

**MOTION BY SUPERVISORS HILDA L. SOLIS AND
KATHRYN BARGER**

March 31, 2020

RATIFYING EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL HEALTH EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) FOR A TEMPORARY MORATORIUM ON EVICTIONS

Since December 2019, more than 372,000 novel coronavirus (COVID-2019) cases have been confirmed globally, including more than 16,000 deaths. To-date, more than 54,000 U.S. COVID-2019 cases have been reported to the Centers for Disease Control and Prevention (CDC). In Los Angeles County, there are more than 600 confirmed COVID-19 cases, and 11 deaths. Due to the severity of this disease, in February 2020, the U.S. Department of Health and Human Services declared a public health emergency to allow local, state, and federal officials to fully coordinate responses in partnership with public health departments, emergency management teams, airports, health care professionals, and first responders.

Since January 8, 2020, the County Department of Public Health (DPH) has monitored and assessed the international spread of COVID-19, and on January 27, 2020, DPH activated its emergency operations to coordinate response activities across Los Angeles County and to plan for additional imported cases and possible local transmission.

On March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency within the State of California due to the threat posed by Novel Coronavirus (COVID-19). Also on March 4, 2020, pursuant to California Health and Safety Code Section 101080, the Los Angeles County Health Officer issued a Declaration of Local

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Health Emergency (Declaration) because of the introduction of COVID-19 cases in Los Angeles County. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors (Board of Supervisors) ratified the Declaration and issued a Proclamation declaring a local emergency within the County of Los Angeles regarding the imminent spread of COVID-19.

On March 16, 2020, Governor Newsom issued an Executive Order authorizing local governments to halt evictions for renters, encouraging financial institutions to slow foreclosures, and protecting renters and homeowners against utility shutoffs for Californians affect by COVID-19.

On March 19, 2020, pursuant to California Government Code section 8550 et. seq., and Los Angeles County Code Section 2.68.150, the Chair of the Board of Supervisors issued an Executive Order placing a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by COVID-19, requiring an extension of deadlines to submit documents related to housing assistance, establishing an emergency office to assist businesses and employees facing economic instability as result of the COVID-19 pandemic, and engaging utility companies to seek a commitment to waive late fees and forgo disconnections. Such Executive Order is effective till May 31, 2020.

Due to the public health emergency and resulting precautions recommended by health officials, many residential and commercial tenants in the County have suffered, or will suffer unexpected income loss, resulting in an inability to fulfill their financial obligations, including payment of rent, leading to possible eviction, and making utility payments. The Executive Order will help prevent further anticipated economic impacts and avoid unnecessary displacement of County residents.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS,

1. Ratify the attached Executive Order of the Chair of the County of Los Angeles Board of Supervisors Following Proclamation of Existence of a local Health Emergency Regarding Novel Coronavirus (COVID-19); and
2. Direct County Departments to implement all assessment, assistance and monitoring efforts as applicable.

**EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF EXISTENCE OF
A LOCAL HEALTH EMERGENCY REGARDING NOVEL CORONAVIRUS
(COVID-19)**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency within the State of California ("State") due to the threat posed by Novel Coronavirus ("COVID-19");

WHEREAS, on March 4, 2020, the Los Angeles County Health Officer issued a Declaration of Local Health Emergency due to the introduction of the COVID-19 cases to Los Angeles County;

WHEREAS, on March 4, 2020, Los Angeles County Board of Supervisors ("Board") concurred and issued a Proclamation ("Proclamation") declaring a local emergency within the County of Los Angeles regarding the imminent spread of COVID-19;

WHEREAS, on March 16, 2020, Governor Newsom issued an Executive Order that authorizes local governments to halt evictions for renters, encourages financial institutions to slow foreclosures, and protects renters and homeowners against utility shutoffs for Californians affected by COVID-19;

WHEREAS, California Government Code section 8550 et seq. and Los Angeles County Code ("Code") Section 2.68.150 empower the Chair of the Board of the County of Los Angeles ("County") to promulgate orders and regulations for the protection of life and property where necessary to preserve the public order and safety;

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

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

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, protect the County's affordable housing stock, and prevent housed individuals from falling into homelessness;

WHEREAS, loss of income as a result of COVID-19 may hinder County residents and businesses from fulfilling their financial obligations, including paying rent and making public utility payments such as water and sewer charges;

WHEREAS, ensuring that all people in the County continue to have access to running water during this public health crisis will enable compliance with public health guidelines advising people to regularly wash their hands, maintain access to clean drinking water, help prevent the spread of COVID-19, and prevent or alleviate illness or death due to the virus;

WHEREAS, ensuring that all customers in the County that receive power services from Southern California Edison and Southern California Gas Company (collectively, "Public Utilities") continue to have access to electricity so they are able to receive important COVID-19 information, keep critical medical equipment functioning, and utilize power as needed will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus;

WHEREAS, the Public Utilities have announced that they will be suspending service disconnections for nonpayment and waiving late fees, effective immediately, for residential and business customers impacted by the COVID-19 emergency; and

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

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Chair of the Board of Supervisors of the County of Los Angeles, that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents.

IT IS HEREBY ORDERED THAT:

- I. A temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:
 - a. Commencing March 4, 2020, through May 31, 2020, no residential or commercial property owner (collectively "Landlord") shall evict a residential or commercial tenant (collectively "Tenant") in the unincorporated County for: (1) nonpayment of rent, late charges, or any other fees accrued if the Tenant demonstrates an inability to pay rent and/or related charges due to financial impacts related to COVID-19, the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions, and the Tenant has provided notice to the Landlord within seven (7) days after the date that rent was due, unless extenuating circumstances exist, that the Tenant is unable to pay; or (2) reasons amounting to a no-fault eviction under the County Code, unless necessary for health and safety reasons.
 - b. For purposes of this Executive Order, "financial impacts" means a substantial loss of household income due to business closure, loss of

compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses. A financial impact is "related to COVID-19" if it was a result of any of the following: (1) diagnosed with COVID-19, or caring for a household or family member who is diagnosed 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 the County's Health Officer to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses related to diagnosis and testing for and/or treatment of COVID-19; or (5) child care needs arising from school closures related to COVID-19.

- c. For purposes of this Executive 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 section 1161 et seq. or County Code.
 - d. Consistent with the provisions of this Paragraph I, this Executive Order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after March 4, 2020.
 - e. Tenants shall have six (6) months following the termination of this Executive Order to pay the Landlord any amounts due and owing pursuant to paragraph (l). Tenants and Landlords are encouraged to agree to a payment plan during this six-month period, but nothing in this Executive Order shall be construed to prevent a Tenant from paying a Landlord any amount due incrementally during this six-month period.
- II. The Los Angeles County Development Authority ("LACDA"), acting in its capacity as a local housing authority for the County, shall extend deadlines for housing assistance recipients and applicants to deliver records or documents related to their eligibility for programs, to the extent those deadlines are within the discretion of the LACDA.
 - III. The Director of DCBA, in collaboration with the Chief Executive Office, shall offer assistance to the State Department of Business Oversight to engage financial institutions to identify tools to be used to afford County residents relief from the threat of residential foreclosure and displacement, and to promote housing security and stability during this state of emergency.
 - IV. Grocery stores, gas stations, pharmacies and other retailers are requested to institute measures to prevent panic buying and hoarding essential goods, including but not limited to, placing limits on the number of essential items a person can buy

at one time, controlling entry to stores, and ensuring those at heightened risk of serious complications from COVID-19 are able to purchase necessities.

- V. The Director of the Department of Consumer and Business Affairs ("DCBA"), in collaboration with the Chief Executive Office and the Acting Director of Workforce Development, Aging, and Community Services ("WDACS"), shall convene representatives of utility and service providers to seek a commitment from the providers to waive any late fees and forgo service disconnections for Tenants and small businesses who are suffering economic loss and hardship as a result of the COVID-19 pandemic.
- VI. The Director of DCBA, the Acting Director of WDACS, and the Acting Executive Director of the LACDA shall jointly establish an emergency office dedicated to assisting businesses and employees facing economic instability as a result of the COVID-19 pandemic. The joint emergency office shall be provided all of the necessary resources by DCBA and WDACS, and should include opening a dedicated hotline to assist businesses and employees, web-based and text-based consultations, and multilingual services. The County shall provide technical assistance to businesses and employees seeking to access available programs and insurance, and shall work directly with representatives from the State and Federal government to expedite, to the extent possible, applications and claims filed by County residents.
- VII. The Director of DCBA and the Acting Executive Director of the LACDA shall assist small businesses in the unincorporated areas in applying for U.S. Small Business Administration ("SBA") loans that were announced by the President on March 12, 2020. SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance for a small business. These SBA loans can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.
- VIII. Delegate authority to the Acting Executive Director of the LACDA, or his designee, to amend existing guidelines for any of its existing Federal, State or County funded small business loan programs, including the Community Development Block Grant (CDBG) matching funds, and to execute all related documents to best meet the needs of small businesses being impacted by COVID-19, consistent with guidance provided by the U.S. Economic Development Administration ("EDA") in a memo dated March 16, 2020 to Revolving Loan Fund ("RLF") Grantees for the purpose of COVID-19 and temporary deviations to RLF Administrative Plans, following approvals to form by County Counsel.
- IX. The Acting Director of WDACS shall work with the State of California, Employment Development Department, to identify additional funding and technical assistance for dislocated workers and at-risk businesses suffering economic hardship as a result of the COVID-19 pandemic. Technical assistance shall include, but not necessarily be limited to: assistance for affected workers in applying for unemployment insurance, disability insurance and paid family leave; additional

business assistance for lay-off aversion and rapid response; and additional assistance to mitigate worker hardship as a result of reduced work hours or job loss due to the COVID-19 pandemic.

- X. The Director of DCBA and the Acting Director of WDACS, in collaboration with the Chief Executive Office and the Acting Executive Director of the LACDA, shall create a digital toolkit for small businesses and employees to assist them in accessing available resources, including but not limited to disaster loans, unemployment insurance, paid family leave, disability insurance, and layoff aversion programs.
- XI. The Chief Executive Office's Center for Strategic Partnerships, in collaboration with the DCBA and its Office of Immigrant Affairs, and the Acting Director of WDACS, shall convene philanthropic partners to identify opportunities to enhance resources available to all small business owners and employees who may be unable or fearful to access federal and State disaster resources, including immigrants.
- XII. The Executive Director of the Office of Immigrant Affairs, the Chief Executive Office's Women + Girls Initiative, and the Department of Public Health's Center for Health Equity shall consult on the above directives to provide an immigration, gender, and health equity lens to inform the delivery of services and outreach.
- XIII. The Director of DCBA, the Acting Director of WDACS, and the Acting Executive Director of the LACDA, or their designated designees, shall have the authority to hire and execute contracts for consultants, contractors, and other services, as needed, to provide consumer protection and support small businesses during the stated emergency to accomplish the above directives.
- XIV. Violation of this Executive Order shall be punishable as set forth in Chapter 2.68 of the County Code. In addition, this Executive Order grants an affirmative defense in the event that an unlawful detainer action is commenced in violation of this Executive Order.
- XV. This Executive Order shall be superseded by a duly enacted Ordinance or Resolution of the Board or a further Executive Order adopted pursuant to Section 2.68.150 of the County Code that expressly supersedes this Executive Order.

Dated: March 19, 2020



Kathryn Barger
Chair, Los Angeles County Board of Supervisors

