

MOTION BY SUPERVISOR JANICE HAHN

April 28, 2020

Ratifying Executive Order of the Chair of the County of Los Angeles Board of Supervisors Authorizing the County Counsel to Initiate Litigation against the City of Norwalk to Protect People Experiencing Homelessness from COVID-19 and to Prevent Interference with Project Roomkey and Related Programs

The COVID-19 health crisis continues to be a worldwide pandemic, placing the health and safety of Los Angeles County (County) residents at risk. On March 4, 2020, the County Health Officer and the Chair of the Board of Supervisors (Board) declared a local and public health emergency. The Chair of the Board issued a Proclamation of the existence of a Local Emergency for COVID-19, which was immediately ratified by the Board at its next scheduled meeting.

The spread of COVID-19 continues to pose a health risk to all individuals. However, among those who are most susceptible to the risk of contracting and spreading COVID-19 are persons living on the streets, with reduced access to basic hygiene practices, experiencing close interactions, and limited access to health services. Accordingly, there is a particular and urgent need to provide housing to the persons

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experiencing homelessness who are most at risk in contracting COVID-19. The County, in partnership with the State of California (State), City of Los Angeles and the Los Angeles Homeless Services Authority (LAHSA), is undertaking an unprecedented effort to establish temporary housing at hotels and motels in local communities, without regard to financial need. The purpose of these efforts is to provide safe isolation and quarantine capacity, as well as housing for individuals experiencing homelessness who are at high risk, such as people over 65 or who have certain underlying health conditions, to prevent the spread of COVID-19 and flatten the curve. The County is currently administering two programs: (i) the establishment of facilities for isolation and quarantine and (ii) the procurement of hotel and motel beds known as “Project Roomkey.”

Through the isolation and quarantine and Project Roomkey programs, the County endeavors to provide temporary housing to the entire community, with specific emphasis on persons experiencing homelessness, providing shelter and necessary support to those individuals who have no alternative isolation or quarantine housing option. These sites are essential to ensuring that those who are impacted by COVID-19, but do not require hospitalization, can be cared for in a way that protects the community and does not overburden the County healthcare system.

On April 17, 2020, California Governor Gavin Newsom expressly called on cities within the County to “rise to the occasion to immediately bring additional non-congregate sheltering capacity through hotels and motels online to further prevent the spread of COVID-19,” explaining that “[t]he acuity of this public health emergency demands an unprecedented response.” However, on April 21, 2020, Norwalk City Council passed an “emergency moratorium” prohibiting the use of hotels and motels located in the City of

Norwalk from converting or using their business or properties for temporary housing for persons experiencing homelessness without Norwalk's approval. That action is a direct attack on Project Roomkey as it purports to inject an illegal city approval process to a State-directed, County-administered program that has been expressly authorized under state law and attempts to supersede the clear authority of the State and the County to address the COVID-19 emergency without delay. Cities cannot override, whether by way of letter, ordinance, or lawsuit, the authority of the State and the County as a political subdivision of the State to address the COVID-19 emergency for the protection of public health and safety of the entire community.

I, THEREFORE MOVE that the Board of Supervisors ratify the attached Executive Order of the Chair authorizing County Counsel to immediately initiate litigation for the protection of the residents of the County, including persons experiencing homelessness, in opposition to the City of Norwalk's emergency moratorium banning the use of hotels or motels in their city for Project Roomkey and similar programs intended for the isolation and quarantine of persons who have tested positive for COVID-19, exhibiting symptoms of COVID-19, or are at high risk of contracting COVID-19.

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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)

INITIATION OF LITIGATION AGAINST THE CITY OF NORWALK TO PROTECT PEOPLE EXPERIENCING HOMELESSNESS FROM COVID-19 AND PREVENT INTERFERENCE WITH PROJECT ROOMKEY AND RELATED PROGRAMS

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

WHEREAS, the spread of COVID-19 poses a health risk to all individuals. However, among those who are most susceptible to the risk of contracting and spreading COVID-19 are persons living on the streets, with reduced access to basic hygiene practices, experiencing close interactions, and with limited access to health services. Accordingly, there is a particular and urgent need to provide housing to the persons experiencing homelessness who are most at risk in contracting COVID-19;

WHEREAS, the County, in partnership with the State, City of Los Angeles, and the Los Angeles Homeless Services Authority ("LAHSA"), is undertaking an unprecedented effort to establish temporary housing at hotels and motels in local communities, without regard to financial need. The purpose of these efforts is to provide safe isolation and quarantine capacity, as well housing for individuals experiencing homelessness who are at high risk, such as people over 65 or who have certain underlying health conditions, to prevent the spread of COVID-19 and flatten the curve. The County is currently administering two programs: (i) the establishment of facilities for isolation and quarantine and (ii) the procurement of hotel and motel beds known as "Project Roomkey";

WHEREAS, through the isolation and quarantine and Project Roomkey programs, the County endeavors to provide temporary housing to the entire community, with specific emphasis on persons experiencing homelessness, providing shelter and necessary support to those individuals who have no alternative isolation or quarantine housing option. These sites are essential to ensuring that those who are impacted by COVID-19, but do not require hospitalization, can be cared for in a way that protects the community and does not overburden the County healthcare system;

WHEREAS, on April 17, 2020, California Governor Newsom expressly called on cities within the County to “rise to the occasion to immediately bring additional non-congregate sheltering capacity through hotels and motels online to further prevent the spread of COVID-19,” explaining that “[t]he acuity of this public health emergency demands an unprecedented response”;

WHEREAS, in the evening of April 21, 2020, the Norwalk City Council passed an “emergency moratorium” prohibiting the use of hotels and motels located in the City of Norwalk from converting or using their business or properties for temporary housing for persons experiencing homelessness without Norwalk approval;

WHEREAS, the proposed moratorium is a direct attack on Project Roomkey as it purports to inject an improper city approval process to a State-directed, County-administered program that has been expressly authorized under state law and attempts to supersede the clear authority of the State and the County to address the COVID-19 emergency without delay;

WHEREAS, cities cannot override, whether by way of letter, ordinance, or lawsuit, the authority of the State and the County as a political subdivision of the State to address the COVID-19 emergency for the protection of public health and safety of the entire community;

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 executive order 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:

The County Counsel shall have the authority to immediately initiate litigation for the protection of the residents of the County, including persons experiencing homelessness, against the City of Norwalk to validate the County's authority to implement Project Roomkey and similar programs intended for the isolation and quarantine of persons who have tested positive for COVID-19, exhibiting symptoms of COVID-19, or are at high risk of contracting COVID-19.

Dated: April 22, 2020



Kathryn Barger
Chair, Los Angeles County Board of Supervisors

