

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.27  
(ID # 12745)

**MEETING DATE:**

Tuesday, June 02, 2020

**FROM:** SUPERVISOR V. MANUEL PEREZ:

**SUBJECT:** SUPERVISOR V. MANUEL PEREZ: REPORT BACK REGARDING EVICTION MORATORIUM DURING COVID-19 PANDEMIC, SUPPORT OF RENTERS AND PROPERTY OWNERS ECONOMICALLY IMPACTED BY COVID-19 AND THE LAUNCH OF THE RIVERSIDE COUNTY RENTAL RELIEF PROGRAM – ALL DISTRICTS – \$33.3 MILLION FEDERAL FUNDING.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Receive and file this report back regarding an eviction moratorium during the COVID-19 pandemic;
2. Support renters and property owners economically impacted by COVID-19 to prevent housing displacement and further economic impacts;
3. Direct the Department of Housing, Homelessness Prevention and Workforce Solutions (HHPWS) to establish a countywide rental assistance program to provide financial support for struggling renters;
4. Require all rental assistance payments to be made directly to landlords and require applicants to demonstrate financial hardship related to the COVID-19 pandemic;
5. In an effort to expedite assistance and prevent housing instability, Authorize the Director of HHPWS to award funding to the United Way of the Inland Valley and Lift to Rise to administer the rental assistance program in their assigned geographic areas without further Board of Supervisors action;
6. Direct HHPWS to conduct a large-scale marketing and outreach effort to ensure that residents in most need and those residing in unincorporated areas of the county can effectively access the program; and
7. Authorize the Director of HHPWS, or designee, to execute any and all necessary agreements and documents to implement and administer the Riverside County Rental Relief Program.

**ACTION:**

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: June 2, 2020  
xc: Supvr. Perez, HHPWS

Kecia R. Harper  
Clerk of the Board

By   
Deputy

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**BACKGROUND:**

On May 5, 2020, in Agenda Item 3.38, the Board of Supervisors discussed a possible eviction moratorium and directed staff to prepare a report back with recommendations at the May 19, 2020 Board meeting, including a possible urgency ordinance for the Board's consideration. At the May 19, 2020 meeting, in Agenda Item 3.38, the Board of Supervisors discussed the proposed urgency ordinance and continued the item as the Board expressed concerns about the proposed ordinance and its impact on landlords and property owners, as well as tenants. The Board directed staff to come back to the Board of Supervisors with a report back as to what type of funding mechanisms are available for rental assistance to both tenants and landlords. The information contained in this agenda item is to serve as that report back to the Board. As set forth in Agenda Item 3.38 of May 5<sup>th</sup> and May 19<sup>th</sup>, the Governor's Executive Orders and the Judicial Council's Emergency Rules clearly provide protections for tenants by preventing landlords from being able to move forward with eviction lawsuits during this COVID-19 pandemic State of Emergency. Those Executive Orders and Emergency Rules are again summarized below.

The County of Riverside strongly encourages compliance with Governor Newsom's Executive Orders and the Judicial Council rules regarding evictions and strongly encourages all landlords and tenants of residential properties in unincorporated Riverside County to cooperate with each other to establish alternative rent payment arrangements.

It is in the public interest to take steps to ensure that people remain housed during this public health emergency. The loss of income as a result of the global COVID-19 pandemic may inhibit County of Riverside residents and businesses from fulfilling their financial obligations including rent payments. There is a severe shortage of affordable rental housing in the County of Riverside, people who are evicted are at risk of homelessness, and homeless individuals are less equipped to mitigate the risks related to COVID-19. Displacing renters who are unable to pay rent due to these types of financial impacts will worsen the present crisis by making it difficult for them to follow the health guidance of social distancing and isolation, which will put tenants and many others at great risk.

**TIMELINE AND OVERVIEW OF STATE AND JUDICIAL ORDERS RELATED TO EVICTIONS**

The subject of evictions during the COVID-19 pandemic is a subject that continues to evolve. As background, the following are the orders issued by the Governor and the Courts related to the eviction process. Each is summarized further below in an effort to communicate to tenants and landlords in the County a comprehensive picture of the protections and obligations currently in place.

- March 16, 2020, Governor Newsom issues Executive Order N-28-20

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- March 27, 2020, Governor Newsom issues Executive Order N-37-20
- April 6, 2020, Judicial Council Adopts Emergency Rules for Evictions and Foreclosures

**Executive Order N-28-20.** Executive Order N-28-20 recognized that many Californians are struggling to pay their rents or mortgages during the COVID-19 pandemic, however, the Executive Order did not impose any statewide restrictions on evictions. Instead, the Order states that issues regarding residential and commercial evictions should be addressed by "local jurisdictions, based on their particular needs." Therefore, the Governor left the matter to each local jurisdiction to decide.

Specifically, the Order allowed cities and counties to impose limitations on residential or commercial evictions by suspending any conflicting provisions of state law. However, the Order's suspension of state law is limited to evictions caused by the pandemic. Specifically, the suspension in Executive Order N-28-20 applies *only when both of the following conditions are met*:

1. The basis for the eviction is the tenant or owner's failure to pay their rent or mortgage payment due to a substantial decrease in household or business income, or substantial out-of-pocket medical expenses; and
2. The decrease in household or business income or substantial out-of-pocket medical expenses were caused by the COVID-19 pandemic, including decreases resulting from any government response to the pandemic.

The Order specifies that the tenant or owner's financial difficulties (either decrease in household or business income or out-of-pocket medical expenses) must be documented in order to qualify for eviction relief. The Order also states that tenants will still have to pay any rent payments that are deferred during the COVID-19 pandemic, and that landlords will be able to recover past due rent after the state of emergency expires.

Executive Order N-28-20 is scheduled to remain in place until May 31, 2020, unless extended. As of the date of preparation of this agenda item, the Governor has not taken action to extend the Executive Order.

**Executive Order N-37-20.** On March 27th, Governor Newsom issued another Executive Order N-37-20, addressing residential evictions more directly than his first order by mandating certain protections for those financially affected by COVID-19. While this new Executive Order was described as an order prohibiting "landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts," the order was less expansive. However, from a practical perspective given what was occurring with the court system and the

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detailed process required by law for the filing of unlawful detainers, this Executive Order did provide relief for those unable to pay their rent due to the impacts of COVID-19.

Executive Order N-37-20 has two basic provisions that will remain in effect through May 31, 2020, unless extended. The first concerns the response deadline for a residential tenant who is impacted by COVID-19 and is served with an eviction lawsuit for nonpayment of rent. Now, instead of the 5-day deadline imposed by statute for a tenant to respond to a complaint, this order gives such a tenant 65 days to respond to the eviction lawsuit if the following three requirements are satisfied:

Prior to March 27, 2020, the tenant had paid the landlord all rent that was due.

1. The tenant notifies the landlord in writing before rent is due, or within 7 days of the due date, that the tenant needs to delay all or some payment of rent due to reasons related to COVID-19. Those reasons can include, but are not limited to:
  - a. The tenant could not work because the tenant was sick with a suspected or confirmed case of COVID-19, or had to care for a household or family member who was sick with a suspected or confirmed case of COVID-19.
  - b. The tenant was laid-off, lost work hours, or had reduced income because of COVID-19, the state of emergency, or related government response.
  - c. The tenant missed work to care for a child whose school was closed in response to COVID-19.
2. The tenant retains verifiable documentation (termination notices, payroll checks, pay stubs, bank statements, medical bills, etc.) that supports the tenant's assertion of an inability to pay. This documentation must be provided to the landlord no later than the time when the back-due rent is paid.

Accordingly, Executive Order N-37-20, specifically addressed tenants whose rents were coming due in April and May and provided them a means to inform their landlords regarding their inability to pay rent and provided such tenants relief due to the impacts of COVID-19 if the tenant notified the landlord within 7 days after their rent was due. To assist those in the community, County staff prepared a sample letter to be used as the notice to landlords required in the Executive Order.

While Executive Order N-37-20 did not stop a landlord from filing a summons and complaint to evict a tenant for failure to pay rent, the Executive Order did effectively delay the process for the tenant to respond until the end of May and provided tenants relief from the payment of rent.

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Executive Order N-37-20 also had a second important provision that serves as a backstop in the process for evicting a tenant. If the landlord is successful in securing a court order to evict a tenant, the landlord must obtain a "writ of execution" to enforce the eviction. This is the document that is given to the Sheriff's Department who will then remove the tenant. Under existing law, the writ of execution must be served on the tenant and the tenant is given 5 days to move. Executive Order No. N-37-20 included a provision to prohibit the enforcement of a court order to evict a tenant from a residence or dwelling for nonpayment of rent. This prohibition only applies with respect to tenants who satisfy the three requirements listed above.

Executive Order N-37-20 does not address when rent is ultimately due after the COVID-19 pandemic is over or after expiration of the State of Emergency. Also, the Order is effective only through May 31<sup>st</sup>, unless extended. As of the date of preparation of this agenda item, the Governor has not taken action to extend the Executive Order.

If Executive Orders N-28-20 and N-37-20 are not extended by the Governor by May 31<sup>st</sup>, tenants will not have the protections under those orders available to them for their inability to pay June rent due to a COVID-19 financial impact. However, the Judicial Council Emergency Rules will still be in place to delay landlords from moving forward with an eviction lawsuit as explained below.

***April 6, 2020, Judicial Council Emergency Rules for Evictions and Foreclosures.*** Under the leadership of the Chief Justice of the California Supreme Court and in accordance with the California Constitution, the Judicial Council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

At their meeting, the Judicial Council adopted emergency rules addressing evictions and foreclosures during the statewide emergency caused by the COVID-19 pandemic. Emergency Rule 1 effectively suspends all residential and commercial evictions throughout California during the emergency. The rule allows landlords to file lawsuits to evict their tenants, but delays most eviction proceedings for at least sixty days. The rule applies to all courts and to all eviction cases, regardless of the grounds for the eviction. Emergency Rule 2 prohibits banks and other noteholders from filing lawsuits to foreclose on homeowners that fall behind on their mortgage payments during the emergency.

**Summary of Emergency Rule 1.** Emergency Rule 1 has three basic provisions that will remain in effect until 90 days after the Governor terminates the statewide emergency caused by the COVID-19 pandemic, unless the rule is amended or repealed earlier by the Judicial Council. As stated above, this rule applies to all eviction lawsuits (or "unlawful detainers") throughout the state regardless of whether it was related to the impacts from COVID-19.

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First, the rule prohibits courts from issuing a summons to compel a tenant to appear in court to defend themselves from an eviction lawsuit (unlawful detainer), unless the court finds that the lawsuit is necessary to protect public health and safety. The summons is the document that is submitted by the landlord to the court for "filing" which is then served on the tenant and it starts the eviction process. Under this emergency rule, landlords are effectively blocked from even beginning the process to evict a tenant for non-payment of rent and together with the Governor's order, this effectively suspends all pending residential and commercial evictions throughout California for 60 days and prevents any new eviction actions for the duration of the emergency plus a period of 90 days thereafter.

Second, the rule bans default judgments for landlords who file an unlawful detainer. Ordinarily, a landlord would be able to win an eviction lawsuit by default-and get a court order for payment of past due rent if the tenant failed to appear in court. Because Emergency Rule 1 excuses most tenants from appearing in court during the COVID-19 pandemic, it also prevents landlords from obtaining these default judgments in most situations. A court may issue a default judgment if it finds that the lawsuit is necessary to protect public health and safety and the defendant has not appeared in court within the time provided by law. The time provided by law includes any extensions granted by the Governor's Executive Orders regarding evictions.

Third, the rule prohibits courts from setting a trial date for an eviction lawsuit earlier than 60 days from the date on which a trial is requested. A court may only set an early trial date if it finds that an earlier trial is necessary to protect public health and safety.

Like the Governor's Executive Orders, Emergency Rule 1 does not relieve a tenant from liability for unpaid rent or forgive payment of any back rent, nor does it prevent a tenant from paying all or some of rent due if the tenant is able to do so in a timely manner.

**Summary of Emergency Rule 2.** Emergency Rule 2 contains similar protections to Emergency Rule 1, but for homeowners who may be at risk of foreclosure during the COVID-19 emergency. The rule stays all foreclosure lawsuits, and prohibits courts from making any decision or judgment in a foreclosure proceeding unless the court finds that the lawsuit is necessary to protect public health and safety. The time limitation for a bank or other mortgage holder to file a foreclosure action is extended until the COVID-19 emergency is over. A homeowner's rights to stop a foreclosure sale, including their right to redeem a mortgage, is also extended. Like Emergency Rule 1, the rule remains in effect until 90 days after the Governor terminates the statewide emergency caused by the COVID-19 pandemic, unless the rule is amended or repealed earlier by the Judicial Council.

**SUMMARY OF FEDERAL RELIEF PACKAGES RELATED TO EVICTIONS**

At the federal level and as part of the Coronavirus Aid, Relief and Economic Security ("CARES") Act, there are provisions that place a temporary moratorium on eviction filings for residential properties that are financed by federally backed mortgage loans or participate

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in federal affordable housing programs as well as forbearance programs. In addition, there is also stimulus monies and various small business loans available that may be able to assist owners of residential and commercial real estate.

Section 4022 to 4024 of Title IV of Division A of the CARES Act, contain provisions that pertain to: (i) a foreclosure moratorium for federally backed mortgage loans for certain residential properties, (ii) forbearance of federally backed mortgage loans for certain residential properties, and (iii) a moratorium on eviction filings for dwelling properties that have been assisted with federally backed mortgage loans or federal subsidies. Each is further discussed below.

***Section 4022: Foreclosure Moratorium and Consumer Right to Request Forbearance for Federally backed Mortgage Loans – Residential Properties Designed for Occupancy of One to Four Families.*** This provision provides relief to owners of residential properties *designed principally for occupancy of one to four families* (including individual units of condominiums and cooperatives), with federally backed mortgage loans. Federally backed mortgage loans include loans under the National Housing Act and those backed by the FHA, the VA, the USDA, Freddie Mac or Fannie Mae. Under Section 4022, until May 17, 2020, the servicer of a federally backed mortgage loan may not initiate any foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale, except for a vacant or abandoned property.

During the "covered period" (likely between March 27, 2020 and December 31, 2020 or when the national emergency ceases), the borrower of a federally backed mortgage loan (regardless of delinquency status) may submit a forbearance request to the loan servicer, and affirm that the borrower is experiencing a financial hardship during the period of national emergency declared by the President as a result of the COVID-19 pandemic. A forbearance is an agreement for temporarily reduced or paused payments on a loan for a specified period of time. As part of the agreement, after the forbearance, the mortgagee is responsible for paying the amounts of the loan that were reduced or suspended, in addition to resuming their regular payments. The forbearance will be granted for up to 180 days and will be extended for an additional 180 days at the borrower's request. No fees, penalties or interest will accrue beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time.

***Section 4023: Forbearance of Residential Mortgage Loan Payments with Federally Backed Loans for Multifamily Properties Designed for Occupancy by Five or More Families.*** Section 4023 is a similar provision except that it provides relief to owners of multifamily properties *designed for occupancy of five or more families* with federally backed multifamily mortgage loans, but requires the owners who receive such relief to not take any tenant eviction actions. Federally backed multifamily mortgage loans include loans that are issued or supported, in whole or in part, by a federal agency or are backed by Fannie Mae or FHLMC. A federally backed multifamily mortgage loan does not include any temporary financing such as a construction loan.

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During the covered period (i.e., the period between March 27, 2020 and the sooner of: (i) the termination of the COVID-19 Emergency, or (ii) December 31, 2020), the borrower of a federally backed multifamily mortgage loan, who is current on the loan payments as of February 1, 2020, may submit a forbearance request to the loan servicer and affirm that the borrower is experiencing a financial hardship during the COVID-19 Emergency. The forbearance will be granted for up to 30 days and may be extended for up to two additional 30-day periods, if the borrower makes the extension request during the covered period and at least 15 days before the end of the first 30-day forbearance period.

During the forbearance period, the borrower may not evict or initiate eviction of a tenant on the related property solely for the non-payment of rent (or other fees or charges), or impose charges for the late payment. In addition, the borrower may not issue any notice to vacate to a tenant until the forbearance has expired and may not require a tenant to vacate without giving a 30-day advance notice.

**Section 4024: Moratorium on Eviction Filings for Properties with Federally Backed Loans or Receive Federal Subsidies.** This provision provides relief to renters. For 120 days after the enactment of the CARES Act (which period will end on July 25, 2020), the landlord of any "covered property" (discussed below) may not initiate legal action to evict a tenant from a dwelling for nonpayment of rent (or other fees or charges), or impose charges for the nonpayment. In addition, during that period, the lessor may not issue any notice to vacate to a tenant and may not require a tenant to vacate without giving a 30-day advance notice.

A "covered property" means a property that is secured by a federally backed mortgage loan or a federally backed multifamily mortgage loan or receives federal subsidies from programs such as public housing, Section 8 assistance, USDA rural housing programs or the low income housing tax credit program.

A criticism of what has been referred as the "federal eviction moratorium" is that tenants do not know whether their landlord's rental property has federally backed mortgage loans. So while the above described programs assist the owner of rental units, tenants may still believe they can be evicted because they have no knowledge with respect to how their rental unit is financed. A landlord, however, could be proactive and inform the tenant of their situation.

**Section 1110 Emergency Economic Injury Disaster Loans Program (EIDL).** Section 1110 of the CARES Act expands the list of businesses eligible for Economic Injury Disaster Loans ("EIDL") and relaxes some of the EIDL loan requirements for EIDLs in response to COVID-19. It also establishes an EIDL Grant program. Groups that assist and are advising landlords have written that the EIDL is likely the most advantageous programs for landlords to help them make mortgage payments and other operating expenses.



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**LOCAL SUPPORT FOR RENTERS AND PROPERTY OWNERS**

Riverside County has determined that the most appropriate course of action at the local level is to implement a large scale rental assistance program, the Riverside County Rental Relief Fund, which will provide financial support to renters and property owners for passed due rent. This intervention supports the financial solvency of both households and property owners which is critical to economic recovery. The County has earmarked \$30 million CARES funding and \$3.3 million in Community Development Block Grant (CDBG) funding to launch the \$33.3 million program. In an effort to leverage existing funding and resources and to maximize efficiencies, the County proposes utilizing two existing non-profit organizations; Lift to Rise to cover the Coachella Valley and Pass area and United Way of the Inland Valleys to cover the west and southwestern portions of the county.

**Targeted Population**

Renters who are unable to pay rent due to COVID-19 related financial impacts. Payments will be made directly to landlords to address the financial impacts of COVID-19 for property owners.

**Terms of assistance.**

The assistance will be limited to the lesser of three (3) months rent or up to Three Thousand Five Hundred dollars (\$3,500). The goal of this funding is to assist 10,000 households throughout the County.

MINUTES OF THE BOARD OF SUPERVISORS  
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**3.38**  
(MT 12620)

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Supervisor Perez regarding eviction moratorium during COVID-19 pandemic and Adoption of Ordinance No. 958, is continued to Tuesday, June 2, 2020 at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None

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I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 19, 2020 of Supervisors Minutes.



WITNESS my hand and the seal of the Board of Supervisors  
Dated: May 19, 2020  
Kecia R. Harper, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.  
**3.38**

xc: COB

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ITEM: 3.38  
(ID # 12620)

**MEETING DATE:**  
Tuesday, May 19, 2020

**FROM :** SUPERVISOR V. MANUEL PEREZ:

**SUBJECT:** SUPERVISOR V. MANUEL PEREZ: REPORT BACK REGARDING EVICTION MORATORIUM DURING COVID-19 PANDEMIC AND ADOPTION OF ORDINANCE NO. 958, AN URGENCY ORDINANCE OF THE COUNTY OF RIVERSIDE ENACTING A TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS IN THE UNINCORPORATED AREAS OF THE COUNTY OF RIVERSIDE – ALL DISTRICTS – CEQA Exempt – 4/5 Vote Required

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Receive and file this report back regarding an eviction moratorium during the COVID-19 pandemic.
2. Find Ordinance No. 958 exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15061(b)(3) and 15378 based on the findings set forth below.
3. Introduce, read title, waive further reading of, and adopt Ordinance No. 958, an urgency ordinance of the County of Riverside enacting a temporary prohibition on COVID-19 pandemic related evictions in the unincorporated areas of the County.
4. Direct the Department of Housing, Homelessness Prevention, and Workforce Solutions to work with County Counsel to prepare and file a CEQA Notice of Exemption.

**ACTION:**

  
Supervisor V. Manuel Perez, Chairman 5/14/2020

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**BACKGROUND:**

On May 5, 2020, in Agenda Item 3.38, the Board of Supervisors discussed a possible eviction moratorium and directed staff to prepare a report back with recommendations at the May 19, 2020 Board meeting, including a possible urgency ordinance for the Board's consideration. The information contained in this agenda item is to serve as that report back to the Board. As set forth in Agenda Item 3.38 of May 5<sup>th</sup>, the Governor's Executive Orders and the Judicial Council's Emergency Rules clearly provide protections for tenants by preventing landlords from being able to move forward with eviction lawsuits during this COVID-19 pandemic State of Emergency. Those Executive Orders and Emergency Rules are again summarized below. However, it is recommended that an urgency ordinance be adopted to provide guidance in furtherance of the Governor's Executive Orders and the Judicial Council Emergency Rules to temporarily prohibit evictions, through May 31, 2020, or as may be extended by Governor's Executive Order, for any residential tenant who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic.

Specifically, the attached urgency ordinance includes the following provisions in furtherance of the Governor's and Judicial Council's actions:

- Prohibits the service of a 3-day pay or quit notice when a tenant has provided written notification within seven (7) days of rent being due that the tenant needs to delay all or some payment of rent due to a financial impact related to COVID-19. The seven day written notification provision is in Executive Order N-37-20.
- Prohibits a landlord from refusing to accept partial payment of rent while the ordinance is in effect and obligates a tenant to pay partial rent when the tenant has suffered only a partial loss of income. Such partial rent payment should be a pro-rated share of the tenant's rent that corresponds to the income generated during the period of loss if required or requested by the landlord. Meaning that if a tenant only receives 50% of their normal income, the tenant should still pay 50% of their rent due if required or requested by the landlord.
- Clarifies that "in writing" for purposes of notice to the landlord includes paper copy, email or text communications to the landlord or the owner's representative with whom the tenant has previously corresponded by email or text.
- Provides that verifiable documentation showing the financial impact related to COVID-19 shall be provided to the landlord by tenant within thirty (30) days of following tenant's written notification that the tenant needs to delay all or some payment of rent. Executive Order N-37-20 states that the supporting documentation must be required "no later than the time upon payment of the back-due rent." By instead including a thirty day timeframe, this provides some assurance to the landlord that the tenant is making a legitimate claim that the tenant cannot pay the rent instead of the landlord having to wait until the time the rent is actually paid to get the documentation.
- Provides that all back-rent is due 6 months after expiration or termination of the State of Emergency, Local Health Emergency, or Executive Order N-37-20, including any amendments to the Executive Order, whichever occurs earlier. If the remainder of the tenant's rental term is less than

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six months, the tenant shall have the remainder of the tenancy to pay the rent owed to the owner. Nothing in the ordinance prevents a tenant and owner from developing a mutually agreeable payment plan for payment of the rent owed.

- Prohibits a landlord from charging or collecting any interest or any late fee for rent that is delayed for the reasons stated in the ordinance and Executive Order N-37-20 while the ordinance is in effect.

As requested by the Board at the May 5<sup>th</sup> meeting, the proposed ordinance only applies to residential properties and includes mobile homes being used as rental property. It does not apply to commercial property rentals. Further, a discussion of the CARES Act and possible assistance for landlords is included below in response to discussion at the May 5<sup>th</sup> meeting.

The proposed urgency ordinance only applies in the unincorporated areas of the County. Cities have the option of adopting their own eviction prohibitions. A survey of cities in Riverside County revealed that the following cities have already taken action either through resolution or urgency ordinance to prohibit evictions: Cathedral City, Coachella, Corona, Desert Hot Springs, Indian Wells, Palm Springs, Perris, Rancho Mirage, and Riverside.

It is in the public interest to take steps to ensure that people remain housed during this public health emergency. The loss of income as a result of the global COVID-19 pandemic may inhibit County of Riverside residents and businesses from fulfilling their financial obligations including rent payments. There is a severe shortage of affordable rental housing in the County of Riverside, people who are evicted are at risk of homelessness, and homeless individuals are less equipped to mitigate the risks related to COVID-19. Displacing renters who are unable to pay rent due to these types of financial impacts will worsen the present crisis by making it difficult for them to follow the health guidance of social distancing and isolation, which will put tenants and many others at great risk. The County of Riverside Housing Authority has more than 90,000 people on its waiting list, and more than 800 families currently have a voucher and are unable to find a landlord who will take it. More than 72% of Low-Income families in the County are currently cost burdened. These families are at the highest risk of falling behind on their rent and becoming homeless due to a loss of income.

This urgency ordinance and temporary prohibition on evictions is necessary to serve the public peace, health, safety and public welfare to prevent residents from falling into homelessness due to this pandemic, for the preservation of life and property. Further this urgency ordinance is considered an "other public health measure" consistent with Executive Order N-37-20 because the ordinance, in conjunction with the Executive Orders and the Judicial Council Emergency Rules compels a landlord to allow a tenant to remain housed in a particular residence during the emergency, even if the tenant is temporarily unable to pay rent.

Ordinance No. 958 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15378. It can be seen with certainty that there is

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no possibility that the ordinance may have a significant effect on the environment. Further, the urgency ordinance is not a "project" under CEQA because it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The effect of the urgency ordinance will be to maintain the status quo. Simply put, to keep tenants in their existing rental units during the COVID-19 pandemic. No new development will result from the proposed ordinance. No impact to the physical environment will result.

**TIMELINE AND OVERVIEW OF STATE AND JUDICIAL ORDERS RELATED TO EVICTIONS**

The subject of evictions during the COVID-19 pandemic is a subject that continues to evolve. As background, the following are the orders issued by the Governor and the Courts related to the eviction process. Each is summarized further below in an effort to communicate to tenants and landlords in the County a comprehensive picture of the protections and obligations currently in place.

- March 16, 2020, Governor Newsom issues Executive Order N-28-20
- March 27, 2020, Governor Newsom issues Executive Order N-37-20
- April 6, 2020, Judicial Council Adopts Emergency Rules for Evictions and Foreclosures

**Executive Order N-28-20.** Executive Order N-28-20 recognized that many Californians are struggling to pay their rents or mortgages during the COVID-19 pandemic, however, the Executive Order did not impose any statewide restrictions on evictions. Instead, the Order states that issues regarding residential and commercial evictions should be addressed by "local jurisdictions, based on their particular needs." Therefore, the Governor left the matter to each local jurisdiction to decide.

Specifically, the Order allowed cities and counties to impose limitations on residential or commercial evictions by suspending any conflicting provisions of state law. However, the Order's suspension of state law is limited to evictions caused by the pandemic. Specifically, the suspension in Executive Order N-28-20 applies *only when both of the following conditions are met*:

1. The basis for the eviction is the tenant or owner's failure to pay their rent or mortgage payment due to a substantial decrease in household or business income, or substantial out-of-pocket medical expenses; and
2. The decrease in household or business income or substantial out-of-pocket medical expenses were caused by the COVID-19 pandemic, including decreases resulting from any government response to the pandemic.

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The Order specifies that the tenant or owner's financial difficulties (either decrease in household or business income or out-of-pocket medical expenses) must be documented in order to qualify for eviction relief. The Order also states that tenants will still have to pay any rent payments that are deferred during the COVID-19 pandemic, and that landlords will be able to recover past due rent after the state of emergency expires.

Executive Order N-28-20 is scheduled to remain in place until May 31, 2020, unless extended.

**Executive Order N-37-20.** On March 27th, Governor Newsom issued another Executive Order N-37-20, addressing residential evictions more directly than his first order by mandating certain protections for those financially affected by COVID-19. While this new Executive Order was described as an order prohibiting "landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts," the order was less expansive. However, from a practical perspective given what was occurring with the court system and the detailed process required by law for the filing of unlawful detainers, this Executive Order did provide relief for those unable to pay their rent due to the impacts of COVID-19.

Executive Order N-37-20 has two basic provisions that will remain in effect through May 31, 2020, unless extended. The first concerns the response deadline for a residential tenant who is impacted by COVID-19 and is served with an eviction lawsuit for nonpayment of rent. Now, instead of the 5-day deadline imposed by statute for a tenant to respond to a complaint, this order gives such a tenant 65 days to respond to the eviction lawsuit if the following three requirements are satisfied:

Prior to March 27, 2020, the tenant had paid the landlord all rent that was due.

1. The tenant notifies the landlord in writing before rent is due, or within 7 days of the due date, that the tenant needs to delay all or some payment of rent due to reasons related to COVID-19. Those reasons can include, but are not limited to:
  - a. The tenant could not work because the tenant was sick with a suspected or confirmed case of COVID-19, or had to care for a household or family member who was sick with a suspected or confirmed case of COVID-19.
  - b. The tenant was laid-off, lost work hours, or had reduced income because of COVID-19, the state of emergency, or related government response.
  - c. The tenant missed work to care for a child whose school was closed in response to COVID-19.

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2. The tenant retains verifiable documentation (termination notices, payroll checks, pay stubs, bank statements, medical bills, etc.) that supports the tenant's assertion of an inability to pay. This documentation must be provided to the landlord no later than the time when the back-due rent is paid.

Accordingly, Executive Order N-37-20, specifically addressed tenants whose rents were coming due in April and provided them a means to inform their landlords regarding their inability to pay April rent and provided such tenants relief due to the impacts of COVID-19 if the tenant notified the landlord within 7 days after their rent was due. To assist those in the community, County staff prepared a sample letter to be used as the notice to landlords required in the Executive Order.

While Executive Order N-37-20 did not stop a landlord from filing a summons and complaint to evict a tenant for failure to pay rent, the Executive Order did effectively delay the process for the tenant to respond until the end of May and provided tenants relief from the payment of rent.

Executive Order N-37-20 also had a second important provision that serves as a backstop in the process for evicting a tenant. If the landlord is successful in securing a court order to evict a tenant, the landlord must obtain a "writ of execution" to enforce the eviction. This is the document that is given to the Sheriff's Department who will then remove the tenant. Under existing law, the writ of execution must be served on the tenant and the tenant is given 5 days to move. Executive Order No. N-37-20 included a provision to prohibit the enforcement of a court order to evict a tenant from a residence or dwelling for nonpayment of rent. This prohibition only applies with respect to tenants who satisfy the three requirements listed above.

Executive Order N-37-20 does not address when rent is ultimately due after the COVID-19 pandemic is over or after expiration of the State of Emergency. Also, the Order is effective only through May 31<sup>st</sup>, unless extended. Accordingly, a tenant must have provided notice above for rent due in April. As the Governor's Stay-at-Home orders are unlikely to be lifted by May 1st, a tenant would be advised to give the same notice when May rent becomes due.

Executive Order No. N-37-020 says that it "supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order." Executive Order No. N-37-20 further states that it does not "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." Several jurisdictions have taken the position that a local eviction moratorium falls within the "other public health measure" category because such a ban compels a landlord to allow a tenant to remain housed in a particular residence during the emergency, even if the tenant is temporarily unable to pay rent.

While Executive Order N-37-20 does recognize the ability for local governments to adopt additional public health measures, the Executive Order does, on its own, provide relief to



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tenants statewide even in local jurisdictions that do not adopt an eviction moratorium as this was the point of the order--to provide some statewide consistency.

**April 6, 2020, Judicial Council Emergency Rules for Evictions and Foreclosures.** Under the leadership of the Chief Justice of the California Supreme Court and in accordance with the California Constitution, the Judicial Council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

At their meeting, the Judicial Council adopted emergency rules addressing evictions and foreclosures during the statewide emergency caused by the COVID-19 pandemic. Emergency Rule 1 effectively suspends all residential and commercial evictions throughout California during the emergency. The rule allows landlords to file lawsuits to evict their tenants, but delays most eviction proceedings for at least sixty days. The rule applies to all courts and to all eviction cases, regardless of the grounds for the eviction. Emergency Rule 2 prohibits banks and other noteholders from filing lawsuits to foreclose on homeowners that fall behind on their mortgage payments during the emergency.

**Summary of Emergency Rule 1.** Emergency Rule 1 has three basic provisions that will remain in effect until 90 days after the Governor terminates the statewide emergency caused by the COVID-19 pandemic, unless the rule is amended or repealed earlier by the Judicial Council. As stated above, this rule applies to all eviction lawsuits (or "unlawful detainers") throughout the state regardless of whether it was related to the impacts from COVID-19.

First, the rule prohibits courts from issuing a summons to compel a tenant to appear in court to defend themselves from an eviction lawsuit (unlawful detainer), unless the court finds that the lawsuit is necessary to protect public health and safety. The summons is the document that is submitted by the landlord to the court for "filing" which is then served on the tenant and it starts the eviction process. Under this emergency rule, landlords are effectively blocked from even beginning the process to evict a tenant for non-payment of rent and together with the Governor's order, this effectively suspends all pending residential and commercial evictions throughout California for 60 days and prevents any new eviction actions for the duration of the emergency plus a period of 90 days thereafter.

Second, the rule bans default judgments for landlords who file an unlawful detainer. Ordinarily, a landlord would be able to win an eviction lawsuit by default-and get a court order for payment of past due rent if the tenant failed to appear in court. Because Emergency Rule 1 excuses most tenants from appearing in court during the COVID-19 pandemic, it also prevents landlords from obtaining these default judgments in most situations. A court may issue a default judgment if it finds that the lawsuit is necessary to protect public health and safety and the defendant has not appeared in court within the time provided by law. The time provided by law includes any extensions granted by the Governor's Executive Orders regarding evictions.

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Third, the rule prohibits courts from setting a trial date for an eviction lawsuit earlier than 60 days from the date on which a trial is requested. A court may only set an early trial date if it finds that an earlier trial is necessary to protect public health and safety.

Like the Governor's Executive Orders, Emergency Rule 1 does not relieve a tenant from liability for unpaid rent or forgive payment of any back rent, nor does it prevent a tenant from paying all or some of rent due if the tenant is able to do so in a timely manner.

**Summary of Emergency Rule 2.** Emergency Rule 2 contains similar protections to Emergency Rule 1, but for homeowners who may be at risk of foreclosure during the COVID-19 emergency. The rule stays all foreclosure lawsuits, and prohibits courts from making any decision or judgment in a foreclosure proceeding unless the court finds that the lawsuit is necessary to protect public health and safety. The time limitation for a bank or other mortgage holder to file a foreclosure action is extended until the COVID-19 emergency is over. A homeowner's rights to stop a foreclosure sale, including their right to redeem a mortgage, is also extended. Like Emergency Rule 1, the rule remains in effect until 90 days after the Governor terminates the statewide emergency caused by the COVID-19 pandemic, unless the rule is amended or repealed earlier by the Judicial Council.

**SUMMARY OF FEDERAL RELIEF PACKAGES RELATED TO EVICTIONS**

At the federal level and as part of the Coronavirus Aid, Relief and Economic Security ("CARES") Act, there are provisions that place a temporary moratorium on eviction filings for residential properties that are financed by federally backed mortgage loans or participate in federal affordable housing programs as well as forbearance programs. In addition, there is also stimulus monies and various small business loans available that may able to assist owners of residential and commercial real estate.

Section 4022 to 4024 of Title IV of Division A of the CARES Act, contain provisions that pertain to: (i) a foreclosure moratorium for federally backed mortgage loans for certain residential properties, (ii) forbearance of federally backed mortgage loans for certain residential properties, and (iii) a moratorium on eviction filings for dwelling properties that have been assisted with federally backed mortgage loans or federal subsidies. Each is further discussed below.

***Section 4022: Foreclosure Moratorium and Consumer Right to Request Forbearance for Federally backed Mortgage Loans – Residential Properties Designed for Occupancy of One to Four Families.*** This provision provides relief to owners of residential properties *designed principally for occupancy of one to four families* (including individual units of condominiums and cooperatives), with federally backed mortgage loans. Federally backed mortgage loans include loans under the National Housing Act and those backed by the FHA, the VA, the USDA, Freddie Mac or Fannie Mae. Under Section 4022, until May 17, 2020, the servicer of a federally backed mortgage loan may not initiate any foreclosure process,

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move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale, except for a vacant or abandoned property.

During the "covered period" (likely between March 27, 2020 and December 31, 2020 or when the national emergency ceases), the borrower of a federally backed mortgage loan (regardless of delinquency status) may submit a forbearance request to the loan servicer, and affirm that the borrower is experiencing a financial hardship during the period of national emergency declared by the President as a result of the COVID-19 pandemic. A forbearance is an agreement for temporarily reduced or paused payments on a loan for a specified period of time. As part of the agreement, after the forbearance, the mortgagee is responsible for paying the amounts of the loan that were reduced or suspended, in addition to resuming their regular payments. The forbearance will be granted for up to 180 days and will be extended for an additional 180 days at the borrower's request. No fees, penalties or interest will accrue beyond the amounts scheduled or calculated as if the borrowed made all contractual payments on time.

**Section 4023: Forbearance of Residential Mortgage Loan Payments with Federally Backed Loans for Multifamily Properties Designed for Occupancy by Five or More Families.** Section 4023 is a similar provision except that it provides relief to owners of multifamily properties *designed for occupancy of five or more families* with federally backed multifamily mortgage loans, but requires the owners who receive such relief to not take any tenant eviction actions. Federally backed multifamily mortgage loans include loans that are issued or supported, in whole or in part, by a federal agency or are backed by Fannie Mae or FHLMC. A federally backed multifamily mortgage loan does not include any temporary financing such as a construction loan.

During the covered period (i.e., the period between March 27, 2020 and the sooner of: (i) the termination of the COVID-19 Emergency, or (ii) December 31, 2020), the borrower of a federally backed multifamily mortgage loan, who is current on the loan payments as of February 1, 2020, may submit a forbearance request to the loan servicer and affirm that the borrower is experiencing a financial hardship during the COVID-19 Emergency. The forbearance will be granted for up to 30 days and may be extended for up to two additional 30-day periods, if the borrower makes the extension request during the covered period and at least 15 days before the end of the first 30-day forbearance period.

During the forbearance period, the borrower may not evict or initiate eviction of a tenant on the related property solely for the non-payment of rent (or other fees or charges), or impose charges for the late payment. In addition, the borrower may not issue any notice to vacate to a tenant until the forbearance has expired and may not require a tenant to vacate without giving a 30-day advance notice.

**Section 4024: Moratorium on Eviction Filings for Properties with Federally Backed Loans or Receive Federal Subsidies.** This provision provides relief to renters. For 120 days after the enactment of the CARES Act (which period will end on July 25, 2020), the

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landlord of any "covered property" (discussed below) may not initiate legal action to evict a tenant from a dwelling for nonpayment of rent (or other fees or charges), or impose charges for the nonpayment. In addition, during that period, the lessor may not issue any notice to vacate to a tenant and may not require a tenant to vacate without giving a 30-day advance notice.

A "covered property" means a property that is secured by a federally backed mortgage loan or a federally backed multifamily mortgage loan or receives federal subsidies from programs such as public housing, Section 8 assistance, USDA rural housing programs or the low income housing tax credit program.

A criticism of what has been referred as the "federal eviction moratorium" is that tenants do not know whether their landlord's rental property has federally backed mortgage loans. So while the above described programs assist the owner of rental units, tenants may still believe they can be evicted because they have no knowledge with respect to how their rental unit is financed. A landlord, however, could be proactive and inform the tenant of their situation.

**Section 1110 Emergency Economic Injury Disaster Loans Program (EIDL).** Section 1110 of the CARES Act expands the list of businesses eligible for Economic Injury Disaster Loans ("EIDL") and relaxes some of the EIDL loan requirements for EIDLs in response to COVID-19. It also establishes an EIDL Grant program. Groups that assist and are advising landlords have written that the EIDL is likely the most advantageous programs for landlords to help them make mortgage payments and other operating expenses.

**Community Development Block Grants (CDBG).** Under separate board actions the County of Riverside is proposing to use a portion of Community Development Block Grant (CDBG) and CARES Act funding to provide rental assistance payments to tenants who have fallen behind on their rent. The County is recommending to work with nonprofit organizations in the County that have experience in administering financial assistance programs. The funding would be sent directly to the landlord to help cover the cost of lost rent, but with the condition that the tenant will not be evicted due to non-payment of rent. The assistance will be limited to the lesser of three (3) months rent or Two Thousand Five Hundred dollars (\$2,500). The goal of this funding is to assist 10,000 households throughout the County

**ATTACHMENTS**

A. Ordinance No. 958 – Eviction Moratorium



1 otherwise due to the landlord; (2) the tenant notifies the landlord in writing within seven (7) days of the  
2 date rent is due that tenant needs to delay all or some payment of rent because of an inability to pay the  
3 full amount due to reasons related to the COVID-19 pandemic; and (3) the tenant retains verifiable  
4 documentation to support the tenant's assertion of an inability to pay. On April 6, 2020, the California  
5 Judicial Council, the rule-making arm of the California court system, adopted the following emergency  
6 court rules to effectively stop evictions and foreclosures for the duration of the COVID-19 pandemic: (1)  
7 courts may not issue a summons or enter a default or default judgment in any unlawful detainer (eviction)  
8 action, other than those necessary to protect public health and safety, until 90 days after the COVID-19  
9 emergency is terminated by the Governor or the emergency court rules are amended or repealed by the  
10 Judicial Council; and (2) all actions for judicial foreclosures on mortgages and deeds of trust are stayed  
11 and all deadlines related to such actions are extended. The COVID-19 pandemic, declaration of Local  
12 Health Emergency, and Executive Orders are expected to result in the closure of many local businesses  
13 until at least May 31, 2020, and result in extreme restrictions on other local businesses until then, and  
14 possibly thereafter. Further, the COVID-19 pandemic and associated Public Health Orders and Executive  
15 Orders are expected to result in a severe loss of income to a widespread portion of the local population  
16 that depend on wages or business income to pay rent and result in substantial medical expenses for certain  
17 County residents. Without state and local protection, eviction notices for failure to pay rent are likely to  
18 surge as residents and businesses are unable to earn income due to the pandemic or are forced to pay  
19 substantial medical expenses associated with the COVID-19 pandemic. While the Governor's Executive  
20 Orders and the Judicial Council emergency rules put in place provisions to prevent landlords from legally  
21 moving forward on unlawful detainer actions, there is a need to adopt additional local protections in some  
22 areas where there is little to no State guidance so as to reduce the risk that non-payment of rent during the  
23 COVID-19 pandemic will lead to anxiety, stress and potential homelessness for the impacted residents  
24 and their communities. The Board of Supervisors finds that it is appropriate to provide guidance in  
25 furtherance of the Governor's Executive Orders and the Judicial Council emergency rules to temporarily  
26 prohibit evictions, through May 31, 2020 or as may be extended by Governor's Executive Order, for any  
27 residential tenant who can demonstrate that they are being evicted for the failure to pay rent, and that such  
28 failure is a direct impact of the COVID-19 pandemic. This urgency ordinance and temporary prohibition

1 on evictions is necessary to serve the public peace, health, safety and welfare to prevent residents from  
2 falling into homelessness due to this pandemic for the preservation of life and property. Further this  
3 urgency ordinance is considered an “other public health measure” consistent with Executive Order N-37-  
4 20 because the ordinance, in conjunction with the Executive Orders and the Judicial Council emergency  
5 rules compels a landlord to allow a tenant to remain housed in a particular residence during the  
6 emergency, even if the tenant is temporarily unable to pay rent.

7 Section 2. AUTHORITY AND APPLICABILITY. This ordinance is adopted  
8 pursuant to the Governor’s Executive Order N-28-20, Executive Order N-37-20, Article XI, section 7 of  
9 the California Constitution, Government Code sections 8634 and 25123.

10 Section 3. EXEMPTIONS. This ordinance shall not apply to any of the following:

- 11 a. Any evictions that were lawfully initiated prior to the Governor’s  
12 proclamation of a State of Emergency on March 4, 2020.
- 13 b. Any evictions that are the result of a failure to pay rent when such failure to  
14 pay rent is verifiably documented as not being a direct impact of the  
15 COVID-19 pandemic.
- 16 c. Any terminations or evictions that are required to comply with an order  
17 issued by a government agency or court requiring that the real property be  
18 vacated.
- 19 d. Any terminations or evictions found by the court to be necessary to protect  
20 public health and safety.

21 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have  
22 the following meanings:

- 23 a. Notice of Termination. The notice informing a tenant or homeowner of the  
24 termination of their right to occupy residential real property in accordance  
25 with applicable California law, including but not limited to a 3-day or 30-  
26 day notice to pay or quit.

- 1                   b.     Owner. Any person, acting as principal or through an agent, providing  
2                                   residential real property for rent, and includes a predecessor in interest to  
3                                   the owner. Owner includes landlord.
- 4                   c.     Residential real property. Any dwelling or unit, including but not limited to  
5                                   any house, apartment, condominium unit, mobile home, or other building or  
6                                   portion thereof that is intended or used for human habitation.
- 7                   d.     Tenancy. The lawful occupation of residential real property and includes a  
8                                   lease or sublease.
- 9                   e.     Tenant. A residential tenant, subtenant, lessee, sublessee, or any other  
10                                  person entitled by written or oral rental agreement to use or occupy  
11                                  residential real property.

12                   Section 5.     PROHIBITION AGAINST EVICTIONS STEMMING FROM COVID-19  
13 PANDEMIC LOSSES.

- 14                   a.     From March 4, 2020 through May 31, 2020, or such time as may be  
15                                  otherwise extended by Executive Order of the Governor, the owner of  
16                                  residential real property in the unincorporated areas of the County of  
17                                  Riverside shall not terminate a tenancy for failure to pay rent if the tenant  
18                                  demonstrates that the failure to pay rent, or foreclosure, is due to a financial  
19                                  impact related to COVID-19 or any local, state, or federal government  
20                                  response to the pandemic. This section is in addition to any prohibitions  
21                                  against eviction in place pursuant to the Governor's Executive Orders and  
22                                  the Judicial Council emergency rules, as currently exist and may be  
23                                  amended.
- 24                   b.     For this section to apply, a tenant must demonstrate through documentation  
25                                  or other objectively verifiable means the following:
- 26                                  i.     Prior to March 27, 2020, the tenant paid rent due to the owner  
27    pursuant to the terms of the tenancy.
- 28



1 ii. The tenant notifies the owner in writing before the rent is due or  
2 within seven (7) days after the rent is due that the tenant needs to  
3 delay all or some payment of rent because of an inability to pay  
4 the full amount due to a financial impact related to COVID-19.  
5 “In writing” as used in this subsection includes paper copy,  
6 email or text communications to the owner or the owner’s  
7 representative with whom the tenant has previously  
8 corresponded by email or text.

9 iii. “Financial impact related to COVID-19” as used in this  
10 ordinance includes but is not limited to tenant lost household or  
11 business income as a result of any of the following: (1) being  
12 sick with COVID-19, or caring for a household or family  
13 member who is sick with COVID-19; (2) lay-off, loss of hours,  
14 or other income reduction resulting from business closure or  
15 other economic or employer impacts of COVID-19; (3)  
16 compliance with a recommendation from a government health  
17 authority to state home, self-quarantine, or avoid congregating  
18 with others during the state of emergency; (4) substantial out-of-  
19 pocket medical expenses; or (5) child care needs arising from  
20 school closures related to COVID-19.

21 iv. The following verifiable documentation shall create a rebuttable  
22 presumption that the tenant has had a financial impact related to  
23 COVID-19: (1) a letter from employer or other source of income  
24 citing COVID-19 as a reason for reduced work hours,  
25 termination, or other substantial reduction in pay; (2) employer  
26 payroll checks or payroll stubs showing a reduction in pay  
27 following the COVID-19 outbreak; (3) bank statements showing  
28 a reduction of income following the COVID-19 outbreak; (4)

1 documentation showing payment of substantial out-of-pocket  
2 medical expenses caused by COVID-19; (5) documentation  
3 showing the closure of a school or childcare facility where a  
4 child in the tenant's care would otherwise be present during the  
5 tenant's normally working hours which, as a result, has caused  
6 the tenant to work reduced hours; or (6) any other objectively  
7 verifiable documentation to demonstrate a substantial hardship  
8 or inability to make timely rent payments caused by COVID-19.  
9 Any confidential medical information or financial information  
10 provided to the owner shall be held in confidence and shall not  
11 be reproduced or distributed by owner unless otherwise  
12 authorized or required by law.

13 v. Verifiable documentation as described by this section shall be  
14 provided to the owner by tenant within thirty (30) days of  
15 following tenant's written notification that the tenant needs to  
16 delay all or some payment of rent due to a financial impact  
17 related to COVID-19.

18 vi. If a tenant suffers only a partial loss of income, the tenant shall  
19 pay the pro-rated share of their rent that corresponds to the  
20 income they generated during the period of loss if required or  
21 requested by owner. In no event shall owner refuse to accept a  
22 partial payment of rent from tenant while this ordinance is in  
23 effect.

24 c. An owner who has received a tenant's written notification within seven (7)  
25 days of rent being due that the tenant needs to delay all or some payment of  
26 rent due to a financial impact related to COVID-19 shall not serve a Notice  
27 of Termination, such as a 3-day pay or quit notice, shall not file or  
28 prosecute an unlawful detainer action based on such Notice of Termination,

1 or otherwise seek to evict for nonpayment of rent while this ordinance is in  
2 effect.

3 d. This prohibition shall also apply to an owner's action that constitutes  
4 constructive eviction under California law. An owner's failure to comply  
5 with this ordinance shall render any Notice of Termination of tenancy void.  
6 This ordinance may be asserted as an affirmative defense in an unlawful  
7 detainer action.

8 e. Nothing in this ordinance shall relieve a tenant of the obligation to pay rent,  
9 nor restrict a landlord's ability to recover all rent due.

10 f. An owner shall not charge or collect any interest or any late fee for rent that  
11 is delayed for the reasons stated in this section while this ordinance is in  
12 effect; nor shall an owner seek rent that is delayed for the reasons stated in  
13 this ordinance through the unlawful detainer process while this ordinance is  
14 in effect.

15 g. An owner shall not retaliate against a tenant for exercising rights under this  
16 ordinance, including but not limited to shutting off any utilities or reducing  
17 services or amenities to which the tenant would otherwise be entitled.

18 h. Upon expiration or termination of the State of Emergency, Local Health  
19 Emergency, or Executive Order N-37-20, including any amendments to the  
20 Executive Order, whichever occurs earlier, a tenant who provided written  
21 notice under subsection b. above shall have up to six months to pay the rent  
22 owed to the owner, before the owner may recover possession due to failure  
23 to pay rent. Should the remainder of the tenant's tenancy be less than six  
24 months, the tenant shall have the remainder of the tenancy to pay the rent  
25 owed to the owner. Nothing in this ordinance shall prevent a tenant and  
26 owner from developing a mutually agreeable payment plan for payment of  
27 the rent owed.

28 Section 6. OTHER PROVISIONS.

- 1 a. All public housing authorities in the County are requested to extend  
2 deadlines for housing assistance recipients or applicants to deliver records  
3 or documents related to their eligibility for programs, to the extent that  
4 those deadlines are within the discretion of the housing authority.
- 5 b. Financial institutions in the County holding home or commercial  
6 mortgages, including banks, credit unions, government-sponsored  
7 enterprises, and institutional investors, are requested to implement an  
8 immediate moratorium on foreclosures and related evictions when the  
9 foreclosure or foreclosure-related eviction arises out of a substantial  
10 decrease in household or business income, or substantial out-of-pocket  
11 medical expenses, which were caused by the COVID-19 pandemic, or by  
12 any local, state, or federal government response to COVID-19.
- 13 c. This ordinance shall be liberally construed to provide the broadest possible  
14 protection for the citizens of the County.
- 15 d. The protections provided by this ordinance shall be available to all tenants  
16 in the unincorporated areas of the County, regardless of any rental  
17 agreement wherein a tenant waives or purports to waive their rights under  
18 this ordinance.
- 19 e. Financial assistance paid by a government agency to an owner designed to  
20 mitigate the impacts of non-payment of rent due to financial impact related  
21 to COVID-19 shall be credited against the rental payment(s) owed for the  
22 owner's rental real property unit(s). Similarly, financial assistance paid by  
23 a government agency to a tenant specifically to assist with rental assistance  
24 made necessary by the financial impact related to COVID-19 shall be used  
25 to pay rent owed.

26 Section 7. ENFORCEMENT. The County Executive Officer, the County Counsel,  
27 and all other County Officers and Department Heads, are authorized and directed to take such other and  
28 further actions as may be necessary or appropriate to implement the intent and purposes of this ordinance.

1 An owner's failure to comply with this ordinance does not constitute a criminal offense but will subject an  
2 owner to any other civil penalties and remedies provided by law.

3 Section 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this  
4 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
5 shall not affect the other provisions of this ordinance which can be given effect without the invalid  
6 provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
7 severable.

8 Section 9. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency  
9 measure and shall take effect immediately upon its adoption. In accordance with the requirements of  
10 Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the  
11 provisions contained herein are necessary for the immediate preservation of the public peace, health, or  
12 safety for the reasons set forth in Section 1. of this ordinance, and that it is necessary to prevent the  
13 County of Riverside from suffering potentially irreversible displacement of tenants resulting from  
14 evictions related to the COVID-19 pandemic emergency.

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Section 10. SUNSET DATE. This ordinance shall be of no further force or effect six months from its date of adoption, unless otherwise extended by the Board of Supervisors.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: \_\_\_\_\_  
Chairman


ATTEST:

CLERK OF THE BOARD:

By: \_\_\_\_\_  
Deputy

(SEAL)

APPROVED AS TO FORM  
May 14, 2020

By:  \_\_\_\_\_

TIFFANY N. NORTH  
Assistant County Counsel

Did not speak

# Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Lisa Wright

Address: to answer questions

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Agenda # 3.27

### PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose        ✓   Neutral

**Note:** If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

I give my 3 minutes to: \_\_\_\_\_

**From:** COB  
**Sent:** Wednesday, June 3, 2020 11:29 AM  
**To:** Donatella Galella <donatellagalella@gmail.com>  
**Subject:** June 2 2020 Item 3.25 Public Comments for 6.2.20 Meeting Received (Donatella Galella)

Greetings,

The Clerk of the Board of Supervisors is in receipt of your letter sent via email regarding Contract Law Enforcement Rates, and has included it in the record for June 2, 2020

Sincerely,

*Sue Maxwell*

Board Assistant  
Clerk of the Board of Supervisors  
4080 Lemon Street, 1st Floor, Room 127  
Riverside, CA 92501  
(951) 955-1069 Fax (951) 955-1071  
[cob@rivco.org](mailto:cob@rivco.org)  
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<https://www.facebook.com/RivCoCOB/>



**TOGETHER, Everybody Counts!**



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**From:** Donatella Galella <[donatellagalella@gmail.com](mailto:donatellagalella@gmail.com)>  
**Sent:** Tuesday, June 2, 2020 11:41 AM  
**To:** COB <[COB@RIVCO.ORG](mailto:COB@RIVCO.ORG)>  
**Subject:** Comments for 6.2.20 Meeting

Dear Clerk of the Riverside County Board of Supervisors,

I'm writing to oppose sheriff salary increases (agenda item 3.25). From 2016-2018, the Riverside Sheriffs Department used more deadly force per arrest than 95% of all California departments (<https://policescorcard.org/?sheriff=riverside>). In 32 out of 34 shootings, the sheriff deputies shot their guns without even attempting non-lethal force first. This disregard for human life is appalling and certainly should not be rewarded with salary increases. Even yesterday, I was stunned to see Chad Bianco and his militarized forces shooting tear gas and rubber bullets indiscriminately into a peaceful crowd that was already dispersing ([https://twitter.com/BLM\\_IE/status/1267654640201392128](https://twitter.com/BLM_IE/status/1267654640201392128)).

In addition, I support relief for renters (agenda item 3.27) and a moratorium on evictions (agenda item 3.4).

Regards,

Donatella Galella  
92606

Donatella Galella, PhD

Assistant Professor

Theatre, Film, and Digital Production

University of California, Riverside

*America in the Round: Capital, Race, and Nation at Washington DC's Arena Stage*

<https://www.uipress.uiowa.edu/books/9781609386252/america-in-the-round>