

LOCAL EMERGENCY ORDER AND REGULATION NO. 3
COVID-19

**SUSPENSION OF COMMENCEMENT OF EVICTIONS BY LANDLORDS
RELATED TO ANY RENTAL PROPERTY FOR FAILURE TO PAY RENT,
FORECLOSURE OR DECREASE IN HOUSEHOLD OR BUSINESS INCOME DUE
TO COVID-19**

Please read this order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, at 10:00 a.m. on March 13, 2020, a Proclamation of Local Emergency was issued by the Emergency Services Director of the County of San Luis Obispo; and

WHEREAS, in light of the COVID-19 pandemic and the Governor's March 4, 2020 Proclamation of a State of Emergency, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health have 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 San Luis Obispo 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 the local emergency proclaimed by the Emergency Services Director on March 13, 2020, 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 County's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, a copy of the Governor's executive order is attached hereto; and

WHEREAS, pursuant to Government Code Section 8634 and Title 2, Chapter 2.80, Section 2.80.080 of the San Luis Obispo County Code, the Chairman of the Board of Supervisors or in the event he is unavailable the Emergency Services Director, is empowered to make and issue orders and regulations on matters reasonably related to the protection of life and property; and

WHEREAS, there is an urgent need to issue limitations on landlords authority to commence evictions in order to protect the health, safety and welfare of its citizens in light of the proclaimed local emergency and the declared local health emergency regarding the COVID-19 pandemic;

NOW, THEREFORE, it is hereby ordered that:

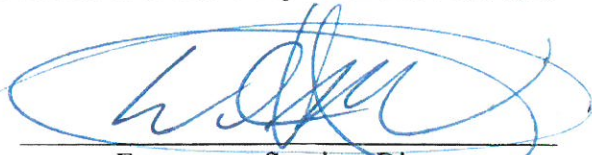
1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth.
2. The above recitals, and the recitals in the Governor's declaration, are true and correct.
3. In order to protect the health, safety and welfare of the residents of the County, the authority of any landlord to commence evictions on any residential or commercial property for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:
4. Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:
 - a. The basis of the eviction is non-payment of rent, or a foreclosure, due to financial impacts related to the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19; and
 - b. The financial impacts related to COVID-19, as defined in this order, are documented.
5. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161, paragraph 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.

6. 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 to COVID-19, and provides documentation to support the claim.
7. 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.
8. 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 within six months of the expiration of the local emergency.
9. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this order; nor may a landlord seek rent that is delayed or the reasons stated in this order through the eviction process.
10. For purposes of this order, "financial impacts related to COVID-19" include, but are not limited to, lost household income as a result of any of the following:
 - a. Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
 - b. Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
 - c. Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
 - d. Extraordinary out-of-pocket medical expenses related to COVID-19; or
 - e. Child-care needs arising from school closures related to COVID-19.
11. 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, paragraphs 1 and 5.
12. 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.

13. All public housing authorities in the County are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
14. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
15. This order shall be liberally construed to provide the broadest possible protection for the citizens of the County.
16. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this order.
17. This order shall remain in effect until May 31, 2020, unless otherwise terminated or extended.

A copy of this order and regulation shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 18 MAR 2020


Emergency Services Director

Time: 1600