

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

R E S O L U T I O N

R-20-44

EXERCISING 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; 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 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, there is an urgent need for the County of San Joaquin to enact such substantive limitations to protect the health, safety and welfare of its citizens countywide in light of the emergency declared regarding the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors for the County of San Joaquin as follows:

1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth.
2. The above recitals, and the recitals in the Governor's declaration, are true and correct.
3. Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:
 - a. The basis of the eviction is non-payment of rent, or a foreclosure, 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 describe 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. "The Department of Public Works is directed to suspend all residential and commercial water shut-off actions during the term of this order. This directive to suspend activity does not release the obligation of the customer to pay for the water, nor does it waive the County's obligation to collect for the water and services provided."
8. This resolution shall be liberally construed to provide the broadest possible protection for the citizens of the County.
9. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution.

PASSED AND ADOPTED _____ March 24, 2020 _____, by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Patti, Winn, Elliott, Miller**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Katherine M. Miller

KATHERINE M. MILLER
Chair, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California



Rachél DeBord