



RESOLUTION No. 20-189

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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

WHEREAS, the origination of the novel COVID-19 ("Coronavirus") in Wuhan City, Hubei Province, China in December 2019, has spread throughout the world, with more than 1.5 million cases reported in the United States alone, thereby constituting a global pandemic; and

WHEREAS, on March 4, 2020, the Governor of the State of California Proclaimed a State of Emergency to exist in California due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly; and

WHEREAS, the economic impacts of COVID-19 remain significant, and threaten to undermine housing security and the stability of commercial businesses in Nevada County; and

WHEREAS, many residents in Nevada County are experiencing substantial losses of income resulting from business closures, the loss of work hours or wages, or layoffs related to COVID-19, thereby hindering their ability to keep up with rents, mortgages, and utility bills; and

WHEREAS, because homelessness can exacerbate vulnerability to COVID-19, it is appropriate to continue take measures to promote housing security and stability in Nevada County in furtherance of public health and efforts to mitigate the economic impacts of COVID-19; and

WHEREAS, taking measures to promote the stability of commercial tenancies in Nevada County economically impacted by COVID-19 furthers the public health interests of Nevada County residents, including allowing commercial businesses to determine whether to remain open based on public health concerns rather than economic pressures; and

WHEREAS, in light of the COVID-19 pandemic and the Governor's March 4, 2020, Proclamation of a State of Emergency, on March 16, 2020, the Governor 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; and

WHEREAS, on March 24, 2020 the Board of Supervisors adopted Resolution 20-10 to exercise its police powers to limit commercial and residential evictions and foreclosures related to the COVID-19 Pandemic through May 31, 2020; and

WHEREAS, effective April 6, 2020, the Judicial Council of California adopted Judicial Branch Administration/Emergency Rules in response to the COVID-19 pandemic, including the following unlawful detainer rules that will 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: (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; and

WHEREAS, also effective April 6, 2020, the Judicial Council of California adopted Judicial Branch Administration/Emergency rules in response to the COVID-19 pandemic, suspending 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; and

WHEREAS, 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 to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that Resolution 20-101 is hereby amended and extended as follows:

1. The provisions of the Governor's Executive Order N-28-20, including its recitals, and any amendments or extensions thereto, are incorporated herein as though fully set forth herein.
2. The above recitals, and the recitals in the Governor's Executive Order N-28-20, are true and correct.
3. Appendix I of the Judicial Council's Emergency Rules, adopted May 6, 2020, related to COVID-19, are incorporated herein as though fully set forth herein.
4. Pursuant to the general police power of the County of Nevada to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic, and upon the Judicial Council's Emergency Rules related to COVID-19 pertaining to unlawful detainer, as set forth above, the authority of any landlord to commence any residential or commercial property unlawful detainer or eviction action of tenants or occupants of residential or commercial properties located in the unincorporated areas of Nevada County is hereby suspended through July 31, 2020, unless the action is necessary to protect the public health and safety. Additionally, there shall be no entry of default or a default judgment for restitution in an unlawful detainer action concerning tenants or occupants of residential or commercial properties located in the unincorporated areas of Nevada County for failure of a defendant to appear unless the court finds the action is necessary to protect public health and safety, and the defendant has not appeared within the time provided by law, including any applicable executive order. If a defendant has appeared in the action, a trial date shall not be set earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect the public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020, must be continued at least 60 days for the initial trial date.

5. Pursuant to the general police power of the County of Nevada to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic, and upon the Judicial Council's Emergency Rules related to COVID-19 pertaining 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, judicial foreclosures are hereby suspended in the unincorporated areas of Nevada County through July 31, 2020.
6. Nothing in this Resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.
7. All public housing authorities in the County are requested to continue 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.
8. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to continue 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.
9. The County Executive Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement this Resolution.
10. This Resolution shall remain in effect until July 31, 2020, unless earlier terminated, amended, or extended.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of May, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair

5/26/2020 cc: HHSA*
AC*
COB*
CoCo*