



March 27, 2020

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Press Statement attributed to Leadership Counsel for Justice and Accountability: Gov. Newsom's Executive Order

We appreciate Gov. Newsom's leadership in confronting the health and economic impacts of this pandemic. However, the Executive Order issued March 27 falls woefully short of what is needed to meet the moment. To start, the order does not adequately protect tenants, creates confusion and, despite rhetoric to the contrary, is not the moratorium that is urgently needed to protect public health and economic stability.

- The order merely delays eviction proceedings for qualifying tenants;
- It does not bar evictions nor does it even provide tenants with a defense to evictions regardless of whether or not a tenant can't pay rent due to COVID-19;
- Tenants will still need to file a response to a UD within 5 days and appear in order to assert their right to an extended 60 day timeline to file their response;
- Tenants are only eligible for this deadline extension if they comply with several onerous requirements. They must:
 - Be current on their rent as of date of the order;
 - Notify their landlord in writing within seven days (at most) of when rent is due, that they need to delay all or some of the rent because of a COVID-19 related reason;
 - Retain documentation of the COVID-19 related loss of income.

Tenants must know about these specific requirements in order to gain protection under the order. Many tenants will simply not be able to meet these requirements, such as tenants without bank accounts or in the informal economy.

- Landlords are under no obligation to accept the rent at a later date, enter into payment, or work with tenants to keep them in their homes.
- Landlords can still serve a three day notice if a tenant has told them they can't pay the rent AND still file an eviction for nonpayment of rent or any other reason during this emergency

- The order only prohibits sheriff departments from forcefully removing tenants from their home if the sheriff determines that tenants have met the notice and proof requirements listed above.

Eviction is dangerous to the health, economic and housing stability of millions of Californians and this Order provides neither the necessary clarity nor the protections this moment demands. Gov. Newsom must act now and pass a true eviction moratorium that protects families in the short and long term.

Local jurisdictions also still have the power and authority to adopt strong and enforceable local ordinances. We urge local leaders to take action NOW.