

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA:6.2
AGENDA DATE: March 31, 2020

SUBJECT:

Approval to Adopt a Resolution Exercising the County's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions, through May 31, 2020, in Response to the 2019 Novel Coronavirus Emergency

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2020-0147

On motion of Supervisor Withrow Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Berryhill and Chairwoman Olsen

Noes: Supervisors: DeMartini

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) X Approved as amended

4) Other:

MOTION: Amended the proposed resolution to add Paragraphs 3c and 3d to read as follows: "Residential and commercial evictions commenced before the Governor's Proclamation are similarly suspended to conform to the spirit of the Governor's subsequent "shelter in place order" of March 19, 2020 (Executive Order N-33-20)" and " For purposes of this paragraph commercial property means property occupied by a business consisting of fifty employees or less as of March 4, 2020."; and, the Board adopted the resolution as amended.

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:6.2
AGENDA DATE: March 31, 2020

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt a Resolution Exercising the County's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions, through May 31, 2020, in Response to the 2019 Novel Coronavirus Emergency

STAFF RECOMMENDATION:

1. Adopt a resolution exercising the County's police power to impose substantive limitations on residential and commercial evictions, through May 31, 2020, in response to the 2019 Novel Coronavirus emergency.

2. Authorize the Chairwoman of the Board of Supervisors to sign the resolution.

DISCUSSION:

On March 16, 2020, Governor Newsom issued Executive Order N-28-20 pertaining to residential and commercial evictions in follow-up to his March 4, 2020 proclamation of a State of Emergency as a result of the threat of COVID-19. On March 17, 2020, the Board of Supervisors adopted a resolution ratifying the Public Health Officer's March 11, 2020 declaration of local health emergency and issued a Proclamation of a Local Emergency related to the 2019 Novel Coronavirus. These proclamations officially recognize the impact and scope of Coronavirus Disease (COVID-19) to the health and welfare of the population, as well as the economic impacts which could threaten the housing security of citizens and the stability of local businesses. On March 27, 2020, Governor Newsom issued a new Executive Order N-37-20 further pertaining to residential evictions.

A key component of the Governor's Order N-8-20 allows local jurisdictions to enact limitations on evictions to protect the health, safety and welfare of citizens in light of the COVID-19 pandemic. Given the serious and growing health threat in the local community, the demands on the County for essential services and the challenges faced by residents of Stanislaus County to comply with the Governor's directive to stay-at-home, a resolution is proposed to enact a time-certain suspension on certain evictions for the period of March 4 through May 31, 2020 in both the incorporated and unincorporated areas of the County. The suspension will apply to evictions in the following instances and as outlined further below:

- The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
- The decrease in household or business income or the out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

This action will allow the Sheriff to allocate resources to other, more essential priorities by providing a “pause” in the enforcement of eviction orders countywide, during the most critical period of response to the COVID-19 pandemic. The Governor’s Order suggests that the action could be extended, however, in recognition of the significant impact this resolution may have on landlords, the staff recommendation for Stanislaus County identifies May 31, 2020 as the end date.

Local property owners are part of the County’s safety net, providing essential housing and/or business opportunities for others in the Community. Recognizing this valuable role in the economy, nothing in the Governor’s Order, or the local resolution is intended to jeopardize the economic stability of the property owners nor minimize the importance of timely and accurate payment consistent with rental agreements.

This resolution reinforces the responsibility of a tenant to pay rent, and clearly honors the landlord’s ability to recover rent due. The resolution provides approximately 12 weeks of relief to tenants during this crisis, to pursue assistance through unemployment, and/or other state/federal programs or actions to stabilize family income and get back on track with rent payments. As well, property owners have the opportunity to seek mortgage relief or other assistance available through their financial institutions in response to COVID-19.

The recommended resolution would suspend eviction processing for both residential and commercial properties by the Sheriff’s Department through May 31, 2020, allowing the Sheriff to redirect staff to other more essential functions of public safety.

- As of March 18, the Sheriff has 34 cases ordered by the Court that require eviction service, 33 of these were the result of activity prior to March 4: these cases, along with any others received prior to March 31, would not be processed until after May 31, 2020.
- As of March 31, if approved by the Board of Supervisors, this resolution in conjunction with the Governor’s Executive Order N-37-20 will provide a defense for any tenant who due to non-payment of rent is faced with eviction. It is important to note that the Resolution applies for a limited time; applies to a limited group of tenants, who receive this protection only if their failure to pay rent is tied to COVID-19; and provides limited protection, in that the landowner still has other remedies available. It is not a rent holiday.

By allowing the Sheriff to delay the eviction processing on cases received prior to March 31, 2020 and postponing the processing of any further eviction orders until after May 31, 2020 the Board of Supervisors will stabilize the housing/commercial situation in the community, support individuals in remaining in their homes, and allow the Sheriff to divert resources to the essential task of protecting the public health.

POLICY ISSUE:

Executive Order N-28-20 provides local jurisdictions with the opportunity to impose limitations on residential and commercial evictions based on local needs, to promote housing security and stability, to protect public health and mitigate economic impacts of COVID-19. The Board of Supervisors' may enact these provisions by adoption of the attached resolution.

FISCAL IMPACT:

There is no fiscal impact to Stanislaus County as a result of adopting the resolution. Local landlords will experience a three-month delay in processing evictions, however, all rent payments will remain due and receivable for the entire period.

BOARD OF SUPERVISORS' PRIORITY:

This action supports the Board of Supervisors' priority of Supporting Strong and Safe Neighborhoods and Supporting Community Health by allowing status quo residential/commercial arrangements to remain in place, preserving housing and economic stability while providing time for tenants to resolve deficiencies in rent payments.

STAFFING IMPACT:

Existing staff at the Sheriff's Department Civil Division that enforce eviction orders may be redirected to other more essential public safety functions in response to COVID-19 through May 31, 2020.

CONTACT PERSON:

Patrice Dietrich, Assistant Executive Officer.

Telephone: (209) 525-6333

ATTACHMENT(S):

1. Resolution
2. Board of Supervisors Correspondence

Date: March 31, 2020

THE FOLLOWING RESOLUTION WAS ADOPTED:

**EXERCISE OF THE COUNTY'S POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON
RESIDENTIAL AND COMMERCIAL EVICTIONS**

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 ("Proclamation"); and,

WHEREAS, on March 17, 2020, the County of Stanislaus Board of Supervisors adopted a Resolution ratifying the Proclamation of Local Emergency made by the Stanislaus County Chief Executive Officer/Director of Emergency Services dated March 11, 2020 related to the 2019 Novel Coronavirus; and,

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order N-29-20 ("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, a copy of the Governor's Executive Order is attached hereto as Exhibit A; and,

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20, providing additional protections to residential renters; and,

WHEREAS, there is an urgent need for the County of Stanislaus to enact such substantive limitations to protect the health, safety and welfare of its citizens in light of the emergency declared regarding the Coronavirus Disease (COVID-19) pandemic; and,

WHEREAS, there is an urgent need for the County of Stanislaus to enact such substantive limitations to allow the Sheriff's Department to allocate its resources to other more essential duties during the emergency; and,

WHEREAS, pursuant to Attorney General Opinion No. 79-710, dated November 16, 1979, this Resolution shall apply County-wide covering both incorporated and unincorporated territories of the County of Stanislaus.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Stanislaus 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 Proclamation, are true and correct and are incorporated herein.
3. Pursuant to the general police power of the County of Stanislaus to protect the health, safety and welfare of its citizens, the authority of any landlord or its agent to evict any tenant at any residential or commercial property within the incorporated and unincorporated areas of Stanislaus County for the following reasons is hereby suspended through May 31, 2020:
 - a. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - b. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.
4. Nothing in this Resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.
5. 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.

6. 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.

7. This Resolution shall be liberally construed to provide the broadest possible protection for the citizens of the County of Stanislaus.

8. The County Executive Officer, 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 Resolution.

9. This Resolution shall become effective immediately.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Amended
Version

Date: March 31, 2020

2020-0147

On motion of Supervisor Withrow Seconded by Supervisor Chiesa
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Berryhill and Chairwoman Olsen
Noes: Supervisors: DeMartini
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # 6.2

**EXERCISE OF THE COUNTY'S POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON
RESIDENTIAL AND COMMERCIAL EVICTIONS**

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 ("Proclamation"); and,

WHEREAS, on March 17, 2020, the County of Stanislaus Board of Supervisors adopted a Resolution ratifying the Proclamation of Local Emergency made by the Stanislaus County Chief Executive Officer/Director of Emergency Services dated March 11, 2020 related to the 2019 Novel Coronavirus; and,

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order N-28-20 ("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, a copy of the Governor's Executive Order is attached hereto as Exhibit A; and,

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20, providing additional protections to residential renters; and,

WHEREAS, there is an urgent need for the County of Stanislaus to enact such substantive limitations to protect the health, safety and welfare of its citizens in light of the emergency declared regarding the Coronavirus Disease (COVID-19) pandemic; and,

WHEREAS, there is an urgent need for the County of Stanislaus to enact such substantive limitations to allow the Sheriff's Department to allocate its resources to other more essential duties during the emergency; and,

WHEREAS, pursuant to Attorney General Opinion No. 79-710, dated November 16, 1979, this Resolution shall apply County-wide covering both incorporated and unincorporated territories of the County of Stanislaus.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Stanislaus 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 Proclamation, are true and correct and are incorporated herein.
3. Pursuant to the general police power of the County of Stanislaus to protect the health, safety and welfare of its citizens, the authority of any landlord or its agent to evict any tenant at any residential or commercial property within the incorporated and unincorporated areas of Stanislaus County for the following reasons is hereby suspended through May 31, 2020:
 - a. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - b. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.
 - c. Additionally, residential and commercial evictions commenced before the Governor's Proclamation are similarly suspended to conform to the spirit of the Governor's subsequent "shelter in place order" of March 19, 2020 (Executive Order N-33-20).
 - d. For purposes of this paragraph commercial property means property occupied by a business consisting of fifty employees or less as of March 4, 2020.
4. Nothing in this Resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

5. 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.
6. 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.
7. This Resolution shall be liberally construed to provide the broadest possible protection for the citizens of the County of Stanislaus.
8. The County Executive Officer, 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 Resolution.
9. This Resolution shall become effective immediately.

ATTEST: **ELIZABETH A. KING, Clerk**
Stanislaus County Board of Supervisors,
State of California



Elizabeth A. King

File No.

Exhibit A

Governor's Executive Order N-28-20

[behind this page]

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenants is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities-including water, gas, electricity, and telecommunications- at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below - including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq. - is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities 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.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions 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.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I **FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Attachment No. 2

Correspondence received by the
Board of Supervisors



Office of Councilmember Tony Madrigal

Modesto City Council, District 2

1010 Tenth Street, Suite 6200

Modesto, CA 95354

tmadrigal@modestogov.com

tonymadrigal@gmail.com



March 25, 2020

Kristin Olsen, Chair
Stanislaus County Board of Supervisors
1010 Tenth Street
Modesto, CA 95354

Dear Chair Olsen,

As you are undoubtedly aware, the economic impact of the coronavirus to the residents and businesses of Stanislaus County has been devastating.

On March 19, 2020, the City Council held a Special Meeting to approve an emergency resolution declaring a local emergency. Unfortunately, the City Council failed to vote on an amendment to the resolution which would temporarily halt evictions of renters (residential and businesses) affected by the coronavirus for a 90 day period.

Since that time, the City Council has received numerous emails urging the City Council to take action to halt evictions.

It is my understanding, from our City Manager, City of Modesto staff is now communicating with your County Counsel regarding a possible ordinance to halt evictions. I am writing to request the Stanislaus County Board of Supervisors consider and enact such an ordinance to help prevent residential and commercial evictions during this coronavirus pandemic.

The Los Angeles County Board of Supervisors approved a moratorium on all residential and commercial evictions on March 17 retroactively to March 4 and will be in effect until May 31.

Clearly, these are unprecedented times and, it is times such as these that requires local elected officials to make bold decisions to protect our residents and businesses.

I am hopeful you will consider such an ordinance and will act promptly to minimize the economic

Letter to Supervisor Kristin Olsen, Stanislaus County
Re: Temporary Halt of Evictions (Residential/Business) for 90 day period
March 25, 2020

hardships to residents and business owners in Stanislaus County.

Sincerely,

A handwritten signature in black ink that reads "Tony Madrigal". The signature is written in a cursive style and is positioned to the left of a vertical line.

TONY MADRJGAL, City Councilmember, District 2

cc: Jody Hayes, Chief Executive Officer, Stanislaus County
Thomas Boze, County Counsel, Stanislaus County

From: RYAN. SEGOVIANO
Sent: Thursday, March 26, 2020 2:35 PM
To: James DeMartini;

Dear Patterson city council and supervisor De Martini,

I hope this email finds you in good health. My name is Ryan Segoviano and I live in Patterson, I also serve on the school board of Patterson Joint Unified school district. I am personally reaching out to you to you to ask that you implement an ordinance to impose eviction protections for tenants and home owners who are unable to make their payments because of the coronavirus due to cancellations, closures, and loss of income as a result of the outbreak that makes it difficult for folks to make payments, in addition to covering food, medicine, and other essential needs. Stable housing is crucial for maintaining the Governor's plan for physical distancing to address this public health crisis.

California Governor Gavin Newsom recently issued an executive order making it clear that local governments can impose eviction protections for tenants who are unable to pay their rent/mortgage because of the coronavirus or loss of income as a result of the outbreak.

We must act now to suspend all rental and mortgage payments, in addition to an indefinite moratorium on evictions and housing closures. No one should have to struggle for the financial benefit of the few in this universal crisis and hope you act on this as soon as possible.

I am writing to you **as a** citizen of Patterson and my views do not represent the entirety of the Patterson Joint Unified School district or Board.

Thank you.

From: V Cos
Sent: Thursday, March 26, 2020 3:55 PM
To: Kristin Olsen; Vito Chiesa; Terrance Withrow; Thomas Berryhill; James DeMartini
Subject: Countywide Ordinance for Moratorium on Evictions and Housing Payments

Good Afternoon County Supervisors,

My name is Victor, I live in Turlock, and work in Modesto. I am reaching out to demand you implement a countywide ordinance to impose eviction protections for tenants and homeowners who are unable to make their payments because of the coronavirus due to cancellations, closures, and loss of income as a result of the outbreak that makes it difficult for folks to make payments, in addition to covering food, medicine, and other essential needs.

Stable housing is crucial for maintaining the Governor's plan for physical distancing to address this public health crisis. We must act now to suspend all rental and mortgage payments, in addition to an indefinite moratorium on evictions and housing closures.

No one should have to struggle for the financial benefit of the **few** in this universal crisis and hope you act on this as soon as possible.

In Solidarity,

Victor Costa

From: Mark Galvan
Sent: Thursday, March 26, 2020 4:49 PM
To: Jody Hayes; Vito Chiesa; Terrance Withrow; berryhilt@StanCounty.com; James DeMartini; Kristin Olsen
Cc: Mark Galvan
Subject: Eviction Moratorium
Importance: High

I am the Stanislaus County Tenant/Landlord Case Manager for Project Sentinel working with tenants and landlords in housing disputes for the last 8 years.

In light of the Governor's state-wide order to "shelter in place" on Monday March 16, 2020 and HUD's decision to suspend foreclosures and evictions for home owners, I am urging the Stanislaus County Board of Supervisors to consider a moratorium on evictions during the "shelter in place" order and 45 days after. Any eviction would most likely render families homeless whose incomes has been effected by COVID-19. An eviction stays on a tenant's record for 7 years. The costs of back rent owed, court fees and possible attorney fees, would make it nearly impossible to save the 3x rent needed to obtain a new rental in this county.

Costs aside, having an eviction on record is a huge deterrent for most owners and property management companies when they evaluate a potential tenant.

As we are all aware, we are in the midst of a housing crisis, and the impact of COVID-19 to the housing crisis could be catastrophic.

Cities and counties across California have passed eviction moratoriums, including Stockton, Sacramento , San Francisco, Santa Clara, Fresno, San Jose, San Diego, Los Angeles, San Mateo and Rancho Cucumunga.

Thank you very much for considering an eviction moratorium.

As I have been on front lines of the housing crisis here in Stanislaus County, I would gladly offer my insights should any assistance be needed.

Mark

Mark Galvan
Landlord / Tenant Case Manager
12318th Street, Modesto, Suite 425
CA 95354

Feedback appreciated: [Google](#) // [Yelp](#)

Project Sentinel's Dispute Resolution Programs offer neutral counseling and dispute resolution services, but not legal advice or legal representation. For legal services, please contact an attorney or a lawyer referral service (209) 571-5729

From: Traevor Carlton
Sent: Thursday, March 26, 2020 5:19 PM
To: Vito Chiesa
Subject: Request to Implement Ordinance Temporarily Suspending Rent Collection and Eviction in Stanislaus County

Supervisor Chiesa,

I'm writing to you today, March 26th, to request that you and the rest of the Stanislaus County Board of Supervisors consider passing an ordinance temporarily suspending rent, foreclosures and evictions, per Governor Newsom's executive order.

I am a resident of Turlock, sharing an apartment with my significant other, who recently found himself with reduced work hours due to coronavirus and social distancing guidelines. Prior to his hour reduction, I found myself out of work due to coronavirus and social distancing guidelines preventing any non-essential employees from working. We have both filed unemployment, and we are currently waiting for our cases to process.

We both know, even when we get our unemployment assistance, even with two incomes, it would be impossible for us to afford our rent at what it currently is, and I do not expect our property management company will understand or care the reasons why we cannot afford to pay our rent. We collectively have enough saved up to buy us one month at the apartment, but if the social distancing guidelines continue beyond April -which looks like the most likely scenario - we both would be in financial trouble, and up for eviction. We are not the only renters in Stanislaus County fearing eviction due to coronavirus.

Throughout coronavirus and quarantine support groups on social media, renters of Stanislaus County have repeatedly expressed their concern for the future of their housing if these social distancing measures leave us without work for months. It's not as simple as "find another job." Minimum wage cannot cover my cost of rent, even with two incomes, plus it jeopardizes unemployment. I cannot wait for federal stimulus money currently being debated in Congress right now. The only action that can and should be taken is to temporarily suspend rent collection and eviction. You and the rest of the board of supervisors have that power, granted by our Governor directly. Please implement measures to protect residents of Stanislaus County.

Thank you,
-Traevor Carlton.

From: Richard O'Brien
Sent: Thursday, March 26, 2020 8:44 PM
To: Nubia Goldstein; Sean Scully; Douglas White; Marisela Garcia
Cc: Kristin Olsen; Jody Hayes; Sheriff Jeff Dirkse
Subject: Eviction Moritorium

Nubis, Sean,

We were told the County will pass a moratorium for evictions for housing and for commercial properties during the COVID-19 crisis. We were told we have to agree without discourse, and I am not pleased. I am very uncomfortable with a blanket moratorium on evictions. While it is easy to say we are not going to evict during the COVID-19 crisis precautions for a humanitarian reason must be realized. First - Do those requiring relief qualify because of the COVID-19 or do they just not want to pay rent because of no pending actions

Second - Do those landlords qualify for county relief for the loss of income - or do they suffer credit and income loss out of our inability to think on multiple levels? Many landlords acquire properties for rentals as retirement income. How do we justify the loss? Both US and State are not clear on the land owners.

There must be a balance with verification. As the BOS is going to support this action, they must support the land owners as well as those in need.

I am very concerned that the County Attorney has stated he has been in consultation with City Attorneys but most of the Stanislaus county Cities employ ChurchwellWhite and ChurchweelWhite has not been addressed. Very disappointing and unprofessional.

Thanks

R

Richard D. O'Brien
Mayor
City of Riverbank
6707 Third Street
Riverbank, CA95367
Office; 209-863-7122

robrien@riverbank.org

From: Cece
Sent: Friday, March 27, 2020 9:45 AM
To: Kristin Olsen; Vito Chiesa; Terrance Withrow; Thomas Berryhill;
demartini@stancounty.com
Subject: Emergency order

March 27, 2020

Honorable Chairperson and Board Members
Board of Supervisors Stanislaus County
1010 10th Street, Ste 6500
Modesto, CA 95354

Re: Help From The Board of Supervisors and Each of It's Individual Members, with The California Governor's Declaration of Emergency

Mobile home owners own their individual Mobile Homes but rent or lease the space the mobile home they own sits on from the mobile home park land owner.

The issue we would like help with is that there has always been differing interpretations as to whether laws or government actions that pertain to renters and tenants include renters and tenants who are Mobile Home owners that rent/lease spaces for their home in a mobile home park. Such is the Case with the part of the Governor's Declaration of Emergency pertaining to evictions, and the reason this letter is being sent to you.

The Governor's Declaration of Emergency states that local jurisdictions may take additional measures to promote housing security and stabilityand mitigate economic impacts.....and further gives the power to local authorities to restrict evictions for non payment of rent. Consequently we are asking you to take appropriate action to clarify and declare by the authority given you by the Governor that in The County of Stanislaus that owners of Mobile Homes in Mobile Home parks are included and protected by The California Governor's Declaration of Emergency.

There are many individually owned Mobile Homes in The County of Stanislaus owned not only by Seniors, but also others who are or will be financially jeopardized by the economic impact of the pandemic and need your help to not be evicted because of it.

Thank you for your consideration of and help with this matter.

Sincerely,

Cezanne Mills/Mobilehome Owner

Sent from Mail for Windows 10

From: Denise Hunt
Sent: Friday, March 27, 2020 12:57 PM
To: Vito Chiesa
Subject: Item on Tuesday's Agenda

Hi Vito -

I hear there's an item Tuesday related to protections related to evictions for the next couple of months, in alignment with Gov. Newsom's executive order. I was glad to hear this and I'm assuming it will pass.

I hope all is well with you and your family. Stay safe, and as always, thank you for all you do.

Denise

From: Tallant, Kelly <Kelly.Tallant@macerich.com>
Sent: Monday, March 30, 2020 1:16 PM
To: Kristin Olsen; Vito Chiesa; Terrance Withrow; Thomas Berryhill; James DeMartini
Cc: Tallant, Kelly; Mayor - CITY
Subject: Letter to Stanislaus County

Board of Supervisors:

Dear Board Members:

We are advised that you plan to consider a resolution on March 31st that would prevent residents and business owners from being evicted because of a sudden loss of income tied to the COVID-19 pandemic. The moratorium being considered would last until May 31. We understand and appreciate the Board's concern over the economic impacts of the current crisis on the local economy. We would ask only that you consider limiting the scope of any such resolution to the population you are trying to protect. We would point out that, particularly in the commercial context, large corporations exist on both the landlord and the tenant side of leases. For example, large corporations often lease space from small business owners and individuals and we do not expect that your intent would be to benefit those large corporate tenants over landlords. We also note that in negotiations between landlords and tenants, the parties often agree to allocate risk of unanticipated events and cover those risks with insurance to ensure that required payments, such as rent, can be made irrespective of events which might temporarily interrupt business operations. In the commercial context, the tenant is typically responsible for providing insurance against these types of events and large corporations typically carry such insurance as a matter of course. Preserving the income stream is important to all parties in a lease transaction. Landlords, both large and small, are dependent on rental income to pay lenders, utility providers, and property taxes, but also, and of particular importance in this context, the landlord's own employees as well as the landlord's maintenance, security and other service providers who in turn are dependent on payment from landlords to pay their employees. As a landlord who regularly leases to both large corporate tenants and small local businesses, we would ask that any eviction relief provided under any ordinance, at least in commercial context, be limited to the small local businesses who are most in need of the protection. We appreciate your attention to this matter.

Kind Regards,

Kelly Tallant | Senior Manager, Property Management

.....
Vintage Faire Mall

3401 Dale Road
Modesto, CA 95326

Patricia Gonzalez

From: Lakin Ambriz
Sent: Monday, March 30, 2020 2:45 PM :J1\H.D (ffSU
To: COBSupport
Subject: Discussion Item 2- Limitation on Evictions 2020 It\({ 30 P 3: 30

Good Afternoon County Supervisors,

My name is Lakin Ambriz and I am the Housing Program Manager at Haven Women's Center of Stanislaus. I have been a part of the Haven Housing Program since 2016, and during my time we have assisted many survivors of domestic violence exit homelessness, and find stable housing in this county. Many of these families are already living on the margins, and have been financially impacted by COVID-19. I am writing on behalf of these families to request the Stanislaus County Board of Supervisors to impose a moratorium on evictions. Moreover, I ask the board to consider the reasonable amount of time tenants should be given to repay rental arrears, as families will likely need a considerable amount of time to financially recover from this national crisis.

Thank you for your attention to this matter.

Sincerely, Lakin Ambriz

Haven Women's Center of Stanislaus
Housing Program Manager
618 13th Street Modesto CA 95354

3/31/2020
6.2

ACLU

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Northern
California



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March 30, 2020

Board of Supervisors
County of Stanislaus
1010 1 0th Street
Modesto, CA 95354
cobsuppoli@stancounty.com

Re: Agenda Item 6.2 - Resolution Exercising the County's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions, through May 31, 2020, in Response to the 2019 Novel Coronavirus Emergency

Dear Board of Supervisors:

The American Civil Liberties Union of Northern California, Faith in the Valley, the National Housing Law Project, The Public Interest Law Project, and the Western Center on Law and Poverty submit this comment to express our partial support for the proposed Resolution Exercising the County's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions, through May 31, 2020, in Response to the 2019 Novel Coronavirus Emergency ("Resolution").

We appreciate the effort by the Board of Supervisors ("Board") to protect residential and commercial tenants from eviction during the COVID-19 State of Emergency. However, we urge the Board of Supervisors to amend the Resolution to provide that it applies to all evictions, without limitation to evictions for failure to pay due to loss of income relating to the COVID-19 pandemic. If the Board declines to make this amendment, it should at a minimum define "substantial decrease in household or business income," which is highly subjective and therefore unlikely to provide meaningful protection.

In addition, the text of the Resolution should be clarified to match the Discussion, which expresses an intention to authorize the County Sheriff to delay the processing of eviction orders, whether received before or after March 31, 2020, through at least May 31, 2020. The Resolution itself, however, is silent as to eviction enforcement by the Sheriffs Office.

American Civil Liberties Union Foundation of Northern California

EXECUTIVE DIRECTOR Abdi Soltani • BOARD CHAIR Magan Pritam Ray
SAN FRANCISCO OFFICE: 39 Drumm St. San Francisco, CA 94111 • FRESNO OFFICE: PO Box 188 Fresno, CA 93707
TEL (415) 621-2493 • FAX (415) 255-1478 • TTY (415) 863-7832 • WWW.ACLUNC.ORG

All Evictions Should Be Stayed through May 31, 2020

The Resolution would provide a defense to evictions only in cases where the tenant can document a "substantial decrease in household or business income" that was "caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19."

Stopping only those evictions based on nonpayment, and only when the inability to pay is documented to be caused by COVID-19, is insufficient. Given the severe consequences of evictions during this time, an unconditional moratorium on evictions is the right approach, as it will both relieve the pressure for vulnerable tenants to appear in crowded courthouses and ease potential impacts of displacement on those same populations' ability to protect themselves—losing access to basic hygiene, being forced into unsafe situations on the streets or crowded shelters, and decreased ability to attend to medical needs.

The best approach is an expansive, simple, clear-cut policy that reduces the need for anyone (tenants, landlords, court workers) to appear in court person, regardless of the need for the eviction,¹ and ensures that no one is made homeless during this public health crisis.

This is furthermore an unfair time to impose documentation requirements on tenants. The Resolution does not provide guidance as to what would constitute acceptable documentation to show that a loss of income was caused by the COVID-19 pandemic, or by a local, state, or federal government response thereto. Under present circumstances, where people's daily lives have been upended by work and school closures, financial uncertainty, and devastating health problems, requiring documentation could impose an insurmountable barrier to many of the families whom the Resolution seeks to protect.

We therefore submit the following alternative to Paragraph 3 of the Resolution:

Except when the tenant poses an imminent threat to the health or safety of other occupants of the property, and such threat is stated in the notice as the grounds for the eviction, it shall be an absolute defense to any unlawful detainer action that the notice was served or expired, or that the complaint was filed or served, during the State of Emergency declared by Governor Newsom on March 4, 2020. Any eviction notice served on a tenant during the State of Emergency shall include the following statement in bold underlined 12-point font: **"Except to protect the health and safety of other occupants of the property, you may not be evicted during the State of Emergency declared by the Governor of California in response to the COVID-19 pandemic."**

Nothing in this provision excuses a landlord from the duties under state and federal law to provide reasonable accommodations on the basis of disability.

¹ Video conferencing or other options for court hearings are not equitable, because lower-income people are more likely to face barriers in accessing the necessary technology.

March 30, 2020

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The Phrase "Substantial Decrease in Household or Business Income" Is Vague

If the Board of Supervisors nonetheless decides to limit relief from evictions to situations where the tenant is unable to pay for reasons relating to the COVID-19 pandemic, it should define the condition of a "substantial decrease in household or business income." As drafted, the Resolution will require tenants and landlords to present legal argument as to the meaning of "substantial decrease" in every individual case. "Substantial decrease" is not an objective standard by which to measure lost income; what is substantial for someone earning minimum wage might not be substantial for someone making a six-figure salary.

While we strongly oppose limiting relief from eviction proceedings to tenants with COVID-19 related and documented inability to pay, if the Board of Supervisors decides to include such a condition, it could be modeled on the language in the Governor's March 27 Executive Order, No. 37-20, such that the tenant can obtain relief by informing the landlord in writing before the rent is due or within a reasonable period of time afterwards that she or he needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19.

We further recommend that you add a provision prohibiting late fees for the duration of the State of Emergency.

The County Sheriff Should Not Enforce Any Evictions through May 31, 2020

In the Discussion section of the Resolution, it states that the Resolution would "suspend eviction processing for both residential and commercial properties by the Sheriff's Office through May 31, 2020, allowing the Sheriff to redirect staff to other more essential functions of public safety." Discussion at 2. It further recognizes that "allowing the Sheriff to delay the eviction processing on cases received prior to March 31, 2020 and postponing the processing of *any* further eviction orders until after May 31, 2020, the Board of Supervisors will stabilize the housing/commercial situation in the community, support individuals in remaining in their homes, and allow the Sheriff to divert resources to the essential task of protecting the public health." *Id.* at 3.

We fully agree with these conclusions and recommendation. Enforcing any evictions during this time is irreconcilable with the shelter-in-place and social distancing requirements of Governor Newsom's March 20th Executive Order N-33-20. A family cannot shelter in place if they are forced out of their home. Enforcing evictions during this time would also make it impossible for people who have been ordered to quarantine at home to comply. Current circumstances furthermore make it exceptionally difficult to find new housing. Enforcing evictions now risks more families living on the streets during a public health crisis that has over one-fifth of the world's population under some form of lockdown.

Enforcing evictions right now is not only bad for families. It threatens the health of deputy sheriffs by increasing their community contacts. They will be required to enter homes, interact with tenants, and handle possessions, significantly increasing their chances of exposure to COVID-19. During the State of Emergency, law enforcement resources can be put to more productive uses than subjecting deputies and tenants to the heightened risk of COVID-19

March 30, 2020

Page 4 of 4

exposure that will necessarily accompany eviction enforcement practices. The Sheriffs of at least eighteen counties in California have suspended enforcement of eviction orders during the COVID-19 crisis. We urgently ask Stanislaus County to embrace a similar policy.

Despite encouraging language in the Discussion, the text of the Resolution itself does not mention the Sheriff or enforcement of existing or new eviction orders. We urge the Board of Supervisors to add the following as a numbered paragraph:

The Sheriffs Office of Stanislaus County will not enforce or process any eviction orders that are pending as of the date of this Resolution or any eviction orders issued subsequent to the date of this Resolution until after May 31, 2020.

Thank you for considering this Comment.

Sincerely,

Isl Jamie L. Crook for

ACLU of Northern California

Faith in the Valley

National Housing Law Project

The Public Interest Law Project

Western Center on Law and Poverty

3/31/2020
6.2

Patricia Gonzalez

From: Veronica Tovar
Sent: Tuesday, March 31, 2020 9:19 AM
To: COBSupport
Subject: Agenda Item 6.2

Good Morning board of supervisors members,

My name is Veronica Tovar, and I work at Catholic Charities Environmental Justice Program. I believe it is important to adopt:

A Resolution Exercising the County's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions, through May 31, 2020, in Response to the 2019 Novel Coronavirus Emergency

Thank you for your time and consideration.

Best regards,
Veronica Tovar

Veronica Tovar
Environmental Justice Program Manager
Catholic Charities of the Diocese of Stockton
1106 North El Dorado St.
Stockton, CA 95202
Direct: 209-396-6934
vtovar@ccstockton.org

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**APPROVAL TO ADOPT A RESOLUTION
TO IMPOSE SUBSTANTIVE LIMITATIONS
ON EVICTIONS, THROUGH MAY 31, 2020**

In Response to COVID-19

Board of Supervisors Meeting, March 31, 2020

EMERGENCY DECLARATIONS

- March 4, 2020 – Governor Newsom proclaimed a State of Emergency as a result of the threat of COVID-19
- March 11, 2020 – Stanislaus County Public Health Officer declares a local health emergency due to the 2019 Novel Coronavirus
- March 17, 2020 – Stanislaus County Board of Supervisors issued a Proclamation of a Local Emergency related to the 2019 Novel Coronavirus

EXECUTIVE ORDERS TO PROMOTE HOUSING AND COMMERCIAL STABILITY

- March 16, 2020 - Governor Newsom issued Executive Order N-28-20 pertaining to residential and commercial evictions
 - Allows local jurisdictions to enact limitations on evictions to protect the health, safety and welfare of citizens in light of the COVID-19 pandemic
- March 27, 2020 - Governor Newsom issued a new Executive Order N-37-20 providing additional protections for residential tenants
 - This order does not include commercial evictions, and does not address current eviction orders in the queue as of this date

COVID-19: A SERIOUS AND GROWING HEALTH THREAT TO LOCAL COMMUNITY

- A local resolution is proposed to enact suspension on certain evictions for the period of March 4 through May 31, 2020 in both the incorporated and unincorporated areas of the County.
- The suspension will apply to evictions in the following instances:
 - The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses; and
 - The decrease in household or business income or the out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

PROPOSED LOCAL RESOLUTION THROUGH MAY 31, 2020

- Allows the Sheriff to allocate resources to other, more essential priorities during the most critical period of response to the COVID-19 pandemic
- Provides 12 weeks of relief to tenants during this crisis, to pursue assistance or actions to stabilize family income and get back on track with rent payments
- Recognizes impact to property owners and the opportunity to seek assistance available through financial institutions in response to COVID-19.

PROTECTING PUBLIC HEALTH & COMMUNITY SAFETY

- To best stabilize the housing/commercial situation in the community, further recommendation will allow the Sheriff to postpone eviction processing on cases received prior to March 31, 2020
 - As of March 18, 2020, total eviction orders: 34
 - Note, of the above figure, 33 were ordered prior to March 4, 2020
 - As of March 30, 2020, total eviction orders: 54
- Postponing all eviction orders in the queue avoids disparate treatment of renters and supports shelter-in-place

STAFF RECOMMENDATIONS:

1. Adopt a resolution exercising the County's police power to impose substantive limitations on residential and commercial evictions, through May 31, 2020, in response to the 2019 Novel Coronavirus emergency.
2. Authorize the Chairwoman of the Board of Supervisors to sign the resolution.