



# CITY OF CARSON

## Legislation Text

File #: 2020-222, Version: 1

### Report to Mayor and City Council

Tuesday, April 07, 2020

Discussion

#### SUBJECT:

**CONSIDERATION OF 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 (CITY COUNCIL)**

#### I. SUMMARY

To protect residential renters statewide from being evicted from their homes as a result of COVID-19, Governor Newsom has issued two executive orders.

Executive Order N-28-20, issued on March 16, 2020, waived the time limit of Penal Code Section 396(f) of 30 days from the date of declaration of a state of emergency for effectiveness of that section's protections against residential evictions, and instead provided that those protections shall be in effect through May 31, 2020.

Executive Order N-37-20, issued on March 27, 2020, imposed a statewide moratorium on residential evictions related to COVID-19, effective through May 31, 2020.

By adopting the proposed resolution (Exhibit 1), the City Council would direct City staff to take measures to publicize the passage of these strong statewide protections to the City's residents, in an effort to ensure the City's residents remain informed and can thereby protect their rights against the risk of eviction from their homes during the COVID-19 state of emergency.

#### II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT RESOLUTION 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 (Exhibit 1).

### III. ALTERNATIVES

1. DO NOT APPROVE the recommendation.
2. TAKE another action the City Council deems appropriate.

### IV. BACKGROUND

The novel coronavirus causing the disease known as COVID-19 was first detected in Wuhan City, Hubei Province, China in December 2019. On January 30, 2020, the World Health Organization declared COVID-19 a public health emergency of international concern. On January 31, 2020, the United States Health and Human Services Secretary declared this global outbreak a public health emergency for the United States.

The State of California proclaimed a State of Emergency on March 4, 2020, and Los Angeles County declared a Local Health Emergency for the County of Los Angeles on that same date. On March 13, 2020, President Trump declared a National State of Emergency. On March 17, 2020, the City Council declared a local state of emergency in the City of Carson.

As of March 30, 2020, there were over 152,000 confirmed cases of COVID-19 and 2,800 deaths from the virus in the United States, including over 6,300 confirmed cases and 132 deaths in California. Worldwide, there were over 764,000 confirmed cases and almost 37,000 deaths. Los Angeles County has reported that, as of the same date, there were 2,136 confirmed cases in the county, with 37 deaths.

The COVID-19 pandemic is causing severe economic effects, including unemployment for millions of people, due in part to the closure of restaurants, bars, event venues, and other businesses throughout the state and country. Of particular concern are those residential renters who may not be able to earn enough wages to continue paying rent on their homes. These members of the community face losing their homes, becoming homeless, and being further exposed to COVID-19 in public places such as shelters or on the streets.

To protect these members of the community from evictions resulting from COVID-19, Governor Newsom has issued two executive orders.

Executive Order N-28-20, issued on March 16, 2020, waived the 30-day time limit of Penal Code Section 396(f), and instead provided that the prohibition set forth in that section shall remain in effect through May 31, 2020. Penal Code Section 396(f) essentially provides that it is unlawful for a landlord, for a period of 30 days following a declaration of a state of emergency, or any period that the same may be extended, to evict any residential tenant

and rent or offer to rent the residential housing to another person at a rental price greater than the evicted tenant could be charged, as such price is restricted by the residential rent price gouging restrictions of said section. The full executive order is available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.16.20-Executive-Order.pdf>. Executive Order N-37-20, issued on March 27, 2020, imposed a statewide moratorium on residential evictions related to COVID-19, effective through May 31, 2020. The 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. The Order 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 the 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. The full executive order is available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf>.

The proposed resolution would direct 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 set forth in Executive Order N-28-20, Executive Order N-37-20, and Penal Code Section 396.

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

Proposed Resolution No. 20-068.

Prepared by: City Attorney's Office