1. Agenda

    Documents:

    MARCH 30, 2020 SPECIAL MEETING.PDF

2. Meeting Materials

    Documents:

    MODIFIED ORDINANCE (ITEM 6B).PDF

Elizabeth Alcantar, Mayor
Jose R. Gonzalez, Vice Mayor
Chris Garcia, Council Member
Jack M. Guerrero, Council Member
Blanca Lozoya, Council Member

REMOTE TELECONFERENCE AND ELECTRONICALLY
This meeting will be conducted telephonically and electronically pursuant to the State of California Executive Order No. 29-20.

Teleconference Phone Number:
+1 (253) 215-8782
Meeting ID: 455 106 1606
https://zoom.us/j/4551061606

AGENDA

A SPECIAL MEETING
OF THE CUDAHY CITY COUNCIL
and JOINT MEETING of the
CITY OF CUDAHY AS SUCCESSOR AGENCY and HOUSING SUCCESSOR AGENCY
TO THE CUDAHY DEVELOPMENT COMMISSION
Monday, March 30, 2020 – 6:30 P.M.

Written materials distributed to the City Council within 24 hours of the City Council meeting shall be available on the City's website for public inspection at www.cityofcudahy.com.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, you should contact the City Clerk's Office at (323) 773-5143 at least 24 hours in advance of the meeting.

Rules of Decorum

Under the Government Code, the City Council may regulate disruptive behavior that impedes the City Council Meeting.

Disruptive conduct may include, but is not limited to:

- Screaming or yelling during another audience member's public comments period;
- Profane language directed at individuals in the meeting room;
- Throwing objects at other individuals in the meeting room;
- Physical or verbal altercations with other individuals in the meeting room; and
- Going beyond the allotted three-minute public comment period granted.

When a person's or group's conduct disrupts the meeting, the Mayor or presiding officer will request that the person or group stop the disruptive behavior, and WARN the person or group that they will be asked to leave the meeting room if the behavior continues.

If the person or group refuses to stop the disruptive behavior, the Mayor or presiding officer may order the person or group to leave the meeting room and may request that those persons be escorted from the meeting room. Any person who, without authority of law, willfully disturbs or breaks up a City Council meeting is guilty of a misdemeanor. (Pen. Code, § 403.)

1. CALL TO ORDER

2. ROLL CALL

Council / Agency Member Garcia
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Gonzalez
Mayor / Chair Alcantar

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

(Each member of the public may provide a public comment telephonically or electronically if he or she wishes to address the City Council. Members of the public are permitted to speak for three (3) minutes concerning items on the agenda and closed session items.)
(Any person who, without authority of law, willfully disturbs or breaks up a City Council meeting is guilty of a misdemeanor. (Pen. Code, § 403).)

5. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

(Consideration to waive full text reading of all Resolutions and Ordinances by single motion made at the start of each meeting, subject to the ability of the City Council / Agency to read the full text of selected resolutions and ordinances when the item is addressed by subsequent motion.)
(COUNCIL / AGENCY)

Recommendation: Approve the Waiver of Full Reading of Resolutions and Ordinances.

6. BUSINESS SESSION

A. Consideration and Adoption of a Resolution Declaring a Local Emergency Due to the Public Threat Caused by the Coronavirus (COVID-19) *(page 7)*

Presented by City Attorney's Office

Recommendation: The City Council is recommended to adopt a Resolution (Attachment A) declaring a local emergency due to the public threat caused by the coronavirus (COVID-19).

B. Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Evictions for Residential and Non-Essential Commercial Tenants *(page 25)*

Presented by City Attorney's Office

Recommendation: The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where failure to pay rent results from income loss resulting from the novel Coronavirus (COVID-19).

C. Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Utility Cutoffs for Both Residential and Commercial Tenants *(page 53)*

Presented by City Attorney's Office

Recommendation: The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on utility cutoffs for both residential and commercial tenants due to nonpayment where the failure to pay results from income loss resulting from the novel Coronavirus (COVID-19).

D. Adoption of Proposed Resolution No. 20-09 A Resolution of the City Council of the City of Cudahy Recognizing the State of California-Governor's Office of Emergency Services, Form 130 For Designation of Authorized Agents for Non-State Agencies *(page 75)*

Presented by Human Resources Manager

Recommendation: The City Council is requested to authorize the Acting City Manager to execute the completion of the State of California-Governor's Office of Emergency Services (Cal-OES) Form 130 (attached), and the City Council representatives to confirm the document, and provide a resolution regarding the authorization, execution, and confirmation, and all said documents to be provide to the State of California-Governor's Office of Emergency Services (Cal-OES).

E. Adoption of the Proposed City of Cudahy Emergency Covid-19 Policy Regarding Employee Leave Use and Advanced Paid Leave Policy *(page 81)*

Presented by Human Resources Manager

Recommendation: The City Council is requested to approve proposed City of Cudahy Emergency Covid-19 Policy Regarding Employee Leave Use and Advanced Paid Leave Policy.

RECESS TO CLOSED SESSION

This is the time at which the City Council will meet in closed session to go over items of business on the closed session agenda. Once closed session is completed and the City Council returns from closed session into open session, members of the public may then rejoin the proceedings.

7. CLOSED SESSION

DELIBERATING AS CUDAHY SUCCESSOR AGENCY

A. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 1 Elizabeth Street Residential Property
5256 Elizabeth Street APN: 6224-001-014
5260 Elizabeth Street APN: 6224-001-015

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

B. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 2 Atlantic Avenue/Santa Ana Street Commercial Property
4734 Santa Ana Street APN: 6224-018-008
8110 South Atlantic Avenue APN: 6224-018-071
8100 South Atlantic Avenue APN: 6224-018-068
Santa Ana Street APN: 6224-018-070
4720 Santa Ana Street APN: 6224-018-069

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

C. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 3 Santa Ana Street Residential Property
4610 Santa Ana Street APN: 6224-019-014

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

D. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 4 Atlantic Avenue/Cecilia Street Commercial Property
8135 South Atlantic Avenue APN: 6224-022-001
4629 Cecilia Street APN: 6224-022-004

8201 South Atlantic Avenue APN: 6224-022-002
8221 South Atlantic Avenue APN: 6224-022-012
4633 Cecilia Street APN: 6224-022-003

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

E. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 5 Atlantic Avenue/Patata Street Commercial Property
4819 Patata Street APN: 6224-034-014
8420 South Atlantic Avenue APN: 6224-034-032 APN: 6224-034-040
Patata Street APN: 6224-034-041

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

F. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:
Site No. 6 Atlantic Avenue/Clara Street Commercial Property
4613 Clara Street APN: 6226-022-002
7660 South Atlantic Avenue APN: 6226-022-008
7630 South Atlantic Avenue APN: 6226-022-019 APN: 6226-022-020
7638 South Atlantic Avenue APN: 6226-022-023
7644 South Atlantic Avenue APN: 6226-022-022
No address APN: 6226-022-021 APN: 6226-022-024

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney
Negotiating parties: Chief Administrative Officer
Under Negotiation: Price and Terms

G. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

Properties:
– 8100 Atlantic Ave., 4720 Santa Ana St., 8110 Atlantic Ave., 4734 Santa Ana St. (APN 6224-018-068, 069, 070, 071, 008)
– 8135 Atlantic Ave., 4629 Cecilia St., 8201 S. Atlantic, 4633 Cecilia St., 8221 S. Atlantic Ave. (APN 6224-022-001, 004, 002, 003, 012)
– 4819 Patata, 8420 S. Atlantic Ave. (APN 6224-034-014, 032, 040, 041)
– 4613/4615 Clara St., 7630 Atlantic Blvd., 7660 Atlantic Blvd., 7638 Atlantic Blvd., 7644 Atlantic

Blvd. (APN 6226-022-002, 019, 020, 008, 021, 022, 023, 024)
– 4610 Santa Ana St. (APN 6224-019-014)

City Negotiators: Acting City Manager, Santor Nishizaki and City Attorney
Negotiating Parties: Cudahy LF, LLC
Under Negotiation: Price and terms of payment

DELIBERATING AS CITY COUNCIL

H. Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss the Initiation of Litigation – Three Matters

I. Closed Session Pursuant to Government Code Section 54957 – Public Employee Recruitment
Title of Position Under Consideration: City Manager

J. Closed Session Pursuant to Government Code Section 54957 – Public Employee Appointment/Employment – Title: Interim City Manager.

K. Closed Session Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation
Title of Employee: City Manager

L. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator
City's Designated Representative: Victor Ponto, City Attorney
Unrepresented Employee: City Manager

RECONVENE TO OPEN SESSION

8. CLOSED SESSION ANNOUNCEMENT

9. ADJOURNMENT

I, Richard Iglesias, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at Cudahy City Hall, Bedwell Hall, Clara Park, Lugo Park, and the City's Website not less than 24 hours prior to the meeting. A copy of said Agenda is on file in the City Clerk's Office.

Dated this 29th day of March 2020

Richard Iglesias
Assistant City Clerk

Item Number
6A

STAFF REPORT

Date: March 30, 2020

To: Honorable Mayor/Chair and City Council/Successor Agency Members

From: Santor Nishizaki, Acting City Manager
By: City Attorney's Office

Subject: **Consideration and Adoption of a Resolution Declaring a Local Emergency Due to the Public Threat Caused by the Coronavirus (COVID-19)**

RECOMMENDATION

The City Council is recommended to adopt a Resolution (Attachment A) declaring a local emergency due to the public threat caused by the coronavirus (COVID-19).

BACKGROUND/JUSTIFICATION OF RECOMMENDED ACTION:

Since Coronavirus was first reported in China in December 2019, it has quickly spread throughout the world to over 120 countries. As of March 28, 2020, over 622,000 cases of the virus have been reported worldwide with over 28,000 deaths. After the United States, the countries with the greatest number of cases are Italy, China, and Spain. Coronavirus can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms), and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy. On March 11, 2020, the World Health Organization ("WHO") declared the virus outbreak a pandemic.

The first confirmed case of Coronavirus in the United States was made on January 21, 2020. Since then, there has been increased concern of the virus spreading across the Country. As of March 28, 2020, there have been a total of 105,778 confirmed cases of the virus with 1,731 deaths. The most affected areas to date include the greater Seattle area, New York City, and the San Francisco Bay area.

On March 4, 2020, shortly after the State's first death was reported, Governor Gavin Newsom declared a State of Emergency for the entire state, a copy of his declaration is attached as Exhibit A. On March 13, 2020, President Trump declared a National State of Emergency in response to the continued spread of the disease. On March 16, 2020 the County of Los Angeles issued an order prohibiting group events and gatherings, requiring social distancing measures, ordering the closure of all gyms and bars, and requiring all restaurants to provide take out or delivery services only, a copy of which is attached as Exhibit B.

The virus has only recently been identified in Southern California. In response, Los Angeles County, the City of Los Angeles, City of Long Beach, City of Pasadena, City of El Monte, City of Bell Gardens, City of Adelanto, City of Thousand Oaks, City of Fresno, among others have all declared local emergencies under the California Emergency Services Act.

The potential for the virus to rapidly spread has caused government officials and private businesses to respond at near unprecedented levels. Events and activities throughout the region have been cancelled, closed, or postponed. The National Basketball Association (NBA) has suspended all games, the BNP Paribas Tennis Open in Indian Wells has been cancelled, the Coachella Valley Music and Arts Festival has been postponed to October 2020, and the Disneyland theme park has closed its doors through the end of March 2020. Various cities throughout Southern California have closed their City Hall to members of the public, City Council, board, and commission meetings have transitioned to accessible phone or video conference sessions that will allow constituents to make comments, ask questions, and engage with local leaders.

CITY OF CUDAHY EFFORTS

In response to the fast-moving series of events, staff recommends the City of Cudahy (the "City") also declare a local emergency, like many of our neighboring cities have. According to the data reported by the Los Angeles County Department of Public Health, as of Friday March 27, 2020 the City of Cudahy has between 1-4 confirmed cases. The declaration is to protect the health, safety, and welfare of our community members and City employees.

The City has already taken measures to reduce the spread of the virus. This includes cancelling all events held at city run centers, as well as cancellation of all senior citizen activities and community events. As of March 17, 2020, the City of Cudahy has closed City Hall to the public, employees are still entering the building, however no members of the public will be allowed in. Employees are instructed to follow social distancing guidelines while working.

The City has also used its resources to remind individuals of the many steps they can take to reduce the risk of getting Coronavirus. This includes washing hands with soap and water for at least 20 seconds, covering a cough or sneeze, and staying home if sick. People should also prepare for a possible disruption to daily routines that could be caused by the virus. This includes having a supply of all essential needs (i.e. food and water), medications, making child-care plans if needed, and understanding an employer's policies regarding leave options or work from home opportunities.

The local emergency declaration will also give the City the ability to mobilize City resources, accelerate emergency planning, and streamline staffing. In addition, it may allow the City to become eligible for future reimbursements by the state and/or federal government. The City will continue to work closely with the County of Los Angeles Public Health Department to stay up to date on the latest developments.

CITY OF CUDAHY MUNICIPAL CODE

The Declaration of Emergency proposed is not under the City of Cudahy Municipal Code. The declaration is prepared with the best intention of the residents of City of Cudahy to be prepared for any response needed during this pandemic.

RECOMMENDATION

Accordingly, it is recommended that the City Council approve the attached Resolution.

ATTACHMENTS

A. Resolution No. 20-08
B. Exhibit "A"
C. Exhibit "B"

RESOLUTION NO. 20-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DECLARING A LOCAL EMERGENCY DUE TO THE PUBLIC THREAT CAUSED BY CORONAVIRUS (COVID-19)

WHEREAS, Coronavirus, also known as COVID-19, was first reported in China in December 2019; and

WHEREAS, in less than three (3) months, COVID-19 has infected over 135,000 people in 120 cases and has caused nearly 5,000 deaths; and

WHEREAS, COVID-19 can take up to 14 days to exhibit symptoms, is highly contagious (even when not showing symptoms), and has no known vaccine; and

WHEREAS, COVID-19 was first identified in the United States on January 21, 2020, and since then, there has been a total of 64,306 confirmed cases and 901 deaths; and

WHEREAS, public facilities, schools, major events, and activities throughout Southern California have been cancelled, closed, or postponed; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention ("CDC"), confirmed the first possible case of community transmission of COVID-19 in the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency and the County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena all declared Local Emergencies; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 in a further effort to confront and contain COVID-19, that among other things suspended certain provisions of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19; and

WHEREAS, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-down areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all individuals residing in the State of California to stay home, or at their place of residence, with the exception of the individuals working in the 16 critical infrastructures sectors identified in the order; and

WHEREAS, as of the date of this Resolution the City of Cudahy ("City") has taken the following measures to address the COVID-19 outbreak, cancellation of all events taking place at City run centers as well as cancellation of all senior citizen activities and community events; closure of City Hall to the public; and

WHEREAS, the City Council does hereby find the following:

1. That the above recitals are true and correct and based thereon, hereby finds that the spread and potential further spread of COVID-19 constitutes a situation that severely impairs the public health and safety within the City and constitutes conditions of extreme peril to the safety of persons and property within the City;

2. That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

3. That the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated into the body of this Resolution by this reference.

SECTION 2. That conditions of extreme peril to the safety of persons and property have arisen within the City of Cudahy caused by COVID-19. Accordingly, the City Council hereby declares a Local Emergency due to COVID-19. The aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

SECTION 3. That during the threatened existence and actual existence of the local emergency, the powers, functions, and duties of the City Manager, are as follows:

- Subject to a maximum expenditure authority of $25,000, authorize new expenditures for the procurement of emergency services including emergency supplies such as food, masks, etc.; and

- New expenditures in excess of $25,000 will require approval of the City Council prior to any funds being spent; and

- To requisition necessary personnel or material of any City department or agency; and

- May require emergency services of any City officer or employee; and
- Consult the Council for the enactment of all rules and regulations related to the local emergency.

The foregoing notwithstanding and to ensure that City vendors already under contract with the City are paid in a timely manner in accordance with the compensation terms set forth in the contract and to ensure the timely payment of employee payroll, the City Manager and the Finance Director are authorized and directed: to (i) approve the claims and demands for such matters to the extent payment becomes due prior to the next available City Council meeting; (ii) make payments thereon; and (iii) thereafter bring those claims and demands to the City Council at the next City Council meeting for ratification of the payments made.

SECTION 4. Should the City Council not be able to assemble a quorum for a Special Meeting within 24 hours of the request for the meeting, the City Manager shall take any necessary action for the direct protection and benefit of the inhabitants and property of the City, including but not limited to, the expenditure of any funds, requisition of necessary personnel for emergency services, etc.

SECTION 5. That the City Council will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its council meetings via teleconferencing and other electronic means to permit councilmembers and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of the City's business, in compliance with California Executive Order N-25-20 and N-29-20.

SECTION 6. To the full extent ordered by the Governor of the State of California and the County of Los Angeles Public Health Department ("County"), all persons, organizations and business establishments shall adhere to the operational restrictions established by declaration, proclamation or executive order of the County and the State. Compliance includes, without limitation, compliance with executive orders of the Governor and the County, including the County's Safer at Home Order for Control of COVID-19 as last amended on March 21, 2020, and as the same may be later amended by the County (hereinafter, the "County Order").

SECTION 7. The City Council hereby adopts by reference the order and mandates County Order and the Governor's Executive Order N-33-20, and any other subsequent or amended order issued by entities with authority in the jurisdiction, and affirms that the same shall have the force of law within the City of Cudahy. The City further acknowledges the provisions of Section 21 of the County Order which provides in relevant part: "… [P]ursuant to Sections 26602 and 41602 of the California Government Code and Sections 26602 and 41602 of the California Government Code and Section 101029 of the California Health and Safety Code, the [County] Health Officer requests that the Sheriff … ensure compliance with and enforcement of [The County Order]."

SECTION 8. In light of the closure of City Hall and reduced staffing due to the COVID-19 outbreak, the City will be unable to timely respond to requests for public

records. The City considers any such deadlines to be tolled until April 19, 2020, the duration of the County Order, unless such closure is extended further or earlier terminated by County or by action of the City Council.

SECTION 9. That all deadlines prescribed in the Cudahy Municipal Code, including but not limited to provisions in community, specific or other similar plans, pertaining to permits, public hearings, and decisions made by legislative bodies, the City Manager, and other City department directors shall be tolled and suspended until further notice. The tolling of such deadlines shall apply, without limitation, to the following:

1. Expiration of building and other related permits and plan check applications.
2. Deadline to act on entitlement applications, applications subject to the Permit Streamlining Act, or applications subject to the Subdivision Map Act.
3. Deadline for effectuation and utilization of entitlements.

SECTION 10. Subject to any additional approvals which may be required of the City Council by operation of law, the City Manager is authorized to make application to the State of California and/or the federal government of the United States for any emergency relief or disaster relief funding as the City may be eligible to receive, provided that the City Manager shall report such action at the City Council meeting immediately following the submission of any such application(s).

SECTION 11. That the City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its Special meeting on this 30th day of March 2020.

_____
Elizabeth Alcantar
Mayor

ATTEST:

_____
Richard Iglesias
Assistant City Clerk

DRAFT

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 20-08 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the Assistant City Clerk at a special meeting of said Council held on the 30th day of March 2020 and that said Resolution was adopted by the following votes, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Richard Iglesias
Assistant City Clerk

DRAFT

EXHIBIT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by 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 prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the 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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.

2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.

3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.

4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.

5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.

8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.

9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.

12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

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 proclamation.

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 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT B

NEWS RELEASE

County of Los Angeles Public Health

313 N. Figueroa Street, Room 806 • Los Angeles, CA 90012 • (213) 240-8144 • media@ph.lacounty.gov
Facebook.com/LAPublicHealth • Twitter.com/LAPublicHealth

For Immediate Release:
March 16, 2020

For more informaon c ontact:
Public Health Communicaons
(213) 240-8144
media@ph.lacounty.gov

LA County Public Health Issues Order to Prohibit Group Events and Gatherings, Require Social Distancing Measures and the Closure of Certain Businesses

LOS ANGELES – Today the Los Angeles County Health Officer (Health Officer) issued an order to prohibit all indoor and outdoor, public and private events and gatherings within a confined space, where 50 or more members of the public are expected to a. end at the same me, t o require social distancing measures and temporary closure of certain businesses. The decision for the Order is based on evidence of increasing community transmission requiring the immediate implementaon of addional community mig aon e fforts for organizaons t o help reduce the spread of COVID-19 within the county. This Order will remain in effect at least through March 31, 2020.

To further protect against the spread of COVID-19, the Health Officer's Order also requires persons in charge of events and gatherings attended by 10-49 persons to ensure that attendees follow specific social distancing measures, as well as, follow infecon c ontrol guidelines for the duraon of the e vent and prohibits dining in at restaurants. Restaurants may connue t o serve food to customer via delivery, take-out or drive-thru. Furthermore, the Order requires the closing of businesses where it is common for patrons to be in close contact with each other for extended periods of me, such as, mo vie theaters, gyms and fitness centers, arcades, bowling alleys and bars and nightclubs that do not serve food.

“Chairwoman Kathryn Barger connues t o take swi acon t o protect the more than 10 million individuals in Los Angeles County. I would like to thank all the local leaders who are working r elessly to address what is a quickly changing situaon her e in Los Angeles County. Our goal is to slow the transmission of COVID-19, but we can't do it alone,” said Barbara Ferrer, PhD, MPH, MEd, Director of Public Health. “Each and every one of us, both businesses and residents, must do our part by praccing social distancing and taking common sense infecon c ontrol precauons. W e urgently need to flatten the curve of COVID-19 in order to keep our hospitals and emergency rooms from becoming overwhelmed with COVID-19 paen ts. Flattening the curve requires conscienous social dis tancing efforts by all our LA County residents during this me of crisis. Our c ollecv e efforts during this pandemic can literally save the lives of our loved ones and most vulnerable residents."

"This Order is designed to implement both the Center for Disease Control’s (CDC) Interim Guidance for Large Events and Mass Gatherings and the California Department of Public Health’s Gathering Guidance to limit the spread of COVID-19,” said County Health Officer, Muntu Davis, MD, MPH. “I know that it will significantly impact the lives of our residents and businesses. But, without a specific vaccine or treatment, these community mig aon s trategies are the only and most readily available tools we

have to slow the spread of COVID-19 and protect the health and well-being of our communies in LA County."

Community mig aon e fforts include social distancing and temporary closures. Social distancing strategies increase distance between people in specific sengs wher e people commonly come into close contact with one another. Closures refer to the temporary closures of specific sengs wher e people gather, and act to enhance efforts to implement social distancing.

The Health Officer's Order specifically requires that:

- Events and gatherings of 50 members or more are prohibited at least unl April 1, 2020.
    - This order applies to conferences, arenas, stadiums, convenon cen ters, and meeng spaces. These are places where persons, o en strangers, sit and remain in close proximity of one another for extended periods of me.
- For all public and private events and gatherings of 10-49 persons, the Health Officer requires that event organizers and venue operators to do the following:
    - Enforce social distancing measures by requiring attendees or groups of attendees, such as a group of family members or household contacts, who remain at the event to be separated by a distance of at least six feet during the enr ety of the event or gathering.
    - Provide access to hand washing facilies with soap and w ater or hand saniz er that contains at least 60 percent alcohol.
    - Post a conspicuous sign at the entry of the event or gathering that instructs persons that have symptoms of respiratory illness to not attend.
    - Adhere to cleaning and infecon c ontrol guidance provided by Public Health.
- The Order specifically requires the closure of bars and nightclubs that do not serve food, gyms, fitness centers, movie and performance theaters, bowling alleys and arcades.
- This Order does not supersede any stricter limitaon imposed b y a local public enty within the Los Angeles County. Certain acvies ar e essenal t o the funconing of the Coun ty and the well-being of our residents and must connue. This Or der does not apply to sites and situaons where people obtain essenal ser vices and essenal g oods to meet their basic needs, such as:
    - Regular school classes, work, or essenal ser vices locaons.
    - Grocery stores or retail stores.
    - Pharmacies.
    - Places of transit, like airports, metro staons, or bus s taons.
    - Hospitals or health care facilies.
    - Schools and universies/ colleges.
    - Congregate living situaons, including dormit ories.

Both the State and County Public Health have provided infecon c ontrol guidance to facilies and businesses not covered by this order.

Public Health has issued the following guidance during this me of incr eased spread:

- Avoid non-essenal tr avel, public gatherings, and places where large groups of people congregate.
- Event organizers postpone or cancel non-essenal g atherings of 50 or more unl a t least the end of March.
- Limit gatherings of individuals who are at higher risk for severe illness from COVID-19 (people older than 65, pregnant women, and those with chronic illness) to no more than 10 people.
- This guidance does not apply to acvies such as a ttendance at regular school classes, work, or essenal ser vices, including public transportaon, airport tr avel or shopping.
- If you are mildly sick with a fever, stay home and call your doctor if you are concerned and/or your symptoms worsen. Individuals who are elderly, have underlying health condions or pregnant should consider contacng their pr oviders earlier when they are sick.

- Exclude employees and visitors with any fever and/or respiratory infecon s ymptoms and visitors with recent travel to any country or region with significant community transmission (including communies in the US) fr om all schools, businesses, and gatherings of any size.
- Follow all social distancing recommendaons issued b y Public Health.

A copy of the Order and addional things y ou can do to protect yourself, your family and your community can be found on the Public Health website, at: www.publichealth.lacounty.gov

Always check with trusted sources for the latest accurate informaon about no vel coronavirus:

- Los Angeles County Department of Public Health hp://publichealth.lac ounty.gov/media/Coronavirus/
- California Department of Public Health hp s://www.cdph.ca.gov/Programs /CID/DCDC/Pages/Immunizaon/nc ov2019.aspx
- Centers for Disease Control and Prevenon (CDC) hp s://www.cdc.gov/coronavirus/2019-ncov/index.html
- World Health Organizaon hp s://www.who.int/health-topics/coronavirus
- LA County residents can also call 2-1-1

The Department of Public Health is commi ed to promong health equity and ensuring op mal health and well-being for all 10 million residents of Los Angeles County. Through a variety of programs, community partnerships and services, Public Health oversees environmental health, disease control, and community and family health. Naonally accr edited by the Public Health Accreditaon Boar d, the Los Angeles County Department of Public Health comprises nearly 4,500 employees and has an annual budget of $1.2 billion. To learn more about Los Angeles County Public Health, please visit www.publichea lth.lacounty.gov , and follow LA County Public Health on social media at twi er.com/l acounty.gov, and follow LA County Public Health on social media at twi er.com/lap ublichealth, facebook.co m/lapublichealth, instagra m.com/lapublichealth and youtube.com/ lapublichealth.

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Item Number
6B

STAFF REPORT

Date: March 28, 2020

To: Honorable Mayor/Chair and City Council/Successor Agency Members

From: Santor Nishizaki, Acting City Manager
By: City Attorney's Office

Subject: **Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Evictions for Residential and Non-Essential Commercial Tenants**

RECOMMENDATION

The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where failure to pay rent results from income loss resulting from the novel Coronavirus (COVID-19).

BACKGROUND/JUSTIFICATION OF RECOMMENDED ACTION:

Since Coronavirus was first reported in China in December 2019, it has quickly spread throughout the world to over 120 countries. As of March 28, 2020, over 622,000 cases of the virus have been reported worldwide with over 28,000 deaths. After the United States, the countries with the greatest number of cases are Italy, China, and Spain. Coronavirus can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms), and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy. On March 11, 2020, the World Health Organization ("WHO") declared the virus outbreak a pandemic.

The first confirmed case of Coronavirus in the United States was made on January 21, 2020. Since then, there has been increased concern of the virus spreading across the Country. As of March 28, 2020, there have been a total of 105,778 confirmed cases of the virus with 1,731 deaths. The most affected areas to date include the greater Seattle area, New York City, and

the San Francisco Bay area.

On March 4, 2020, shortly after the State's first death was reported, Governor Gavin Newsom declared a State of Emergency for the entire state, a copy of his declaration is attached as Exhibit A. On March 13, 2020, President Trump declared a National State of Emergency in response to the continued spread of the disease. On March 16, 2020 the County of Los Angeles issued an order prohibiting group events and gatherings, requiring social distancing measures, ordered the closure of all gyms and bars, and requiring all restaurants to provide take out or delivery services only, a copy of which is attached as Exhibit B. On March 28, 2020, Governor Newsom issued Executive Order N-37-20 which prevents evictions for a period of 60 days of "a tenant from a residence or dwelling unit for nonpayment of rent" who satisfies requirements set forth in said order, a copy of which is attached as Exhibit C.

The potential for the virus to rapidly spread has caused government officials and private businesses to respond at near unprecedented levels, resulting in closure of schools, non-essential businesses, cancellation of all sporting events, all with the hopes to contain the virus. The actions taken to contain the virus have resulted in the unemployment of many residents of the City. Increasing unemployment rates results in residents being unable to pay their rent, which would lead to an increase in eviction and homeless rates within the City.

FISCAL IMPACT

There is currently no fiscal impact on the City's budget.

RECOMMENDATION

Accordingly, it is recommended that the City Council approve the attached Ordinance.

ATTACHMENTS

A. Ordinance No. 710
B. Exhibit "A"
C. Exhibit "B"
D. Exhibit "C"

URGENCY ORDINANCE NO. 710

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND NON-ESSENTIAL COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends "[a]ny 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 … including, but not limited to, any such provision of Civil Code sections 1940 et seq." to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, as of March 19, 2020, the Los Angeles Department of Public Health (the "County") has identified 231 cases of COVID-19 in Los Angeles County and resulting in two deaths; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 ("Executive Order N-37-20") which prevents evictions for a period of 60 days of "a tenant from a residence or dwelling unit for nonpayment of rent" who satisfies

requirements set forth in said order; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of Cudahy (the "City") during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the "COVID-19 Eviction Moratorium Ordinance."

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected City residents and their communities, thereby serving the public peace, health, safety,

and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. Definitions

A. “Affected Tenant” means a Tenant who satisfies one or more of the criteria in paragraph A of Section 10, of this Urgency Ordinance below.

B. “Health Department” means the County of Los Angeles Department of Public Health.

C. “Landlord” means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit, Mobilehome or Mobilehome lot, and the agent, representative, or successor of any of the foregoing.

D. “Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.

E. "Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.

F. “Mobilehome Owner” means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.

G. “Mobilehome Resident” means a person who rents a mobilehome from a Mobilehome Owner.

H. “Notice of Termination” shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.

I. “Rental Unit” means as building, structure or the part of a structure that is (i) used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household, and which household pays; or (ii) used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)

J. “Tenant” means a residential or commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupy a Rental Unit. The term “Tenant” is inclusive of the defined terms “Tenant Household”, “Mobilehome Resident” and

"Mobilehome Owner."

K. "Tenant Household" means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Application. This Urgency Ordinance applies to Affected Tenants in any Rental Unit and Landlords of Affected Tenants.

SECTION 6. Moratorium on Eviction and Termination of Tenancies for Affected Tenants.

A. For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.

B. The moratorium established under this Urgency Ordinance is intended to have greater scope and longer duration than the moratorium established under Executive Order N-37-20.

SECTION 7. Just Cause Termination.

A. The provisions of Section 8 of this Urgency Ordinance notwithstanding, a Landlord, subject to compliance with the requirements of this Urgency Ordinance may terminate the tenancy of a Tenant who otherwise qualifies as an Affected Tenant if a Landlord can show any of the following circumstances apply thereby rendering the termination a "Just Cause Termination":

1. Nuisance Behavior. The Affected Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City, including but not limited to regulations established by ordinance or resolution.

2. Refusing Access to the Unit. The Affected Tenant, after written notice to cease and a reasonable time to cure, continues to refuse the Landlord reasonable access to the Rental Unit, so long as the Landlord is not abusing the right of access under California Civil Code Section 1954, as amended.

3. Unapproved Holdover Subtenant. The Affected Tenant holding over at the

end of the term of the oral or written rental agreement is a subtenant who was not approved by the Landlord.

4. Substantial Rehabilitation of the Unit. With respect to commercial tenancies, the Landlord after having obtained all necessary permits from the City, seeks in good faith to undertake substantial repairs which are necessary to bring the property into compliance with applicable codes and laws affecting the health and safety of Tenants of the building, provided that:

   a. The repair costs are not less than the product of ten (10) times the amount of the monthly rent times the number of Rental Units upon which such work is performed. For purposes of this subsection, the monthly rent for each Rental Unit shall be the average of the preceding twelve-month period; and

   b. The repairs necessitate the relocation of the Tenant Household because the work will render the Rental Unit uninhabitable for a period of not less than thirty (30) calendar days; and

   c. The Landlord gives advance notice to the Affected Tenant of the ability to reoccupy the Rental Unit upon completion of the repairs at the same rent charged to the Affected Tenant before the Affected Tenant vacated the Rental Unit or, if requested by Affected Tenant, the right of first refusal to any comparable vacant Rental Unit which has been offered at comparable rent owned by the Landlord; and

   d. In the event the Landlord files a petition under the Apartment Rent Ordinance within six (6) months following the completion of the work, the Tenant shall be party to such proceeding as if he or she were still in possession, unless the Landlord shall submit with such application a written waiver by the Affected Tenant of his or her right to reoccupy the premises pursuant to this subsection; and

   e. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

5. Ellis Act Removal. The Landlord seeks in good faith to recover possession of the Rental Unit to remove the building in which the Rental Unit is located permanently from the residential or commercial rental market under the Ellis Act and, having complied in full with the Ellis Act and any related ordinance of the City, including the provision of relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

6. Owner Move-In. With respect to residential tenancies, the Landlord seeks in good faith, honest intent, and without ulterior motive to recover possession for: a) the Landlord's own use and occupancy as the Landlord's principal residence for a period of at least thirty-six (36) consecutive months commencing within three (3) months of vacancy; or (b) the principal residence of the Landlord's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least thirty-six (36) consecutive months and commencing within

three (3) months of vacancy, so long as the Rental Unit for the Landlord's authorized family member is located in the same building as the Landlord's principal residence and no other Rental Unit in the building is vacant. It shall be a rebuttable presumption that the Landlord has acted in bad faith if the Landlord or the Landlord's qualified relative, for whom the Tenant was evicted, does not move into the Rental Unit within three (3) months from the date of the Tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least thirty-six (36) consecutive months. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

7. Order to Vacate. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action or order that necessitates the vacating of the building in which the Rental Unit is located as a result of a violation of the Cudahy Municipal Code or any other provision of law, and provides a notice of the right to reoccupy. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

8. Vacation of Unpermitted Unit. The Landlord seeks in good faith to recover possession of an Unpermitted Unit in order to end the unpermitted use. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

9. Criminal Activity.

   a. The Tenant Household, after receiving a written notice to cure (which notice shall include the return provisions listed in subsection d, below) by removing the Violating Tenant (as defined below) from the household, and, where necessary, amending the lease to remove the Violating Tenant's name, fails to do so within a reasonable time, by one of the following methods as further described in the regulations:

      i. Filing a restraining order or providing evidence to the Landlord of similar steps being taken to remove the Violating Tenant from the household.

      ii. Removing the Violating Tenant from the household and providing written notice to the landlord that the Violating Tenant has been removed.

   b. For purposes of this subsection 13, a "Violating Tenant" shall mean an adult Tenant that is indicted by a grand jury or held to answer pursuant to Penal Code Section 872, as amended, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), as amended, which occurred during the tenancy and within 1,000 feet of the premises on which the Rental Unit is located. The term "premises" shall mean "Lot", as defined under the Cudahy Municipal Code.

c. The past criminal history of a Tenant shall not be a factor in determining whether the Tenant is a Violating Tenant.

d. If a Violating Tenant, as defined above, is acquitted from the charges or the charges are dismissed or reduced, he or she may return to the Rental Unit as a Tenant, so long as: 1) the Tenant Household still resides in the Rental Unit; and 2) the Tenant Household consents to the Violating Tenant's return.

B. Relocation Assistance and Deposits.

1. Tenants who receive a Notice of Termination that relies on subsections A.8 or A.10, above, as the just cause rationale to terminate the tenancy must receive, and the Landlord must provide, relocation assistance as may be required by the Cudahy Municipal Code or applicable State law. The relocation assistance must be provided to the Tenant Household concurrent with delivery of the Notice of Termination to the Tenant Household.

a. Relocation Assistance. An amount equal to the Base Assistance as may be required by the Cudahy Municipal Code or applicable state law.

b. Refund of Security Deposit. Owner must refund to the Tenant Household any security deposit paid by the Tenant Household, provided however, that the Owner may withhold any properly itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended.

2. Tenants who receive a Notice of Termination that relies on subsection A.8 or A.9 above, as the just cause rationale to terminate the tenancy must have received, and the Landlord must have provided, all applicable Relocation Assistance as may be required by the Cudahy Municipal Code or applicable state law.

SECTION 8. Affirmative Defense to Eviction; Penalties and Remedies.

A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the full amount due to reasons related to the novel coronavirus (COVID-19) pandemic, including but not limited to the following:

1. The Tenant was unable to work because the Affected Tenant was sick with COVID-19 and hospitalized or otherwise required to stay and home and self-quarantine by written order of the Health Department; or

2. The Tenant experienced a lay-off, work furlough, reduction in work hours or income reduction resulting from the COVID-19 pandemic and/or related emergency responses of governmental entities, including orders and/or declarations of the Governor of the State of California and the Health Department; or

3. The Tenant needed to miss work to care for a minor child whose school was closed in response to the COVID-19 pandemic and the Tenant was either ineligible to receive paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave or vacation time before the minor's school was re-opened;

4. For commercial Tenants, the Tenant (i) is commercial business entity or the principal owner or co-owner of a commercial business entity whose name appears on the lease for the Rental Unit occupied by the business entity; (ii) is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California; and (iii) is a "Non-Essential Business" within the meaning of the Safer at Home Order for the Control of COVID-19 and was required to cease all commercial operations while said order was in effect. For purposes of this Urgency Ordinance the term "Safer at Home Order for the Control of COVID-19" means that certain order of the same name that was first issued by the Health Department on March 19, 2020 and later revised on March 21, 2020 and all subsequent revisions to the same as may later be issued by the Health Department.

B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:

1. A written notice or like documentation from the Affected Tenant's employer citing COVID-19 as a reason for reduced work hours, work furlough, or termination; or

2. Employer paycheck stubs, payroll checks, bank statements, or medical bills or signed letters or statements from the Affected Tenant's employer or supervisor explaining the Affected Tenant's changed financial circumstances; or

3. Notification from a school declaring a school closure related to COVID-19; or

4. For an Affected Tenant that is a commercial business, a copy of any governmental order indicating that the Affected Tenant identifying the Affected Tenant as an Non-Essential Business by the Health Department, notice from a governmental entity ordering the commercial business to close and/or cease operations and any governmental license or permit identifying the business' headquarters as being located within the City.

C. Obligation of Affected Tenant to pay unpaid rent. Nothing in this Urgency Ordinance shall relieve an Affected Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent. During the 120-day period, the protections against eviction found in this Urgency Ordinance shall apply for such Affected Tenants and provided the Affected Tenant pays all rent due by this deadline.

D. Civil Remedies

1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.

2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.

3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.

4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

SECTION 9. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 10. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any

reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 12. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Cudahy Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 13. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this ___ day of _____, 2020.

_____
Elizabeth Alcantar
Mayor

ATTEST:

_____
Richard Iglesias
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, City Clerk of the City of Cudahy, hereby certify that the foregoing Urgency Ordinance No.710 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2020 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Richard Iglesias
Assistant City Clerk

EXHIBIT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by 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 prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the 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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.

2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.

3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.

4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.

5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.

8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.

9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.

12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

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 proclamation.

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 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT B

NEWS RELEASE

County of Los Angeles Public Health

313 N. Figueroa Street, Room 806 • Los Angeles, CA 90012 • (213) 240-8144 • media@ph.lacounty.gov
Facebook.com/LAPublicHealth • Twitter.com/LAPublicHealth

For Immediate Release:
March 16, 2020

For more informaon c ontact:
Public Health Communicaons
(213) 240-8144
media@ph.lacounty.gov

LA County Public Health Issues Order to Prohibit Group Events and Gatherings, Require Social Distancing Measures and the Closure of Certain Businesses

LOS ANGELES – Today the Los Angeles County Health Officer (Health Officer) issued an order to prohibit all indoor and outdoor, public and private events and gatherings within a confined space, where 50 or more members of the public are expected to a. end at the same me, t o require social distancing measures and temporary closure of certain businesses. The decision for the Order is based on evidence of increasing community transmission requiring the immediate implementaon of addional community mig aon e fforts for organizaons t o help reduce the spread of COVID-19 within the county. This Order will remain in effect at least through March 31, 2020.

To further protect against the spread of COVID-19, the Health Officer's Order also requires persons in charge of events and gatherings attended by 10-49 persons to ensure that attendees follow specific social distancing measures, as well as, follow infecon c ontrol guidelines for the duraon of the e vent and prohibits dining in at restaurants. Restaurants may connue t o serve food to customer via delivery, take-out or drive-thru. Furthermore, the Order requires the closing of businesses where it is common for patrons to be in close contact with each other for extended periods of me, such as, mo vie theaters, gyms and fitness centers, arcades, bowling alleys and bars and nightclubs that do not serve food.

“Chairwoman Kathryn Barger connues t o take swi acon t o protect the more than 10 million individuals in Los Angeles County. I would like to thank all the local leaders who are working r elessly to address what is a quickly changing situaon her e in Los Angeles County. Our goal is to slow the transmission of COVID-19, but we can't do it alone,” said Barbara Ferrer, PhD, MPH, MEd, Director of Public Health. “Each and every one of us, both businesses and residents, must do our part by praccing social distancing and taking common sense infecon c ontrol precauons. W e urgently need to flatten the curve of COVID-19 in order to keep our hospitals and emergency rooms from becoming overwhelmed with COVID-19 paen ts. Flattening the curve requires conscienous social dis tancing efforts by all our LA County residents during this me of crisis. Our c ollecv e efforts during this pandemic can literally save the lives of our loved ones and most vulnerable residents."

"This Order is designed to implement both the Center for Disease Control’s (CDC) Interim Guidance for Large Events and Mass Gatherings and the California Department of Public Health’s Gathering Guidance to limit the spread of COVID-19,” said County Health Officer, Muntu Davis, MD, MPH. “I know that it will significantly impact the lives of our residents and businesses. But, without a specific vaccine or treatment, these community mig aon s trategies are the only and most readily available tools we

have to slow the spread of COVID-19 and protect the health and well-being of our communies in LA County."

Community mig aon e fforts include social distancing and temporary closures. Social distancing strategies increase distance between people in specific sengs wher e people commonly come into close contact with one another. Closures refer to the temporary closures of specific sengs wher e people gather, and act to enhance efforts to implement social distancing.

The Health Officer's Order specifically requires that:

- Events and gatherings of 50 members or more are prohibited at least unl April 1, 2020.
    - This order applies to conferences, arenas, stadiums, convenon cen ters, and meeng spaces. These are places where persons, o en strangers, sit and remain in close proximity of one another for extended periods of me.
- For all public and private events and gatherings of 10-49 persons, the Health Officer requires that event organizers and venue operators to do the following:
    - Enforce social distancing measures by requiring attendees or groups of attendees, such as a group of family members or household contacts, who remain at the event to be separated by a distance of at least six feet during the enr ety of the event or gathering.
    - Provide access to hand washing facilies with soap and w ater or hand saniz er that contains at least 60 percent alcohol.
    - Post a conspicuous sign at the entry of the event or gathering that instructs persons that have symptoms of respiratory illness to not attend.
    - Adhere to cleaning and infecon c ontrol guidance provided by Public Health.
- The Order specifically requires the closure of bars and nightclubs that do not serve food, gyms, fitness centers, movie and performance theaters, bowling alleys and arcades.
- This Order does not supersede any stricter limitaon imposed b y a local public enty within the Los Angeles County. Certain acvies ar e essenal t o the funconing of the Coun ty and the well-being of our residents and must connue. This Or der does not apply to sites and situaons where people obtain essenal ser vices and essenal g oods to meet their basic needs, such as:
    - Regular school classes, work, or essenal ser vices locaons.
    - Grocery stores or retail stores.
    - Pharmacies.
    - Places of transit, like airports, metro staons, or bus s taons.
    - Hospitals or health care facilies.
    - Schools and universies/ colleges.
    - Congregate living situaons, including dormit ories.

Both the State and County Public Health have provided infecon c ontrol guidance to facilies and businesses not covered by this order.

Public Health has issued the following guidance during this me of incr eased spread:

- Avoid non-essenal tr avel, public gatherings, and places where large groups of people congregate.
- Event organizers postpone or cancel non-essenal g atherings of 50 or more unl a t least the end of March.
- Limit gatherings of individuals who are at higher risk for severe illness from COVID-19 (people older than 65, pregnant women, and those with chronic illness) to no more than 10 people.
- This guidance does not apply to acvies such as a ttendance at regular school classes, work, or essenal ser vices, including public transportaon, airport tr avel or shopping.
- If you are mildly sick with a fever, stay home and call your doctor if you are concerned and/or your symptoms worsen. Individuals who are elderly, have underlying health condions or pregnant should consider contacng their pr oviders earlier when they are sick.

- Exclude employees and visitors with any fever and/or respiratory infecon s ymptoms and visitors with recent travel to any country or region with significant community transmission (including communies in the US) fr om all schools, businesses, and gatherings of any size.
- Follow all social distancing recommendaons issued b y Public Health.

A copy of the Order and addional things y ou can do to protect yourself, your family and your community can be found on the Public Health website, at: www.publichealth.lacounty.gov

Always check with trusted sources for the latest accurate informaon about no vel coronavirus:

- Los Angeles County Department of Public Health hp://publichealth.lac ounty.gov/media/Coronavirus/
- California Department of Public Health hp s://www.cdph.ca.gov/Programs /CID/DCDC/Pages/Immunizaon/nc ov2019.aspx
- Centers for Disease Control and Prevenon (CDC) hp s://www.cdc.gov/coronavirus/2019-ncov/index.html
- World Health Organizaon hp s://www.who.int/health-topics/coronavirus
- LA County residents can also call 2-1-1

The Department of Public Health is commi ed to promong health equity and ensuring op mal health and well-being for all 10 million residents of Los Angeles County. Through a variety of programs, community partnerships and services, Public Health oversees environmental health, disease control, and community and family health. Naonally accr edited by the Public Health Accreditaon Boar d, the Los Angeles County Department of Public Health comprises nearly 4,500 employees and has an annual budget of $1.2 billion. To learn more about Los Angeles County Public Health, please visit www.publichea lth.lacounty.gov , and follow LA County Public Health on social media at twi er.com/l acounty.gov, and follow LA County Public Health on social media at twi er.com/lap ublichealth, facebook.co m/lapublichealth, instagra m.com/lapublichealth and youtube.com/ lapublichealth.

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EXHIBIT C

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-37-20

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 in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience 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, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

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 deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.

b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:

(i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
(ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
(iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.

c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.

2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.

3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that 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.

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 27th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

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Item Number
6C

STAFF REPORT

Date: March 30, 2020

To: Honorable Mayor/Chair and City Council/Successor Agency Members

From: Santor Nishizaki, Acting City Manager
By: City Attorney's Office

Subject: **Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Utility Cutoffs for Both Residential and Commercial Tenants**

RECOMMENDATION

The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on utility cutoffs for both residential and commercial tenants due to nonpayment where the failure to pay results from income loss resulting from the novel Coronavirus (COVID-19).

BACKGROUND/JUSTIFICATION OF RECOMMENDED ACTION:

Since Coronavirus was first reported in China in December 2019, it has quickly spread throughout the world to over 120 countries. As of March 28, 2020, over 622,000 cases of the virus have been reported worldwide with over 28,000 deaths. After the United States, the countries with the greatest number of cases are Italy, China, and Spain. Coronavirus can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms), and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy. On March 11, 2020, the World Health Organization ("WHO") declared the virus outbreak a pandemic.

The first confirmed case of Coronavirus in the United States was made on January 21, 2020. Since then, there has been increased concern of the virus spreading across the Country. As of March 28, 2020, there have been a total of 105,778 confirmed cases of the virus with 1,731 deaths. The most affected areas to date include the greater Seattle area, New York City, and

the San Francisco Bay area.

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the entire state, a copy of his declaration is attached as Exhibit A. On March 13, 2020, President Trump declared a National State of Emergency in response to the continued spread of the disease. On March 16, 2020, Governor Newsom issued Executive Order N-28-20 requesting the California Public Utilities Commission (CPUC) monitor measures undertaken by public and private utility providers to implement customer service protection for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, a copy of which is attached as Exhibit B. On March 17, 2020 in response to Governor Newsom's Executive Order N-28-20, the CPUC issued a press release stating "energy, water, sewer, and communications companies under CPUC jurisdiction should half customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19, a copy of which is attached as Exhibit C.

The potential for the virus to rapidly spread has caused government officials and private businesses to respond at near unprecedented levels, resulting in the closure of schools, non-essential businesses, cancellation of all sporting events, all with the hopes to contain the virus. The actions taken to contain the virus have resulted in the unemployment of many residents of the City. Increasing unemployment rates results in residents being unable to pay their utility bills, thereby resulting in the cutoff of essential utilities. The City wishes to protect its residents from additional undue hardship during this difficult time.

FISCAL IMPACT

There is currently no fiscal impact on the City's budget.

RECOMMENDATION

Accordingly, it is recommended that the City Council approve the attached Ordinance.

ATTACHMENTS

A. Ordinance No. 711
B. Exhibit "A"

C. Exhibit “B”
D. Exhibit “C”

URGENCY ORDINANCE NO. 711

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON UTILITY CUTOFFS FOR BOTH RESIDENTIAL AND COMMERCIAL TENANTS DUE TO NONPAYMENT WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which requested the California Public Utilities Commission 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

WHEREAS, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 17, 2020, in response to Executive Order N-28-20, the California Public Utilities Commission (CPUC) issued a press release stating "energy, water, sewer, and communications companies under CPUC jurisdiction should half customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19"; and

WHEREAS, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, as of March 27, 2020, the Los Angeles Department of Public Health (the "County") has identified 1,465 cases of COVID-19 in Los Angeles County and

resulting in 26 deaths; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residents in the City of Cudahy (the "City") during the COVID-19 pandemic outbreak, and to serve the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes with all working utilities; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the "COVID-19 Utility Cutoff Moratorium Ordinance."

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote stability during the COVID-19 pandemic. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety because the COVID-19 pandemic has the potential for destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from shutoff of utilities for non-payment and to reduce the risk that these events will lead to, such as anxiety and stress for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on cutoff of utilities for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. This Urgency Ordinance applies to Tract 180 Mutual Water Company, Tract 349 Mutual Water Company, and Central Basin Municipal Water District.

SECTION 5. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State

CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 6. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 8. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Cudahy Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Urgency Ordinance and the moratorium established hereunder shall remain in effect for a period of ninety (90) calendar days from the date of approval unless earlier terminated or extended by the City Council.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this ___ day of _____, 2020.

_____
Elizabeth Alcantar
Mayor

ATTEST:

_____
Richard Iglesias
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, City Clerk of the City of Cudahy, hereby certify that the foregoing Urgency Ordinance No.711 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2020 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Richard Iglesias
Assistant City Clerk

EXHIBIT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by 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 prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the 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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.

2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.

3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.

4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.

5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.

8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.

9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.

12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

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 proclamation.

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 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT B

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

EXHIBIT C

California Public Utilities Commission
505 Van Ness Ave., San Francisco

FOR IMMEDIATE RELEASE **PRESS RELEASE**

Media Contact: Terrie Prosper, 415.703.1366, news@cpuc.ca.gov

CPUC ENSURES ESSENTIAL UTILITY SERVICES FOR CONSUMERS TO ASSIST IN COVID-19 MITIGATION

SAN FRANCISCO, March 17, 2020 – The California Public Utilities Commission's (CPUC) Executive Director today determined that energy, water, sewer, and communications companies under CPUC jurisdiction should halt customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19.

"In these unsettling and unprecedented times, many people are concerned about the health and safety of themselves and their loved ones. They should not also have to worry about their essential utility services being shut off for non-payment because they are unable to report to work due to illness, quarantine, or social distancing," said CPUC President Marybel Batjer. "The actions we are taking today will ensure that utility services remain available for California's most vulnerable populations."

The CPUC previously adopted utility customer protection measures that apply in cases where the declared emergency relates to the disruption or degradation of utility services in the case of manmade or natural disasters. Today's action, which was provided to the utilities via letter, extends those protections to mitigate some of the disruptions to Californians' daily lives related to COVID-19. The CPUC's action is to ensure that utility services will remain reliable and assist in California's COVID-19 response by allowing more people to safely self-quarantine or telework.

The customer protections described in the letter apply retroactively from March 4, 2020, when Gov. Newsom declared the State of Emergency in California.

Certain utilities and service providers have already announced voluntary moratoriums on service disconnections for non-payment, and today's action ensures that they continue the moratoriums and

that any energy, water, sewer, and communications company under the CPUC's jurisdiction follows suit.

Further, on March 16, 2020, Gov. Newsom issued an Executive Order requesting that the CPUC monitor the measures undertaken by public and private utility providers to implement customer service protections in response to COVID-19. The CPUC expects utilities and service providers to report to the CPUC on all customer protection measures they implement in response to COVID-19 as soon as they are implemented so that the CPUC may publicly report on the measures at www.cpuc.ca.gov/covid.

The CPUC's Executive Director's letter to the utilities, which the CPUC's Commissioners will have an opportunity to ratify in the near future, is available at www.cpuc.ca.gov/covid.

The CPUC regulates services and utilities, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services. For more information on the CPUC, please visit www.cpuc.ca.gov.

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Item Number 6D

STAFF REPORT

Date: March 30, 2020

To: Honorable Mayor/Chair and City Council/Agency Members

From: Santor Nishizaki, Acting City Manager
By: Jennifer C. Hernandez, EOC Duty Officer

Subject: **Adoption of Proposed Resolution No. 20-09 A Resolution of the City Council of the City of Cudahy Recognizing the State of California-Governor's Office of Emergency Services, Form 130 For Designation of Authorized Agents for Non-State Agencies**

RECOMMENDATION

The City Council is requested to authorize the Acting City Manager to execute the completion of the State of California-Governor's Office of Emergency Services (Cal-OES) Form 130 (attached), and the City Council representatives to confirm the document, and provide a resolution regarding the authorization, execution, and confirmation, and all said documents to be provide to the State of California-Governor's Office of Emergency Services (Cal-OES).

BACKGROUND

Every three (3) years, the State of California-Governor's Office of Emergency Services (Cal-OES) expects local jurisdictions to update a selection of forms, in order to provide funds via reimbursements, and/or grants, including disaster recovery funds. The Form 130 has not been provided to the State of California-Governor's Office of Emergency Services (Cal-OES) in many in over 10 years.

Form 130 identifies the authorized agents for the agency, when financial assistance under Public Law, the Stafford Disaster Relief and Emergency Assistance Act, and the California Disaster Assistance Act are utilized.

ANALYSIS

After performing an analysis of the City of Cudahy's emergency operations, the following individuals are being proposed as the designated agents for the City:

1. City Manager
2. Finance Manager
3. Human Resources Manager

CONCLUSION

Not approving the Cal-OES 130 form will inhibit the City of Cudahy from the ability from the ability to file this form with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

FINANCIAL IMPACT

There is no fiscal impact related to the approval of the Cal-OES 130 form.

ATTACHMENTS

A. Proposed Resolution No. 20-09 A Resolution of The City Council of the City of Cudahy Recognizing the State of California-Governor's Office of Emergency Services, Form 130 for Designation of Authorized Agents for Non-State Agencies
B. Cal-OES 130 Resolution Form

RESOLUTION NO. 20-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY RECOGNIZING THE STATE OF CALIFORNIA-GOVERNORS OFFICE OF EMERGENCY SERVICES, FORM 130 FOR DESIGNATION OF AUTHORIZED AGENTS FOR NON-STATE AGENCIES

WHEREAS, the State of California, Governor's Office of Emergency Services requires that all non-State agencies have a current Form 130 on file, and for it to be updated every three years; and

WHEREAS, the Form 130 requires the City of Cudahy to designate three individuals to serve as authorized agents to engage with FEMA and Cal-OES regarding grant applications and reimbursement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUDAHY, AS FOLLOWS:

SECTION 1. That the City Council of the City of Cudahy does hereby designate Acting City Manager Santor Nishizaki, Finance Manager Steven Dobrenen, and Human Resources Manager Jennifer Hernandez as the three designated individuals to serve as the authorized agents to engage with FEMA and Cal-OES regarding grant applications and reimbursement.

SECTION 2. That the City Council of the City of Cudahy sign the Form 130 and this resolution.

SECTION 3. That the City Clerk of the City of Cudahy sign the Form 130 and this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cudahy at its special meeting on this 30th day of March 2020.

_____
Elizabeth Alcantar
Mayor

DRAFT

ATTEST:

_____
Richard Iglesias
Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 20-09 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a special meeting of said Council held on the 30th day of March 30, 2020, and that said Resolution was adopted by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Richard Iglesias
Assistant City Clerk

DRAFT

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130

Cal OES ID No: _____

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE City Council (Governing Body) OF THE City of Cudahy, CA (Name of Applicant)

THAT City Manager (Title of Authorized Agent), OR
Finance Manager (Title of Authorized Agent), OR
Human Resources Manager (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Cudahy, CA (Name of Applicant), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Cudahy, CA (Name of Applicant), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☒ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this 30th day of March, 20 20

Elizabeth Alcantar, Mayor
(Name and Title of Governing Body Representative)

Jose R. Gonzalez, Vice Mayor
(Name and Title of Governing Body Representative)

City Council Member
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Richard Iglesias (Name), duly appointed and Assistant City Clerk (Title) of City of Cudahy, CA (Name of Applicant), do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council (Governing Body) of the City of Cudahy, CA (Name of Applicant) on the 30 day of March, 20___.

_____ (Signature)

_____ (Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. Titles Only: If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.

2. Names and Titles: If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

Item Number
6E

STAFF REPORT

Date: March 30, 2020

To: Honorable Mayor/Chair and City Council/Agency Members

From: Santor Nishizaki, Acting City Manager
By: Jennifer C. Hernandez, Human Resources Manager

Subject: **Adoption of the Proposed City of Cudahy Emergency Covid-19 Policy Regarding Employee Leave Use and Advanced Paid Leave Policy**

RECOMMENDATION

The City Council is requested to approve proposed City of Cudahy Emergency Covid-19 Policy Regarding Employee Leave Use and Advanced Paid Leave Policy.

BACKGROUND

1. On March 4, 2020, the Los Angeles County Board of Supervisors (Board) and the Department of Public Health (Public Health) declared a local and public health emergency in response to the increased spread of coronavirus across the country.

2. On March 11, 2020, the World Health Organization characterized the outbreak of COVID-19 as a pandemic.

3. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

4. On March 18, 2020, the H.R.6201 - Families First Coronavirus Response Act was signed into law by the President of the United States.

5. On March 19, 2020, the office of California Governor Gavin Newsom announced the Safer at Home order intended to protect the health and well-being amongst all Californians and help slow the spread of COVID-19. The City of Los Angeles and County of Los Angeles

followed the lead of the Governor shortly thereafter.

ANALYSIS

Effective April 1, 2020, H.R. 6201 the Families First Coronavirus Response Act shall take effect which requires the implementation of the following labor related State requirements:

Emergency Sick Leave

In the event that an employee is unable to work due to one or more of the following six reasons, the employee may use Emergency Paid Sick Leave as provided under the Families First Coronavirus Response Act ("FFCRA"):

- The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, which includes, but is not limited to, Governor Newsom's March 19, 2020, Executive Order N-33-20 and the County of Los Angeles March 19, 2020 "Safer at Home" Order;

- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

- The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order;

- The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions; and

- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Full-time employees are entitled eighty (80) hours of Emergency Paid Sick Leave.

Part-time employees are entitled to a number of Emergency Paid Sick Leave hours equal to the

number of hours that such employee works on average, over a two (2) week period.

Emergency Family and Medical Leave Expansion:

Qualified employees may be eligible to take FMLA Public Health Emergency Leave as provided under the Families First Coronavirus Response Act. If an employee has a son or daughter under 18 years of age and the son or daughter's school, or place of care is closed due to a public health emergency, the employee may take FMLA Public Health Emergency Leave to care for their son or daughter.

In order to qualify, an employee must be employed by the City for a minimum of 30 days.

"Son or daughter" has the same definition as it does under the FMLA. and means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

1. under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

The initial ten (10) days of such leave may consist of unpaid leave. However, an employee may elect to use paid leave during this period.

The employee may also elect to substitute the two (2) weeks of unpaid leave with the paid sick leave provided under the Emergency Paid Sick Leave Act, as explained above.

In an effort to address and memorialize labor practices implemented to comply with H.R. 6201, local, State, and Federal Health mandates, as well as the recently implemented Safer at Home order (N-33-20), issued by the Executive Department of the State of California, Governor's Office, the City is aiming to consolidate the applicability of use of leave balances arising from circumstances related to COVID-19. In order to achieve this, the City's special labor counsel has developed an all-inclusive policy addressing all pertinent topics surrounding emergency leave stemming from the coronavirus.

An additional item that is being proposed to potentially reduce the immediate financial burden to employees while the Safer at Home mandate is in effect, the City has developed a program that allows staff to draw from leave balances for up-to two (2) weeks of average hours worked, only after all other forms of available leave have been exhausted. This component of the policy would allow for employees to go into it a negative balance, which is to be recuperated by the City via the accumulation of future leave balances for subsequent payroll periods. This option

would be entirely voluntary, as not all employees will be impacted by the Safer at Home mandate. Employees opting to go into negative balances would not be able to use leave balances accrued until the negative balance has been recuperated and the balance has been restored to a zero balance. Although this option in the policy will not entirely relieve affected employees from all financial burden, it will offer a small form of relief to our workforce.

CONCLUSION

If the City Council does not approve this policy, it will not memorialize the City's structured compliance measures needed to act in accordance with H.R. 6201 and Executive Order N-33-20. It will also not allow the City to offer temporary financial relief to employees impacted by the Safer at Home measure, of which costs will be recoverable through the recuperation of advanced leave hours through future balance accruals.

FINANCIAL IMPACT

The anticipated financial impact for the implementation of the proposed policy will be approximately $54,000 to implement the Federally and State mandated emergency leave in response to COVID-19. Additionally, the maximum financial impact of the sick leave advance is anticipated not to exceed $54,000. As most employees are able to telecommute, it is not anticipated that this estimated threshold will be met. Moreover, costs from the advanced leave hours will be recuperated over time as employees opting into the program accrue hours to reduce any existing negative balance.

ATTACHMENTS

A. Proposed City of Cudahy Emergency Covid-19 Policy Regarding Employee Leave Use and Advanced Paid Leave Policy
B. Executive Order N-33-20
C. H.R. 6201 - Families First Coronavirus Response Act

CITY OF CUDAHY
EMERGENCY COVID-19 POLICY REGARDING
EMPLOYEE LEAVE USE AND ADVANCED PAID LEAVE

The California Occupational Safety and Health Act requires that the City of Cudahy provide safe and healthy working conditions for its employees.

As part of the City's obligation to provide a safe and healthy working environment for its employees, the City adopts and implements the following emergency Policy regarding the use of paid leave balances and the advance provision of paid leave for employees who may be directed to stay home due to suspicion of having or being exposed to COVID-19.

Except as modified by this Policy, all City policies, procedures, regulations, and Memoranda of Understanding remain in full force and effect. This Policy recognizes the importance of the City's employees in implementing the City's mission, and the importance of keeping all City employees, workplaces and the community safe.

This Policy is subject to change at any time and at the sole and exclusive discretion of the City, based on changing circumstances and information known about the COVID-19 virus and its related impacts.

The City will notify City employees of any changes to this Policy.

I. Sending Employees Home

In order to ensure the safety of employees and the public, the City Manager, or designee, may direct employees to leave work and return home depending on the following criteria: (1) Exhibition of symptoms associated with COVID-19 (such as fever, defined as 100.4° F [37.8° C] or greater using an oral thermometer, coughing and/or shortness of breath); (2) Severity of such symptoms; (3) Travel to or through areas with level 3 or higher area as defined by the CDC or from travel on a cruise ship; and (4) Close contact with affected individuals, defined as: (a) being within approximately 6 feet (2 meters) of a person diagnosed with COVID-19 for a prolonged period of time; or (b) having direct contact with infectious secretions of a person diagnosed with COVID-19 (*e.g.*, being coughed on). Additionally, the City will direct employees who have informed the City that they have tested positive for the COVID-19 virus to remain out of work.

A symptomatic employee directed to leave and remain away from work shall not return to work. In order to return to work, the City may require that the employee provide a certification from his or her treating medical professional that clears the employee to return to work. A symptomatic employee sent home from work should contact a medical professional for further advice. The employee should engage in self-observation while away from work.

Employees who have informed the City that they have tested positive for the COVID-19 virus shall not return to work. In order to return to work, the City may require that the employee provide a certification from his or her treating medical professional that clears the employee to return to work.

II. Lawful Orders Directing Non-Essential Employees to Stay at Home

The City shall observe, to the maximum extent permissible, any lawful order issued by either the Governor of the State of California or the Board of Supervisors of the County of Los Angeles, or any official properly designated by the Governor or Board of Supervisors, requiring non-essential employees to stay at home and not report to work.

The City interprets Governor Newsom's March 19, 2020 Executive Order N-33-20 and the County of Los Angeles March 19, 2020 "Safer at Home" Order as lawful orders for non-essential City employees to quarantine themselves at locations other than at a City workplace.

III. Use of Sick Leave

a. Emergency Paid Sick Leave

Effective April 2, 2020, unless an early effective date is provided, in the event that an employee is unable to work due to one or more of the following six reasons, the employee may use Emergency Paid Sick Leave as provided under the Families First Coronavirus Response Act ("FFCRA"):

(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, which includes, but is not limited to, Governor Newsom's March 19, 2020 Executive Order N-33-20 and the County of Los Angeles March 19, 2020 "Safer at Home" Order;

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(4) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described in subparagraph (1) or has been advised as described in subparagraph (2);

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; and

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Full time employees are entitled eighty (80) hours of Emergency Paid Sick Leave.

Part-time employees are entitled to a number of Emergency Paid Sick Leave hours equal to the number of hours that such employee works on average, over a two (2) week period.

The City will designate leave that qualifies according to the criteria above as Emergency Paid Sick Leave. The City will provide such Emergency Paid Sick Leave in addition to other paid leave balances. The City may require that an employee entitled to Emergency Paid Sick Leave use such leave prior to using other paid sick leave balances.

Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay if they are unable to work for the reasons provided in subparagraphs (1) – (3) above. However, such payments are subject to certain limitations.

Employees are entitled to Emergency Paid Sick Leave at two-thirds of the employee's regular rate of pay if they are unable to work for the reasons provided in subparagraphs (4) – (6) above. However, such payments are subject to certain limitations. Employees may supplement the two-thirds pay with accrued paid leave balances in order to achieve 100% of their regular rate of pay.

b. Employees With Paid Sick Leave Balances

For employees who have paid sick leave balances:

(1) If the City sends home from work an employee for a reason *not* described in paragraph a. above, the employee may choose whether to use their paid sick leave balance during the remainder of period spent away from work.

(2) If the City sends home from work an employee for a reason described in paragraph a. above *and* the employee exhausts all the Emergency Paid Sick Leave, the employee may choose whether to use their sick leave balance during the remainder of period spent away from work.

The City will not provide compensation to an employee who chooses not to use sick leave for either of the reasons described above.

c. Employees With No Paid Sick Leave Balances

For employees who have *no* paid sick leave balance:

(1) If the City sends home from work an employee for a reason *not* described in paragraph a. above, the employee may choose whether to use accrued vacation time or any other leave balance during the remainder of period spent away from work.

(2) If the City sends home from work an employee for a reason described in paragraph a. above *and* the employee exhausts all the Emergency Paid Sick Leave, the employee may choose whether to use accrued vacation time or any other leave balance during the remainder of period spent away from work.

d. Employees With No Paid Leave Balances

Employees with no paid leave balances, or who exhaust their paid leave balances during the period spent away from work, may be allowed, at the sole discretion of the City Manager, to draw up to 80 hours of sick leave if they are Full time employees. Part time employees may be allowed to draw up to the amount of hours equal to the number of hours that such employee works on average, over a two (2) week period. The employee who receives such advanced paid leave accruals shall repay the City the entire value of the advanced paid leave accrual pursuant to the terms outlined in the agreement for repayment of negative paid sick leave accruals.

The City is not obligated to provide advanced paid leave accruals to employees who are unable to return to work due to a superseding order issued by the Governor of the State of California or the Board of Supervisors of the County of Los Angeles, or any official properly designated by the Governor or Board of Supervisors.

e. Family Medical Leave Act/California Family Rights Act

The City may designated as FMLA/CFRA leave any leave taken by an employee who is diagnosed with COVID-19 or who develops COVID-19 while away from work, according to the City's FMLA/CFRA Leave policy.

f. FMLA Public Health Emergency Leave

Qualified employees may be eligible to take FMLA Public Health Emergency Leave as provided under the Families First Coronavirus Response Act. In the event that an employee has a son or daughter under 18 years of age and the son or daughter's school or place of care is closed due to a public health emergency, the employee may take FMLA Public Health Emergency Leave in order to care for their son or daughter.

In order to qualify, an employees must be employed by the City for at minimum 30 days.

"Son or daughter" has the same definition as it does under the FMLA. and means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is :(1) under 18 years of age; or (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.

The initial ten (10) days of such leave may consist of unpaid leave. However, an employee may elect to use paid leave during this period.

The employee may also elect to substitute the two (2) weeks of unpaid leave with the paid sick leave provided under the Emergency Paid Sick Leave Act, as explained above.

IV. Employees 65 Years of Age or Older or with Pre-Existing Medical Conditions

a. Consistent with California Governor Gavin Newsom's March 15, 2020 recommendation, an employee who does not meet the criteria provided for in Section I, but who is either aged 65 or older, or who has a chronic health condition may request leave from work to stay at home in order to prevent contraction of COVID-19. Such employees may be required to provide medical documentation from a treating physician documenting that they have a qualifying condition.

b. Employees who request such leave from work may elect to use paid sick and other leave balances during the period spent away from work consistent with Section II above.

V. Employees Impacted Due to School Closure

Non-essential employees, as determined by the City Manager or designee, with at least one dependent impacted by school closures may request leave from work to stay at home in order to provide care for the dependent(s). The employee may elect to use paid sick and other paid leave balances, only to the extent necessary to care for the dependent.

If the employee has no paid sick leave balance from which to draw, or the employee exhausts their sick leave during the period of time spent away from work, the City may approve unpaid leave requests to the extent necessary for the employee to provide care for his or her dependent(s).

Employees must submit their request to the City Manager or designee on a weekly basis. The City Manager or designee may require that the employee report to work as needed.

CITY OF CUDAHY
AGREEMENT FOR THE REPAYMENT OF NEGATIVE PAID SICK LEAVE ACCRUALS

During the present emergency caused by the COVID-19 outbreak, the City of Cudahy may allow a full-time employee who has exhausted all accrued paid sick leave, vacation, compensatory time off, [**and insert any additional paid leave provided**], to accrue a negative paid leave balance up to 80 hours of paid sick leave for full-time employees, and , according to the terms of this Agreement. City of Cudahy may allow a part-time employee who has exhausted all accrued paid sick leave, vacation, compensatory time off, [**and insert any additional paid leave provided**], to accrue a negative paid leave balance proportionate to the amount of time that the employee normally works during a two week period.

Based on mutual written agreement between the employee who executes this agreement and the City, the employee must repay the negative leave accrued during the emergency within [#] days of the date of the last day of the leave or end of the emergency whichever is earlier.

Except as modified by the City's Emergency COVID-19 Policy, all City policies, procedures, regulations, and Memoranda of Understanding remain in full force and effect. The Emergency COVID-19 Policy is an emergency policy of the City, and the City does not intend, by the establishment of the Policy, to establish a binding practice concerning the provision of negative leave accruals.

The City intends that the purpose of the Emergency COVID-19 Policy is to ensure the health and safety of public employees and their families, the workplace and the City. The City interprets Governor Newsom's March 19, 2020 Executive Order N-33-20 and the County of Los Angeles March 19, 2020 "Safer at Home" Order as lawful orders for non-essential City employees to quarantine themselves at locations other than at a City workplace.

Further, the Emergency COVID-19 Policy is subject to change at any time and at the sole and exclusive discretion of the City, based on changing circumstances related to the COVID-19 outbreak.

Reason for Leave:

_____ Leave is due to a Federal, State, or local quarantine or isolation order related to COVID-19, which includes, but is not limited to, Governor Newsom's March 19, 2020 Executive Order N-33-20 and the County of Los Angeles March 19, 2020 "Safer at Home" Order. The provision of negative accrual to employees who cannot return to work due to a superseding lawful order not issued by the City is subject to approval on a case-by-case basis by the City Manager. (Employee may qualify for Emergency Paid Sick Leave)

_____ Leave is due to advice by a health care provider to self-quarantine due to concerns related to COVID-19. (Employee may qualify for Emergency Paid Sick Leave)

_____ Leave is due to employee is experiencing symptoms of COVID-19 (*e.g.*, fever [defined as 100.4° F [37.8° C] or greater using an oral thermometer], coughing, and/or shortness of breath) and seeking a medical diagnosis. (Employee may qualify for Emergency Paid Sick Leave)

_____ Leave is due to the employee is caring for an individual who either: (a) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or (b) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described above. (Employee may qualify for Emergency Paid Sick and FMLA Public Emergency Leave)

_____ Leave is due to the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. (Employee may qualify for Emergency Paid Sick and FMLA Public Emergency Leave/FMLA Public Health Emergency Leave)

_____ Leave is due to employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor. (Employee may qualify for Emergency Paid Sick and Employee may qualify for FMLA Public Emergency Leave)

_____ Leave because the employee would like to follow Governor Gavin Newsom's March 15, 2020 guidance for the home-isolation of individuals over the age of 65 and those with chronic health conditions.

_____ Leave because, within the last 14 days, the employee has returned from travel to or through areas with a Warning Level 3 or higher as defined by the Centers for Disease Control (CDC) or from travel on a cruise ship.

_____ Leave because, within the last 14 days, the employee has had close contact with affected individuals, defined as: (a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time (close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case); or (b) having direct contact with infectious secretions of a COVID-19 case (*e.g.*, being coughed on).

_____ Leave to care for a family member (as defined below) who has *not* been advised by a health care provider to self-quarantine, but who is exhibiting symptoms of COVID-19 (*e.g.*, fever (defined as 100.4° F [37.8° C] or greater using an oral thermometer), coughing and/or shortness of breath) or who has obtained a positive diagnosis of COVID-19. The family member that the employee is caring for is:

_____ (Family Member's Relation to You)

Repayment:

Commencing on the first pay period upon which I accrue paid leave, until the paid sick leave advanced is repaid, I agree to forego my biweekly paid leave accrued, including but not limited to paid sick leave, vacation leave, compensatory time off, and other forms of accrued paid leave. I agree to forego such paid leave that I accrue until all of the paid sick leave advanced is repaid.

I understand and fully acknowledge that I am required to commence repayment to the City for the negative paid leave balance accrued under the terms of this Agreement starting on the first pay period upon which I accrue paid leave again.

If I leave City employment for any reason prior to the full repayment of the negative paid sick leave balance, I consent to the City withholding from my last paycheck the amount necessary to repay the City for the advanced sick leave accrued under the terms of this Agreement.

Further, if any amount remains due after I separate from the City, I agree to pay the remaining balance back to the City within 60 business days of my date of separation from employment. I understand that if I fail to repay the full balance of the advanced sick leave accrual, the City may commence litigation to recover the balance due.

Date: _____

_____
Name of employee (print)

_____
Signature of employee

Date: _____

_____
City Manager or designee (print)

_____
Signature

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

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 in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

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

IT IS HEREBY ORDERED THAT:

1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: https://covid19.ca.gov/. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.

3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.

4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

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 19th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

H. R. 6201

One Hundred Sixteenth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday, the third day of January, two thousand and twenty

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Families First Coronavirus Response Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

DIVISION B—NUTRITION WAIVERS

DIVISION C—EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

DIVISION D—EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

DIVISION E—EMERGENCY PAID SICK LEAVE ACT

DIVISION F—HEALTH PROVISIONS

DIVISION G—TAX CREDITS FOR PAID SICK AND PAID FAMILY AND MEDICAL LEAVE

DIVISION H—BUDGETARY EFFECTS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children", $500,000,000, to remain available through September 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the "Commodity Assistance Program" for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $400,000,000, to remain available through September 30, 2021: *Provided*, That of the funds made available, the Secretary may use up to $100,000,000 for costs associated with the distribution of commodities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1101. (a) PUBLIC HEALTH EMERGENCY.—During fiscal year 2020, in any case in which a school is closed for at least 5 consecutive days during a public health emergency designation during which the school would otherwise be in session, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a state agency plan approved under subsection (b).

(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children. Plans approved by the Secretary shall provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household.

(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed for less than 5 consecutive days.

(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State

educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) WAIVERS.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 6(c) of such Act (7 U.S.C. 2015(c)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) AVAILABILITY OF COMMODITIES.—During fiscal year 2020, the Secretary of Agriculture may purchase commodities for emergency distribution in any area of the United States during a public health emergency designation.

(h) DEFINITIONS.—In this section:

(1) The term "eligible child" means a child (as defined in section 12(d) or served under section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d), 1759(a)(1)) who, if not for the closure of the school attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 175l et seq.) at the school.

(2) The term "public health emergency designation" means the declaration of a public health emergency, based on an outbreak of SARS–CoV–2 or another coronavirus with pandemic potential, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(3) The term "school" has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

(i) FUNDING.—There are hereby appropriated to the Secretary of Agriculture such amounts as are necessary to carry out this section: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1102. In addition to amounts otherwise made available, $100,000,000, to remain available through September 30, 2021, shall be available for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance in response to a COVID–19 public health emergency: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF DEFENSE

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $82,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(a) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For an additional amount for "Taxpayer Services", $15,000,000, to remain available until September 30, 2022, for the purposes of carrying out the Families First Coronavirus Response Act: *Provided*, That amounts provided under this heading in this Act may be transferred to and merged with "Operations Support": *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services", $64,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6007 of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amounts shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for "Aging and Disability Services Programs", $250,000,000, to remain available until September 30, 2021, for activities authorized under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965 ("OAA"), of which $160,000,000 shall be for Home-Delivered Nutrition Services, $80,000,000 shall be for Congregate Nutrition Services, and $10,000,000 shall be for Nutrition Services for Native Americans: *Provided*, That State matching requirements under sections 304(d)(1)(D) and 309(b)(2) of the OAA shall not apply to funds made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund", $1,000,000,000, to remain available until expended, for activities authorized under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11), in coordination with the Assistant Secretary for Preparedness and Response and the Administrator of the Centers for Medicare & Medicaid Services, to pay the claims of providers for reimbursement, as described in subsection (a)(3)(D) of such section 2812, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (or the administration of such products) or visits described in paragraph (2) of such section for uninsured individuals: *Provided*, That the term "uninsured individual" in this paragraph means an individual who is not enrolled in—

(1) a Federal health care program (as defined under section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)), including an individual who is eligible for medical assistance only because of subsection (a)(10)(A)(ii)(XXIII) of Section 1902 of the Social Security Act; or

(2) a group health plan or health insurance coverage offered by a health insurance issuer in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91)), or a health plan offered under chapter 89 of title 5, United States Code:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $30,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(b) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL COMMUNITY CARE

For an additional amount for "Medical Community Care", $30,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(b) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII

GENERAL PROVISIONS—THIS ACT

SEC. 1701. Not later than 30 days after the date of enactment of this Act, the head of each executive agency that receives funding in this Act shall provide a report detailing the anticipated uses of all such funding to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That each report shall include estimated personnel and administrative costs, as well as the total amount of funding apportioned, allotted, obligated, and expended, to date: *Provided further*, That each such plan shall be updated and submitted to such Committees every 60 days until all funds are expended or expire.

SEC. 1702. States and local governments receiving funds or assistance pursuant to this division shall ensure the respective State Emergency Operations Center receives regular and real-time reporting on aggregated data on testing and results from State and local public health departments, as determined by the Director of the Centers for Disease Control and Prevention, and that such data is transmitted to the Centers for Disease Control and Prevention.

SEC. 1703. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1705. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 1706. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1707. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the "Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020".

DIVISION B—NUTRITION WAIVERS

TITLE I—MAINTAINING ESSENTIAL ACCESS TO LUNCH FOR STUDENTS ACT

SEC. 2101. SHORT TITLE.

This title may be cited as the "Maintaining Essential Access to Lunch for Students Act" or the "MEALS Act".

SEC. 2102. WAIVER EXCEPTION FOR SCHOOL CLOSURES DUE TO COVID–19.

(a) IN GENERAL.—The requirements under section 12(l)(1)(A)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)(1)(A)(iii)) shall not apply to a qualified COVID–19 waiver.

(b) ALLOWABLE INCREASE IN FEDERAL COSTS.—Notwithstanding paragraph (4) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), the Secretary of Agriculture may grant a qualified COVID–19 waiver that increases Federal costs.

(c) TERMINATION AFTER PERIODIC REVIEW.—The requirements under section 12(l)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)(5)) shall not apply to a qualified COVID–19 waiver.

(d) QUALIFIED COVID–19 WAIVER.—In this section, the term "qualified COVID–19 waiver" means a waiver—

(1) requested by a State (as defined in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8))) or eligible service provider under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)); and

(2) to waive any requirement under such Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under either such Act, for purposes of providing meals and meal supplements under such Acts during a school closure due to COVID–19.

TITLE II—COVID—19 CHILD NUTRITION RESPONSE ACT

SEC. 2201. SHORT TITLE.

This title may be cited as the "COVID–19 Child Nutrition Response Act".

SEC. 2202. NATIONAL SCHOOL LUNCH PROGRAM REQUIREMENT WAIVERS ADDRESSING COVID–19.

(a) NATIONWIDE WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may establish a waiver for all States under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), for purposes of—

(A) providing meals and meal supplements under a qualified program; and

(B) carrying out subparagraph (A) with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

(2) STATE ELECTION.—A waiver established under paragraph (1) shall—

(A) notwithstanding paragraph (2) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), apply automatically to any State that elects to be subject to the waiver without further application; and

(B) not be subject to the requirements under paragraph (3) of such section.

(b) CHILD AND ADULT CARE FOOD PROGRAM WAIVER.—Notwithstanding any other provision of law, the Secretary may grant a waiver under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)) to allow non-congregate feeding under a child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) if such waiver is for the purposes of—

(1) providing meals and meal supplements under such child and adult care food program; and

(2) carrying out paragraph (1) with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

(c) MEAL PATTERN WAIVER.—Notwithstanding paragraph (4)(A) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)) the Secretary may grant a waiver under such section that relates to the nutritional content of meals served if the Secretary determines that—

(1) such waiver is necessary to provide meals and meal supplements under a qualified program; and

(2) there is a supply chain disruption with respect to foods served under such a qualified program and such disruption is due to COVID–19.

(d) REPORTS.—Each State that receives a waiver under subsection (a), (b), or (c), shall, not later than 1 year after the date such State received such waiver, submit a report to the Secretary that includes the following:

(1) A summary of the use of such waiver by the State and eligible service providers.

(2) A description of whether such waiver resulted in improved services to children.

(e) SUNSET.—The authority of the Secretary to establish or grant a waiver under this section shall expire on September 30, 2020.

(f) DEFINITIONS.—In this section:

(1) QUALIFIED PROGRAM.—The term "qualified program" means the following:

(A) The school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(B) The school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(C) The child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(D) The summer food service program for children under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" has the meaning given such term in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8)).

SEC. 2203. PHYSICAL PRESENCE WAIVER UNDER WIC DURING CERTAIN PUBLIC HEALTH EMERGENCIES.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may grant a request described in paragraph (2) to—

(A) waive the requirement under section 17(d)(3)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(i)); and

(B) defer anthropometric and bloodwork requirements necessary to determine nutritional risk.

(2) REQUEST.—A request described in this paragraph is a request made to the Secretary by a State agency to waive, on behalf of the local agencies served by such State agency, the requirements described in paragraph (1) during any portion of the emergency period (as defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) (beginning on or after the date of the enactment of this section).

(b) REPORTS.—

(1) LOCAL AGENCY REPORTS.—Each local agency that uses a waiver pursuant to subsection (a) shall, not later than 1 year after the date such local agency uses such waiver, submit a report to the State agency serving such local agency that includes the following:

(A) A summary of the use of such waiver by the local agency.

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(2) STATE AGENCY REPORTS.—Each State agency that receives a waiver under subsection (a) shall, not later than 18 months after the date such State agency received such

waiver, submit a report to the Secretary that includes the following:

(A) A summary of the reports received by the State agency under paragraph (1).

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) SUNSET.—The authority under this section shall expire on September 30, 2020.

(d) DEFINITIONS.—In this section:

(1) LOCAL AGENCY.—The term "local agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(2) NUTRITIONAL RISK.—The term "nutritional risk" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE AGENCY.— The term "State agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

SEC. 2204. ADMINISTRATIVE REQUIREMENTS WAIVER UNDER WIC.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may, if requested by a State agency (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), modify or waive any qualified administrative requirement with respect to such State agency.

(2) QUALIFIED ADMINISTRATIVE REQUIREMENT.—In this section, the term "qualified administrative requirement" means a regulatory requirement issued under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) that the Secretary of Agriculture determines—

(A) cannot be met by a State agency due to COVID–19; and

(B) the modification or waiver of which is necessary to provide assistance under such section.

(b) STATE AGENCY REPORTS.—Each State agency that receives a waiver under subsection (a)(1) shall, not later than 1 year after the date such State agency received such waiver, submit a report to the Secretary of Agriculture that includes the following:

(1) A summary of the use of such waiver by the State agency.

(2) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) SUNSET.—The authority under this section shall expire on September 30, 2020.

TITLE III—SNAP WAIVERS

SEC. 2301. SNAP FLEXIBILITY FOR LOW-INCOME JOBLESS WORKERS.

(a) Beginning with the first month that begins after the enactment of this Act and for each subsequent month through the end of the month subsequent to the month a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak

of coronavirus disease 2019 (COVID–19) is lifted, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 unless an individual does not comply with the requirements of a program offered by the State agency (as defined in section 3 of the Food and Nutrition Act of 2008) that meets the standards of subparagraphs (B) or (C) of such section 6(o)(2).

(b) Beginning on the month subsequent to the month the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of COVID–19 is lifted for purposes of section 6(o) of the Food and Nutrition Act of 2008, such State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to such month.

SEC. 2302. ADDITIONAL SNAP FLEXIBILITIES IN A PUBLIC HEALTH EMERGENCY.

(a) In the event of a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID–19) and the issuance of an emergency or disaster declaration by a State based on an outbreak of COVID–19, the Secretary of Agriculture—

(1) shall provide, at the request of a State agency (as defined in section 3 of the Food and Nutrition Act of 2008) that provides sufficient data (as determined by the Secretary through guidance) supporting such request, for emergency allotments to households participating in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 to address temporary food needs not greater than the applicable maximum monthly allotment for the household size; and

(2) may adjust, at the request of State agencies or by guidance in consultation with one or more State agencies, issuance methods and application and reporting requirements under the Food and Nutrition Act of 2008 to be consistent with what is practicable under actual conditions in affected areas. (In making this adjustment, the Secretary shall consider the availability of offices and personnel in State agencies, any conditions that make reliance on electronic benefit transfer systems described in section 7(h) of the Food and Nutrition Act of 2008 impracticable, any disruptions of transportation and communication facilities, and any health considerations that warrant alternative approaches.)

(b) Not later than 10 days after the date of the receipt or issuance of each document listed in paragraphs (1), (2), or (3) of this subsection, the Secretary of Agriculture shall make publicly available on the website of the Department the following documents:

(1) Any request submitted by State agencies under subsection (a).

(2) The Secretary's approval or denial of each such request.

(3) Any guidance issued under subsection (a)(2).

(c) The Secretary of Agriculture shall, within 18 months after the public health emergency declaration described in subsection (a) is lifted, submit a report to the House and Senate Agriculture Committees with a description of the measures taken to address

the food security needs of affected populations during the emergency, any information or data supporting State agency requests, any additional measures that States requested that were not approved, and recommendations for changes to the Secretary's authority under the Food and Nutrition Act of 2008 to assist the Secretary and States and localities in preparations for any future health emergencies.

DIVISION C—EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

SEC. 3101. SHORT TITLE.

This Act may be cited as "Emergency Family and Medical Leave Expansion Act".

SEC. 3102. AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) PUBLIC HEALTH EMERGENCY LEAVE.—

(1) IN GENERAL.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(F) During the period beginning on the date the Emergency Family and Medical Leave Expansion Act takes effect, and ending on December 31, 2020, because of a qualifying need related to a public health emergency in accordance with section 110.".

(2) PAID LEAVE REQUIREMENT.—Section 102(c) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(c)) is amended by striking "under subsection (a)" and inserting "under subsection (a) (other than certain periods of leave under subsection (a)(1)(F))".

(b) REQUIREMENTS.—Title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) is amended by adding at the end the following:

"SEC. 110. PUBLIC HEALTH EMERGENCY LEAVE.

"(a) DEFINITIONS.—The following shall apply with respect to leave under section 102(a)(1)(F):

"(1) APPLICATION OF CERTAIN TERMS.—The definitions in section 101 shall apply, except as follows:

"(A) ELIGIBLE EMPLOYEE.—In lieu of the definition in sections 101(2)(A) and 101(2)(B)(ii), the term 'eligible employee' means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

"(B) EMPLOYER THRESHOLD.—Section 101(4)(A)(i) shall be applied by substituting 'fewer than 500 employees' for '50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year'.

"(2) ADDITIONAL DEFINITIONS.—In addition to the definitions described in paragraph (1), the following definitions shall apply with respect to leave under section 102(a)(1)(F):

"(A) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—The term 'qualifying need related to a public health emergency', with respect to leave, means the

employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

"(B) PUBLIC HEALTH EMERGENCY.—The term 'public health emergency' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

"(C) CHILD CARE PROVIDER.—The term 'child care provider' means a provider who receives compensation for providing child care services on a regular basis, including an 'eligible child care provider' (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).

"(D) SCHOOL.—The term 'school' means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) REGULATORY AUTHORITIES.—The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code—

"(A) to exclude certain health care providers and emergency responders from the definition of eligible employee under section 110(a)(1)(A); and

"(B) to exempt small businesses with fewer than 50 employees from the requirements of section 102(a)(1)(F) when the imposition of such requirements would jeopardize the viability of the business as a going concern.

"(b) RELATIONSHIP TO PAID LEAVE.—

"(1) UNPAID LEAVE FOR INITIAL 10 DAYS.—

"(A) IN GENERAL.—The first 10 days for which an employee takes leave under section 102(a)(1)(F) may consist of unpaid leave.

"(B) EMPLOYEE ELECTION.—An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for unpaid leave under section 102(a)(1)(F) in accordance with section 102(d)(2)(B).

"(2) PAID LEAVE FOR SUBSEQUENT DAYS.—

"(A) IN GENERAL.—An employer shall provide paid leave for each day of leave under section 102(a)(1)(F) that an employee takes after taking leave under such section for 10 days.

"(B) CALCULATION.—

"(i) IN GENERAL.—Subject to clause (ii), paid leave under subparagraph (A) for an employee shall be calculated based on—

"(I) an amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and

"(II) the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under subparagraph (C)).

"(ii) CLARIFICATION.—In no event shall such paid leave exceed $200 per day and $10,000 in the aggregate.

"(C) VARYING SCHEDULE HOURS CALCULATION.—In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under section 102(a)(1)(F), the employer shall use the following in place of such number:

"(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.

"(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

"(c) NOTICE.—In any case where the necessity for leave under section 102(a)(1)(F) for the purpose described in subsection (a)(2)(A)(iii) is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.

"(d) RESTORATION TO POSITION.—

"(1) IN GENERAL.—Section 104(a)(1) shall not apply with respect to an employee of an employer who employs fewer than 25 employees if the conditions described in paragraph (2) are met.

"(2) CONDITIONS.—The conditions described in this paragraph are the following:

"(A) The employee takes leave under section 102(a)(1)(F).

"(B) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer—

"(i) that affect employment; and

"(ii) are caused by a public health emergency during the period of leave.

"(C) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced, with equivalent employment benefits, pay, and other terms and conditions of employment.

"(D) If the reasonable efforts of the employer under subparagraph (C) fail, the employer makes reasonable efforts during the period described in paragraph (3) to contact the employee if an equivalent position described in subparagraph (C) becomes available.

"(3) CONTACT PERIOD.—The period described under this paragraph is the 1-year period beginning on the earlier of—

"(A) the date on which the qualifying need related to a public health emergency concludes; or

"(B) the date that is 12 weeks after the date on which the employee's leave under section 102(a)(1)(F) commences.".

SEC. 3103. EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS.

(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under section 110(b)(2) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act, by making contributions to a multiemployer fund, plan, or program based on the paid leave each of its employees is entitled to under such section while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.

(b) EMPLOYEES.—Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.

SEC. 3104. SPECIAL RULE FOR CERTAIN EMPLOYERS.

An employer under 110(a)(B) shall not be subject to section 107(a) for a violation of section 102(a)(1)(F) if the employer does not meet the definition of employer set forth in Section 101(4)(A)(i).

SEC. 3105. SPECIAL RULE FOR HEALTH CARE PROVIDERS AND EMERGENCY RESPONDERS.

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under of section 3102 of this Act.

SEC. 3106. EFFECTIVE DATE.

This Act shall take effect not later than 15 days after the date of enactment of this Act.

DIVISION D—EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

SEC. 4101. SHORT TITLE.

This division may be cited as the "Emergency Unemployment Insurance Stabilization and Access Act of 2020".

SEC. 4102. EMERGENCY TRANSFERS FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"Emergency Transfers in Fiscal Year 2020 for Administration

"(h)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of emergency administration grants in fiscal year 2020 to the accounts of the States in the Unemployment Trust Fund, in accordance with succeeding provisions of this subsection.

"(B) The amount of an emergency administration grant with respect to a State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $1,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of subsection (a).

"(C) Of the emergency administration grant determined under subparagraph (B) with respect to a State—

"(i) not later than 60 days after the date of enactment of this subsection, 50 percent shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State meets the requirements of paragraph (2); and

"(ii) only with respect to a State in which the number of unemployment compensation claims has increased by at least 10 percent over the same quarter in the previous calendar year, the remainder shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State meets the requirements of paragraph (3).

"(2) The requirements of this paragraph with respect to a State are the following:

"(A) The State requires employers to provide notification of the availability of unemployment compensation to employees at the time of separation from employment. Such notification may be based on model notification language issued by the Secretary of Labor.

"(B) The State ensures that applications for unemployment compensation, and assistance with the application process, are accessible in at least two of the following: in-person, by phone, or online.

"(C) The State notifies applicants when an application is received and is being processed, and in any case in which an application is unable to be processed, provides information about steps the applicant can take to ensure the successful processing of the application.

"(3) The requirements of this paragraph with respect to a State are the following:

"(A) The State has expressed its commitment to maintain and strengthen access to the unemployment compensation system, including through initial and continued claims.

"(B) The State has demonstrated steps it has taken or will take to ease eligibility requirements and access to unemployment compensation for claimants, including waiving work search requirements and the waiting week, and non-charging employers directly impacted by COVID–19 due to an illness in the workplace or direction from a public health official to isolate or quarantine workers.

"(4) Any amount transferred to the account of a State under this subsection may be used by such State only for the administration of its unemployment compensation law, including by taking such steps as may be necessary to ensure adequate resources in periods of high demand.

"(5) Not later than 1 year after the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020, each State receiving emergency administration grant funding under paragraph (1)(C)(i) shall submit to the Secretary of Labor, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a report that includes—

"(A) an analysis of the recipiency rate for unemployment compensation in the State as such rate has changed over time;

"(B) a description of steps the State intends to take to increase such recipiency rate.

"(6)(A) Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of making the transfers described in paragraph (1)(C).

"(B) There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.".

(b) EMERGENCY FLEXIBILITY.—Notwithstanding any other law, if a State modifies its unemployment compensation law and policies with respect to work search, waiting week, good cause, or employer experience rating on an emergency temporary basis as needed to respond to the spread of COVID–19, such modifications shall be disregarded for the purposes of applying section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986 to such State law.

(c) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

SEC. 4103. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking "beginning on the date of enactment of this paragraph and ending on December 31, 2010" and inserting "beginning on the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020 and ending on December 31, 2020".

SEC. 4104. TECHNICAL ASSISTANCE AND GUIDANCE FOR SHORT-TIME COMPENSATION PROGRAMS.

The Secretary of Labor shall assist States in establishing, implementing, and improving the employer awareness of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986) to help avert layoffs, including by providing technical assistance and guidance.

SEC. 4105. FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—In the case of sharable extended compensation and sharable regular compensation paid for weeks of unemployment beginning after the date of the enactment of this section and before December 31, 2020 (and only with respect to States that receive emergency administration grant funding under clauses (i) and (ii) of section 903(h)(1)(C) of the Social Security Act (42 U.S.C. 1102(h)(1)(C))), section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall be applied by substituting "100 percent of" for "one-half of".

(b) TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—With respect to weeks of unemployment beginning after the date of the enactment of this Act and ending on or before December 31, 2020, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "sharable extended compensation" and "sharable regular compensation" have the respective meanings given such terms under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970; and

(2) the term "week" has the meaning given such term under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(d) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section.

DIVISION E—EMERGENCY PAID SICK LEAVE ACT

SEC. 5101. SHORT TITLE.

This Act may be cited as the "Emergency Paid Sick Leave Act".

SEC. 5102. PAID SICK TIME REQUIREMENT.

(a) IN GENERAL.—An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19.

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.

(3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.

(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter

has been closed, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Except that an employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this subsection.

(b) DURATION OF PAID SICK TIME.—

(1) IN GENERAL.—An employee shall be entitled to paid sick time for an amount of hours determined under paragraph (2).

(2) AMOUNT OF HOURS.—The amount of hours of paid sick time to which an employee is entitled shall be as follows:

(A) For full-time employees, 80 hours.

(B) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.

(3) CARRYOVER.—Paid sick time under this section shall not carry over from 1 year to the next.

(c) EMPLOYER'S TERMINATION OF PAID SICK TIME.—Paid sick time provided to an employee under this Act shall cease beginning with the employee's next scheduled workshift immediately following the termination of the need for paid sick time under subsection (a).

(d) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

(e) USE OF PAID SICK TIME.—

(1) IN GENERAL.—The paid sick time under subsection (a) shall be available for immediate use by the employee for the purposes described in such subsection, regardless of how long the employee has been employed by an employer.

(2) SEQUENCING.—

(A) IN GENERAL.—An employee may first use the paid sick time under subsection (a) for the purposes described in such subsection.

(B) PROHIBITION.—An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under subsection (a).

SEC. 5103. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act.

(b) MODEL NOTICE.—Not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of subsection (a).

SEC. 5104. PROHIBITED ACTS.

It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who—

(1) takes leave in accordance with this Act; and

(2) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks enforcement of this Act), or has testified or is about to testify in any such proceeding.

SEC. 5105. ENFORCEMENT.

(a) UNPAID SICK LEAVE.—An employer who violates section 5102 shall—

(1) be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and

(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

(b) UNLAWFUL TERMINATION.—An employer who willfully violates section 5104 shall—

(1) be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and

(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

SEC. 5106. EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS.

(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under this Act by making contributions to a multiemployer fund, plan, or program based on the hours of paid sick time each of its employees is entitled to under this Act while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement and for the uses specified under section 5102(a).

(b) EMPLOYEES.—Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for the uses specified in section 5102(a).

SEC. 5107. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to in any way diminish the rights or benefits that an employee is entitled to under any—

(A) other Federal, State, or local law;

(B) collective bargaining agreement; or

(C) existing employer policy; or

(2) to require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under this Act that has not been used by such employee.

SEC. 5108. EFFECTIVE DATE.

This Act, and the requirements under this Act, shall take effect not later than 15 days after the date of enactment of this Act.

SEC. 5109. SUNSET.

This Act, and the requirements under this Act, shall expire on December 31, 2020.

SEC. 5110. DEFINITIONS.

For purposes of the Act:

(1) EMPLOYEE.—The terms "employee" means an individual who is—

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E) or (F), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (5)(A); or

(ii) an employee of the Government Accountability Office;

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code;

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; or

(F) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code).

(2) EMPLOYER.—

(A) IN GENERAL.—The term "employer" means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an Executive Agency as defined in section 105 of title 5, United States Code, and including the U.S. Postal Service and the Postal Regulatory Commission; and

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term "covered employer"—

(I) means any person engaged in commerce or in any industry or activity affecting commerce that—

(aa) in the case of a private entity or individual, employs fewer than 500 employees; and

(bb) in the case of a public agency or any other entity that is not a private entity or individual, employs 1 or more employees;

(II) includes—

(aa) includes any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and

(bb) any successor in interest of an employer;

(III) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) PUBLIC AGENCY.—For purposes of clause (i)(IV), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITIONS.—For purposes of this subparagraph:

(I) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act of 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term "employee" has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(3) FLSA TERMS.—The terms "employ" and "State" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(4) FMLA TERMS.—The terms "health care provider" and "son or daughter" have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PAID SICK TIME.—

(A) IN GENERAL.—The term "paid sick time" means an increment of compensated leave that—

(i) is provided by an employer for use during an absence from employment for a reason described in any paragraph of section 2(a); and

(ii) is calculated based on the employee's required compensation under subparagraph (B) and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under subparagraph (C)), except that in no event shall such paid sick time exceed—

(I) $511 per day and $5,110 in the aggregate for a use described in paragraph (1), (2), or (3) of section 5102(a); and

(II) $200 per day and $2,000 in the aggregate for a use described in paragraph (4), (5), or (6) of section 5102(a).

(B) REQUIRED COMPENSATION.—

(i) IN GENERAL.—Subject to subparagraph (A)(ii), the employee's required compensation under this subparagraph shall be not less than the greater of the following:

(I) The employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

(II) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(III) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

(ii) SPECIAL RULE FOR CARE OF FAMILY MEMBERS.—Subject to subparagraph (A)(ii), with respect to any paid sick time provided for any use described in paragraph (4), (5), or (6) of section 5102(a), the employee's required compensation under this subparagraph shall be two-thirds of the amount described in clause (B)(i).

(C) VARYING SCHEDULE HOURS CALCULATION.—In the case of a part-time employee described in section 5102(b)(2)(B) whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under section 2(a), the employer shall use the following in place of such number:

(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

(D) GUIDELINES.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Labor

shall issue guidelines to assist employers in calculating the amount of paid sick time under subparagraph (A).

(E) REASONABLE NOTICE.—After the first workday (or portion thereof) an employee receives paid sick time under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

SEC. 5111. REGULATORY AUTHORITIES.

The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code—

(1) to exclude certain health care providers and emergency responders from the definition of employee under section 5110(1) including by allowing the employer of such health care providers and emergency responders to opt out;

(2) to exempt small businesses with fewer than 50 employees from the requirements of section 5102(a)(5) when the imposition of such requirements would jeopardize the viability of the business as a going concern; and

(3) as necessary, to carry out the purposes of this Act, including to ensure consistency between this Act and Division C and Division G of the Families First Coronavirus Response Act.

DIVISION F—HEALTH PROVISIONS

SEC. 6001. COVERAGE OF TESTING FOR COVID–19.

(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan (as defined in section 1251(e) of the Patient Protection and Affordable Care Act)) shall provide coverage, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for the following items and services furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act:

(1) In vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products.

(2) Items and services furnished to an individual during health care provider office visits (which term in this paragraph includes in-person visits and telehealth visits), urgent care center visits, and emergency room visits that result in an order for or administration of an in vitro diagnostic product described in paragraph (1), but only to the extent such items and services relate to the furnishing or administration of such product or to the evaluation of such individual for purposes of determining the need of such individual for such product.

(b) ENFORCEMENT.—The provisions of subsection (a) shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury may implement the provisions of this section through sub-regulatory guidance, program instruction or otherwise.

(d) TERMS.—The terms "group health plan"; "health insurance issuer"; "group health insurance coverage", and "individual health insurance coverage" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable.

SEC. 6002. WAIVING COST SHARING UNDER THE MEDICARE PROGRAM FOR CERTAIN VISITS RELATING TO TESTING FOR COVID–19.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" before "(CC)"; and

(B) by inserting before the period at the end the following: ", and (DD) with respect to a specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection, the amounts paid shall be 100 percent of the payment amount otherwise recognized under such respective specified outpatient payment provision for such service,";

(2) in subsection (b), in the first sentence—

(A) by striking "and" before "(10)"; and

(B) by inserting before the period at the end the following: ", and (11) such deductible shall not apply with respect to any specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection"; and

(3) by adding at the end the following new subsection:

"(cc) SPECIFIED COVID–19 TESTING-RELATED SERVICES.—For purposes of subsection (a)(1)(DD):

"(1) DESCRIPTION.—

"(A) IN GENERAL.—A specified COVID–19 testing-related service described in this paragraph is a medical visit that—

"(i) is in any of the categories of HCPCS evaluation and management service codes described in subparagraph (B);

"(ii) is furnished during any portion of the emergency period (as defined in section 1135(g)(1)(B))

(beginning on or after the date of enactment of this subsection);

"(iii) results in an order for or administration of a clinical diagnostic laboratory test described in section 1852(a)(1)(B)(iv)(IV); and

"(iv) relates to the furnishing or administration of such test or to the evaluation of such individual for purposes of determining the need of such individual for such test.

"(B) CATEGORIES OF HCPCS CODES.—For purposes of subparagraph (A), the categories of HCPCS evaluation and management services codes are the following:

"(i) Office and other outpatient services.

"(ii) Hospital observation services.

"(iii) Emergency department services.

"(iv) Nursing facility services.

"(v) Domiciliary, rest home, or custodial care services.

"(vi) Home services.

"(vii) Online digital evaluation and management services.

"(2) SPECIFIED OUTPATIENT PAYMENT PROVISION.—A specified outpatient payment provision described in this paragraph is any of the following:

"(A) The hospital outpatient prospective payment system under subsection (t).

"(B) The physician fee schedule under section 1848.

"(C) The prospective payment system developed under section 1834(o).

"(D) Section 1834(g), with respect to an outpatient critical access hospital service.

"(E) The payment basis determined in regulations pursuant to section 1833(a)(3) for rural health clinic services.".

(b) CLAIMS MODIFIER.—The Secretary of Health and Human Services shall provide for an appropriate modifier (or other identifier) to include on claims to identify, for purposes of subparagraph (DD) of section 1833(a)(1), as added by subsection (a), specified COVID–19 testing-related services described in paragraph (1) of section 1833(cc) of the Social Security Act, as added by subsection (a), for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including amendments made by, this section through program instruction or otherwise.

SEC. 6003. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING UNDER THE MEDICARE ADVANTAGE PROGRAM.

(a) IN GENERAL.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in clause (iv)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following new subclauses:

"(IV) Clinical diagnostic laboratory test administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of the Families First Coronavirus Response Act for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 and the administration of such test.

"(V) Specified COVID–19 testing-related services (as described in section 1833(cc)(1)) for which payment would be payable under a specified outpatient payment provision described in section 1833(cc)(2).";

(2) in clause (v), by inserting ", other than subclauses (IV) and (V) of such clause," after "clause (iv)"; and

(3) by adding at the end the following new clause:

"(vi) PROHIBITION OF APPLICATION OF CERTAIN REQUIREMENTS FOR COVID–19 TESTING.—In the case of a product or service described in subclause (IV) or (V), respectively, of clause (iv) that is administered or furnished during any portion of the emergency period described in such subclause beginning on or after the date of the enactment of this clause, an MA plan may not impose any prior authorization or other utilization management requirements with respect to the coverage of such a product or service under such plan.".

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6004. COVERAGE AT NO COST SHARING OF COVID–19 TESTING UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1905(a)(3) of the Social Security Act (42 U.S.C. 1396d(a)(3)) is amended—

(A) by striking "other laboratory" and inserting "(A) other laboratory";

(B) by inserting "and" after the semicolon; and

(C) by adding at the end the following new subparagraph:

"(B) in vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subparagraph for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products;".

(2) NO COST SHARING.—

(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by striking "; and" and inserting a comma; and

(iii) by adding at the end the following new subparagraphs:

"(F) any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product), or

"(G) COVID–19 testing-related services for which payment may be made under the State plan; and".

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

"(xi) Any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this clause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion.".

(C) CLARIFICATION.—The amendments made this paragraph shall apply with respect to a State plan of a territory in the same manner as a State plan of one of the 50 States.

(3) STATE OPTION TO PROVIDE COVERAGE FOR UNINSURED INDIVIDUALS.—

(A) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(i) in subparagraph (A)(ii)—

(I) in subclause (XXI), by striking "or" at the end;

(II) in subclause (XXII), by adding "or" at the end; and

(III) by adding at the end the following new subclause:

"(XXIII) during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subclause, who are uninsured individuals (as defined in subsection (ss));"; and

(ii) in the matter following subparagraph (G)—

(I) by striking "and (XVII)" and inserting ", (XVII)"; and

(II) by inserting after "instead of through subclause (VIII)" the following: ", and (XVIII) the medical assistance made available to an uninsured individual (as defined in subsection (ss)) who is eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) shall be limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or

after the date of the enactment of this subclause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion".

(B) RECEIPT AND INITIAL PROCESSING OF APPLICATIONS AT CERTAIN LOCATIONS.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended, in the matter preceding subparagraph (A), by striking "or (a)(10)(A)(ii)(IX)" and inserting "(a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XXIII)".

(C) UNINSURED INDIVIDUAL DEFINED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(ss) UNINSURED INDIVIDUAL DEFINED.—For purposes of this section, the term 'uninsured individual' means, notwithstanding any other provision of this title, any individual who is—

"(1) not described in subsection (a)(10)(A)(i); and

"(2) not enrolled in a Federal health care program (as defined in section 1128B(f)), a group health plan, group or individual health insurance coverage offered by a health insurance issuer (as such terms are defined in section 2791 of the Public Health Service Act), or a health plan offered under chapter 89 of title 5, United States Code.".

(D) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, the Federal medical assistance percentage shall be 100 per centum with respect to (and, notwithstanding any other provision of this title, available for) medical assistance provided to uninsured individuals (as defined in section 1902(ss)) who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XXIII) and with respect to expenditures described in section 1903(a)(7) that a State demonstrates to the satisfaction of the Secretary are attributable to administrative costs related to providing for such medical assistance to such individuals under the State plan.".

(b) CHIP.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

"(10) CERTAIN IN VITRO DIAGNOSTIC PRODUCTS FOR COVID–19 TESTING.—The child health assistance provided to a targeted low-income child shall include coverage of any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product).".

(2) COVERAGE FOR TARGETED LOW-INCOME PREGNANT WOMEN.—Section 2112(b)(4) of the Social Security Act (42 U.S.C. 1397ll(b)(4)) is amended by inserting "under section 2103(c)" after "same requirements".

(3) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the paragraph header, by inserting ", COVID–19 TESTING," before "OR PREGNANCY-RELATED ASSISTANCE"; and

(B) by striking "category of services described in subsection (c)(1)(D) or" and inserting "categories of services described in subsection (c)(1)(D), in vitro diagnostic products described in subsection (c)(10) (and administration of such products), visits described in section 1916(a)(2)(G), or".

SEC. 6005. TREATMENT OF PERSONAL RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.

Section 319F–3(i)(1) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) a personal respiratory protective device that is—

"(i) approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or successor regulations);

"(ii) subject to the emergency use authorization issued by the Secretary on March 2, 2020, or subsequent emergency use authorizations, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (authorizing emergency use of personal respiratory protective devices during the COVID–19 outbreak); and

"(iii) used during the period beginning on January 27, 2020, and ending on October 1, 2024, in response to the public health emergency declared on January 31, 2020, pursuant to section 319 as a result of confirmed cases of 2019 Novel Coronavirus (2019-nCoV).".

SEC. 6006. APPLICATION WITH RESPECT TO TRICARE, COVERAGE FOR VETERANS, AND COVERAGE FOR FEDERAL CIVILIANS.

(a) TRICARE.—The Secretary of Defense may not require any copayment or other cost sharing under chapter 55 of title 10, United States Code, for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

(b) VETERANS.—The Secretary of Veterans Affairs may not require any copayment or other cost sharing under chapter 17 of title 38, United States Code, for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

(c) FEDERAL CIVILIANS.—No copayment or other cost sharing may be required for any individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code) enrolled in a health benefits plan, including

any plan under chapter 89 of title 5, United States Code, or for any other individual currently enrolled in any plan under chapter 89 of title 5 for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

SEC. 6007. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING FOR INDIANS RECEIVING PURCHASED/REFERRED CARE.

The Secretary of Health and Human Services shall cover, without the imposition of any cost sharing requirements, the cost of providing any COVID–19 related items and services as described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 320b–5(g)) beginning on or after the date of the enactment of this Act to Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) receiving health services through the Indian Health Service, including through an Urban Indian Organization, regardless of whether such items or services have been authorized under the purchased/referred care system funded by the Indian Health Service or is covered as a health service of the Indian Health Service.

SEC. 6008. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) IN GENERAL.—Subject to subsection (b), for each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs, the Federal medical assistance percentage determined for each State, including the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be increased by 6.2 percentage points.

(b) REQUIREMENT FOR ALL STATES.—A State described in subsection (a) may not receive the increase described in such subsection in the Federal medical assistance percentage for such State, with respect to a quarter, if—

(1) eligibility standards, methodologies, or procedures under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) are more restrictive during such quarter than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on January 1, 2020;

(2) the amount of any premium imposed by the State pursuant to section 1916 or 1916A of such Act (42 U.S.C. 1396o, 1396o–1) during such quarter, with respect to an individual enrolled under such plan (or waiver), exceeds the amount of such premium as of January 1, 2020;

(3) the State fails to provide that an individual who is enrolled for benefits under such plan (or waiver) as of the date of enactment of this section or enrolls for benefits under

such plan (or waiver) during the period beginning on such date of enactment and ending the last day of the month in which the emergency period described in subsection (a) ends shall be treated as eligible for such benefits through the end of the month in which such emergency period ends unless the individual requests a voluntary termination of eligibility or the individual ceases to be a resident of the State; or

(4) the State does not provide coverage under such plan (or waiver), without the imposition of cost sharing, during such quarter for any testing services and treatments for COVID–19, including vaccines, specialized equipment, and therapies.

(c) REQUIREMENT FOR CERTAIN STATES.—Section 1905(cc) of the Social Security Act (42 U.S.C. 1396d(cc)) is amended by striking the period at the end of the subsection and inserting "and section 6008 of the Families First Coronavirus Response Act, except that in applying such treatments to the increases in the Federal medical assistance percentage under section 6008 of the Families First Coronavirus Response Act, the reference to 'December 31, 2009' shall be deemed to be a reference to 'March 11, 2020'.".

SEC. 6009. INCREASE IN MEDICAID ALLOTMENTS FOR TERRITORIES.

Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $126,000,000;" and inserting "for fiscal year 2020, $128,712,500; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $127,937,500;";

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $127,000,000;" and inserting "for fiscal year 2020, $130,875,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $129,712,500;";

(C) in subparagraph (D)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $60,000,000; and" and inserting "for fiscal year 2020, $63,100,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $62,325,000; and"; and

(D) in subparagraph (E)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $84,000,000." and inserting "for fiscal year 2020, $86,325,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $85,550,000."; and

(2) in paragraph (6)(A)—

(A) in clause (i), by striking "$2,623,188,000" and inserting "$2,716,188,000"; and

(B) in clause (ii), by striking "$2,719,072,000" and inserting "$2,809,063,000".

SEC. 6010. CLARIFICATION RELATING TO SECRETARIAL AUTHORITY REGARDING MEDICARE TELEHEALTH SERVICES FURNISHED DURING COVID–19 EMERGENCY PERIOD.

Paragraph (3)(A) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) is amended to read as follows:

"(A) furnished to such individual, during the 3-year period ending on the date such telehealth service was furnished, an item or service that would be considered covered under title XVIII if furnished to an individual entitled to benefits or enrolled under such title; or".

DIVISION G—TAX CREDITS FOR PAID SICK AND PAID FAMILY AND MEDICAL LEAVE

SEC. 7001. PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against the tax imposed by section 3111(a) or 3221(a) of the Internal Revenue Code of 1986 for each calendar quarter an amount equal to 100 percent of the qualified sick leave wages paid by such employer with respect to such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified sick leave wages taken into account under subsection (a) with respect to any individual shall not exceed $200 ($511 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act) for any day (or portion thereof) for which the individual is paid qualified sick leave wages.

(2) OVERALL LIMITATION ON NUMBER OF DAYS TAKEN INTO ACCOUNT.—The aggregate number of days taken into account under paragraph (1) for any calendar quarter shall not exceed the excess (if any) of—

(A) 10, over

(B) the aggregate number of days so taken into account for all preceding calendar quarters.

(3) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a) or 3221(a) of such Code for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code for such quarter) on the wages paid with respect to the employment of all employees of the employer.

(4) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (3) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) QUALIFIED SICK LEAVE WAGES.—For purposes of this section, the term "qualified sick leave wages" means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Paid Sick Leave Act.

(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer's qualified health plan expenses as are properly allocable to the qualified sick leave wages for which such credit is so allowed.

(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term "qualified health plan expenses" means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified sick leave wages in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

(e) SPECIAL RULES.—

(1) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under section 45S of such Code.

(2) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe) not to have this section apply.

(3) CERTAIN TERMS.—Any term used in this section which is also used in chapter 21 of such Code shall have the same meaning as when used in such chapter.

(4) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(f) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a), and

(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid sick time required to be provided under the Emergency Paid Sick Leave Act.

(g) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020.

(h) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

SEC. 7002. CREDIT FOR SICK LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

(a) CREDIT AGAINST SELF-EMPLOYMENT TAX.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for any taxable year an amount equal to the qualified sick leave equivalent amount with respect to the individual.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term "eligible self-employed individual" means an individual who—

(1) regularly carries on any trade or business within the meaning of section 1402 of such Code, and

(2) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Paid Sick Leave Act if the individual were an employee of an employer (other than himself or herself).

(c) QUALIFIED SICK LEAVE EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "qualified sick leave equivalent amount" means, with respect to any eligible self-employed individual, an amount equal to—

(A) the number of days during the taxable year (but not more than the applicable number of days) that the individual is unable to perform services in any trade or business referred to in section 1402 of such Code for a

reason with respect to which such individual would be entitled to receive sick leave as described in subsection (b), multiplied by

(B) the lesser of—

(i) $200 ($511 in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act), or

(ii) 67 percent (100 percent in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act) of the average daily self-employment income of the individual for the taxable year.

(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME.—For purposes of this subsection, the term "average daily self-employment income" means an amount equal to—

(A) the net earnings from self-employment of the individual for the taxable year, divided by

(B) 260.

(3) APPLICABLE NUMBER OF DAYS.—For purposes of this subsection, the term "applicable number of days" means, with respect to any taxable year, the excess (if any) of 10 days over the number of days taken into account under paragraph (1)(A) in all preceding taxable years.

(d) SPECIAL RULES.—

(1) CREDIT REFUNDABLE.—

(A) IN GENERAL.—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(2) DOCUMENTATION.—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary of the Treasury (or the Secretary's delegate) may prescribe to establish such individual as an eligible self-employed individual.

(3) DENIAL OF DOUBLE BENEFIT.—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Paid Sick Leave Act, the qualified sick leave equivalent amount otherwise determined under subsection (c) shall be reduced (but not below zero) to the extent that the sum of the amount described in such subsection and in section 7001(b)(1) exceeds $2,000 ($5,110 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act).

(4) CERTAIN TERMS.—Any term used in this section which is also used in chapter 2 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(e) APPLICATION OF SECTION.—Only days occurring during the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020, may be taken into account under subsection (c)(1)(A).

(f) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary of the Treasury (or the Secretary's delegate) based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury (or the Secretary's delegate) as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury (or the Secretary's delegate), under which such possession will promptly distribute such payments to its residents.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(g) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to effectuate the purposes of this Act, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

SEC. 7003. PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against the tax imposed by section 3111(a) or 3221(a) of the Internal Revenue Code of 1986 for each calendar quarter an amount equal to 100 percent of the qualified family leave wages paid by such employer with respect to such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified family leave wages taken into account under subsection (a) with respect to any individual shall not exceed—

(A) for any day (or portion thereof) for which the individual is paid qualified family leave wages, $200, and

(B) in the aggregate with respect to all calendar quarters, $10,000.

(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a) or 3221(a) of such Code for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code, and section 7001 of this Act, for such quarter) on the wages paid with respect to the employment of all employees of the employer.

(3) REFUNDABILITY OF EXCESS CREDIT.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of such Code.

(c) QUALIFIED FAMILY LEAVE WAGES.—For purposes of this section, the term "qualified family leave wages" means wages (as defined in section 3121(a) of such Code) and compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act).

(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer's qualified health plan expenses as are properly allocable to the qualified family leave wages for which such credit is so allowed.

(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term "qualified health plan expenses" means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified family leave wages in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

(e) SPECIAL RULES.—

(1) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under

this section shall not be taken into account for purposes of determining the credit allowed under section 45S of such Code.

(2) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe) not to have this section apply.

(3) CERTAIN TERMS.—Any term used in this section which is also used in chapter 21 of such Code shall have the same meaning as when used in such chapter.

(4) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(f) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a), and

(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid leave required to be provided under the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act).

(g) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020.

(h) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

SEC. 7004. CREDIT FOR FAMILY LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

(a) CREDIT AGAINST SELF-EMPLOYMENT TAX.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for any taxable year an amount equal to 100 percent of the qualified family leave equivalent amount with respect to the individual.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term "eligible self-employed individual" means an individual who—

(1) regularly carries on any trade or business within the meaning of section 1402 of such Code, and

(2) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Family and Medical Leave Expansion Act if the individual were an employee of an employer (other than himself or herself).

(c) QUALIFIED FAMILY LEAVE EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "qualified family leave equivalent amount" means, with respect to any eligible self-employed individual, an amount equal to the product of—

(A) the number of days (not to exceed 50) during the taxable year that the individual is unable to perform services in any trade or business referred to in section 1402 of such Code for a reason with respect to which such individual would be entitled to receive paid leave as described in subsection (b), multiplied by

(B) the lesser of—

(i) 67 percent of the average daily self-employment income of the individual for the taxable year, or

(ii) $200.

(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME.—For purposes of this subsection, the term "average daily self-employment income" means an amount equal to—

(A) the net earnings from self-employment income of the individual for the taxable year, divided by

(B) 260.

(d) SPECIAL RULES.—

(1) CREDIT REFUNDABLE.—

(A) IN GENERAL.—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(2) DOCUMENTATION.—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary of the Treasury (or the Secretary's delegate) may prescribe to establish such individual as an eligible self-employed individual.

(3) DENIAL OF DOUBLE BENEFIT.—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined

in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act, the qualified family leave equivalent amount otherwise described in subsection (c) shall be reduced (but not below zero) to the extent that the sum of the amount described in such subsection and in section 7003(b)(1) exceeds $10,000.

(4) CERTAIN TERMS.—Any term used in this section which is also used in chapter 2 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(5) REFERENCES TO EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT.—Any reference in this section to the Emergency Family and Medical Leave Expansion Act shall be treated as including a reference to the amendments made by such Act.

(e) APPLICATION OF SECTION.—Only days occurring during the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020, may be taken into account under subsection (c)(1)(A).

(f) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary of the Treasury (or the Secretary's delegate) based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury (or the Secretary's delegate) as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury (or the Secretary's delegate), under which such possession will promptly distribute such payments to its residents.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(e) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of this Act, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

SEC. 7005. SPECIAL RULE RELATED TO TAX ON EMPLOYERS.

(a) IN GENERAL.—Any wages required to be paid by reason of the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act shall not be considered wages for purposes of section 3111(a) of the Internal Revenue Code of 1986 or compensation for purposes of section 3221(a) of such Code.

(b) ALLOWANCE OF CREDIT FOR HOSPITAL INSURANCE TAXES.—

(1) IN GENERAL.—The credit allowed by section 7001 and the credit allowed by section 7003 shall each be increased by the amount of the tax imposed by section 3111(b) of the Internal Revenue Code of 1986 on qualified sick leave wages, or qualified family leave wages, for which credit is allowed under such section 7001 or 7003 (respectively).

(2) DENIAL OF DOUBLE BENEFIT.—For denial of double benefit with respect to the credit increase under paragraph (1), see sections 7001(e)(1) and 7003(e)(1).

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

DIVISION H—BUDGETARY EFFECTS

SEC. 8001. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the

budgetary effects of division B and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

ERRATA DRAFT: 03/30/2020

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URGENCY ORDINANCE NO. ~~_____~~710

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND NON-ESSENTIAL COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends "[a]ny 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 … including, but not limited to, any such provision of Civil Code sections 1940 et seq." to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles Department of Health ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Health issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

~~WHEREAS, as of March 19, 2020, the Los Angeles Department of Public Health (the "County") has identified 231 cases of COVID-19 in Los Angeles County and resulting in two deaths; and~~

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 ("Executive Order N-37-20") which prevents evictions for a period of 60 days of "a

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tenant from a residence or dwelling unit for nonpayment of rent" who satisfies requirements set forth in said order; and

WHEREAS, as of March 30, 2020, there have been 6,242 cases identified in the State of California of COVID-19, resulting in 133 deaths; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of Cudahy (the "City") during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the "COVID-19 Eviction Moratorium Ordinance."

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City,

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whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. Definitions

A. "Affected Tenant" means a Tenant who satisfies one or more of the criteria in paragraph A of Section 8~~10~~, of this Urgency Ordinance below.

B. "Health Department" means the County of Los Angeles Department of Public Health.

C. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit, Mobilehome or Mobilehome lot, and the agent, representative, or successor of any of the foregoing.

D. "Mobilehome" means a structure transportable in one or more sections, designed and equipped to contain no~~t~~ more than one dwelling unit, to be used with or without a foundation system.

E. "Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.

F. "Mobilehome Owner" means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.

G. "Mobilehome Resident" means a person who rents a mobilehome from a Mobilehome Owner.

H. "Notice of Termination" shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.

I. "Rental Unit" means: (i) a Mobilehome, building, structure or the part of a structure that is used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household; (ii) a rented lot within a Mobilehome Park where a Mobilehome Owner's Mobilehome coach is located; or (iii) a building, structure or part of a structure that is used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.) ~~as building, structure~~

~~or the part of a structure that is (i) used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household, and which household pays; or (ii) used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)~~

J. "Tenant" means a residential or commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupy a Rental Unit. The term "Tenant" is inclusive of the defined terms "Tenant Household", "Mobilehome Resident" and "Mobilehome Owner."

K. "Tenant Household" means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Application. This Urgency Ordinance applies to Affected Tenants in any Rental Unit and Landlords of Affected Tenants.

SECTION 6. Moratorium on Eviction and Termination of Tenancies for Affected Tenants.

A. For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.

B. The moratorium established under this Urgency Ordinance is intended to have greater scope and longer duration than the moratorium established under Executive Order N-37-20.

SECTION 7. Just Cause Termination.

A. The provisions of Section 8 of this Urgency Ordinance notwithstanding, a Landlord, subject to compliance with the requirements of this Urgency Ordinance may terminate the tenancy of a Tenant who otherwise qualifies as an Affected Tenant if a Landlord can show any of the following circumstances apply thereby rendering the termination a "Just Cause Termination":

1. Nuisance Behavior. The Affected Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that

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destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City, including but not limited to regulations established by ordinance or resolution.

2. Refusing Access to the Unit. The Affected Tenant, after written notice to cease and a reasonable time to cure, continues to refuse the Landlord reasonable access to the Rental Unit, so long as the Landlord is not abusing the right of access under California Civil Code Section 1954, as amended.

3. Unapproved Holdover Subtenant. The Affected Tenant holding over at the end of the term of the oral or written rental agreement is a subtenant who was not approved by the Landlord.

~~4. Substantial Rehabilitation of the Unit. With respect to commercial tenancies, the Landlord after having obtained all necessary permits from the City, seeks in good faith to undertake substantial repairs which are necessary to bring the property into compliance with applicable codes and laws affecting the health and safety of Tenants of the building, provided that:~~

~~a. The repair costs are not less than the product of ten (10) times the amount of the monthly rent times the number of Rental Units upon which such work is performed. For purposes of this subsection, the monthly rent for each Rental Unit shall be the average of the preceding twelve-month period; and~~

~~b. The repairs necessitate the relocation of the Tenant Household because the work will render the Rental Unit uninhabitable for a period of not less than thirty (30) calendar days; and~~

~~c. The Landlord gives advance notice to the Affected Tenant of the ability to reoccupy the Rental Unit upon completion of the repairs at the same rent charged to the Affected Tenant before the Affected Tenant vacated the Rental Unit or, if requested by Affected Tenant, the right of first refusal to any comparable vacant Rental Unit which has been offered at comparable rent owned by the Landlord; and~~

~~d. In the event the Landlord files a petition under the Apartment Rent Ordinance within six (6) months following the completion of the work, the Tenant shall be party to such proceeding as if he or she were still in possession, unless the Landlord shall submit with such application a written waiver by the Affected Tenant of his or her right to reoccupy the premises pursuant to this subsection; and~~

~~e. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.~~

~~5.~~4. Ellis Act Removal. The Landlord seeks in good faith to recover possession of the Rental Unit to remove the building in which the Rental Unit is located permanently from the residential or commercial rental market under the Ellis Act and, having complied in full with the Ellis Act and any

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related ordinance of the City, including the provision of relocation assistance as may be required by ~~the Cudahy Municipal Code or~~ applicable state law.

~~6.~~5. Owner Move-In. With respect to residential tenancies, the Landlord seeks in good faith, honest intent, and without ulterior motive to recover possession for: a) the Landlord's own use and occupancy as the Landlord's principal residence for a period of at least thirty-six (36) consecutive months commencing within three (3) months of vacancy; or (b) the principal residence of the Landlord's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least thirty-six (36) consecutive months and commencing within three (3) months of vacancy, so long as the Rental Unit for the Landlord's authorized family member is located in the same building as the Landlord's principal residence and no other Rental Unit in the building is vacant. It shall be a rebuttable presumption that the Landlord has acted in bad faith if the Landlord or the Landlord's qualified relative, for whom the Tenant was evicted, does not move into the Rental Unit within three (3) months from the date of the Tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least thirty-six (36) consecutive months. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

~~7.~~6. Order to Vacate. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action or order that necessitates the vacating of the building in which the Rental Unit is located as a result of a violation of the Cudahy Municipal Code or any other provision of law, and provides a notice of the right to reoccupy. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

~~8.~~7. Vacation of Unpermitted Unit. The Landlord seeks in good faith to recover possession of an Unpermitted Unit in order to end the unpermitted use. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.

~~9.~~8. Criminal Activity.

a. The Tenant Household, after receiving a written notice to cure (which notice shall include the return provisions listed in subsection d, below) by removing the Violating Tenant (as defined below) from the household, and, where necessary, amending the lease to remove the Violating Tenant's name, fails to do so within a reasonable time, by one of the following methods as further described in the regulations:

i. Filing a restraining order or providing evidence to the Landlord of similar steps being taken to remove the Violating Tenant from the household.

ii. Removing the Violating Tenant from the household and providing written notice to the landlord that the Violating Tenant has been removed.

b. For purposes of this subsection 13, a "Violating Tenant" shall mean an adult Tenant that is indicted by a grand jury or held to answer pursuant to Penal Code Section 872, as amended, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), as amended, which occurred during the tenancy and within 1,000 feet of the premises on which the Rental Unit is located. The term "premises" shall mean "Lot", as defined under the Cudahy Municipal Code.

c. The past criminal history of a Tenant shall not be a factor in determining whether the Tenant is a Violating Tenant.

d. If a Violating Tenant, as defined above, is acquitted from the charges or the charges are dismissed or reduced, he or she may return to the Rental Unit as a Tenant, so long as: 1) the Tenant Household still resides in the Rental Unit; and 2) the Tenant Household consents to the Violating Tenant's return.

B. Relocation Assistance and Deposits.

1. Nothing in this ordinance shall operate to relieve a Landlord to pay relocation assistance to Affected Tenants where required by applicable state law. ~~Tenants who receive a Notice of Termination that relies on subsections A.8 or A.10, above, as the just cause rationale to terminate the tenancy must receive, and the Landlord must provide, relocation assistance as may be required by the Cudahy Municipal Code or applicable State law. The relocation assistance must be provided to the Tenant Household concurrent with delivery of the Notice of Termination to the Tenant Household.~~

~~a. Relocation Assistance. An amount equal to the Base Assistance as may be required by the Cudahy Municipal Code or applicable state law.~~

~~b. Refund of Security Deposit. Owner must refund to the Tenant Household any security deposit paid by the Tenant Household, provided however, that the Owner may withhold any properly itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended.~~

2. Refund of Security Deposit. A Landlord shall refund to the Tenant household any security deposit paid by the Tenant Household, provided however, that the Landlord may withhold any property itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended. ~~Tenants who receive a Notice of Termination that relies on subsection A.8 or A.9 above, as the just cause rationale to terminate the tenancy must have received, and the Landlord must have provided, all applicable Relocation Assistance as may be required by the Cudahy~~

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~~Municipal Code or applicable state law.~~

SECTION 8. Affirmative Defense to Eviction; Penalties and Remedies.

A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the full amount due to reasons related to the novel coronavirus (COVID-19) pandemic, including but not limited to the following:

1. The Tenant was unable to work because the Affected Tenant was sick with COVID-19 and hospitalized or otherwise required to stay and home and self-quarantine by written order of the Health Department; or

2. The Tenant experienced a lay-off, work furlough, reduction in work hours or income reduction resulting from the COVID-19 pandemic and/or related emergency responses of governmental entities, including orders and/or declarations of the Governor of the State of California and the Health Department; or

3. The Tenant needed to miss work to care for a minor child whose school was closed in response to the COVID-19 pandemic and the Tenant was either ineligible to receive paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave or vacation time before the minor's school was re-opened;

4. For commercial Tenants, the Tenant (i) is commercial business entity or the principal owner or co-owner of a commercial business entity whose name appears on the lease for the Rental Unit occupied by the business entity; (ii) is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California; and (iii) is a "Non-Essential Business" within the meaning of the Safer at Home Order for the Control of COVID-19 and was required to cease all commercial operations while said order was in effect. For purposes of this Urgency Ordinance the term "Safer at Home Order for the Control of COVID-19" means that certain order of the same name that was first issued by the Health Department on March 19, 2020 and later revised on March 21, 2020 and all subsequent revisions to the same as may later be issued by the Health Department.

B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the

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permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:

1. A written notice or like documentation from the Affected Tenant's employer citing COVID-19 as a reason for reduced work hours, work furlough, or termination; or

2. Employer paycheck stubs, payroll checks, bank statements, or medical bills or signed letters or statements from the Affected Tenant's employer or supervisor explaining the Affected Tenant's changed financial circumstances; or

3. Notification from a school declaring a school closure related to COVID-19; or

4. For an Affected Tenant that is a commercial business, a copy of any governmental order indicating that the Affected Tenant identifying the Affected Tenant as an Non-Essential Business by the Health Department, notice from a governmental entity ordering the commercial business to close and/or cease operations and any governmental license or permit identifying the business' headquarters as being located within the City.

C. Obligation of Affected Tenant to pay unpaid rent. Nothing in this Urgency Ordinance shall relieve an Affected Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and -except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent. During the 120-day period, the protections against eviction found in this Urgency Ordinance shall apply for such Affected Tenants and provided the Affected Tenant pays all rent due by this deadline.

D. Civil Remedies

1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.

2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.

3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.

4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage

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done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

SECTION 9. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 10. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 12. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Cudahy Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 13. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this ___ day of _____, 2020.

_____
Elizabeth Alcantar
Mayor of the City of Cudahy

ERRATA DRAFT: 03/30/2020

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ATTEST:

_____
Richard Iglesias
City Clerk of the City of Cudahy

ERRATA DRAFT: 03/30/2020

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, City Clerk of the City of Cudahy, hereby certify that the foregoing Urgency Ordinance No. _____.710 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2020 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Richard Iglesias
City Clerk of the City of Cudahy

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