



# COUNTY OF NEVADA HEALTH & HUMAN SERVICES AGENCY

950 Maidu Ave.  
Nevada City, California  
95959

*Agency Director*  
**Ryan Gruver**

Telephone (530) 265-1627  
Fax (530) 265-2295

Department Directors  
Phebe Bell, MSW, Behavioral Health  
Jill Blake, MPA, Public Health  
Mike Dent, MPA, Child Support Services / Collections / Housing &  
Community Services Division  
Mali Dyck, Interim Social Services

## NEVADA COUNTY BOARD OF SUPERVISORS Board Agenda Memo

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**MEETING DATE:** May 26, 2020

**TO:** Board of Supervisors

**FROM:** **Ryan Gruver**

**SUBJECT:** Resolution amending and extending County of Nevada's Resolution 20-101 Exercising Police Power to Impose Substantive Limitations on Residential and Commercial Evictions and Judicial Foreclosures to July 31, 2020.

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**RECOMMENDATION:** Approve the attached Resolution.

**FUNDING:** N/A

**BACKGROUND:** The COVID-19 ("Coronavirus") has been declared a global pandemic. On March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly.

The economic impacts of COVID-19 on Nevada County residents remain significant. Many residents of Nevada County 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 meet their rent, mortgage, and utility bill obligations. Taking measures to promote the stability of residential and commercial tenants in Nevada County economically impacted by COVID-19 furthers the public health interests of Nevada County residents by reducing vulnerability to COVID-19.

On March 16, 2020, the Governor of California issued Executive Order N-28-20, suspending through May 31, 2020, any provision of state law that would preempt or otherwise restrict a local government from exercising its police power to impose substantive limitations on

residential or commercial evictions.

On March 24, 2020 the Nevada County Board of Supervisors adopted Resolution 20-101 to limit commercial and residential evictions and foreclosures caused by the impacts of the COVID-19 Pandemic through May 31, 2020. Subsequent to the Board's passage of Resolution 20-101, on April 6, 2020, the Judicial Council of California, in response to the COVID-19 pandemic, adopted Judicial Branch Administration/Emergency Rules affecting, inter alia, unlawful detainer and judicial foreclosure actions in California.

The Judicial Council's changes to the unlawful detainer rules are to remain in effect until 90 days after the Governor declares the state of emergency related to the COVID-19 pandemic is either lifted or has expired, or until amended or repealed by the Judicial Council. These changes include: (1) a stay on courts issuing a summons on a complaint for unlawful detainer, (2) stay on entries of default or default judgment unless the action is necessary for the protection of public health or safety and the defendant has not appeared in the action within the time provided by law and any applicable executive order, (3) the setting of trials for unlawful detainer where the defendant has appeared in the action not earlier than 60 days after the request for trial is made unless the court finds that an earlier date is necessary to protect the public health and safety, with any trial set as of April 6, 2020, being continued at least 60 days.

The Judicial Council's changes to the judicial foreclosure rules suspend actions in judicial foreclosures on a mortgage or deed of trust brought under chapter 1, title 10, of part 2 of the Code of Civil Procedure, beginning at section 725a, until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted or expired, or until the rule is amended or repealed by the Judicial Council.

The emergency rules implemented by the Judicial Council provide further protections to tenants and homeowners and have been incorporated into the resolution before you.

There remains an urgent and compelling need for the County of Nevada to continue to exercise its police power to impose such substantive limitations on residential or commercial evictions in the unincorporated areas of Nevada County to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic. As the Statewide Shelter-in-Place order remains in effect and the impacts of the pandemic have only increased since Resolution 20-101 was passed, it is recommended that the Board of Supervisors adopt the attached resolution to amend and extending the eviction and foreclosure protections through July 31, 2020.

**Item Initiated and Approved by:** Ryan Gruver, Director of Health and Human Services Agency