March 26, 2020

Submitted via Electronic Mail
Attn: Kern County Supervisors
Supervisor Mick Gleason <district1@kerncounty.com>
Supervisor Zack Scrivner <district2@kerncounty.com>
Supervisor Mike Maggard <district3@kerncounty.com>
Supervisor David Couch <district4@kerncounty.com>
Supervisor Leticia Perez, Chair <district5@kerncounty.com>
Attn: Kern County Sheriff <sheriff@kernsheriff.org>

1115 Truxtun Avenue, 5th floor
RE: Actions Necessary to Protect Housing Stability, Public Health, and Local Democracy

Dear Kern County Supervisors and Sheriff:

As you are aware, we sent a letter on March 18, 2020 urging you to take action to protect Kern County residents during the COVID-19 pandemic. While COVID-19 cases spread throughout the United States and across the world, Kern County must consider and prioritize measures to protect the housing and economic stability for its residents, especially the most vulnerable among us. Bold, decisive and swift action to ensure that residents are able to remain in their homes during this time is necessary to minimize the spread of the virus, protect public health, and avoid potentially long-lasting and devastating consequences of the pandemic. We, the undersigned organizations, which collectively work alongside thousands of Kern County residents, urge you to take immediate action at the March 31, 2020 Board of Supervisors meeting to adopt the recommendations outlined below.

On Monday, March 16th, Governor Gavin Newsom issued Executive Order N-28-20 acknowledging the authority of local governments to enact various measures to protect the housing stability of renters and homeowners across the state and encouraged local governments to act. We call upon you now to not just meet but to exceed the Governor’s call to action by adopting unprecedented measures to protect residents, reduce physical and social dislocation, and promote public health during these extraordinary times.

Kern County residents have struggled to pay their rent or their mortgage and remain in their homes long before this current crisis, with upwards of 40% of all residents in many of our counties paying unaffordable rents and mortgage rates. Low-income residents and renters are the most burdened, with majorities of low-income Central Valley households paying over half of their income on housing each month. For these residents who already struggle to meet their housing costs in a normal month, the myriad of financial impacts of the coronavirus pandemic will simply make it impossible for many of these individuals and families to stay in their homes without robust protective measures in place.

And, unfortunately, we expect that an eviction crisis would be immediate and extensive. Our preliminary analysis of evictions in Kern County reveals that thousands of Unlawful Detainer (UD) lawsuits are filed annually (avg. of 4,602 annually from 2007-2017). These figures do not reflect the thousands of informal evictions that are not captured through court records. During

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1 See attached Kern County Eviction Research Brief for more housing statistics.
the 2008 economic recession, UD filings increased dramatically peaking in 2009 with a 1,200 increase. Trend data shows that the increase in filings remained above pre-recession figures until 2015, which means that while we are still in the outbreak phase of the pandemic, the ripple effect may be long-lasting, especially for the most vulnerable residents. In his press conference yesterday, Governor Newsom shared that California passed the 1 million mark in unemployment claims filed since March 13, 2020. The bottom line, our research reveals that the COVID-19 pandemic will exacerbate an already existing crisis if elected leaders do not take bold and unprecedented action immediately. Without your swift and decisive action, this pandemic risks entrenching and compounding the housing crisis in the Central Valley and deepening existing inequities in housing opportunity, possibly for decades to come, while also further exacerbating the pandemic itself.

We urge the Kern County Board of Supervisors and Sheriff to protect the housing and economic stability of residents and especially the most vulnerable populations by enacting ordinances with the following measures:

- **A prohibition on all residential evictions, including mobile home parks, and foreclosures during the state of emergency.** This is necessary to ensure that all residents can remain in their homes during the pandemic, without the confusion and difficulty that would result from requiring residents to individually substantiate the personal impacts of the coronavirus on their lives as well as the necessity of tenants appearing in court as defendants during a time when public health officials urge social distancing. Note that a current prohibition on evictions does not mean erasing missed rent payments but rather that tenants will not face the harsh and dangerous consequence of losing their homes in the midst of a global pandemic.

- A prohibition on assessing late fees for the duration of the moratorium.
- A requirement that all residential landlords extend expiring leases until at least three months after the last day the emergency declaration is in effect.
- A requirement that all landlords and residential mortgage holders develop and implement payment plans to allow financially impacted tenants and homeowners a reasonable amount of time to become current on rent or mortgage payments.
- A prohibition on all small business evictions during the state of emergency.
- Adoption of proactive measures to notify residential and small business tenants of their rights and resources available to them during the state of emergency, such as through inclusion of multilingual notices in utility bills, social media, televised news, and other outlets.
- Establish an emergency relief fund to support residents experiencing financial hardships with emergency rental and mortgage assistance as well as basic resources including drinking water and groceries.
Also, as applicable, for all county service areas and/or utility providers for which the Board of Supervisors sits as its board of directors:

- The prohibition on all utility shut-offs and late fees for the duration of the state of emergency; the immediate initiation of utilities at residences where previously shut off in order to allow good hygiene during the pandemic; and a requirement that utility providers allow ratepayers flexibility in arranging payment once the emergency ends.

**Kern County Sheriffs' Office:**

- The postponement by the sheriff of the execution of writs of possession or other lockouts that are not directly related to a protective order (e.g. TRO issued by a court related to domestic violence or elder or dependent abuse).

We encourage you to seek the cooperation of other local and state government agencies in adopting and implementing these and other robust protections for tenants and homeowners. In addition to the measures listed above, we urge you to solicit the following actions and commitments by Kern County Superior Court and the state government:

- The continuance by local courts of all non-emergency proceedings, including unlawful detainers, to limit potential exposures.²
- The dedication of state emergency relief funds to ensure that residents’ basic needs may be met, prioritizing relief to low-income and vulnerable residents.

In addition to these policy measures, it is critical that local governments adopt and implement practices that ensure that residents may continue to engage in the democratic process through the duration of the crisis while also protecting public health. As long as the California Department of Public Health and/or local health departments recommend that people should practice social distancing and refrain from gathering in groups, agencies should suspend business and decision-making that is not related to addressing the public and community health risk posed by COVID-19 to the extent feasible. Kern County must ensure that the community can participate in public meetings through telephone and video conferencing that is accessible to all constituents. Additionally, interpretation and translation must be available for relevant languages.

Many community leaders and community-based organizations have transitioned their services and attention to emergency response. Kern County should extend existing and anticipated

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² See order from California Supreme Court Chief Justice Tani G. Cantil-Sakauye dated March 23, 2020. It includes the suspension and continuance of jury trials for a period of 60 days.
deadlines, such as comment deadlines in response to department programs, land use and transportation plans, environmental documents, and other related matters.

Thank you in advance for your consideration of these recommendations. We hope you join other jurisdictions across the state in enacting eviction moratoriums. We have attached ordinances from across the state for your convenience. While this is an unprecedented and worrisome time, it is also an historic opportunity for Kern County to lead, work together and look out for one another, particularly our most vulnerable neighbors. Please contact us should you wish to find a time to discuss our requests.

In Community in Kern,

Veronica Garibay, Co-Executive Director, Leadership Counsel for Justice and Accountability
Andy Levine, Deputy Director, Faith in the Valley
Ucedrah Osby, President, All of Us or None
Alejandra Garcia, Strategic and Policy Facilitator, Building Healthy Communities, Kern
Gema Perez, President, Greenfield Walking Group
Nayamin Martinez, Executive Director, Central California Environmental Justice Network
Faheemah Salaud-Din, Executive Director, First and Always Melanin
Yesenia Martinez and Elizabeth Martinez, Organizacion en California de Lideres Campesinas
Nataly Santamaria, Promotora Network Manager, Vision y Compromiso
Camila Chavez, Executive Director, Dolores Huerta Foundation
Valerie Urso, Democratic Socialists of America
Janine Nkosi, EdD, Lecturer of Sociology, Department of Sociology, Fresno State; Regional Advisor, Faith in the Valley
Estela Escoto, President, Committee for a Better Arvin
Rosa Lopez, Policy Advocate and Organizer, ACLU of Southern California-Kern Office
Caroline Farrell, Executive Director, Center on Race, Poverty & the Environment
Diana Mireles, Comite Progreso de Lamont