



**SPECIAL MEETING**

**SAND CITY COUNCIL**

**AND**

**SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY**

**AGENDA  
SAND CITY COUNCIL CHAMBERS**

**TUESDAY, JUNE 2, 2020**

**5:00 P.M.**



**SPECIAL MEETING AGENDA  
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY  
OF THE REDEVELOPMENT AGENCY**

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**Special Meeting – June 2, 2020  
5:00 P.M.**

As allowed per the State of California Governor’s Executive Order N-29-20, this meeting will be conducted by telephone. Members of the public may call in to:

**Dial-in number: (425) 436-6361**

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**How to Submit Public Comments:**

Written: All comments received before 8:00 am the day of the meeting will be posted on the City’s website as “Correspondence” under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to [aaron@sandcityca.org](mailto:aaron@sandcityca.org).

Read Aloud During the Meeting: Email your comments to [aaron@sandcityca.org](mailto:aaron@sandcityca.org) when the Mayor opens the public comment period for the relevant agenda item; please indicate the agenda item and title in your email subject line. If you want your comment read aloud, prominently write “Read Aloud at Meeting” at the top of the email and your comments will be read into the record (not to exceed three minutes at staff’s cadence)

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

**4. NEW BUSINESS**

- A. Approval of City RESOLUTION Extending the Time of the Amended Version of the Order of the Director of Emergency Services of the City of Sand City Imposing Substantive Limits on Evictions

**5. ADJOURNMENT**

Next Scheduled Council Meeting:  
Tuesday, June 2, 2020  
5:30 P.M.  
Sand City Council Chambers  
1 Pendergrass Way, Sand City



This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.  
The current Sand City agenda is available in PDF format on our website at:  
[www.sandcity.org](http://www.sandcity.org)

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at 1 Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

**Special Meeting**

**AGENDA ITEM**

**4A**



# City of Sand City

**SPECIAL  
Meeting**

**Agenda  
Item  
4A**

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Aaron Blair, City Manager; Vibeke Norgaard, City Attorney  
**DATE:** June 1, 2020  
**MEETING:** June 2, 2020, Special Council Meeting  
**SUBJECT:** Resolution Extending the time period of the Order of the Director of Emergency Services of the City of Sand City imposing substantive limits on residential evictions.

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### Background/Analysis

On April 7, 2020 and April 21, 2020, the City Council considered ratification of the March 20, 2020 Order of the Director of Emergency Services of the City of Sand City imposing substantive limits on residential and commercial evictions ("Sand City Order"). Council ratified an amended order imposing a moratorium on evictions of residential tenants, attached hereto as **Exhibit B** ("Amended Order"). The Amended Order has a sunset clause of May 31, 2020.

The Governor has issued two executive orders which protect tenants facing evictions:

- N-28-20 which authorized local governments to extend protections to residential and commercial tenants to impose limits on evictions under certain COVID-19 related circumstances.
- N-37-02 which extended deadlines in the Code of Civil Procedure for residential tenants served with complaints seeking to evict them under certain COVID-19 related circumstances. The order also required that no writ be enforced to evict a tenants from a residence under certain COVID-19 related circumstances. This order expired on May 31, 2020.

On Friday, May 29, 2020, by way of order N-66-20, the Governor extended the sunset clause of executive order N-28-20, which was due to expire on May 31, 2020. The order now expires on July 28, 2020. Executive order N-37-02 has not been extended.

Further, on April 6, 2020, the Judicial Council of California ("Judicial Council"), extended protections from eviction to residential and commercial tenants by requiring amongst other things that no California court may issue a summons on a complaint for an unlawful detainer, unless the court were to find the action is necessary to protect public health and safety.

(Judicial Council Emergency Rule 1(b)). The rules also provide that a court may not enter a default or a default judgment for restitution in an unlawful detainer action if defendant fails to appear unless necessary to protect public health and safety. (Judicial Council Emergency Rule 1(c)). The Judicial Council's Order remains in effect and will expire 90 days after the Governor of California declares that the state of emergency related to the COVID-19 pandemic is lifted (or until amended or repealed by the Judicial Council). (Judicial Council Emergency Rule 1(e)).

### **ENVIRONMENTAL ANALYSIS**

The actions proposed herein is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061 (b)(3), the "General Rule" provision of CEQA which applies to projects which may have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed actions will not have a significant effect on the environment and, hence, is not subject to CEQA.

### **FISCAL IMPACT**

Approval of the staff recommendations will have no direct fiscal impact on the City's General Fund.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council discuss whether to extend the eviction moratorium.

If the Council decides to extend the eviction moratorium, the draft resolution attached allows for it to be in effect until July 28, 2020, to coincide with the Governor's order.

If the Council decides not to extend the eviction moratorium, the City's moratorium will no longer be in effect in Sand City. The Judicial Council rules remain in effect and do provide some protections to tenants facing evictions as set forth above.

**CITY OF SAND CITY  
RESOLUTION SC-\_\_\_, 2020**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY EXTENDING THE TIME OF THE AMENDED  
VERSION OF THE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SAND  
CITY IMPOSING SUBSTANTIVE LIMITS ON EVICTIONS**

**WHEREAS**, in response to the COVID-19 outbreak on March 16, 2020, the Governor of the State of California Gavin Newsom (“Governor”) issued an Executive Order (N-28-20) suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions until May 31, 2020; and

**WHEREAS**, on May 29, 2020, the Governor issued Executive Order N-66-20, attached as Exhibit A, extending the timeframes for the protections set forth in Executive Order N-28-20 for 60 days from the date of that order; and

**WHEREAS**, on March 23, 2020, the Sand City Director of Office of Emergency Services issued an order imposing substantive limits on residential and commercial evictions within Sand City; and

**WHEREAS**, on April 21, 2020, the City Council of the City of Sand City (“City”) by Resolution SC-20-24 ratified an amended version of the Sand City Order, attached hereto as **Exhibit B**; and

**WHEREAS**, Sand City residents continue to experience substantial losses of income as a result of business closures due to the COVID-19 pandemic; hindering their ability to pay rent and leaving them vulnerable to eviction; and

**WHEREAS**, in light of the COVID-19 pandemic and state and county shelter in place orders, there remains an ongoing need to promote housing security and stability; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) because there is no possibility that the implementation of this resolution may have significant effects on the environment. This resolution will apply tenant protections to existing residential and commercial units for a limited period of time. This is solely an administrative process resulting in no physical changes to the environment. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City that the foregoing recitals are hereby incorporated by reference as though fully set forth here; and

**BE IT FURTHER RESOLVED**, as follows:

1. That the findings of Governor Newsom as set forth in Executive Order N-66-20 related to the continued need for protections to renters in California, and attached as **Exhibit A**, are hereby incorporated by reference and adopted as though set forth fully herein.

2. That the Amended Order of the Director of Emergency Services of the City of Sand City Imposing Substantive Limits on Residential Evictions, adopted by resolution SC 20-24, attached hereto as **Exhibit B**, is hereby extended and shall expire on July 28, 2020, unless extended by resolution of this City Council.

PASSED AND ADOPTED by the City Council of Sand City on this \_\_\_\_\_ day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

ATTEST:

\_\_\_\_\_  
Connie Horca, City Clerk



**EXECUTIVE ORDER N-66-20**

**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** the COVID-19 pandemic and the physical distancing measures implemented to combat it have affected governmental agencies, private businesses, and members of the public, with associated impacts on adherence to certain statutory and regulatory deadlines and other requirements; and

**WHEREAS** as a result of COVID-19, individuals seeking to obtain teacher credentials have been unable to meet certain credentialing requirements, and it is necessary to provide flexibility to minimize the impacts to these individuals and the State's supply of qualified teachers, while maintaining high teacher-credentialing standards; 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 rent, leaving them vulnerable to eviction, and also impacting owners reliant on rent; and

**WHEREAS** on April 16, 2020, the Department of Housing and Community Development issued guidance on relief options available to developers and property owners of Department-funded developments experiencing cash flow shortages due to decreased rental revenue as a result of COVID-19; and

**WHEREAS** certain projects and programs funded or administered through the Department of Housing and Community Development will continue to experience longer-term cash flow shortages as a result of COVID-19 and accordingly require continued and expanded administrative relief; and

**WHEREAS** said projects and programs funded or administered by or through the Department of Housing and Community Development serve essential public purposes such as promoting and maintaining affordable housing for Californians and assisting Californians experiencing or at risk of homelessness; and

**WHEREAS** the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act (Public Law 116-136) provides supplemental funding through the U.S. Department of Housing and Urban Development to the Department of Housing and Community Development's Emergency Solutions Grant and Community Development Block Grant programs to help cover higher anticipated costs and support administrative expenses related to actions to prevent, prepare for and respond to COVID-19; and

**WHEREAS** Public Law 116-136 additionally provides Community Development Block Grant recipients with new flexibilities with respect to the use of funding to support COVID-19 response; and

**WHEREAS** there remains an increased need for child care for families who may not have previously needed child care, or who may now require additional hours of child care; and

**WHEREAS** in light of the COVID-19 pandemic and stay-at-home order (issued via Executive Order N-33-20 on March 19, 2020), there remains an ongoing need to promote housing security and stability, and local jurisdictions may need to continue to take additional measures to protect public health and safety; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The requirement in Education Code sections 44225(a) and 44259(b)(3) and any accompanying regulations for preliminary multiple credential candidates and preliminary single subject credential candidates to complete the Teaching Performance Assessment (TPA) is suspended for candidates whose teacher preparation program verifies that, during the 2019-20 academic year, the candidate satisfies all of the following conditions:
  - (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
  - (ii) Was in the process of completing the TPA;
  - (iii) Was unable to complete the TPA due solely to school closures; and
  - (iv) Successfully completed all other preliminary teaching credential requirements.

Candidates for whom the TPA requirement is suspended pursuant to this Paragraph 3 must complete and pass a Commission-approved teaching performance assessment prior to being recommended for a clear teaching credential.

- 2) The requirement in California Code of Regulations, Title 5, section 80054(a)(2)(A) and (B) for preliminary administrative services credential candidates to complete the California Administrator Performance

Assessment (CalAPA) is suspended for candidates whose administrator preparation program verifies that, during the 2019-20 academic year, the candidate:

- (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
- (ii) Was in the process of completing the CalAPA;
- (iii) Was unable to complete the CalAPA due solely to school closures; and
- (iv) Successfully completed all other preliminary administrative services credential requirements.

Candidates for whom the CalAPA requirement is suspended pursuant to this Paragraph 4 must complete and pass a Commission-approved administrator performance assessment prior to being recommended for a clear administrative services credential.

- 3) The requirements in Education Code sections 44283 and 44283.2, and California Code of Regulations, Title 5, sections 80048.3(a)(5), 80048.8, 80071.5(a)(5), and 80413(a)(4) for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete the Reading Instruction Competence Assessment (RICA) are suspended for candidates who, between March 19, 2020 and August 31, 2020, were or are unable to complete the RICA due to COVID-19 related testing center closures. Candidates for whom the RICA requirement is suspended pursuant to this Paragraph must complete and pass Commission-approved reading instruction competence assessment prior to being recommended for a clear credential.
- 4) The requirement in Education Code section 44252(f)(1) and any accompanying regulations for credential program applicants to complete the California Basic Educational Skills Test (CBEST) prior to admission to a Commission-approved credential program is suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are unable to complete the CBEST due to COVID-19 related testing center closures. Applicants for whom the CBEST requirement is suspended pursuant to this Paragraph must complete the CBEST during their program prior to recommendation for a preliminary credential. Any use of these applicants' CBEST scores by teacher preparation programs shall be consistent with Education Code section 44252(f).
- 5) The requirement in Education Code section 44453(a) and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination (CSET) prior to admission to a university intern credential program; and the requirement in Education Code section 44325(c)(3) and any accompanying regulations for applicants for a university or district intern credential to complete a CSET are suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are

unable to complete the CSET due to COVID-19 related testing center closures. Applicants for whom the CSET requirement is suspended pursuant to this Paragraph must complete the CSET prior to being recommended for a preliminary credential. Additionally, notwithstanding the requirement in Education Code section 44326 that district interns teach only in the subject area for which they have met the subject matter requirement, district interns for whom the CSET requirement is suspended pursuant to this Paragraph may teach in the subject area for which they have enrolled.

- 6) Notwithstanding California Code of Regulations, Title 25, sections 7312(f), 8303, and 8309, the Department of Housing and Community Development shall implement financial and regulatory accommodations for projects adversely affected by the COVID-19 pandemic, including modifications to the rules regarding project reserves, in order to help maintain the projects' feasibility. Any standards and procedures developed to govern such financial and regulatory accommodations shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 7) The requirements specified in California Code of Regulations, Title 25, sections 8402, 8403(a), 8403(c), 8403(g), 8404, 8405, 8406, 8407, 8408, and 8410(a), governing the administration of the Emergency Solutions Grant Program, shall not apply to any funds allocated pursuant to Public Law 116-136. Within 10 days of this Order, the Department of Housing and Community Development shall develop and implement new streamlined procedures and conditions for the administration of such funds. The Department shall post such procedures and guidelines on its publicly accessible website. The development and implementation of such procedures and conditions shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 8) Health and Safety Code sections 50827(a), 50828, 50833(a), and 50833(b), requiring set-asides for economic development and housing in the Community Development Block Grant Program, shall not apply to any funding allocated pursuant to Public Law 116-136 or to funding for the 2019 or 2020 federal fiscal years that is used to respond to the COVID-19 pandemic.
- 9) Paragraph 1 of Executive Order N-45-20 is withdrawn and superseded by the following text:

In order to facilitate the continued provision of child care during the COVID-19 outbreak, any provision in Articles 1 through 11, 12, 15.5 through 18, 20, and 21 of Chapter 2 of Part 6 of Division 1 of the Education Code and implementing regulations in Chapter 19 and 19.5 of Division 1 of Title 5, California Code of Regulations, that restricts a child care and development program impacted by COVID-19 from serving children of essential critical infrastructure workers, as described in the document posted at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> is suspended through June 30, 2020 (or, for families enrolled in non-

CalWORKS early learning and care services, for 60 days following the date of the child's enrollment pursuant to Paragraphs 2 and 3 of Executive Order N-47-20, whichever is longer), on the condition that services are provided consistent with an informal directive or bulletin issued by the State Superintendent of Public Instruction pursuant to SB 117 (Chapter 3, Statutes of 2020) and that costs associated with all services provided pursuant to the informal directive or bulletin are within the budget authority of the California Department of Education.

10) Paragraph 5 of Executive Order N-45-20 is withdrawn and superseded by the following text:

The requirements in Education Code section 8273 and any accompanying regulations or other written policies or procedures related to assessment of fees for families using preschool and child care and development services pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code are suspended through June 30, 2020.

11) The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

12) The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended for an additional 60 days from the date of this Order.

13) The timeframe set forth in Executive Order N-40-20, Paragraph 7, is extended for an additional 60 days from the date of this Order.

14) The timeframe set forth in Executive Order N-40-20, Paragraph 9, is extended for an additional 60 days from the date of this Order.

15) The timeframe set forth in Executive Order N-40-20, Paragraph 10, is extended for an additional 60 days from the date of this Order.

16) The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days from the date of this Order.

17) The timeframe set forth in Executive Order N-40-20, Paragraph 13, is extended for an additional 60 days from the date of this Order.

18) The timeframe set forth in Executive Order N-40-20, Paragraph 15, is extended for an additional 30 days from the date of this Order.

19) The timeframe set forth in Executive Order N-40-20, Paragraph 16, is extended for an additional 60 days from the date of this Order.

20) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

21) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2 is extended for an additional 60 days from the date of this Order.

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

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.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of May 2020.

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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

**CITY OF SAND CITY  
RESOLUTION SC 20-24, 2020**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY RATIFYING AN AMENDED  
VERSION OF THE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF  
THE CITY OF SAND CITY IMPOSING SUBSTANTIVE LIMITS ON EVICTIONS**

**WHEREAS**, the California Emergency Services Act (Cal. Gov. Code sections 8550, *et seq.*) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by such conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

**WHEREAS**, Chapter 2, section 2.12.040 of the Sand City Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this City, including an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

**WHEREAS**, on March 16, 2020 the City Manager of Sand City issued a Proclamation of Local Emergency due to the worldwide pandemic of the virus known as COVID-19, which proclamation was ratified by the City Council of Sand City at its regularly scheduled City Council meeting on March 17, 2020; and

**WHEREAS**, in response to the COVID-19 outbreak on March 16, 2020, the Governor of the State of California Gavin Newsom ("Governor") issued an Executive Order (N-28-20) suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions until May 31, 2020; and

**WHEREAS**, the Sand City Municipal Code section 2.12.080(6)(a) authorizes the Director of Office of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property; and

**WHEREAS**, Sand City Municipal Code section 2.12.080(6)(a) provides that rules and regulations issued by the Director of Office of Emergency Services must be confirmed by the City Council of Sand City; and

**WHEREAS**, on March 23, 2020, the Sand City Director of Office of Emergency Services issued an order imposing substantive limits on residential and commercial evictions within Sand City, attached to this resolution as **Exhibit A**; and

**WHEREAS**, on March 27, 2020 the Governor issued Executive Order (N-37-20) extending certain deadlines for residential tenants and preventing the enforcement of writs against residential tenants facing eviction due to the nonpayment of rent because of certain COVID-19 related circumstances through May 31, 2010; and

**WHEREAS**, the Governor in Executive Order N-38-20 issued on March 27, 2020, enhanced the authority of the Judicial Council of California to issue emergency orders, and on April 6, 2020, the Judicial Council issued Emergency Rules 1 through 11 of the California Rules of Court, which *inter alia* have the effect of limiting all unlawful detainers actions, except where necessary to protect public health and safety, and which remain in effect until ninety days after the Governor declares that the state of emergency related to the Covid-19 pandemic is lifted; and

**WHEREAS**, on April 2, 2020, the Governor unveiled a series of new resources to aid small businesses who have been impacted by the COVID-19 such as federal loans and deferment of the payment of sales and use taxes of up to \$50,000, for up to 12 months; and

**WHEREAS**, the statewide orders and policies referenced above provide some support to smaller businesses, thus lessening the need to impose a moratorium on evictions for tenants of commercial properties within Sand City; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) because there is no possibility that the implementation of this resolution may have significant effects on the environment. This resolution will apply tenant protections to existing residential and commercial units for a limited period of time. This is solely an administrative process resulting in no physical changes to the environment. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City that the foregoing recitals are hereby incorporated by reference as though fully set forth here; and

**BE IT FURTHER RESOLVED**, as follows:

1. That the Order of the Director of Emergency Services of the City of Sand City Imposing Substantive Limits on Residential and Commercial Evictions, attached hereto as **Exhibit A** ("Order"), as well as the findings contained therein, are hereby incorporated by reference as though fully set forth herein.
2. That the Order is hereby ratified and confirmed by the City Council with the following amendments: All references to "Commercial" are to be removed, and the Order shall only apply to tenants of residential properties. A copy of the order, as amended and ratified by this resolution, is attached as **Attachment 1**.
3. That the Director of Emergency Services/City Manager, or his designee, is authorized to take whatever other action is authorized under the Sand City municipal code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution.




Sand City Resolution SC 20-24, 2020

4. That the Order attached as Exhibit A, as amended herein, shall remain in effect through May 31, 2020 unless extended by resolution of this City Council.

**PASSED AND ADOPTED** by the City Council of Sand City on this 21<sup>st</sup> day of April 2020, by the following vote:

- AYES: Council Members Carbone, Cruz, Hawthorne, Sofer
- NOES: None
- ABSENT: None
- ABSTAIN: Council Member Blackwelder

APPROVED:

  
\_\_\_\_\_  
Mary Ann Carbone, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Horca, Acting City Clerk

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SAND CITY IMPOSING SUBSTANTIVE LIMITS ON RESIDENTIAL AND COMMERCIAL EVICTIONS**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California (Governor) declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the City Manager of Sand City issued a Proclamation of Local Emergency, pursuant to California Government Code §8630 and the Sand City Municipal Code Chapter 2.12, which enables him to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; and

WHEREAS, on March 6, 2020, the County of Monterey's County Administrative Officer issued a proclamation of local emergency as a precautionary measure to help the County mobilize and coordinate resources to be prepared to address the threat of COVID-19 and the County Board of Supervisors ratified the Proclamation of Local Emergency related to COVID-19; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued an executive order (Executive Order N-28-20) 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; and

WHEREAS, on March 17, 2020, the City Council of Sand City ratified the Proclamation of Local Emergency and authorized the Director of Emergency Services to take action to mitigate the effects of the local emergency; and

WHEREAS, during this state of emergency, and in the interest of protecting the public health and preventing continued transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, loss of income as a result of impacts from COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent, thereby directly affecting their ability to stay housed during the spread of the COVID-19 pandemic; and

WHEREAS, consistent with the Monterey County Health Officer's March 17, 2020 Order for residents of Monterey County to shelter in place, with limited exceptions to provide or to receive essential services or to engage in certain essential activities, on March 17, 2020, the City of Sand City closed all City facilities to general public access, except to provide essential services; and

WHEREAS, on March 19, 2020, the Governor issued a statewide stay at home order (Executive Order N-33-20); and

WHEREAS, commercial activity and businesses are essential to a vibrant and healthy community and this Order provides stability and fairness as businesses have been and will continue to be substantially impacted by orders to shelter in place and limitations on operations and hours; and

WHEREAS, without the immediate effectiveness of this Order there is an increased risk of residential tenants becoming homeless and a substantial impact to local businesses; and

WHEREAS, there is an urgent need for the City of Sand City to impose substantive limitations to protect the health, safety, and welfare of its citizens in light of the emergency declaration regarding the COVID-19 pandemic.

NOW, THEREFORE, I, Aaron Blair, the Director of the Office of Emergency Services for the City of Sand City, do hereby issue the following order to become effective immediately, subject to confirmation at the earliest practicable time by the City Council of Sand City as required by Sand City Municipal Code Chapter 2.12:

IT IS HEREBY ORDERED THAT:

1. The provisions of Executive Order N-28-20, 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. Pursuant to the general police power of the City to protect the health, safety, and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the corporate boundaries of the City of Sand City 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, 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 Order shall relieve a tenant (residential or commercial) of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

5. This Order applies to non-payment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which the local emergency was proclaimed.

6. This Order shall be liberally construed to provide the broadest possible protection for the citizens of the City.

7. The City Manager (Director of Office of Emergency Services) is authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and the purposes of this Order.
  
8. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
  
9. This Order shall become effective immediately.

ADOPTED this 23<sup>RD</sup> day of March 2020.



Aaron Blair, City Manager/Director of Office of  
Emergency Services

ATTEST:



Linda Scholink, City Clerk

APPROVED AS TO FORM:

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Vibeke Norgaard, City Attorney

7. The City Manager (Director of Office of Emergency Services) is authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and the purposes of this Order.
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9. This Order shall become effective immediately.

ADOPTED this 23<sup>RD</sup> day of March 2020.



Aaron Blair, City Manager/Director of Office of  
Emergency Services

ATTEST:



Linda Scholink, City Clerk

APPROVED AS TO FORM:

 5/23/20

Vibeke Norgaard, City Attorney

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 tenancies 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.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-37-20

**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** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

**WHEREAS** on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

**WHEREAS** on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

**WHEREAS** many Californians are experiencing or will experience 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 rent, and leaving them vulnerable to eviction; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

**WHEREAS** Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

**WHEREAS** on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

**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 deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
  - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant 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, including but not limited to the following:
    - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
    - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
    - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
  - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
  - 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

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

**IT IS FURTHER ORDERED** that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

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 27th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State