

1 [Urging Statewide and Local Action to Establish Eviction Moratorium and Suspend Eviction
2 Proceedings During the Coronavirus State of Emergency]

3 **Resolution urging California Governor Gavin Newsom to issue a moratorium on**
4 **evictions, including Ellis Act evictions; urging the California Judicial Council and the**
5 **San Francisco Superior Court to stay eviction cases; and urging San Francisco Mayor**
6 **London N. Breed to ban no-fault evictions during the state of emergency related to the**
7 **COVID-19 coronavirus.**

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9 WHEREAS, On February 25, 2020, Mayor London Breed declared a state of
10 emergency in San Francisco based on coronavirus (COVID-19); and

11 WHEREAS, On March 4, 2020, California Governor Gavin Newsom issued a
12 proclamation of a State of Emergency based on COVID-19; and

13 WHEREAS, On March 6, 2020, the San Francisco Department of Public Health issued
14 Recommendations to Reduce the Spread of the Coronavirus, which advise that vulnerable
15 populations should limit outings, and non-essential large gatherings should be cancelled or
16 postponed, among other recommendations; and

17 WHEREAS, On March 10, 2020, an ordinance was introduced, on file with the Clerk of
18 the Board of Supervisors in File No. 200267, which prohibits evictions during the Coronavirus
19 state of emergency for nonpayment of rent if the tenant demonstrates that inability to pay rent
20 is due to coronavirus, the state of emergency regarding coronavirus, or following government-
21 recommended coronavirus precautions; or for a no-fault reason unless the eviction is
22 necessary for the health and safety of the tenant or landlord; and

23 WHEREAS, On March 11, 2020, the San Francisco Health Officer issued a Declaration
24 of Local Health Emergency, Order No. C19-05; and

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1 WHEREAS, On March 12, 2020, the Governor issued Executive Order N-25-20
2 ordering that residents heed the orders of state and local public health officials, including but
3 not limited to the imposition of social distancing measures; and

4 WHEREAS, On March 13, 2020, the Health Officer issued Order No. C19-05b
5 (revised), Declaration of Local Health Emergency in the City and County of San Francisco;
6 and

7 WHEREAS, On March 13, 2020, Mayor Breed issued a directive banning certain
8 nonpayment evictions arising from COVID-19 and the state of emergency; and

9 WHEREAS, On March 16, 2020, the Health Officer issued Order No. C19-07, directing
10 all individuals living in the county to shelter at their place of residence except that they may
11 leave to provide certain essential services or engage in certain essential activities and work
12 for essential business and government services (shelter in place); and

13 WHEREAS, On March 16, 2020, the Governor issued Executive Order N-28-20
14 suspending state laws that would pre-empt or otherwise restrict a local government's power to
15 impose substantive limitations on residential or commercial evictions where the basis for the
16 eviction is nonpayment of rent arising from substantial decrease in household or business
17 income or substantial out of pocket medical expenses, caused by the COVID-19 pandemic of
18 any local, state, or federal response; and

19 WHEREAS, Unlawful Detainers are summary legal proceedings that can require
20 response in as little as five days, and trial within one month; and

21 WHEREAS, Unlawful detainer court proceedings require the physical presence of
22 tenants at San Francisco Superior Court at mandatory settlement conferences and trial, as
23 well as the potential presence of tenants at depositions, mediations or other out of court
24 proceedings; and

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1 WHEREAS, On March 14, 2020, the San Francisco Superior Court stayed civil jury
2 trials for 90 days due to COVID-19, but exempted eviction cases; and

3 WHEREAS, By allowing eviction cases to proceed, the resulting gathering and
4 proximity is incongruent with the CDC and San Francisco Department of Public Health
5 recommendations for social distancing, and the Health Officer's order to shelter in place; and

6 WHEREAS, On March 16, 2020, the San Francisco Superior Court changed its website
7 to remove the exemption for eviction jury trials, yet court representatives continue to inform
8 tenants and their representatives that they must appear for eviction trials; and

9 WHEREAS, California's Ellis Act authorizes eviction in certain situations, but such state
10 laws are waivable by Governor Newsom during a state of emergency; now, therefore, be it

11 RESOLVED, That the San Francisco Board of Supervisors Urges Governor Newsom to
12 expand his Executive Order to impose a moratorium on all evictions, with limited exception for
13 tenants posing a serious danger to the safety of others, during this state of emergency; and
14 be it

15 FURTHER RESOLVED, That the Board of Supervisors urges Governor Newsom to
16 specifically waive and suspend the provisions of the California Ellis Act, including any
17 proceedings to enforce eviction under the Ellis Act, for the period of the state of emergency;
18 and, be it

19 FURTHER RESOLVED, That the Board of Supervisors urges the California Judicial
20 Council and the San Francisco Superior Court to stay all eviction lawsuits, with limited
21 exception for tenants posing a serious danger to the safety of others, for the period of the
22 state of emergency; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors urges San Francisco Mayor
24 London Breed to expand her emergency directive limiting certain nonpayment evictions to
25 cover no-fault evictions during the state of emergency; and, be it

1 FURTHER RESOLVED, That the Clerk of the Board of Supervisors, upon passage of
2 this Resolution, shall transmit copies of this resolution to the Governor Newsom, Mayor
3 Breed, the California Judicial Council, and the San Francisco Superior Court.

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