



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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

WHEREAS, the origination of the novel COVID-19 (“Coronavirus”) in Wuhan City, Hubei Province, China in December 2019, has spread to a growing number of countries, including cases reported throughout the United States, constituting a global COVID-19 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 are significant, and could 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 their rents, mortgages, and utility bills; and

WHEREAS, because homelessness can exacerbate vulnerability to COVID-19, it is appropriate to 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 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, there is an urgent need for the County of Nevada 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, as follows:

1. The provisions of the Governor's Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.
2. The above recitals, and the recitals in the Governor's Executive Order N-28-20, are true and correct.
3. 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, the authority of any landlord to commence any residential or commercial property evictions of tenants or occupants of residential or commercial properties located in the unincorporated areas of Nevada County based on the following is hereby suspended 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.
4. Pursuant to the Governor's Executive Order N-28-20, the statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a *et seq.*; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 *et seq.*, and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any occupation thereof, to which the County of Nevada has imposed a limitation on eviction pursuant to paragraph 3 above, and only to the extent of the limitation imposed by the County of Nevada.
5. Nothing in this Resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.
6. All public housing authorities in the County are requested 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.
7. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested 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.
8. 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.

