

RESOLUTION NO. 20-068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CONCERNING PUBLICATION OF THE STATE OF CALIFORNIA'S EMERGENCY ORDERS AND LAWS RESTRICTING RESIDENTIAL EVICTIONS IN RESPONSE TO THE COVID-19 (CORONAVIRUS) STATE OF EMERGENCY

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (causing a disease known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, COVID-19 has since spread outside of China, impacting almost every country in the world, including the United States; and

WHEREAS, COVID-19, as of March 30, 2020, has sickened more than 764,000 people around the world, over 152,000 in the United States, and over 6,300 in California, and has killed almost 37,000 people worldwide; and

WHEREAS, on March 4, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and

WHEREAS, also on March 4, 2020, the County of Los Angeles followed suit and declared the existence of a state of emergency for Los Angeles County; and

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, the City Council declared and proclaimed a state of emergency in the City of Carson in response to COVID-19; and

WHEREAS, California Penal Code § 396(f) provides in part: "It is unlawful for a person, business, or other entity to evict any residential tenant of residential housing after the proclamation of a state of emergency declared by ... the Governor ... and for a period of 30 days following that proclamation or declaration, or any period that the proclamation or declaration is extended by the applicable authority and rent or offer to rent to another person at a rental price greater than the evicted tenant could be charged under this section..."; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.16.20-Executive-Order.pdf>, which waived the above-referenced 30-day time limit of Penal Code Section 396(f) concerning effectiveness of the protections against residential evictions set forth in that section, and instead provided that those protections shall be in effect through May 31, 2020; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20, available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf>, which imposed a statewide moratorium on residential evictions related to COVID-19, effective through May 31, 2020. The Executive Order effectively prohibits landlords from evicting residential tenants for nonpayment of rent and prohibits enforcement of residential eviction orders by law enforcement or courts during this timeframe. It also requires a residential tenant, in order to receive these protections, to declare in writing, no more than seven days after their rent comes due, that he or she cannot pay all or part of their rent due to COVID-19, and to retain verifiable documentation explaining his or her changed financial circumstances, although the tenant is not required to submit this documentation to the landlord in advance; and

WHEREAS, the City Council desires to ensure that affected residents of Carson are informed and aware of their rights as residential tenants under the aforementioned Governor Executive Orders and State law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that the above recitals are true and correct and incorporates them herein by reference.

SECTION 2. State of California Emergency Orders on Residential Evictions. The City Council hereby directs City staff publicize to City residents, in as widespread a manner as is reasonably feasible under the conditions prevailing during the City's declared local emergency, the State of California's emergency orders and law concerning residential evictions, as set forth in Executive Order N-28-20, Executive Order N-37-20, and Penal Code Section 396.

SECTION 3. Publication. This Resolution and its contents shall be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during the City's local emergency.

SECTION 4. Effectiveness; Certification. This Resolution shall take effect immediately upon its adoption. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the Carson City Council on this 7th day of April, 2020.

ALBERT ROBLES, Mayor

ATTEST:

DONESIA GAUSE-ALDANA, City Clerk

APPROVED AS TO FORM:

SUNNY K. SOLTANI, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 20-XXX was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 7th day of April, 2020, and the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____

City Clerk