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 April 6, 2020, has sickened more than 1.3 million people around the world, over 367,000 in the United States, and over 16,300 in California, and has killed almost 75,000 people worldwide; and

WHEREAS, on March 4, 2020, Governor Newson 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, on April 6, 2020, the Judicial Council of California, which is the policymaking body of the California Courts, adopted "Emergency Rule 1," available at https://assets.documentcloud.org/documents/6826551/20-141-Emergency-Rules-Complete-Rule-Set-as.pdf, which is an emergency rule applicable to unlawful detainer (i.e. eviction) lawsuits state-wide. The rule suspends the issuance of summonses, suspends the entry of defaults and default judgments for failure of a defendant to appear, prohibits courts from setting trials earlier than 60 days from the time of a request for a trial, and requires that any trial set as of April 1, 2020 be continued (i.e. postponed) for at least 60 days from the initial date of trial. Emergency Rule 1 is effective until 90 days after the Governor's lifts the declared state of emergency, thus essentially precluding new eviction lawsuits from proceeding, and requiring the postponement of existing eviction lawsuits, throughout the courts of the State for the foreseeable future; 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 emergency orders, rules and law, and under any future emergency rules or orders that may be adopted related to protecting residential tenants against eviction during the declared COVID-19 state of emergency.

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 Statewide emergency orders, rules, and law concerning residential evictions, including Executive Order N-28-20, Executive Order N-37-20, Penal Code Section 396, Judicial Council Emergency Rule 1, and any future emergency laws, rules, regulations, and/or orders that may be issued related to protecting against residential evictions throughout the duration of the declared state of emergency related to COVID-19.

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.

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

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

CITY OF CARSON:

Albert Robles, Mayor

ATTEST:

Donesia Gause-Aldana, MMC, City Clerk

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

I, Donesia Gause, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing resolution, being Resolution No. 20-068, adopted by the City of Carson City Council at its meeting held on April 7, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Robles, Dear, Davis-Holmes, Hilton, Hicks

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

City Clerk Donesia Gause-Aldana, MMC, City Clerk