

RESOLUTION NO. 2020-048

RESOLUTION OF THE COUNTY OF SAN BERNARDINO EXERCISING THE COUNTY'S POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON RESIDENTIAL AND COMMERCIAL EVICTIONS AND FORECLOSURES

On June 1, 2020, based upon the authority granted to the Chief Executive Officer on March 24, 2020 (Item No. 67) as a result of the COVID-19 pandemic, the Chief Executive Officer hereby adopts the following resolution:

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

WHEREAS, despite sustained efforts, the virus continues to remain 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, residents continue to experience 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, residents 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, 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 through May 31, 2020, any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions and foreclosures; and

WHEREAS, the Board of Supervisors adopted its Resolution on March 24, 2020 (Item No. 68), exercising the County's police power to impose substantive limitations on residential and commercial evictions and foreclosures through April 30, 2020, and

WHEREAS, the Chief Executive Officer of the County of San Bernardino, through the authority granted by the Board of Supervisors on March 24, 2020 (Item No. 67), adopted Resolution 2020-040 that was later ratified and approved by the Board of Supervisors at a Special Meeting on May 5, 2020 (Item No. 4), extending the substantive limitations on residential and commercial evictions and foreclosures through May 31, 2020; and

WHEREAS, on May 19, 2020 (Item No. 105) the Board of Supervisors extended the authority of the Chief Executive Officer through June 30, 2020 to, among other things and subject to ratification, extend the substantive limitations on residential or commercial evictions and foreclosures to protect the health, safety and welfare of County of San Bernardino citizens in light of the emergency declared regarding the COVID-19 pandemic; and

WHEREAS, on May 29, 2020, the Governor extended Executive Order N-28-20 through the issuance of Executive Order N-66-20, thereby extending for 60-days from May 29th, the ability of local government to continue to enact substantive limitations on residential or commercial evictions and foreclosures; and

WHEREAS, there continues to be an urgent need for the County of San Bernardino to enact substantive limitations on residential or commercial evictions and foreclosures to protect the health, safety and welfare of its citizens in light of the emergency declared regarding the COVID-19 pandemic

and extend these substantive limitations on residential and commercial evictions and foreclosures through June 9, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Chief Executive Officer of the County of San Bernardino as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The provisions of the Governor's Executive Order N-28-20 and Executive Order N-66-20, including their recitals, are incorporated herein as if fully set forth.
3. 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 or foreclosures on any residential or commercial property in the unincorporated area of the County for the following reasons is hereby suspended through June 9, 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 described 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. Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.
5. The San Bernardino County Housing Authority is 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.
6. 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.
7. This resolution shall be liberally construed to provide the broadest possible protection for the citizens of the County.
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 the intent and purposes of this resolution.


PROPOSED RATIFICATION BY BOARD OF SUPERVISORS

The Resolution is being adopted by the Chief Executive Office in order to respond as quickly as possible to health and safety needs of County citizens due to the continued threats created by the COVID-19 pandemic. This Resolution will be presented to the Board of Supervisors on June 9, 2020 for ratification in accordance with the emergency authorization of powers granted to the Chief Executive Officer on May 19, 2020 (Item No. 105).

By 
Gary McBride, Chief Executive Officer
County of San Bernardino

Date: June 1, 2020

Approved as to Legal Form:

By 
MICHELLE D. BLAKEMORE
County Counsel

Date: June 1, 2020