

# EXHIBIT A

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians 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 keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and



**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment 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
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

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 a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities 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.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions 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.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

# EXHIBIT B



## Monterey County Board of Supervisors

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
[www.co.monterey.ca.us](http://www.co.monterey.ca.us)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to:

Adopted Ordinance No. 5325

A temporary COVID-19 pandemic related urgency ordinance enacting a temporary prohibition on evictions related to the COVID-19 pandemic, effective from March 17, 2020, through May 31, 2020 (4/5ths vote required).

PASSED AND ADOPTED on this 24<sup>th</sup> day of March 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

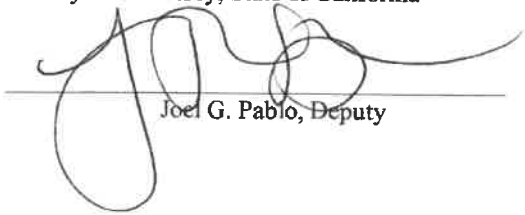
ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting March 24, 2020.

Dated: March 24, 2020  
File ID: 20-232  
Agenda Item No.: 29

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Joel G. Pablo, Deputy

ORDINANCE NO. 5325

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ENACTING A TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS

County Counsel Summary

*This urgency ordinance addresses the potential consequences to the County of evictions arising from the impact of the COVID-19 pandemic. This ordinance prohibits evictions within the unincorporated area when related to the economic consequences to a tenant of the COVID-19 pandemic; it does not relieve the tenant from any obligation to pay rent. This ordinance also makes other recommendations regarding public housing authority assistance and mortgage foreclosures. This ordinance is effective immediately, and applicable beginning March 17, 2020, the date on which the Board of Supervisors adopted a resolution with similar prohibitions.*

WHEREAS, on March 4, 2020, Governor Newsome issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, a copy of the Governor's executive order is attached hereto as Exhibit 1; and

WHEREAS, such evictions present an immediate threat to the public peace, health and safety, as described in Government Code section 25123 (d) in that they will cause the displacement of residents and contribute to an increase in the homeless population in Monterey County; and,

WHEREAS, on March 17, 2020, the Board of Supervisors adopted Resolution No. 20-072, that initially adopted the prohibitions set forth herein, a copy of which is attached hereto as Exhibit 2; and,

WHEREAS, it is therefore necessary and appropriate for Monterey County to adopt an urgency ordinance to address the immediate threat to the public peace, health and safety that COVID-19 pandemic related evictions will create; NOW, THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:



SECTION 1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth.

SECTION 2. The above recitals, and the recitals in the Governor's declaration, are true and correct.

SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance temporarily prohibits evictions throughout the unincorporated area of the County related to the existence of the COVID-19 pandemic emergency commencing on March 17, 2020, through May 31, 2020, unless otherwise terminated or extended.

SECTION 4. Applicability.

This ordinance applies from March 17, 2020, through May 31, 2020, in the unincorporated area of the County of Monterey.

SECTION 5. Prohibition.

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons 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.

Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

SECTION 6. Other Provisions.

- a. 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.

- b. 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.
- c. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.
- d. The County Administrative 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 the intent and purposes of this ordinance.

**SECTION 7. Severability.**

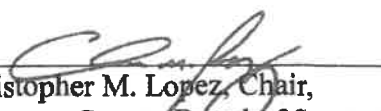
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 8. Effective date.**

This ordinance shall take effect immediately as an urgency ordinance, and shall be applicable as of March 17, 2020, the date of adoption of Resolution No. 20-072. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of Monterey from suffering potentially irreversible displacement of tenants resulting from evictions related to the COVID-19 pandemic emergency.


PASSED AND ADOPTED this 24th day of March, 2020, by the following vote:


AYES: SUPERVISORS ALEJO, PHILLIPS, LOPEZ, PARKER AND ADAMS  
NOES: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

ATTEST:

VALERIE RALPH  
Clerk of the Board

By:   
Deputy, IZEL G PABLO

APPROVED AS TO FORM:  
  
LESLIE J. GIRARD  
County Counsel

# EXHIBIT C

ORDINANCE NO. 5331

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, EXTENDING THE TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS SET FORTH IN ORDINANCE NO. 5325

County Counsel Summary

*This urgency ordinance extends the prohibition on evictions within the unincorporated area when related to the economic consequences to a tenant of the COVID-19 pandemic, adopted by the Board of Supervisors on March 24, 2020, in Ordinance No. 5325; it does not relieve the tenant from any obligation to pay rent. This ordinance is effective immediately and extends the prohibition in Ordinance No. 5325 until July 31, 2020.*

WHEREAS, on March 4, 2020, Governor Newsome issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020; the Governor issued Executive Order N-28-20 suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, in light of the Governor's executive order, the Board of Supervisors adopted Ordinance No. 5325 on March 24, 2020, prohibiting evictions in the unincorporated area as allowed in the Governor's executive order; and,

WHEREAS, such evictions continue to present an immediate threat to the public peace, health and safety, as described in Government Code section 25123 (d) in that they will cause the displacement of residents and contribute to an increase in the homeless population in Monterey County; and,

WHEREAS, Ordinance No. 5325 is set to expire on March 31, 2020; and,

WHEREAS, it is therefore necessary and appropriate for the Board of Supervisors to extend the prohibitions set forth in Ordinance No.; NOW, THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth, and the recitals and findings in Ordinance No. 5325 are incorporated herein as if fully set forth.

SECTION 2. The above recitals, the recitals in the Governor's declaration, and the recitals and findings in Ordinance No. 5325 remain true and correct.

### SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance extends the temporary prohibition on evictions throughout the unincorporated area of the County related to the existence of the COVID-19 pandemic emergency set forth in Ordinance No. 5325.

### SECTION 4. Applicability.

This ordinance applies from its effective date through July 31, 2020, in the unincorporated area of the County of Monterey.

### SECTION 5. Prohibition.

The provisions of Section 5 of Ordinance No. 5325 are amended to read:

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through July 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.

Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

### SECTION 6. Other Provisions.

- a. Except as specifically amended, all other provisions of Ordinance No. 5325 remain in effect.
- b. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.

- c. The County Administrative 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 the intent and purposes of this ordinance.

**SECTION 7. Severability.**

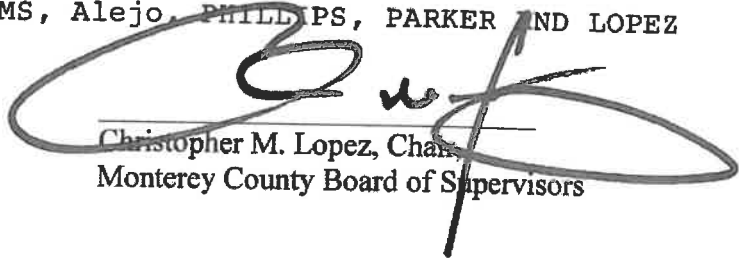
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 8. Effective date.**

This ordinance shall take effect immediately as an urgency ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of Monterey from suffering potentially irreversible displacement of tenants resulting from evictions related to the COVID-19 pandemic emergency.


PASSED AND ADOPTED this 19 day of May, 2020, by the following vote:

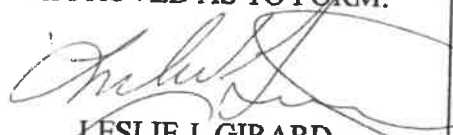
AYES: SUPERVISOR ADAMS, Alejo, PHILLIPS, PARKER AND LOPEZ  
NOES: NONE  
ABSENT: NONE

  
Christopher M. Lopez, Chairman  
Monterey County Board of Supervisors

**ATTEST:**

VALERIE RALPH  
Clerk of the Board

By:   
Deputy

APPROVED AS TO FORM:  
  
LESLIE J. GIRARD  
County Counsel

# EXHIBIT D



ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, RENEWING AND EXTENDING THE TEMPORARY PROHIBITION ON COVID-19 PANDEMIC RELATED EVICTIONS SET FORTH IN ORDINANCE NO. 5325

County Counsel Summary

*This urgency ordinance renews and extends the prohibition on evictions within the unincorporated area when related to the economic consequences to a tenant of the COVID-19 pandemic, adopted by the Board of Supervisors on March 24, 2020, in Ordinance No. 5325; it does not relieve the tenant from any obligation to pay rent. This ordinance is effective immediately and renews the prohibition in Ordinance No. 5325 retroactive to August 1, 2020, and extends the prohibition until September 30, 2020.*

WHEREAS, on March 4, 2020, Governor Newsome issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, in light of the COVID-19 pandemic and his state of emergency proclamation, on March 16, 2020, the Governor issued Executive Order No. N-28-20 suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, in light of the Governor's executive order, the Board of Supervisors adopted Ordinance No. 5325 on March 24, 2020, prohibiting evictions in the unincorporated area as allowed in the Governor's executive order; and,

WHEREAS, Ordinance No. 5325 was extended to and including July 31, 2020, by Ordinance No. 5331, adopted on May 19, 2020; and

WHEREAS, the Governor of the State of California, by Executive Order No. N-71-20, extended the ability of cities and counties to prohibit evictions related to the COVID-19 pandemic through September 30, 2020; and,

WHEREAS, such evictions continue to present an immediate threat to the public peace, health and safety, as described in Government Code section 25123 (d) in that they will cause the displacement of residents and contribute to an increase in the homeless population in Monterey County; and,

WHEREAS, it is therefore necessary and appropriate for the Board of Supervisors to renew and further extend the prohibitions set forth in Ordinance No. 5325; NOW, THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth, and the recitals and findings in Ordinance No. 5325 are incorporated herein as if fully set forth.

SECTION 2. The above recitals, the recitals in the Governor's declaration, and the recitals and findings in Ordinance No. 5325 remain true and correct.

SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance renews and extends the temporary prohibition on evictions throughout the unincorporated area of the County, related to the existence of the COVID-19 pandemic emergency, set forth in Ordinance No. 5325.

SECTION 4. Applicability.

Upon its effective date, this ordinance applies retroactively from August 1, 2020, through September 30, 2020, in the unincorporated area of the County of Monterey.

SECTION 5. Prohibition.

The provisions of Section 5 of Ordinance No. 5325 are amended to read:

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended from March 24, 2020, through September 30, 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.

Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

SECTION 6. Other Provisions.

- a. Except as specifically amended, all other provisions of Ordinance No. 5325 remain in effect.
- b. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.
- c. The County Administrative 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 the intent and purposes of this ordinance.

SECTION 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. Effective date.

This ordinance shall take effect immediately as an urgency ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of Monterey from suffering potentially irreversible displacement of tenants resulting from evictions related to the COVID-19 pandemic emergency.

PASSED AND ADOPTED this \_\_\_\_ day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

ATTEST:

VALERIE RALPH  
Clerk of the Board

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

APPROVED AS TO FORM:

LESLIE J. GIRARD  
County Counsel