

File No. 210762

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date July 28, 2021

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Governor Executive Order Nos. N-28-20, N-66-20, N-71-20, N-80-20,</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>N-03-21, and N-08-21</u> |
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Completed by: Linda Wong Date July 22, 2021

Completed by: Linda Wong Date _____

1 [Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19
2 Financial Impacts]

3 **Ordinance amending the Administrative Code to revise the eviction protections for**
4 **commercial tenants related to unpaid rent due to financial impacts from the COVID-19**
5 **pandemic to create a six-month forbearance period for tenants with between 50 and 99**
6 **full-time employees, and to authorize the Office of Economic and Workforce**
7 **Development to create incentive programs to encourage landlords and tenants to agree**
8 **to repayment plans.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Administrative Code is hereby amended by revising Sections 37C.1,
18 37C.2, and 37C.3 to read as follows:

19 **SEC. 37C.1. PURPOSE AND FINDINGS.**

20 (a) The City and County of San Francisco is facing an unprecedented public health
21 and economic crisis due to the COVID-19 pandemic. The Mayor declared a state of
22 emergency on February 25, 2020, and on March 16, 2020, the Governor issued Executive
23 Order N-28-20 (E.O. N-28-20), which found that the COVID-19 pandemic is having severe
24 impacts throughout the State, and which recognized that local jurisdictions must take
25 measures based on their particular needs to prevent displacements and to protect public
health and mitigate the economic effects of the pandemic. Paragraph 2 of E.O. N-28-20

1 initially allowed local governments to enact measures to protect commercial tenants impacted
2 by COVID-19 from being evicted due to non-payment through May 31, 2020. Through a series
3 of follow-up orders (Executive Orders N-66-20, N-710-20, N-80-20, N-03-21, and most recently
4 Executive Order N-~~08-21~~N-03-21), the Governor has ordered that the protections of paragraph
5 2 of E.O. N-28-20 will remain in effect through September 30, ~~June 30,~~ 2021, unless the
6 Governor orders otherwise.

7 * * * *

8 (e) The protections of this Chapter 37C shall only apply to rent payments that came
9 due between March 16, 2020 and September 30, ~~June 30,~~ 2021, inclusive (or if the Governor
10 extends the effective period of paragraph 2 of E.O. N-28-20 past September 30, ~~June 30,~~ 2021,
11 through the date of extension).

12
13 **SEC. 37C.2. DEFINITIONS.**

14 * * * *

15 “Forbearance Period” means the time period by which a Covered Commercial Tenant
16 that was unable to pay rent due to a Financial Impact Related to COVID-19 must pay the rent,
17 as set forth in Section 37C.3(a)(1)-(54).

18 “Moratorium Period” means the period from March 16, 2020 until the expiration of
19 paragraph 2 of E.O. N-28-20, as extended by Executive Orders N-66-20, N-710-20, ~~and~~ N-80-
20 20, N-03-21, and N-08-21, and as may be further extended by the Governor.

21 “Tier 1 Commercial Tenant” means a Covered Commercial Tenant that employs fewer
22 than 10 full-time equivalent (“FTE”) employees as of November 1, 2020.

23 “Tier 2 Commercial Tenant” means a Covered Commercial Tenant that employs
24 between 10 and 24 FTE employees, inclusive, as of November 1, 2020.

1 "Tier 3 Commercial Tenant" means a Covered Commercial Tenant that employs
2 between 25 and 49 FTE employees, inclusive, as of November 1, 2020.

3 "Tier 4 Commercial Tenant" means a Covered Commercial Tenant that employs
4 between 50 and 99 or more FTE employees, inclusive, as of November 1, 2020.

5 "Tier 5 Commercial Tenant" means a Covered Commercial Tenant that employs 100 or more
6 FTE employees as of November 1, 2020.

7
8 **SEC. 37C.3. TEMPORARY EVICTION PROTECTIONS.**

9 (a) If a Covered Commercial Tenant (1) fails to make a rent payment that originally fell
10 due during the Moratorium Period, and (2) was unable to pay the rent due to a Financial
11 Impact Related to COVID-19, then the landlord may not recover possession of the unit due to
12 the missed or delayed payment unless the rent remains unpaid after the end of the applicable
13 Forbearance Period, which shall be:

14 (1) For Tier 1 Covered Commercial Tenants, 24 months after expiration of the
15 Moratorium Period;

16 (2) For Tier 2 Covered Commercial Tenants, 18 months after the expiration of
17 the Moratorium Period;

18 (3) For Tier 3 Covered Commercial Tenants, 12 months after the expiration of
19 the Moratorium Period;

20 (4) For Tier 4 Covered Commercial Tenants, ~~upon~~ 6 months after expiration of
21 the Moratorium Period.

22 (5) For Tier 5 Covered Commercial Tenants, upon expiration of the Moratorium
23 Period.

24 (b) A Covered Commercial Tenant may pay rent deferred under the conditions stated
25 in subsection (a) in installments or in a lump sum prior to the expiration of the applicable

1 Forbearance Period; provided, however, that any payments made prior to the Forbearance
2 Period by Covered Commercial Tenants in Tiers 1-~~4~~3 shall first be applied to rents that come
3 due during the Forbearance Period, and then to unpaid rents that originally came due during
4 the Moratorium Period. Landlords and tenants are encouraged to negotiate agreements for
5 repayment plans in good faith. An agreement for repayment must be in writing and may
6 provide for a longer or shorter Forbearance Period than as set forth in subsection (a), subject
7 to the mutual agreement of the parties, in which case the agreement rather than this Chapter
8 37C shall govern the timing of the tenant's obligation to pay the deferred rent. The Office of
9 Economic and Workforce Development ("OEWD") is authorized to create incentive programs to
10 encourage landlords and tenants to agree to repayment plans, and may require proof of an agreement
11 for repayment or successful mediation in order to be eligible for participation in such programs.

12 * * * *

13 (d) Notwithstanding subsections (a) and (b), if the landlord owns less than 25,000
14 square feet of Gross Floor Area (as defined in Section 102 of the Planning Code) in the City,
15 then the eviction for non-payment may proceed before the applicable Forbearance Period
16 ends, if the landlord can demonstrate that being unable to evict would create a significant
17 financial hardship (for example, default on debt or similar enforceable obligation) for the
18 landlord. ~~The Office of Economic and Workforce Development ("OEWD")~~ shall have authority to
19 adopt regulations and develop and publish guidelines consistent with this Chapter 37C,
20 including forms and recommendations of the types of documentation that tenants may use to
21 show Financial Impact Related to COVID-19 or that landlords may use to show significant
22 financial hardship.

23
24 Section 2. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: /s/ Bradley A. Russi
14 BRADLEY A. RUSSI
15 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts]

Ordinance amending the Administrative Code to revise the eviction protections for commercial tenants related to unpaid rent due to financial impacts from the COVID-19 pandemic to create a six-month forbearance period for tenants with between 50 and 99 full-time employees, and to authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans.

Existing Law

Chapter 37C of the Administrative Code provides eviction protections for certain commercial tenants that have suffered financial hardships due to the COVID-19 pandemic. Commercial tenants covered by Chapter 37C are generally businesses with less than \$25 million in annual gross receipts, with the exception of for-profit businesses leasing space zoned for office use. Chapter 37C prohibits landlords from evicting covered commercial tenants for missed rent payments that fell due while paragraph 2 of the Governor's Executive Order N-28-20 is in effect (from March 17, 2020 until September 30, 2021, unless the Governor extends the expiration date further), if the tenant is unable to make the rent payment due to financial impacts related to the COVID-19 pandemic. Some covered commercial tenants are entitled to a forbearance period following termination of the Governor's Executive Order in order to catch up on past unpaid rent before a landlord can pursue eviction for the unpaid rent. The forbearance period depends on the number of full-time employees employed by the commercial tenant. Businesses with more than 49 full-time employees are not entitled to forbearance.

Amendments to Current Law

The proposed ordinance would amend Chapter 37C to provide a 6-month forbearance period for covered commercial tenants with between 50 and 99 full-time employees. The proposed ordinance would also authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans and to require proof of an agreement for repayment or successful mediation in order to be eligible for participation in such programs.

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.

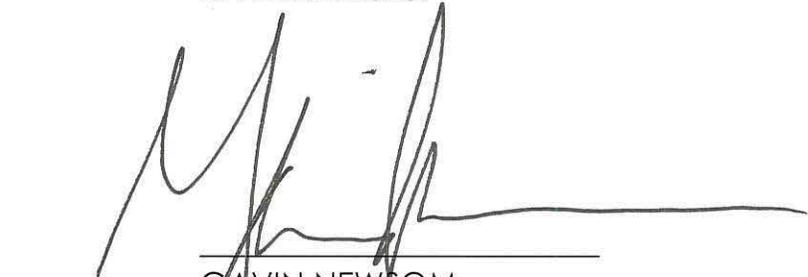
Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

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

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-66-20

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 the COVID-19 pandemic and the physical distancing measures implemented to combat it have affected governmental agencies, private businesses, and members of the public, with associated impacts on adherence to certain statutory and regulatory deadlines and other requirements; and

WHEREAS as a result of COVID-19, individuals seeking to obtain teacher credentials have been unable to meet certain credentialing requirements, and it is necessary to provide flexibility to minimize the impacts to these individuals and the State's supply of qualified teachers, while maintaining high teacher-credentialing standards; 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 rent, leaving them vulnerable to eviction, and also impacting owners reliant on rent; and

WHEREAS on April 16, 2020, the Department of Housing and Community Development issued guidance on relief options available to developers and property owners of Department-funded developments experiencing cash flow shortages due to decreased rental revenue as a result of COVID-19; and

WHEREAS certain projects and programs funded or administered through the Department of Housing and Community Development will continue to experience longer-term cash flow shortages as a result of COVID-19 and accordingly require continued and expanded administrative relief; and

WHEREAS said projects and programs funded or administered by or through the Department of Housing and Community Development serve essential public purposes such as promoting and maintaining affordable housing for Californians and assisting Californians experiencing or at risk of homelessness; and

WHEREAS the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act (Public Law 116-136) provides supplemental funding through the U.S. Department of Housing and Urban Development to the Department of Housing and Community Development's Emergency Solutions Grant and Community Development Block Grant programs to help cover higher anticipated costs and support administrative expenses related to actions to prevent, prepare for and respond to COVID-19; and

WHEREAS Public Law 116-136 additionally provides Community Development Block Grant recipients with new flexibilities with respect to the use of funding to support COVID-19 response; and

WHEREAS there remains an increased need for child care for families who may not have previously needed child care, or who may now require additional hours of child care; and

WHEREAS in light of the COVID-19 pandemic and stay-at-home order (issued via Executive Order N-33-20 on March 19, 2020), there remains an ongoing need to promote housing security and stability, and local jurisdictions may need to continue to take additional measures to protect public health and safety; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The requirement in Education Code sections 44225(a) and 44259(b)(3) and any accompanying regulations for preliminary multiple credential candidates and preliminary single subject credential candidates to complete the Teaching Performance Assessment (TPA) is suspended for candidates whose teacher preparation program verifies that, during the 2019-20 academic year, the candidate satisfies all of the following conditions:
 - (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
 - (ii) Was in the process of completing the TPA;
 - (iii) Was unable to complete the TPA due solely to school closures; and
 - (iv) Successfully completed all other preliminary teaching credential requirements.

Candidates for whom the TPA requirement is suspended pursuant to this Paragraph 3 must complete and pass a Commission-approved teaching performance assessment prior to being recommended for a clear teaching credential.

- 2) The requirement in California Code of Regulations, Title 5, section 80054(a)(2)(A) and (B) for preliminary administrative services credential candidates to complete the California Administrator Performance

Assessment (CalAPA) is suspended for candidates whose administrator preparation program verifies that, during the 2019-20 academic year, the candidate:

- (i) Was placed or employed in a local educational agency impacted by COVID-19 related school site closures;
- (ii) Was in the process of completing the CalAPA;
- (iii) Was unable to complete the CalAPA due solely to school closures; and
- (iv) Successfully completed all other preliminary administrative services credential requirements.

Candidates for whom the CalAPA requirement is suspended pursuant to this Paragraph 4 must complete and pass a Commission-approved administrator performance assessment prior to being recommended for a clear administrative services credential.

- 3) The requirements in Education Code sections 44283 and 44283.2, and California Code of Regulations, Title 5, sections 80048.3(a)(5), 80048.8, 80071.5(a)(5), and 80413(a)(4) for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete the Reading Instruction Competence Assessment (RICA) are suspended for candidates who, between March 19, 2020 and August 31, 2020, were or are unable to complete the RICA due to COVID-19 related testing center closures. Candidates for whom the RICA requirement is suspended pursuant to this Paragraph must complete and pass Commission-approved reading instruction competence assessment prior to being recommended for a clear credential.
- 4) The requirement in Education Code section 44252(f)(1) and any accompanying regulations for credential program applicants to complete the California Basic Educational Skills Test (CBEST) prior to admission to a Commission-approved credential program is suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are unable to complete the CBEST due to COVID-19 related testing center closures. Applicants for whom the CBEST requirement is suspended pursuant to this Paragraph must complete the CBEST during their program prior to recommendation for a preliminary credential. Any use of these applicants' CBEST scores by teacher preparation programs shall be consistent with Education Code section 44252(f).
- 5) The requirement in Education Code section 44453(a) and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination (CSET) prior to admission to a university intern credential program; and the requirement in Education Code section 44325(c)(3) and any accompanying regulations for applicants for a university or district intern credential to complete a CSET are suspended for applicants who, between March 19, 2020 and August 31, 2020, were or are

unable to complete the CSET due to COVID-19 related testing center closures. Applicants for whom the CSET requirement is suspended pursuant to this Paragraph must complete the CSET prior to being recommended for a preliminary credential. Additionally, notwithstanding the requirement in Education Code section 44326 that district interns teach only in the subject area for which they have met the subject matter requirement, district interns for whom the CSET requirement is suspended pursuant to this Paragraph may teach in the subject area for which they have enrolled.

- 6) Notwithstanding California Code of Regulations, Title 25, sections 7312(f), 8303, and 8309, the Department of Housing and Community Development shall implement financial and regulatory accommodations for projects adversely affected by the COVID-19 pandemic, including modifications to the rules regarding project reserves, in order to help maintain the projects' feasibility. Any standards and procedures developed to govern such financial and regulatory accommodations shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 7) The requirements specified in California Code of Regulations, Title 25, sections 8402, 8403(a), 8403(c), 8403(g), 8404, 8405, 8406, 8407, 8408, and 8410(a), governing the administration of the Emergency Solutions Grant Program, shall not apply to any funds allocated pursuant to Public Law 116-136. Within 10 days of this Order, the Department of Housing and Community Development shall develop and implement new streamlined procedures and conditions for the administration of such funds. The Department shall post such procedures and guidelines on its publicly accessible website. The development and implementation of such procedures and conditions shall be exempt from the Administrative Procedures Act (Chapter 3.5 of Part 1 of Title 2 of the Government Code).
- 8) Health and Safety Code sections 50827(a), 50828, 50833(a), and 50833(b), requiring set-asides for economic development and housing in the Community Development Block Grant Program, shall not apply to any funding allocated pursuant to Public Law 116-136 or to funding for the 2019 or 2020 federal fiscal years that is used to respond to the COVID-19 pandemic.
- 9) Paragraph 1 of Executive Order N-45-20 is withdrawn and superseded by the following text:

In order to facilitate the continued provision of child care during the COVID-19 outbreak, any provision in Articles 1 through 11, 12, 15.5 through 18, 20, and 21 of Chapter 2 of Part 6 of Division 1 of the Education Code and implementing regulations in Chapter 19 and 19.5 of Division 1 of Title 5, California Code of Regulations, that restricts a child care and development program impacted by COVID-19 from serving children of essential critical infrastructure workers, as described in the document posted at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> is suspended through June 30, 2020 (or, for families enrolled in non-

CalWORKS early learning and care services, for 60 days following the date of the child's enrollment pursuant to Paragraphs 2 and 3 of Executive Order N-47-20, whichever is longer), on the condition that services are provided consistent with an informal directive or bulletin issued by the State Superintendent of Public Instruction pursuant to SB 117 (Chapter 3, Statutes of 2020) and that costs associated with all services provided pursuant to the informal directive or bulletin are within the budget authority of the California Department of Education.

10) Paragraph 5 of Executive Order N-45-20 is withdrawn and superseded by the following text:

The requirements in Education Code section 8273 and any accompanying regulations or other written policies or procedures related to assessment of fees for families using preschool and child care and development services pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code are suspended through June 30, 2020.

11) The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

12) The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended for an additional 60 days from the date of this Order.

13) The timeframe set forth in Executive Order N-40-20, Paragraph 7, is extended for an additional 60 days from the date of this Order.

14) The timeframe set forth in Executive Order N-40-20, Paragraph 9, is extended for an additional 60 days from the date of this Order.

15) The timeframe set forth in Executive Order N-40-20, Paragraph 10, is extended for an additional 60 days from the date of this Order.

16) The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days from the date of this Order.

17) The timeframe set forth in Executive Order N-40-20, Paragraph 13, is extended for an additional 60 days from the date of this Order.

18) The timeframe set forth in Executive Order N-40-20, Paragraph 15, is extended for an additional 30 days from the date of this Order.

19) The timeframe set forth in Executive Order N-40-20, Paragraph 16, is extended for an additional 60 days from the date of this Order.

20) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, is extended for an additional 60 days from the date of this Order.

21) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2 is extended for an additional 60 days from the date of this Order.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of May 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-71-20

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 the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, schools, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Paragraph 4 of Executive Order N-26-20 is withdrawn and superseded by the following text:

For LEAs that initiate a school closure between March 13, 2020 and June 30, 2020 to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

- 2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, extended via Executive Order N-66-20, Paragraph 20, is hereby extended through September 30, 2020.

3) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, is hereby extended through September 30, 2020.

4) Paragraph 1 of Executive Order N-29-20 is withdrawn and superseded by the following text:

As to individuals currently eligible for benefits under Medi-Cal, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including, but not limited, to California Code of Regulations, Title 22, section 50189(a), that would require redetermination of such benefits is suspended. This Order shall be construed to be consistent with applicable federal laws, including, but not limited, to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of otherwise-applicable Medicaid time limits in emergency situations.

5) Paragraph 3 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The deadline specified in Government Code section 1774(c), related to the Senate's confirmation of an individual appointed or reappointed by the Governor to an office, is extended for a period of 90 days. Additionally, the deadlines specified in Government Code section 1774(a), related to the Governor's reappointment of an incumbent to an office, and Government Code section 1774(b), related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, and which were extended via Executive Order N-35-20, are further extended for a period of 60 days.

6) Paragraph 10 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The timeframes set forth in Executive Order N-35-20, Paragraph 11, are extended by an additional 60 days.

7) The timeframe set forth in Executive Order N-35-20, Paragraph 12, as extended via Executive Order N-65-20, paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

8) The timeframe set forth in Executive Order N-39-20, Paragraph 8, as extended via Executive Order N-69-20, Paragraph 2, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

9) Paragraph 11 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended by an additional 60 days.

- 10) Paragraph 12 of Executive Order N-66-20 is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended by an additional 60 days.

- 11) The timeframe set forth in Executive Order N-40-20, Paragraph 7, as extended via Executive Order N-66-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 12) The timeframe set forth in Executive Order N-40-20, Paragraph 9, as extended via Executive Order N-66-20, Paragraph 14, is hereby extended through August 27, 2020.

- 13) Paragraph 10 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 15, is hereby withdrawn and superseded by the following text:

The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19876, 19877, 19912(a)(1)(B), and any accompanying regulations; the deadlines for submission and processing of any renewal application or related fee, as specified in Business and Professions Code sections 19868, 19876, 19877, 19942, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, as specified in section 12313 of Title 4 of the California Code of Regulations; and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19824, 19870, and 19912, are extended for an additional 60 days for any card room or third-party provider of proposition player service that suspended operations due to the proclaimed emergency.

- 14) Paragraph 16 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days.

- 15) Paragraph 13 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 17, is withdrawn and superseded by the following text:

In order to limit the need for in-person transactions at Department of Motor Vehicle offices and thereby facilitate adherence to physical distancing guidelines, the prohibition in Vehicle Code section 12814.5(e) against renewals by mail of driver's licenses and the

requirements in Vehicle Code section 13002.1(b) for in-person renewals of identification cards, and any accompanying regulations, are waived. This waiver shall be in effect until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 16) Paragraph 18 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 15, is hereby extended by 30 days.

- 17) Paragraph 19 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 16, is hereby extended for 30 days.

- 18) Paragraph 1 of Executive Order N-47-20, as extended via Executive Order N-68-20, Paragraph 10, is, effective August 4, 2020, withdrawn and superseded by the following text:

The provisions of Welfare and Institutions Code sections 12301.1, 12301.2, and 12309 are suspended to the extent necessary to permit in-home initial assessments of IHSS applicants who have known exposure to, present symptoms of, or test positive for COVID-19 to be conducted by video-conferencing, to the extent permitted under federal law.

- 19) The timeframe set forth in Executive Order N-52-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 3, is hereby extended until December 31, 2020.

- 20) The timeframe set forth in Executive Order N-52-20, Paragraph 2 as extended via Executive Order N-69-20, Paragraph 4, is hereby extended until December 31, 2020.

- 21) The timeframe set forth in Executive Order N-52-20, Paragraph 3 as extended via Executive Order N-69-20, Paragraph 5, is hereby extended until December 31, 2020.

- 22) Paragraph 9 of Executive Order N-52-20 is withdrawn and superseded by the following text:

Consistent with the Federal Motor Carrier Safety Administration's Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, and Interstate Drivers Operating Commercial Motor Vehicles, which was issued on March 24, 2020, and which waives certain federal regulations concerning the validity of commercial driver licenses and permits and the status of medical certifications held by the holders of commercial driver licenses and permits, the timeframes set forth in Vehicle Code section 12804.9(c), and accompanying regulations, pertaining to possessing a valid medical certificate in order to maintain a valid commercial driver license or certificate, are waived. This waiver shall apply to holders of current

commercial driver's licenses or certificates, whose required medical certificate has or will expire on or after March 4, 2020, and shall remain in effect for the duration of the Federal Motor Carrier Safety Administration Waiver in Response to the COVID-19 National Emergency and any subsequently issued Federal Motor Carrier Safety Administration waiver granting the same relief.

- 23) Paragraph 1 of Executive Order N-53-20, as extended via Executive Order N-68-20, Paragraph 11, is withdrawn and superseded by the following text:

To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements.

- 24) Paragraph 8 of Executive Order N-69-20, which modified and replaced Paragraph 8 of Executive Order N-53-20, is withdrawn and superseded by the following text:

State extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as required by Welfare and Institutions Code sections 388, 388.1, 11400, and 11403 and accompanying rules or regulations, are suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. In addition, to ensure effective transitions for nonminor dependents, the maximum age criteria for state foster care eligibility for nonminor dependents who turn 21 on or after April 17, 2020, as required by Welfare and Institutions Code sections 11400 and 11403 and accompanying rules or regulations, is suspended through June 30, 2020.

- 25) Paragraph 10 of Executive Order N-53-20, as extended via Executive Order N-69-20, Paragraph 9, is withdrawn and superseded by the following text:

Physical, in-person, face-to-face visitation requirements contained in Section 11405 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

- 26) The timeframe set forth in Executive Order N-53-20, Paragraph 11, as extended via Executive Order N-68-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 27) The timeframe set forth in Executive Order N-53-20, Paragraph 12, as extended via Executive Order N-69-20, Paragraph 10, is hereby

extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 28) The timeframe set forth in Executive Order N-53-20, Paragraph 13, as extended via Executive Order N-69-20, Paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 29) The provisions of Executive Order N-58-20 are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 30) The timeframe set forth in Executive Order N-59-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 31) The timeframe set forth in Executive Order N-59-20, Paragraph 2, as extended via Executive Order N-69-20, Paragraph 14, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 32) The timeframe set forth in Executive Order N-59-20, Paragraph 3, as extended via Executive Order N-69-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 33) The timeframe set forth in Executive Order N-59-20, Paragraph 4, as extended via Executive Order N-69-20, Paragraph 16, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 34) The timeframe set forth in Executive Order N-63-20, Paragraph 6, is extended by 120 days.
- 35) The timeframe set forth in Executive Order N-65-20, Paragraph 5, is extended by an additional 60 days.
- 36) The provisions of Executive Order N-63-20, Paragraph 15, are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 37) Executive Order N-63-20, Paragraphs 8(g) (as modified by Executive Order N-68-30, paragraph 3), 8(h), 8(i), and 8(j), shall become inoperative on August 29, 2020.
- 38) Executive Order N-68-20, Paragraphs 4(i) and 4(ii), shall become inoperative on August 29, 2020.
- 39) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(a), 9(c), and 9(d) of Executive Order N-63-20, including as previously extended, are hereby suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

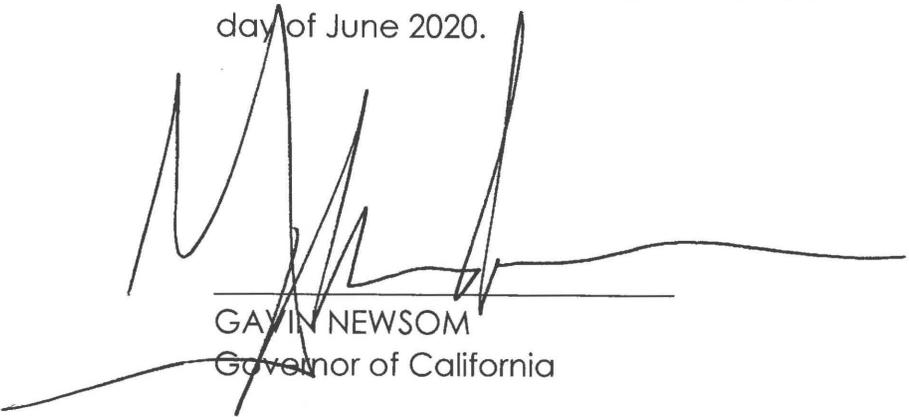
40) The timeframe set forth in Executive Order N-63-20, Paragraph 8(a), is modified so that the deadlines extend for up to 120 days.

41) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(b) and 9(e) of Executive Order N-63-20, and which were not previously extended, shall be extended for a period of 15 days.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of June 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-80-20

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 the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

WHEREAS local health officers and other public health officials protecting public health during the COVID-19 pandemic have been subject to threats and other harassment, including threats and harassment targeted at their places of residence, which threatens to chill the performance of their critical duties; and

WHEREAS many businesses have suffered financial hardship as a result of the COVID-19 pandemic, undermining their ability to pay rent and other expenses that have become due; and

WHEREAS numerous local jurisdictions have determined that promoting stability amongst commercial tenancies is necessary to mitigate the economic impacts of COVID-19 and 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; and

WHEREAS the circumstances warranting these protections continue to exist, and are expected to continue to exist; and

WHEREAS due to the COVID-19 pandemic, it may be impossible or impracticable for lead agencies, responsible agencies, and project applicants to adhere to certain public filing and notice requirements under the California Environmental Quality Act; and

WHEREAS the COVID-19 pandemic has had serious economic and other impacts on health care providers in California, and maintaining a robust system of health care providers is an essential part of preserving public health; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Notwithstanding any contrary provision of Title 1, Division 7, Chapter 3.1 of the Government Code, or any other provision of law, the Secretary of State may establish procedures to allow local health officers and other public health officials (as determined by the Secretary of State) to participate in the address-confidentiality program described in that chapter and Title 2, Division 7, Chapter 11 of the California Code of Regulations (the "Safe at Home Confidential Address Program"). The establishment of these procedures shall not be subject to the Administrative Procedure Act.
- 2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, and Executive Order N-71-20, Paragraph 3, is hereby extended through March 31, 2021, with respect to commercial evictions only.
- 3) The requirements in Corporations Code sections 20 and 600 to request and receive the consent of shareholders for meetings of shareholders to be held by electronic transmission or by electronic video screen communication are suspended as to meetings taking place after June 30, 2020.

In the event that any corporation holds a shareholder meeting by electronic transmission or by electronic video screen communication under the suspension in this Paragraph, the corporation shall afford a "reasonable opportunity to participate in the meeting" under Corporations Code section 600, subd. (e), by:

- (i) Not imposing unreasonable obligations on shareholders seeking to participate in the shareholder meeting; and
 - (ii) Providing shareholders, as closely as reasonably possible, an opportunity to participate equivalent to the ability of in-person attendees at the corporation's last in-person meeting, including any ability to vote, ask questions, be heard by other shareholders, or advance proposals. In addition, if such a meeting considers any significant business transaction, controversial proposal, counter-solicitation, or other matter of a sort not considered at the last in-person meeting, the corporation shall provide as closely as reasonably possible an equivalent ability to participate as in-person attendees at the last in-person meeting to consider such a matter.
- 4) Notwithstanding the one-year period set forth in Health and Safety Code section 11362.745(a), identification cards issued under Health and Safety Code section 11362.71 (concerning identification cards for persons authorized to engage in the medical use of cannabis and their

designated primary caregivers) that would otherwise have expired on or after March 4, 2020 shall be valid through and including December 31, 2020.

- 5) The Director of the Department of Alcoholic Beverage Control shall have the authority to suspend, for a period of up to 30 days, the deadlines for renewing licenses upon payment of annual fees, as specified in Business and Professions Code section 24048. This authorization shall extend through December 31, 2020, and the Director shall consider funding availability in determining whether to exercise this discretion. Nothing in this paragraph shall have any impact upon relief granted pursuant to Executive Order N-40-20, Paragraph 9, and Executive Order N-66-20, Paragraph 14.
- 6) The provisions of Paragraph 8 of Executive Order N-54-20— conditionally suspending (subject to the conditions set forth in subparagraphs (a)–(c) of that paragraph) certain public filing, posting, notice, and public access requirements for projects undergoing, or deemed exempt from, California Environmental Quality Act review— are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. A lead agency, responsible agency, or project applicant that complies with the conditions set forth in subparagraphs (a)–(c) of Paragraph 8 of Executive Order N-54-20 shall be deemed to have fully satisfied any applicable requirements for public filing, posting, notice, and public access set forth in Public Resources Code sections 21092.3 and 21152, as well as California Code of Regulations, Title 14, sections 15062(c)(2) and (c)(4); 15072(d); 15075 (a), (d), and (e); 15087(d); and 15094(a), (d), and (e).

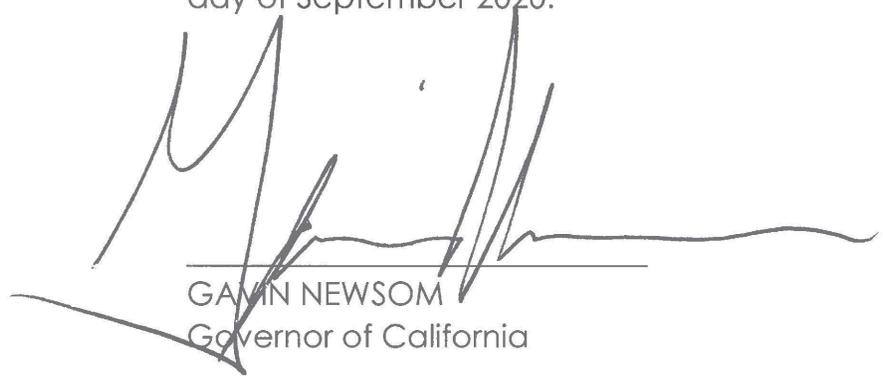
Nothing in this Paragraph 6 or in Paragraph 8 of Executive Order N-54-20 shall be construed to limit a lead agency's, responsible agency's, or project applicant's ability to satisfy applicable requirements for public filing, posting, notice, and public access by complying with the laws conditionally suspended by Paragraph 8 of Executive Order N-54-20. A lead agency, responsible agency, or project applicant that is able to comply with those laws (and that therefore need not avail itself of the conditional suspension set forth in Paragraph 8 of Executive Order N-54-20) may do so without further satisfying the conditions set forth in subparagraphs (a)–(c) of Paragraph 8 of Executive Order N-54-20.

- 7) The Department of Managed Health Care is authorized to take action to assess the impacts of the COVID-19 pandemic on health care providers and health care service plans (including, but not limited to, dental and other specialized plans) in California, including by establishing procedures to require health care service plans to furnish information related to that subject. Action taken pursuant to this Paragraph 7 shall not be subject to the Administrative Procedure Act.
- 8) As to appointments made prior to the date of this Order, the deadline specified in Government Code section 1774(b) is extended for 30 days from the date of this Order.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-03-21

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 the Legislature has declared its intent to protect residents from price gouging during states of emergency, and has enacted statutes consistent with that purpose, including by strengthening existing statutory protections against price gouging through new legislation enacted during the State of Emergency proclaimed in response to COVID-19; and

WHEREAS consistent with these statutory enactments and Legislative intent, the March 4, 2020 Proclamation of a State of Emergency triggered certain protections against price gouging set forth in Penal Code 396, and Executive Orders issued pursuant to the Emergency Services Act (including Executive Orders N-44-20 and N-78-20) have further implemented protections against price gouging; and

WHEREAS the State does not intend to keep these protections in place longer than necessary under the circumstances of the emergency, and it now appears that ordinary market mechanisms may be sufficient to ensure Californians' access to many necessary goods and services; and

WHEREAS to combat the spread of COVID-19, it nevertheless remains essential to ensure that all Californians maintain uninterrupted access, on reasonable terms, to medical supplies and emergency supplies; and

WHEREAS nothing in this Order should be construed to limit the State's ability to re-impose protections against price gouging as to other categories of goods and services, and the State reserves the right to re-impose such protections if conditions warrant; and

WHEREAS in addition to protections against price gouging provided by state law, numerous local jurisdictions have determined that promoting stability amongst commercial tenancies is necessary to mitigate the impacts of COVID-19, and have therefore enacted restrictions on evictions related to commercial tenancies; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, 8627, and 8665, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) As applied to emergency supplies and medical supplies, the waiver of the time limitations set forth in Penal Code section 396, subdivision (b) (as set forth in Paragraph 4 of the March 4, 2020 Proclamation of a State of Emergency and Paragraph 1 of Executive Order N-44-20, and as extended by Executive Order N-78-20) is further extended such that, as applied to emergency supplies and medical supplies, the prohibitions against price gouging set forth in that subdivision shall remain in effect through September 4, 2021.

This Paragraph 1 does not extend those prohibitions as to any categories of goods or services other than emergency supplies and medical supplies.

- 2) As applied to emergency supplies and medical supplies, the prohibitions set forth in Paragraphs 2 and 3 of Executive Order N-44-20 (and extended by Paragraph 2 of Executive Order N-78-20), prohibiting certain sales and offers of sale, are extended to prohibit such sales and offers of sale (as applied to emergency supplies and medical supplies) through September 4, 2021.

Consistent with Paragraph 2 of Executive Order N-78-20, this Paragraph 2 extends the duration of Paragraphs 2 and 3 of Executive Order N-44-20 (as extended by Paragraph 2 of Executive Order N-78-20) as applied to emergency supplies and medical supplies; it does not otherwise alter the scope of conduct prohibited by those paragraphs.

This Paragraph 2 does not extend the duration of Paragraphs 2 and 3 of Executive Order N-44-20 as to any categories of goods or services other than emergency supplies and medical supplies.

- 3) As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through June 30, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-08-21

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 since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

1) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 11;
- c. Paragraph 12; and
- d. Paragraph 13.

2) Executive Order N-25-20:

- a. Paragraph 1; and
- b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

3) Executive Order N-26-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3;
- d. Paragraph 5;
- e. Paragraph 6; and
- f. Paragraph 7.

4) Executive Order N-27-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

5) Executive Order N-28-20:

- a. Paragraph 3; and
- b. Paragraph 6.

6) Executive Order N-31-20:

- a. Paragraph 1; and
- b. Paragraph 2.

7) Executive Order N-35-20:

- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 4;
- c. Paragraph 6. To the extent the Director exercised their authority pursuant to this provision on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
 - e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.
- 8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.
- 9) Executive Order N-39-20:
- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
 - b. Paragraph 4; and
 - c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.
- 10) Executive Order N-40-20:
- a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
 - b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
 - c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
 - d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;
 - e. Paragraph 16;
 - f. Paragraph 17; and
 - g. Paragraph 20.
- 11) Executive Order N-45-20:
- a. Paragraph 4;
 - b. Paragraph 8;
 - c. Paragraph 9; and

d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

- a. Paragraph 1; and
- b. Paragraph 2.

13) Executive Order N-47-20:

- a. Paragraph 2; and
- b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

- a. Paragraph 1;
- b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
- c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

- a. Paragraph 6;
- b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
- c. Paragraph 14; and
- d. Paragraph 16.

18) Executive Order N-53-20:

- a. Paragraph 3;
- b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
- c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing the expiration of registration of vehicles previously registered in a foreign jurisdiction falls on or before June 30, 2021, the deadline is extended pursuant to the aforementioned orders.

20) Executive Order N-55-20:

- a. Paragraph 1. Statutory deadlines related to cost reports, change in scope of service requests, and reconciliation requests occurring on

or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order;

- b. Paragraph 4;
- c. Paragraph 5;
- d. Paragraph 6;
- e. Paragraph 8;
- f. Paragraph 9;
- g. Paragraph 10;
- h. Paragraph 13;
- i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
- j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

21) Executive Order N-56-20:

- a. Paragraph 1;
- b. Paragraph 6;
- c. Paragraph 7;
- d. Paragraph 8;
- e. Paragraph 9; and
- f. Paragraph 11.

22) Executive Order N-59-20, Paragraph 6.

23) Executive Order N-61-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 4.

24) Executive Order N-63-20:

- a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
- b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network applications or requests for modifications or reapprovals falls on or before June 30, 2021 absent the extension in the aforementioned order, it shall remain subject to the extended timeframe;
- c. Paragraph 8(e). To the extent filing deadlines for a Return-to-Work Supplement appeal and any reply or responsive papers fall on or before June 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe;
- d. Paragraph 9(a) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for the Labor Commissioner to

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

- e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
- f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
- i. Paragraph 10;
- j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
- k. Paragraph 13;
- l. Paragraph 14; and
- m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

- a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4, 2020 and June 30, 2021 shall expire on December 31, 2021; and
- b. Paragraph 7.

26) Executive Order N-66-20:

- a. Paragraph 3;
- b. Paragraph 4; and
- c. Paragraph 5.

27) Executive Order N-68-20:

- a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
- b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

- a. Paragraph 1;
- b. Paragraph 4;
- c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
- d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

- a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
- b. Paragraph 8;
- c. Paragraph 9;
- d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
- e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

- a. Paragraph 1; and
- b. Paragraph 2.

33) Executive Order N-83-20:

- a. Paragraph 3. To the extent the Director of the Department of Alcoholic Beverage Control suspends deadlines for renewing licenses upon payment of annual fees on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
- c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
- d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 5.

The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

- a. Paragraph 5; and
- b. Paragraph 6

The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

39) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 3; and
- b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 4.

41) Executive Order N-28-20:

- a. Paragraph 4; and
- b. Paragraph 5.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2; and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

46) Executive Order N-40-20:

- a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
- b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

- a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
- b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

- a. Paragraph 2;
- b. Paragraph 3;
- c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
- d. Paragraph 11; and
- e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).

53) Executive Order N-58-20 (as extended by N-71-20, Paragraph 29).

54) Executive Order N-59-20:

- a. Paragraph 1. The sworn statement or verbal attestation of pregnancy must be submitted on or before September 30, 2021 and medical verification of pregnancy must be submitted within 30

working days following submittal of the sworn statement or verbal attestation for benefits to continue;

- b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
- c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
- d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

- a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
- b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

- a. Paragraph 15;
- b. Paragraph 22; and
- c. Paragraph 23.

58) Executive Order N-75-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 4.

59) Executive Order N-80-20:

- a. Paragraph 3; and
- b. Paragraph 7.

60) Executive Order N-83-20

- a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for submission of any application or deposit fee, as specified in Business and Professions Code sections 19951 (a), 19867, 19868, 19876, 19877, 19942, 19984, and any accompanying regulations is no later than September 30, 2021, or per existing requirements, whichever date is later.

- b. Paragraph 4.

61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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MEMORANDUM

TO: Robert Collins, Executive Director, Rent Board
Kate Sofis, Director, Office of Economic and Workforce Development
Rich Hillis, Director, Planning Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 6, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on June 29, 2021:

File No. 210762

Ordinance amending the Administrative Code to revise the eviction protections for commercial tenants related to unpaid rent due to financial impacts from the COVID-19 pandemic to create a six-month forbearance period for tenants with between 50 and 99 full-time employees, and to authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Eugene Flannery, Mayor's Office of Housing and Community Development
J'Wel Vaughan, Office of Economic and Workforce Development
Anne Taupier, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
Scott Sanchez, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
Adam Varat, Planning Department
AnMarie Rodgers, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department

1 [Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19
2 Financial Impacts]

3 **Ordinance amending the Administrative Code to revise the eviction protections for**
4 **commercial tenants related to unpaid rent due to financial impacts from the COVID-19**
5 **pandemic to create a six-month forbearance period for tenants with between 50 and 99**
6 **full-time employees, and to authorize the Office of Economic and Workforce**
7 **Development to create incentive programs to encourage landlords and tenants to agree**
8 **to repayment plans.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Administrative Code is hereby amended by revising Sections 37C.1,
18 37C.2, and 37C.3 to read as follows:

19 **SEC. 37C.1. PURPOSE AND FINDINGS.**

20 (a) The City and County of San Francisco is facing an unprecedented public health
21 and economic crisis due to the COVID-19 pandemic. The Mayor declared a state of
22 emergency on February 25, 2020, and on March 16, 2020, the Governor issued Executive
23 Order N-28-20 (E.O. N-28-20), which found that the COVID-19 pandemic is having severe
24 impacts throughout the State, and which recognized that local jurisdictions must take
25 measures based on their particular needs to prevent displacements and to protect public
health and mitigate the economic effects of the pandemic. Paragraph 2 of E.O. N-28-20

1 initially allowed local governments to enact measures to protect commercial tenants impacted
2 by COVID-19 from being evicted due to non-payment through May 31, 2020. Through a series
3 of follow-up orders (Executive Orders N-66-20, N-710-20, N-80-20, N-03-21, and most recently
4 Executive Order N-~~08-21~~N-03-21), the Governor has ordered that the protections of paragraph
5 2 of E.O. N-28-20 will remain in effect through September 30, ~~June 30,~~ 2021, unless the
6 Governor orders otherwise.

7 * * * *

8 (e) The protections of this Chapter 37C shall only apply to rent payments that came
9 due between March 16, 2020 and September 30, ~~June 30,~~ 2021, inclusive (or if the Governor
10 extends the effective period of paragraph 2 of E.O. N-28-20 past September 30, ~~June 30,~~ 2021,
11 through the date of extension).

12
13 **SEC. 37C.2. DEFINITIONS.**

14 * * * *

15 “Forbearance Period” means the time period by which a Covered Commercial Tenant
16 that was unable to pay rent due to a Financial Impact Related to COVID-19 must pay the rent,
17 as set forth in Section 37C.3(a)(1)-(54).

18 “Moratorium Period” means the period from March 16, 2020 until the expiration of
19 paragraph 2 of E.O. N-28-20, as extended by Executive Orders N-66-20, N-710-20, ~~and~~ N-80-
20 20, N-03-21, and N-08-21, and as may be further extended by the Governor.

21 “Tier 1 Commercial Tenant” means a Covered Commercial Tenant that employs fewer
22 than 10 full-time equivalent (“FTE”) employees as of November 1, 2020.

23 “Tier 2 Commercial Tenant” means a Covered Commercial Tenant that employs
24 between 10 and 24 FTE employees, inclusive, as of November 1, 2020.

1 "Tier 3 Commercial Tenant" means a Covered Commercial Tenant that employs
2 between 25 and 49 FTE employees, inclusive, as of November 1, 2020.

3 "Tier 4 Commercial Tenant" means a Covered Commercial Tenant that employs
4 between 50 and 99 or more FTE employees, inclusive, as of November 1, 2020.

5 "Tier 5 Commercial Tenant" means a Covered Commercial Tenant that employs 100 or more
6 FTE employees as of November 1, 2020.

7
8 **SEC. 37C.3. TEMPORARY EVICTION PROTECTIONS.**

9 (a) If a Covered Commercial Tenant (1) fails to make a rent payment that originally fell
10 due during the Moratorium Period, and (2) was unable to pay the rent due to a Financial
11 Impact Related to COVID-19, then the landlord may not recover possession of the unit due to
12 the missed or delayed payment unless the rent remains unpaid after the end of the applicable
13 Forbearance Period, which shall be:

14 (1) For Tier 1 Covered Commercial Tenants, 24 months after expiration of the
15 Moratorium Period;

16 (2) For Tier 2 Covered Commercial Tenants, 18 months after the expiration of
17 the Moratorium Period;

18 (3) For Tier 3 Covered Commercial Tenants, 12 months after the expiration of
19 the Moratorium Period;

20 (4) For Tier 4 Covered Commercial Tenants, ~~upon~~ 6 months after expiration of
21 the Moratorium Period.

22 (5) For Tier 5 Covered Commercial Tenants, upon expiration of the Moratorium
23 Period.

24 (b) A Covered Commercial Tenant may pay rent deferred under the conditions stated
25 in subsection (a) in installments or in a lump sum prior to the expiration of the applicable

1 Forbearance Period; provided, however, that any payments made prior to the Forbearance
2 Period by Covered Commercial Tenants in Tiers 1-~~4~~3 shall first be applied to rents that come
3 due during the Forbearance Period, and then to unpaid rents that originally came due during
4 the Moratorium Period. Landlords and tenants are encouraged to negotiate agreements for
5 repayment plans in good faith. An agreement for repayment must be in writing and may
6 provide for a longer or shorter Forbearance Period than as set forth in subsection (a), subject
7 to the mutual agreement of the parties, in which case the agreement rather than this Chapter
8 37C shall govern the timing of the tenant's obligation to pay the deferred rent. The Office of
9 Economic and Workforce Development ("OEWD") is authorized to create incentive programs to
10 encourage landlords and tenants to agree to repayment plans, and may require proof of an agreement
11 for repayment or successful mediation in order to be eligible for participation in such programs.

12 * * * *

13 (d) Notwithstanding subsections (a) and (b), if the landlord owns less than 25,000
14 square feet of Gross Floor Area (as defined in Section 102 of the Planning Code) in the City,
15 then the eviction for non-payment may proceed before the applicable Forbearance Period
16 ends, if the landlord can demonstrate that being unable to evict would create a significant
17 financial hardship (for example, default on debt or similar enforceable obligation) for the
18 landlord. ~~The Office of Economic and Workforce Development ("OEWD")~~ shall have authority to
19 adopt regulations and develop and publish guidelines consistent with this Chapter 37C,
20 including forms and recommendations of the types of documentation that tenants may use to
21 show Financial Impact Related to COVID-19 or that landlords may use to show significant
22 financial hardship.

23
24 Section 2. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: /s/ Bradley A. Russi
14 BRADLEY A. RUSSI
15 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts]

Ordinance amending the Administrative Code to revise the eviction protections for commercial tenants related to unpaid rent due to financial impacts from the COVID-19 pandemic to create a six-month forbearance period for tenants with between 50 and 99 full-time employees, and to authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans.

Existing Law

Chapter 37C of the Administrative Code provides eviction protections for certain commercial tenants that have suffered financial hardships due to the COVID-19 pandemic. Commercial tenants covered by Chapter 37C are generally businesses with less than \$25 million in annual gross receipts, with the exception of for-profit businesses leasing space zoned for office use. Chapter 37C prohibits landlords from evicting covered commercial tenants for missed rent payments that fell due while paragraph 2 of the Governor's Executive Order N-28-20 is in effect (from March 17, 2020 until September 30, 2021, unless the Governor extends the expiration date further), if the tenant is unable to make the rent payment due to financial impacts related to the COVID-19 pandemic. Some covered commercial tenants are entitled to a forbearance period following termination of the Governor's Executive Order in order to catch up on past unpaid rent before a landlord can pursue eviction for the unpaid rent. The forbearance period depends on the number of full-time employees employed by the commercial tenant. Businesses with more than 49 full-time employees are not entitled to forbearance.

Amendments to Current Law

The proposed ordinance would amend Chapter 37C to provide a 6-month forbearance period for covered commercial tenants with between 50 and 99 full-time employees. The proposed ordinance would also authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans and to require proof of an agreement for repayment or successful mediation in order to be eligible for participation in such programs.

President, District 10
BOARD of SUPERVISORS



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Shamann Walton

PRESIDENTIAL ACTION

Date: 7/15/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

210762

Safai

(Primary Sponsor)

Title.

Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts

Transferring (Board Rule No 3.3)

File No.

210762

Safai

(Primary Sponsor)

Title.

Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts

From: Land Use & Transportation

Committee

To: Budget & Finance

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

From: [Egan, Ted \(CON\)](#)
To: [Wong, Linda \(BOS\)](#)
Cc: [Khan, Asim \(CON\)](#)
Subject: RE: File No. 210762 - Economic Impact
Date: Friday, July 23, 2021 9:11:42 AM

Thank you Linda – the matter does not have material economic impact, and we will not be filing a report on it.

Ted Egan, Ph.D., Chief Economist
Office of the Controller
City and County of San Francisco
City Hall, Room 316
San Francisco, CA 94102

From: Wong, Linda (BOS) <linda.wong@sfgov.org>
Sent: Thursday, July 22, 2021 12:16 PM
To: Egan, Ted (CON) <ted.egan@sfgov.org>
Cc: Khan, Asim (CON) <asim.khan@sfgov.org>
Subject: File No. 210762 - Economic Impact

Hi Ted,

The following file is tentatively scheduled to be heard by the Budget and Finance Committee at its meeting on July 28, 2021:

- File No. 210762 - Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts

Could you please confirm if your office will be providing an Economic Impact Report on this matter?

Thank you in advance,

Linda Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
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Phone: 415.554.7719 | Fax: (415) 554-5163
Linda.Wong@sfgov.org | www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Safai

Subject:

Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts

The text is listed:

Ordinance amending the Administrative Code to revise the eviction protections for commercial tenants related to unpaid rent due to financial impacts from the COVID-19 pandemic to create a six-month forbearance period for tenants with between 50 and 99 full-time employees, and to authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

From: [Richard Hashimoto](#)
To: [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: Land Use & Transportation Committee Meeting
Date: Monday, July 19, 2021 9:35:15 AM
Attachments: [20210719092912237.pdf](#)

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Dear Supervisors,

Please find attached my letter urging your support for **Item 210762** on today's agenda for the referenced meeting.

If you have any questions, please do not hesitate to contact me.

Thank you,
Rich Hashimoto
President
Japantown Merchants Association



July 19, 2021

SF Board of Supervisors
Land Use and Transportation Committee
Supervisors Myrna Melgar, Chair
Dean Preston
Aaron Peskin

Via Email: Erica.Major@sfgov.org

Dear Supervisors

On behalf of the Japantown Merchants Association, I would like to take this opportunity to thank you for taking an important leadership role to introduce legislation in proposing amendments to the SF Administrative Code to support our small businesses.

I can personally tell you that our small businesses in Japantown suffered enormous economic losses during the last 18 months of uncertainty due to the COVID-19 pandemic. Sadly, some of our most long-standing and treasured businesses were forced to permanently shut their doors especially those inside the Japan Center malls that could not open even after attempting for curbside service.

Your positive vote today will allow the remaining businesses who have suffered the longest closures to be able to start up again without the tremendous financial burden of past rent debt they are required to pay because of the forced shutdown and provide the hope they need to remain in business.

Thank you for realizing that it is important to step up to help our struggling businesses. With your utmost support, Japantown will be able to survive this unprecedented challenge and remain a vital Cultural District.

Sincerely,

Richard Hashimoto
President
Japantown Merchants Association

cc: Erica Major