

**EMERGENCY ORDER NO. 01 (COVID-19)**

**EMERGENCY ORDER OF THE DIRECTOR OF  
EMERGENCY SERVICES OF THE CITY OF HAWAIIAN  
GARDENS, COUNTY OF LOS ANGELES, STATE OF  
CALIFORNIA, AS AUTHORIZED PURSUANT TO CITY  
COUNCIL RESOLUTION NO. 017-2020, DECLARING A  
LOCAL EMERGENCY REGARDING NOVEL  
CORONAVIRUS (COVID-19)**

**WHEREAS**, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus and the disease it causes, named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19"); and

**WHEREAS**, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

**WHEREAS**, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the City Council of the City of Hawaiian Gardens proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response and authorized its City Manager, acting in his capacity as Director of Emergency Services, to furnish information, and to promulgate orders and regulations necessary to provide for the protection of life and property; and

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued Executive Order Executive Order N-28-20, authorizing local governments' through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants, or for foreclosure proceedings for nonpayment of mortgages for homeowners, financially impacted by COVID-19 through May 31, 2020; and

**WHEREAS**, on March 16, 2020, the Los Angeles County Public Health Officer issued an order countywide that (1) prohibits gatherings where at least 50 people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3)

limits restaurants to drive-through/takeout/delivery, (4) closes bars (that don't serve food), gyms, movie theaters, etc.

**WHEREAS**, on March 19, 2020, the Los Angeles County Los Angeles County Public Health Officer issued an order countywide that further restricted social gatherings to less than ten people, and required the closure of malls, shopping centers, children's playgrounds, and non-essential retail businesses; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, which ordered all individuals living in the State of California to stay home or at their place of residence, except as otherwise prescribed in Order N-33-20; and

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have issued "shelter in place" directives; and

**WHEREAS**, as of the date of this Order, and in order to prevent further exposure and to comply with the numerous State and County orders and recommendations, including without limitation Executive Order N-33-20, many businesses, including without limitation, the Gardens Casino, retail stores, restaurants, bars, wineries, gyms, hospitality, movie theaters, live theaters, and other service-oriented industries, throughout the State have closed; other businesses have offered work from home policies, to the extent feasible or available; meetings, events and social gatherings have been or are being cancelled as people are required to remain at home; and personal and business travel has been substantially halted. Accordingly, as a result of Executive Order N-33-20 and the social distancing efforts and orders, businesses that employ hourly workers are expected to lead to hourly cutbacks and employee terminations; and

**WHEREAS**, as a result of the public health emergency, and the numerous State and County orders and recommendations, including without limitation, Executive Order N-33-20, many tenants and homeowners in Hawaiian Gardens have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the Governor of the State of California has further stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

**WHEREAS**, most, if not all, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants vulnerable to eviction and homeowners vulnerable to foreclosure; and

**WHEREAS**, this Order is temporary in nature and only intended to promote stability and fairness within the residential and commercial rental and housing markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness, which would further contribute to the transmission of the COVID-19 virus, thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes and for commercial tenants to remain in their businesses; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to issue this Order related to the protection of life and property, to ensure renters and homeowners can remain in their homes and prevent proliferation of homelessness and further spread of COVID-19. Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing, and lack of moving services and supplies as stores and businesses close. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants or foreclosures of homeowners vulnerable to eviction or foreclosure due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to nonpayment of rent for residential and commercial tenants, or foreclosures for homeowners, where the failure to pay rent or their mortgage results from income loss resulting from the novel coronavirus (COVID-19); and

**WHEREAS**, this Order is issued pursuant to the City Council's declaration of a local emergency, as set forth in Resolution 017-2020, and the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, including Government Code section 8634, and the Chapter 2.40 of the Hawaiian Gardens Municipal Code to protect the peace, health, and safety of the public. The Director of Emergency Services finds that this Order is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency in issuing this Order immediately based on the facts described herein. Under Government Code Section 8634, this Order is necessary to provide for the protection of life and property

**NOW, THEREFORE**, I, Ernie Hernandez, the Director of Emergency Services for the City of Hawaiian Gardens do hereby issue the following orders to become effectively immediately, subject to ratification as soon as practicable by the City Council:

**IT IS HEREBY ORDERED THAT:**

**Section 1.** The foregoing recitals are true and correct and incorporated herein by this reference.

**Section 2.** In accordance with the Governor of the State of California's Executive Order N-33-20, effective immediately and continuing for the duration of the local emergency, City Hall, all City facilities, and the City's skate park are hereby closed, and use of all playground and fitness equipment at City parks is hereby prohibited. Essential City services will continue to be provided, which includes but is not limited to, police and fire services, public safety, lunch services (for take-away only) at the City's Senior Center, and wellness checks for senior residents.

**Section 3.** Pursuant to California Penal Code section 396, upon and for a period of 30 days following the proclamation of the local emergency declared by the City Council on March 16, 2020, it is unlawful for any person or business of the City of Hawaiian Gardens to sell or offer to sell consumer food items or goods and other goods or services for a price of more than 10% greater than the price charged by that person or business for those goods or services immediately prior to the proclamation of emergency. This statute also authorizes the City Council to extend these price controls for additional 30-day periods as needed to protect the lives, property, or welfare of the citizens. Additionally, the Governor's State of Emergency declaration waived the time limitation as it relates to emergency supplies and medical supplies and those price-gouging protections shall remain in effect through September 4, 2020.

**Section 4.** Effective immediately and continuing for a period of sixty (60) days, the City hereby suspends: (A) the imposition of late payment penalties for any City-issued fine or charge; and (B) the issuance of citations or enforcement of parking violations.

**Section 5.** Temporary Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Crisis:

A. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19.

B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

C. For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

D. This Order applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

E. This Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order.

F. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency, and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a

landlord seek rent that is delayed or the reasons stated in this Order through the eviction process.

G. No other legal remedies available to landlord are affected by this Order.

**Section 6.** Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis.

A. Commercial landlords in the City are hereby prohibited from (a) charging rent, or (b) evicting commercial tenants for nonpayment of rent with respect to tenants whose businesses are subject to the orders referenced in the Recitals or are otherwise limited or closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19 and who demonstrate lost income and inability to pay rent as a result of such limitation or closure or other demonstrated financial impact related to COVID-19.

B. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date rent is due, notifies the landlord in writing of the lost income and inability to pay rent due to a limitation or closure of the tenant's business related to COVID-19, with appropriate supporting documentation. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income they generated during the period of loss. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. All financial information provided to the landlord shall be kept in confidence and only used for evaluating the tenant's claim or enforcing this provision.

C. This Order grants a defense in the event that an unlawful detainer action is commenced in violation of this order.

D. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed, or the reasons stated in this Order through the eviction process.

E. No other legal remedies available to landlord are affected by this order.

**Section 7.** Temporary Suspension on Residential Foreclosures.

A. No foreclosure action against a property owner of residential property shall be initiated or proceed during the period of declared local emergency in the City of Hawaiian Gardens for any mortgagor with a demonstrated financial impact related to COVID-19. Nothing in this Order shall relieve the mortgagor of liability for any unpaid mortgage payments, which the mortgagee may seek after expiration of the local

emergency and the mortgagor must pay within six months of the expiration of the local emergency, unless a different time is agreed to between the parties. The respective rights and obligations of the parties in any foreclosure proceeding shall be adjudicated in the appropriate court of law with jurisdiction over the matter at the conclusion of the local emergency or rescission of this Order.

B. No other legal remedies available to parties to any foreclosure proceeding are affected by this Order.


**Section 8.** Mortgagees are strongly encouraged to offer payment plans to mortgagors to avoid foreclosure after the period of local emergency.

**Section 9.** If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Order.

**Section 10.** The Director of Emergency Services finds and declares that adoption and implementation of this Order is necessary for the immediate preservation and protection of the public peace, health and safety, as detailed above, and is necessary to comply with Executive Order N-28-20. Further, the City and public would suffer potentially irreversible displacement of commercial and residential tenants resulting from evictions and foreclosure for failure to pay rent or mortgage payments during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness. Promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent and mortgages. Under Government Code Section 8634 and Hawaiian Gardens Municipal Code Chapter 2.40, this Order is necessary to provide for the protection of life and property for the reasons set out herein. The Director of Emergency Services therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Order be immediately enacted, pursuant to Government Code section 8634.

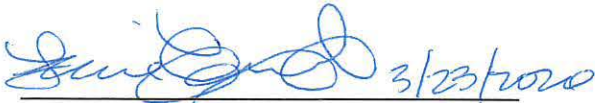
**Section 11.** This Order shall become effective immediately. In accordance with the Governor of the State of California's Executive Order N-28-20, Sections 5, 6, and 7 of this Order shall remain in effect until May 31, 2020. In order to prevent inconsistencies, the Director of Emergency Services may suspend the effectiveness of any provision in this Order in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature or other body with jurisdiction adopts an order or legislation that similarly prohibits evictions and foreclosures for failure to pay rent by individuals impacted by the COVID-19 crisis.

ADOPTED this 23th day of March, 2020.



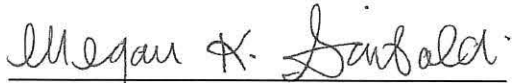
Ernie Hernandez  
City Manager  
Director of Emergency Services

**ATTEST:**



LUCIE COLOMBO  
CITY CLERK

**APPROVED AS TO FORM:**



MEGAN K. GARIBALDI  
CITY ATTORNEY