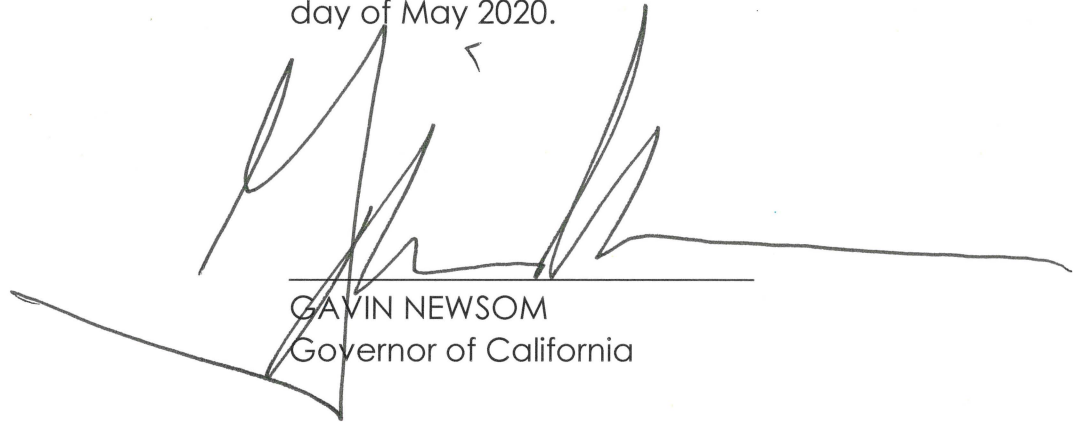
20) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

21) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2 is extended for an additional 60 days from the date of this Order.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of May 2020.



A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized and extends to the right of the line.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

California Rules of Court Emergency Rule 1
Unlawful Detainers

Appendix I
Emergency Rules Related to COVID-19

Emergency rule 1. Unlawful detainers

(a) Application

Notwithstanding any other law, including Code of Civil Procedure sections 1166, 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer.

(b) Issuance of summons

A court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety.

(c) Entry of default

A court may not enter a default or a default judgment for restitution in an unlawful detainer action for failure of defendant to appear unless the court finds both of the following:

- (1) The action is necessary to protect public health and safety; and
- (2) The defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

(d) Time for trial

If a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

(e) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

**Press Release Judicial Council of California
No Vote on Emergency Rule 1 Unlawful
Detainers**

Chief Justice Suspends Vote on Eviction, Foreclosure Emergency Rules

June 10, 2020

Contact: Peter Allen | 415-865-7740

The Judicial Council of California will not vote today on whether to end two emergency rules governing evictions and judicial foreclosures, after Chief Justice Tani Cantil-Sakauye announced she suspended the vote.



Said **Chief Justice Tani Cantil-Sakauye**:

"After discussions with the Governor, legislative leaders, and Judicial Council members—as well as hearing from residents with many different viewpoints—I have suspended for the time being the vote on the emergency rules dealing with evictions and judicial foreclosures. I

believe the executive and legislative branches will need more time to sort through various policy proposals.

"As I mentioned in April when we first adopted temporary emergency rules and took other actions, we are at a point with the pandemic with no guidance in history, law, or precedent. When the Governor issued his [executive order](#) providing me, as chairperson of the Judicial Council, and the council with the authority to protect the public during the pandemic, I promised the Governor that we would assume this responsibility with the utmost care. The rules we promulgated are temporary measures designed to protect the health and safety of the public while ensuring that access to justice remains available. The judicial branch cannot usurp the responsibility of the other two branches to deal with the myriad impacts of the pandemic. At the beginning of the statewide shelter-in-place orders, the Legislature was not in session and the Judicial Branch was a constitutional partner with the Executive Branch in adopting temporary, emergency rules designed to protect the public and our justice system. We will work with the Governor and legislative leaders on an updated time frame for amending, sunseting, or repealing the

The Judicial Council is scheduled to release the results of its vote on whether to end the COVID-19 emergency bail schedule by 5 p.m. today.

Related



Judicial Council, Chief Justice Consider Ending Some Emergency Measures as California and Courts Expand Reopening

June 08, 2020

**Solano Board of Supervisors Resolution No.
2020-67**

RESOLUTION NO. 2020 - 67

BOARD OF SUPERVISORS, COUNTY OF SOLANO, STATE OF CALIFORNIA EMERGENCY REGULATION OF SOLANO COUNTY ESTABLISHING A COUNTYWIDE MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY RESIDENTIAL/COMMERCIAL TENANTS DURING THE COVID-19 LOCAL EMERGENCY

SECTION 1. FINDINGS.

The Board of Supervisors of the County of Solano (the "Board") hereby makes the following findings in support of the immediate adoption and application of this Emergency Regulation (the "Emergency Regulation"):

WHEREAS, on February 27, 2020, Solano County declared a local health emergency ("Local Emergency") throughout Solano County related to the novel coronavirus ("COVID-19"); and

WHEREAS, on March 3, 2020, the Solano County Board of Supervisors ratified and extended this declaration of a local health emergency; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State Emergency due to the spread of COVID-19, and

WHEREAS, Governor Newsom's March 4, 2020 Proclamation of State Emergency waived the requirement in Section 8630 of the California Government Code that the County's declared Local Emergency be reviewed at least once every 60 days until terminated by the Solano County Director of Emergency Services; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a non-payment of rent caused by the COVID-19 pandemic or the federal, state and/or local response to the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, the Solano County Health Officer issued an order that, among other things, prohibited all professional, social, and community gatherings that do not allow for participants to maintain six feet of distance apart occurring outside a single household or living unit ("Shelter-at-Home Order"); and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N33-20, which, among other things, directs all California residents to immediately heed current State public health directives and shelter in their homes, with certain exceptions; and

WHEREAS, on March 30, 2020, the Solano County Health Officer issued a subsequent order that, among other things, extended the March 18th Shelter at Home Order through April 30, 2020 (and a copy of the Shelter at Home Order is attached as Exhibit A to this Emergency Regulation); and

WHEREAS, Section 8634 of the Government Code provides that during a local emergency, the governing body of a political subdivision of the State "may promulgate orders and regulations necessary to provide for the protection of life and property," and that section requires that such orders "shall be in writing and shall be given widespread publicity and notice;" and

WHEREAS, the California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Section 8634 of the Government Code that will be effective in both unincorporated and incorporated areas. 62 Ops. Cal. Atty. Gen. 701 (1979); and

WHEREAS, the County of Solano, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for residents throughout the County; and

WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings and the issuance of Shelter-at-Home Orders, both locally and state-wide, many County residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness, loss of community, stress and anxiety caused by the experience of displacement, interruption of the education of any children in the home, increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19, as well as increased difficulty in complying with the Health Officer's Shelter-at-Home Order and a corresponding increased risk to public health and safety; and

WHEREAS, it is also necessary to recognize both the measures local property owners have voluntarily taken to protect tenants during this State of Emergency and the economic impacts to those property owners as a result of COVID-19 and a temporary moratorium on evictions; and

WHEREAS, the Board finds that this Emergency Regulation is reasonably related to the protection of life throughout the entire jurisdictional boundaries of the County, given the County-wide nature of the proclaimed State of Emergency; and

WHEREAS, in adopting this Emergency Regulation, the County is taking action pursuant to Executive Order N-28-20 consistent with its authority under Government Code Sections 8630 and 8634 and Chapter 7 of the Solano County Code; and

NOW, THEREFORE, the Board of Supervisors of the County of Solano, State of California, orders as follows:

SECTION 1. JURISDICTION

Pursuant to the County's police powers during a local emergency as set forth in Government Code Sections 8630 and 8634, and Chapter 7 of the Solano County Code, this Emergency Regulation shall apply throughout the entire geographic boundary of the County, including all incorporated cities and unincorporated areas. However, if an incorporated city in Solano County has enacted its own eviction moratorium, the city's moratorium applies within the boundaries of that city, except to the extent this Emergency Regulation provides stronger protections to tenants, in which case the stronger protections of this Emergency Regulation applies.

SECTION 2. LATE FEE MORATORIUM

Notwithstanding any lease or rental agreement provision to the contrary, no late fees or penalties may be imposed for rent that became due during the State of Emergency and for a period of 90 days after the Emergency has been lifted if the rent was late or unpaid for reasons resulting from the COVID-19 pandemic.

Any notice demanding late fees for rent that became due during the Local Emergency shall include the following statement in bold underlined 12-point font: "**You are not required to pay late fees for rent that became due during the State of Emergency declared by the Governor in response to the COVID-19 pandemic if the rent was late for reasons related to the pandemic provided you provide proof of the hardship.**" Evidence of proof may be provided in the form of documentation of job loss, wage loss or medical expenses related to COVID-19.

RESOLUTION NO. 2020 - 67

BOARD OF SUPERVISORS, COUNTY OF SOLANO, STATE OF CALIFORNIA EMERGENCY REGULATION OF SOLANO COUNTY ESTABLISHING A COUNTYWIDE MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY RESIDENTIAL/COMMERCIAL TENANTS DURING THE COVID-19 LOCAL EMERGENCY

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WHEREAS, Governor Newsom's March 4, 2020 Proclamation of State Emergency waived the requirement in Section 8630 of the California Government Code that the County's declared Local Emergency be reviewed at least once every 60 days until terminated by the Solano County Director of Emergency Services; and

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WHEREAS, Section 8634 of the Government Code provides that during a local emergency, the governing body of a political subdivision of the State "may promulgate orders and regulations necessary to provide for the protection of life and property," and that section requires that such orders "shall be in writing and shall be given widespread publicity and notice;" and

WHEREAS, the California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Section 8634 of the Government Code that will be effective in both unincorporated and incorporated areas. 62 Ops. Cal. Atty. Gen. 701 (1979); and

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WHEREAS, as a result of the State of Emergency and the subsequent prohibitions on large gatherings and the issuance of Shelter-at-Home Orders, both locally and state-wide, many County residential tenants have experienced sudden and substantial income loss due to business and school closures, layoffs or reductions in work hours and extraordinary out-of-pocket medical expenses, making it challenging for them to pay rent on time and thus, more likely to face the prospect of eviction; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness, loss of community, stress and anxiety caused by the experience of displacement, interruption of the education of any children in the home, increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19, as well as increased difficulty in complying with the Health Officer's Shelter-at-Home Order and a corresponding increased risk to public health and safety; and

WHEREAS, it is also necessary to recognize both the measures local property owners have voluntarily taken to protect tenants during this State of Emergency and the economic impacts to those property owners as a result of COVID-19 and a temporary moratorium on evictions; and

WHEREAS, the Board finds that this Emergency Regulation is reasonably related to the protection of life throughout the entire jurisdictional boundaries of the County, given the County-wide nature of the proclaimed State of Emergency; and

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Notwithstanding any lease or rental agreement provision to the contrary, no late fees or penalties may be imposed for rent that became due during the State of Emergency and for a period of 90 days after the Emergency has been lifted if the rent was late or unpaid for reasons resulting from the COVID-19 pandemic.

Any notice demanding late fees for rent that became due during the Local Emergency shall include the following statement in bold underlined 12-point font: "**You are not required to pay late fees for rent that became due during the State of Emergency declared by the Governor in response to the COVID-19 pandemic if the rent was late for reasons related to the pandemic provided you provide proof of the hardship.**" Evidence of proof may be provided in the form of documentation of job loss, wage loss or medical expenses related to COVID-19.

SECTION 3. NO EVICTION FOR NONPAYMENT OF RENT THAT BECAME DUE DURING THE LOCAL EMERGENCY

A lessor of a residential (including mobile homes) or commercial property shall not commence an action for unlawful detainer under California Code of Civil Procedure section 1161(2) on the basis of rent which became due during the State of Emergency declared by the Governor and for a period of 90 days afterward if the lessee or tenant was unable to pay such rent because of a substantial reduction in household income or substantial increase in expenses resulting from the Coronavirus pandemic. In any action for unlawful detainer filed under California Code of Civil Procedure section 1161(2), it shall be a defense that the unpaid rent became due during the State of Emergency declared by the Governor and was unpaid because of a substantial reduction in household income or substantial increase in expenses resulting from the COVID-19 pandemic.

No lessor shall decline to allow a holdover tenant a month to month tenancy because of unpaid rent or late fees that arose during the State of Emergency declared by the Governor and for a period of 90 days after without allowing the lessee or tenant an opportunity to propose a reasonable payment plan. A payment plan is presumptively reasonable if (A) the lessee or tenant would make future rental payments in full as they come due, (B) any arrearage on the lessee's or tenant's account would be paid in full within twelve (12) months of the agreement, and (C) the lessee or tenant has, or there is good cause to believe the lessee or tenant will have, the means to make the required payments according to schedule.

Any notice served on a lessee or tenant demanding rent that became due during the State of Emergency declared by the Governor and for a period of 90 days after the Emergency has been lifted shall include the following statement in bold underlined 12- point type: **"You cannot be evicted for rent that you owed during the State of Emergency declared by the Governor if you became unable to pay your rent due to the COVID-19 pandemic. You must still pay this rent, and you are encouraged to work with your landlord to establish a reasonable payment plan for any rent you were not able to pay due the COVID-19 pandemic.** Nothing in this subsection shall relieve the lessee or tenant of liability for the unpaid rent or limit the lessor's rights to collect such rent short of an action for unlawful detainer.

SECTION 4. LOSS IN INCOME DURING THE STATE OF EMERGENCY PRESUMED TO BE DUE TO COVID-19 PANDEMIC

Any substantial reduction in household income by a tenant or lessee during the State of Emergency declared by the Governor shall be presumed to be caused by the COVID-19 pandemic. This includes, but is not limited to, where, as a result of the COVID-19 pandemic, the tenant or lessee suffered a loss of employment or a reduction in hours, or was unable to work because their children were out of school, or was unable to work because they were sick with COVID-19 or caring for a household or family member who was sick with COVID-19, or they were complying with a recommendation from a government agency to self-quarantine, or they incurred substantial out of pocket medical expenses due to COVID-19. A plaintiff in an action for unlawful detainer under Code of Civil Procedure section 1161(2) for rent unpaid during the State of Emergency declared by the Governor and for a period of 90 days afterward bears the burden to show any nonpayment of rent during this period did not result from the COVID-19 pandemic. Landlords may request evidence of proof be provided in the form of documentation of job loss, wage loss or medical expenses related to COVID-19.

SECTION 5. NO RELIEF FROM LIABILITY FOR RENT.

Nothing in this Emergency Regulation shall relieve any residential or commercial lessee or tenant of liability for unpaid rent. Lessors and tenants are encouraged to work with local agencies that make rental assistance available for qualifying lessees and tenants in accordance with California Civil Code section 1947.3.

SECTION 3. NO EVICTION FOR NONPAYMENT OF RENT THAT BECAME DUE DURING THE LOCAL EMERGENCY

A lessor of a residential (including mobile homes) or commercial property shall not commence an action for unlawful detainer under California Code of Civil Procedure section 1161(2) on the basis of rent which became due during the State of Emergency declared by the Governor and for a period of 90 days afterward if the lessee or tenant was unable to pay such rent because of a substantial reduction in household income or substantial increase in expenses resulting from the Coronavirus pandemic. In any action for unlawful detainer filed under California Code of Civil Procedure section 1161(2), it shall be a defense that the unpaid rent became due during the State of Emergency declared by the Governor and was unpaid because of a substantial reduction in household income or substantial increase in expenses resulting from the COVID-19 pandemic.

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Any notice served on a lessee or tenant demanding rent that became due during the State of Emergency declared by the Governor and for a period of 90 days after the Emergency has been lifted shall include the following statement in bold underlined 12- point type: **"You cannot be evicted for rent that you owed during the State of Emergency declared by the Governor if you became unable to pay your rent due to the COVID-19 pandemic. You must still pay this rent, and you are encouraged to work with your landlord to establish a reasonable payment plan for any rent you were not able to pay due the COVID-19 pandemic.** Nothing in this subsection shall relieve the lessee or tenant of liability for the unpaid rent or limit the lessor's rights to collect such rent short of an action for unlawful detainer.

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Nothing in this Emergency Regulation shall relieve any residential or commercial lessee or tenant of liability for unpaid rent. Lessors and tenants are encouraged to work with local agencies that make rental assistance available for qualifying lessees and tenants in accordance with California Civil Code section 1947.3.

SECTION 6. RIGHT TO BREAK RESIDENTIAL LEASE WITH CAUSE

For the duration of the State of Emergency declared by the Governor and for a period of 90 days afterward, notwithstanding any lease or rental agreement provision to the contrary, a residential tenant may terminate a lease or rental agreement with 30 days' notice without penalty if the lessee or tenant has cause for termination which is related to the COVID-19 pandemic. Such cause includes, but is not limited to, changes in household income, the need to care for school-aged children, and the need to care for relatives.

SECTION 7. SEVERABILITY

If any provision of this Emergency Regulation is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board that such invalid provisions(s) be severed from the remaining provisions of this Emergency Regulation.

SECTION 8. CEQA

Adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

SECTION 9. NO MANDATORY DUTY

Nothing in this Emergency Regulation is intended to create a mandatory duty on the part of the County, County employees, or any incorporated city within Solano County, to protect persons or property from a violation of the provisions of this Emergency Regulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on April 28, 2020 by the following vote:


AYES: SUPERVISORS Hannigan, Brown, Spering, Vasquez and Thomson

NOES: SUPERVISORS None.

EXCUSED: SUPERVISORS None.


ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: 
Jeanette Neiger, Chief Deputy Clerk

ORDER OF THE HEALTH OFFICER No. 2020-04

ORDER OF THE SOLANO COUNTY HEALTH OFFICER DIRECTING INDIVIDUALS TO SHELTER AT HOME EXCEPT THAT THEY MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND ESSENTIAL GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THIS ORDER BUT URGING THEM TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND PROHIBITING ALL NON-ESSENTIAL TRAVEL

DATE OF ORDER: MARCH 30, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*)

Pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b), the Solano County Health Officer ORDERS AS FOLLOWS:

Effective immediately and continuing until 11:59 p.m. on April 30, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer, the following will be in effect in Solano County:

1. All public and private gatherings of any number of people that do not allow for participants to maintain six feet of distance apart, including at places of work, occurring outside a single household or living unit are prohibited. However, nothing in this Order prohibits the gathering of members of a household or living unit.
 - a. This prohibition applies to all professional, social, and community gatherings, regardless of their sponsor, that are not engaged in Essential Activities, as defined below. Gatherings that involve Essential Activities should only be conducted when they cannot be postponed or achieved without gathering, meaning that some other means of communication cannot be used to perform the Essential Activity. For gatherings involving Essential Activities, maintaining a six-foot separation of Social Distancing between persons, except family members, is recommended to the greatest extent possible. Individuals experiencing homelessness are exempt from this Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
 - b. "Essential Activities" include:

- i. All services needed to ensure the continuing operation of government agencies and to provide for the health, safety and welfare of the public;
- ii. Healthcare operations (e.g. hospitals) and essential infrastructure including critical utilities;
- iii. First responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel;
- iv. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary for maintaining the safety, sanitation, and essential operation of residences;
- v. Agriculture operations, including food cultivation, farming, livestock, and fishing;
- vi. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vii. Newspapers, television, radio, and other media services;
- viii. Gas stations and auto-supply, auto-repair, and related facilities;
- ix. Banks and related financial institutions;
- x. Hardware stores;
- xi. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences;
- xii. Businesses providing mailing and shipping services, including post office boxes;
- xiii. Educational institutions - including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing of six-feet per person is maintained to the greatest extent possible;

- xiv. Laundromats, dry cleaners, and laundry service providers;
- xv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xvi. Businesses that supply products needed for people to work from home;
- xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xviii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xix. Airlines, taxis, and other private transportation providers providing transportation services;
- xx. Home-based care for seniors, adults, or children;
- xxi. Residential facilities and shelters for seniors, adults, and children;
- xxii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxiii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of ten children or fewer.
 - 2. Children shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 4. Childcare providers shall remain solely with one group of children.
- xxiv. Any other essential critical infrastructure as defined by the California

State Public Health Officer or the U.S. Department of Homeland Security.

- c. "Social Distancing" is maintaining a six-foot separation from all persons except for family members.
2. All bars and other establishments that serve alcohol, and do not serve food, shall close consistent with guidance provided by the California Department of Public Health for Retail Food, Beverage, and Other Related Service Venues.
3. All restaurants and other business establishments that serve food shall close all on-site dining consistent with guidance provided by the California Department of Public Health for Retail Food, Beverage, and Other Related Service Venues. All food served shall be by delivery, or through pick-up or drive-thru. Social Distancing shall be required for persons picking up food on site.
4. A strong recommendation is made that all persons who are 65 years and older, or have a serious chronic medical condition (like heart disease, lung disease, and diabetes), or have a compromised immune system remain at home consistent with guidance provided by the California Department of Public Health on Self-Isolation for Older Adults and Those Who Have Elevated Risk.
5. A strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 to self-isolate in their place of residence unless seeking medical care.
6. All businesses shall enact Social Distancing, and increased sanitation standards, and shall make every effort to use telecommuting for their workforce. All businesses shall suspend any policy or procedure requiring doctor verification for sick or other leave approval except that any healthcare operation or health-care related business may continue to enforce any policy or procedure requiring doctor verification for sick or other leave approval.
7. A strong recommendation is made that all residents are to heed any orders and guidance of state and local health officials related to COVID-19.
8. Travel is allowed but only to extent necessary to effectuate the intent of this Order.
9. This Order is necessary to protect and preserve the public health from, and prevent, the increasing transmission of COVID-19 in California and the significant risk of widespread introduction and transmission of COVID-19 into the County.
10. Further, this Order is given because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces.
11. This Order revokes and replaces the Order issued on March 18, 2020 and the

Supplemental Order issued on March 19, 2020. Those Orders are no longer in effect as of the effective date of this Order.

12. Pursuant to Health and Safety Code section 120175.5 (b) all governmental entities in the County shall take necessary measures within the governmental entity's control to ensure compliance with this Order and to disseminate this Order to venues or locations within the entity's jurisdiction where a large gathering may occur.
13. Violation of this Order is subject to fine, imprisonment, or both. (California Health and Safety Code section 120295.)
14. **To the extent necessary and feasible, this Order may be enforced by the Sheriff or chiefs of police pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029.**

As this is a rapidly evolving situation, this Order may be revised at any time.

IT IS SO ORDERED:

Date: March 30, 2020



Dr. Bela Matyas
Solano County Health Officer

EMERGENCY REGULATIONS

As Director of Emergency Services for the County of Solano, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and Solano County Code sections 7-12 (a) and (b) and 7-13 (a)(1). The following shall be in effect for the duration of the Solano County Health Officer Order issued above which is incorporated in its entirety by reference:

The Solano County Health Officer Order shall be promulgated as a regulation for the protection of life and property.

Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

Date: March 30, 2020



County Administrator, Birgitta E. Corsello

**City of Vallejo Emergency Ordinance re
Evictions Dated March 17, 2020**

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO ORDERING A LIMITATION ON RESIDENTIAL AND COMMERCIAL EVICTIONS ARISING FROM A SUBSTANTIAL DECREASE IN HOUSEHOLD OR BUSINESS INCOME RELATED TO THE COVID-19

WHEREAS, COVID-19, commonly known as the novel Coronavirus, has spread throughout the United States and sometimes causes severe illness and death among the elderly and those with pre-existing conditions; and

WHEREAS, the President of the United States has declared a national emergency as a result of the Coronavirus; and

WHEREAS, the Governor of the State of California has declared a state emergency as a result of the Coronavirus; and

WHEREAS, the County of Solano has declared a county-wide emergency as a result of the Coronavirus; and

WHEREAS, the City of Vallejo has declared a City-wide emergency as a result of the Coronavirus on March 16, 2020 by Resolution No.20-026; and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20 allowing local jurisdictions to restrict evictions in response to loss of income caused by or related to COVID-19; and

WHEREAS, residents of the state and of the City of Vallejo ("City") have been dramatically impacted by COVID-19 and federal, state and local government responses thereto; and

WHEREAS, businesses in the state and in the City of Vallejo have lost business income as well as employees as a result of COVID-19 and federal, state and local government responses thereto; and

WHEREAS, in many cases, loss of income from a job or a business has and will create undue hardship on the employee or business owner; and

WHEREAS, such undue hardship will require an employee or business owner to decide whether to provide for family or to pay the rent for a residence or business premises; and

WHEREAS, the City has an important governmental interest in maintaining a vibrant and thriving residential and business community by limiting and restricting evictions so that employees and businesses owners have an opportunity to recover from the governmental actions resulting COVID-19.

WHEREAS, Section 2.50.070(D)(1) of the City of Vallejo Municipal Code empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any emergency proclaimed by the Director of Emergency Services or by the City Council.

NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that all residential and commercial evictions in the City of Vallejo based upon the following are hereby prohibited:

1. Any eviction proceeding based upon the nonpayment of rent or 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
2. The decrease in household or business income or the out-of-pocket medical expenses described in the preceding paragraph was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

IT IS FURTHER ORDERED that no landlord or property owner may evict or otherwise eject a tenant or occupant of residential or commercial real property by using the judicial foreclosure provisions of Code of Civil Procedure section 725a et seq. or the statutory cause of action for unlawful detainer set forth in Code of Civil Procedure section 1161 et seq. or any other statutory cause of action that is intended to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure.

IT IS FURTHER ORDERED that the City shall not disconnect or otherwise restrict access to the City's water system by any residential or business customer for failure to timely pay for such services arising out of an inability to pay caused by any of the reasons set forth in the paragraphs numbered 1 and 2 above. This section shall not apply to any water customer whose service was disconnected or otherwise terminated prior to March 1, 2020.

IT IS FURTHER ORDERED that this order does not relieve any tenant of the obligation to pay rent nor does it deprive any landlord the right to collect rent.

IT IS FURTHER ORDERED that this order shall remain in effect until the proclamation of emergency adopted by the City Council in Resolution No. 20-026 is terminated by the City Council.

IT IS FURTHER ORDERED that this order shall be presented to the City Council for ratification at the earliest possible time.

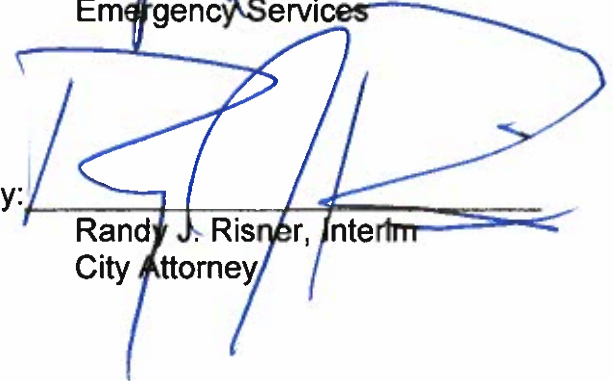
DATED: March 17, 2020

By: 

Greg Nyhoff, Director of
Emergency Services

Approved as to Form:

Dated: March 17, 2020

By: 

Randy J. Risner, Interim
City Attorney

**City of Benicia Emergency Ordinance No.
20-1 re Evictions Dated March 22, 2020**

DIRECTION OF EMERGENCY SERVICES ORDER NO. 20-1

AN ORDER OF THE DIRECTOR OF EMERGENCY
SERVICES (CITY MANAGER) OF THE CITY OF BENICIA
STAYING EVICTIONS IN THE CITY OF BENICIA

WHEREAS, Pursuant to California Government Code a Special Meeting of the City Council of the City of Benicia was properly noticed and convened; and,

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when the City is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the City to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Benicia Municipal Code section 2.36.050(A)(1), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the City Council on March 19, 2020; and,

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril and a crippling disaster which severely impairs the safety of persons or property have arisen within the City caused by the virus COVID-19 and its rapid transmission as reported by various local, state and national health organizations; and,

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and

WHEREAS, as a result of the Local Emergency and the precautions recommended by health authorities, including shelter-in-place directives, many tenants in the City of Benicia have or may soon experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California ("Governor") 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 such individuals and their families 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, Many seniors and vulnerable populations reside in mobile home parks throughout the City, and the sudden displacement of these residents due to their inability to pay rent as a result of the state of emergency would be particularly injurious to the health and safety of the community; and

WHEREAS, on March 19, 2020 the Governor issued Executive Order N-33-20 mandating that all Californians stay home or at their place of residence except in order to maintain critical infrastructure sectors; and

WHEREAS, many businesses and commercial establishments do not constitute critical infrastructure sectors and therefore these businesses have been ordered to close and cease operations during the effective period of Executive Order N-33-20; and

WHEREAS, with the mandatory closure of so many businesses and commercial establishments, such businesses will be unable to conduct business which may render them unable to pay rent; and

WHEREAS, commercial evictions due to a tenant's inability to pay rent have the likelihood of resulting in business owners and individuals engaging in activities which do not constitute critical infrastructure sectors thereby increasing the likelihood of the spread of COVID-19, leading to further health and safety risks to the community; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-28-20, which suspended any provisions 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, including but not limited to Civil Code Sections 1940 *et seq.* or 1954.25 *et seq.*, until May 31, 2020, unless extended; 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 issue and implement this Order to protect life, property and civil order.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF BENICIA DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. A temporary moratorium on eviction for non-payment of rent by residential or commercial tenants, including mobile home tenants impacted by the COVID-19 crisis is imposed as set forth herein.

SECTION 2. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to Financial Impacts related to COVID-19.

SECTION 3. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above in Section 2 shall not serve a notice pursuant to CCP 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.

SECTION 4. A landlord shall be deemed to know 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 and provides documentation that the tenant is unable to pay rent due to Financial Impacts related to COVID-19. 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, as

well as traditional written communication. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

SECTION 5. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, nor restrict a landlord's ability to recover rent due. A tenant shall not be deemed in default of rent payment obligations unless the Tenant fails to tender rent payments which were unpaid due to Financial Impacts related to COVID-19, within 60 days of May 31, 2020, or within 60 days of the date upon which an extension of this Order expires, whichever is later. A Landlord shall not impose, charge, or collect a late fee or equivalent surcharge for any rent payments which were unpaid due to Financial Impacts related to COVID-19. Any three-day notices to pay or quit or No-Fault eviction notices served prior to the effective date of this Order, but not yet expired, are automatically deemed served upon the conclusion of the Moratorium Period.

SECTION 6. For purposes of this Order, "Financial Impacts related to COVID-19" ("Financial Impact") include nonpayment of rent, 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, or a Tenant's lost household income as a result of caring for minor children affected by school, pre-school and/or childcare closures; *provided that*, the Financial Impact was caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19, and is documented.

SECTION 7. This Order applies to terminations of tenancies for nonpayment of rent, including eviction notices, no-fault eviction notices as defined herein, and unlawful detainer actions based on such notices, served or filed during the effective period of this Order. For purposes of this Order, "no-fault eviction notices" refer to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant.

SECTION 8. In the event of a violation of this Order, this Order grants a defense where an unlawful detainer action is commenced in violation of this Order. Additionally, an aggrieved tenant may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages, and whatever other relief the court deems appropriate. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law. This Order grants a defense to eviction to any unlawful detainer actions in violation of this Order.

SECTION 9. This Order shall be in force and effect until May 31, 2020, until and unless superseded by a duly enacted Order or Resolution of the City Council of the City of Benicia or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order. Should the Governor extend Executive Order N-28-20, this Order will continue automatically beyond May 31, 2020 to the date of the Governor's extension, unless superseded.

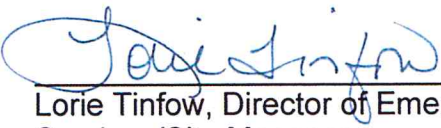
SECTION 10. The City Clerk shall certify the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 22nd day of March 2020.

Attest:




Lisa Wolfe, City Clerk



Lorie Tinfow, Director of Emergency Services/City Manager

Approved as to Form:



Benjamin Stock, City Attorney