



COUNTY OF NEVADA HEALTH & HUMAN SERVICES AGENCY

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NEVADA COUNTY BOARD OF SUPERVISORS Board Agenda Memo

MEETING DATE: March 24, 2020

TO: Board of Supervisors

FROM: **Ryan Gruver**

SUBJECT: Resolution Exercising the County of Nevada's Police Power to Impose Substantive Limitations on Residential and Commercial Evictions and Judicial Foreclosures Through May 31, 2020.

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 are significant and threaten to undermine housing security and the stability of commercial businesses in Nevada County through loss of work hours or wages, or layoffs. 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 maintain their rents, mortgages, and utility bills. As homelessness can exacerbate the vulnerability to COVID-19, it is appropriate to take immediate measures to address this threat.

In an effort to minimize foreclosures in California directly related to the COVID-19 outbreak, on March 16, 2020, the Governor of California issued Executive Order N-28-20, which suspends any provision of state law that would preempt or otherwise restrict a local government from

exercising its ability to limit residential or commercial evictions and foreclosures related to the impacts of COVID-19 through May 31, 2020.

It is recommended that the Board of Supervisors, consistent with the Governor's Executive Order, exercise its authority to limit residential or commercial evictions and foreclosures of tenants or occupants of residential or commercial properties in the unincorporated areas of Nevada County to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic. Specifically, it is recommended that the Board of supervisors suspend the authority of any landlord to commence residential or commercial property eviction of tenants based on the following 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.

Further, consistent with the Governor's Executive Order, it is recommended that the Board of Supervisors suspend through May 31, 2020, unless subsequently terminated or extended, foreclosures, unlawful detainers, and any other statutory means available to evict or otherwise eject a residential or commercial tenant or occupant of residential real property described under paragraphs a. and b. above.

It is also recommended that the Board of supervisors request all public housing authorities in the County 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.

Finally, it is recommended that the Board of Supervisors request all financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, 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.

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