

CITY OF SANTA ANA EXECUTIVE ORDER NO. 9-2020

EXECUTIVE ORDER NO. 9 OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA EXTENDING THE MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT BY RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19) THROUGH JULY 28, 2020

SECTION 1. Findings.

- A. 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 it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California 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 broader spread of COVID-19.
- C. On March 13, 2020, the President of the United States of America 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.
- D. The Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- E. On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, authorizing local governments through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants financially impacted by COVID-19.
- F. On March 17, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and support an effective City response to the novel coronavirus ("COVID-19").
- G. The Centers for Disease Control and Prevention, the California Department of Health, and the Orange County Department of Public Health have all issued recommendations including but not limited to social distancing, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have issued "shelter in place" directives.
- H. In response to COVID-19, and in order to prevent further exposure, many businesses have imposed work from home policies; meetings, events and social gatherings have been cancelled as people remain at home; and customers are not patronizing restaurants and stores or hiring domestic help or travelling. With more businesses

working from home, less of the workforce is patronizing restaurants, hotels and other retail establishments that employ hourly workers, which has led to hourly cutbacks and employee terminations.

- I. As a result of the public health emergency and the precautions recommended by health authorities, many tenants in Santa Ana continue to experience or expect soon to experience sudden and unexpected income loss.
- J. The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19, and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks.
- K. Most, if not all, local schools were and remain closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home.
- L. The situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants vulnerable to eviction.
- M. On March 19, 2020, consistent with Executive Order N-28-20, the Director of Emergency Services issued an Executive Order enacting and implementing a moratorium on evictions due to non-payment of rent by residential and commercial tenants impacted by COVID-19. This moratorium remained in effect through May 31, 2020 and was intended to promote stability and fairness within the residential and commercial rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness, thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes.
- N. On May 28, 2020, the Director of Emergency Services issued an Executive Order extending the moratorium on evictions set forth in the Executive Order dated March 19, 2020 due to non-payment of rent by residential and commercial tenants impacted by COVID-19 through June 30, 2020.
- O. On May 29, 2020, California Governor Gavin Newsom issued Executive Order N-66-20 extending the protections of Executive Order N-28-20 for sixty (60) days until July 28, 2020. Executive Order N-28-20 authorized local governments through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants financially impacted by COVID-19.
- P. In the interest of public health and safety, as affected by the ongoing emergency caused by the spread of COVID-19, it is necessary to extend the eviction moratorium

to ensure renters can remain in their homes and prevent the proliferation of homelessness and the further spread of COVID-19. Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, the threat of homelessness due to the lack of alternative housing, and lack of moving services and supplies as stores and businesses close. During the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment continue to be at risk of homelessness if they are evicted for non-payment of rent, as they will have little or no income and thus be unable to secure other housing if evicted.

- Q. People experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19.
- R. Promoting continued stability among commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close or re-open in limited capacity, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction.
- S. In view of the foregoing, the City desires to extend through July 28, 2020 the prohibition of evictions due to non-payment of rent for residential and commercial tenants where the failure to pay rent results from loss of income due to COVID-19-related impacts.
- T. This order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by: the State Constitution, the City Charter of the City of Santa Ana and the Santa Ana Municipal Code to protect the peace, health, and safety of the public. This order is necessary for the preservation of the public peace, health, and safety of residents living within the City. Under Government Code Section 8634, this order is necessary to provide for the protection of life and property.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following order to become effective immediately, subject to further clarification by the City Council:

IT IS HEREBY ORDERED THAT:

SECTION 2. All provisions of Section 2 of Executive Order dated March 19, 2020, entitled "Temporary Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Crisis," as extended by Executive Order No. 4 dated May 28, 2020, shall remain in effect through July 28, 2020.


SECTION 3. All provisions of Section 3 of Executive Order dated March 19, 2020, entitled "Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis," as extended by Executive Order No. 4 dated May 28, 2020, shall remain in effect

through July 28, 2020.

SECTION 4. This Order shall become effective immediately.

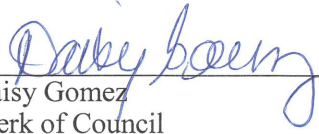
SECTION 5. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 30th day of June, 2020.



Kristine Ridge
Director of Emergency Services and
City Manager

ATTEST:



Daisy Gomez
Clerk of Council