

RECEIVED AND FILED
CITY OF SOUTH GATE
CITY MANAGER'S OFFICE
8:20 APR -8 PM 5:43

**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.

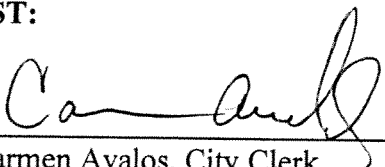
THIS EXECUTIVE ORDER NO. 04.08.2020 IS HEREBY ISSUED ON THIS 8th DAY OF APRIL 2020, AND IS EFFECTIVE IMMEDIATELY.

CITY OF SOUTH GATE:

By: 

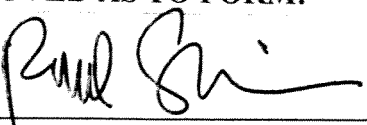
Michael Flad, City Manager/
Director of Emergency Services

ATTEST:

By: 

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: 

Raul F. Salinas, City Attorney