

EXECUTIVE DEPARTMENT
CITY OF LA MESA, CALIFORNIA

DIRECTOR OF EMERGENCY AND DISASTER
EXECUTIVE ORDER NO. 1-2020
(LA MESA MUNICIPAL CODE CHAPTER 2.56)

WHEREAS on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19;

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;

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine La Mesa's housing security and the stability of La Mesa businesses;

WHEREAS many Californians are experiencing substantial losses as a result of business closures, the loss of hours or wages, or layoff related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills;

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

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;

WHEREAS 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;

NOW, THEREFORE, I, Greg Humora, Director of Emergency and Disaster of the City of La Mesa, California, pursuant to La Mesa Municipal Code Chapter 2.56, the Governor's Executive Order N-28-20 and California Penal Code Section 396, subdivision (f), 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, shall be waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (a) and (b) below – including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.- shall

be 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:


- (a) 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
- (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 City, 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, and only to the extent of the limitation imposed by the City.

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

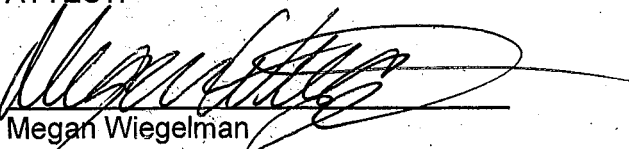
The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

I FURTHER DIRECT that as soon as hereafter possible, this order be filed with the City Clerk, posted on the City's website and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of La Mesa to be affixed this 17th day of March 2020.



Greg Humora
Director of Emergency Services

ATTEST:


Megan Wiegelman
City Clerk