

**FIRST AMENDED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES  
FOR THE CITY OF LIVERMORE  
ESTABLISHING A TEMPORARY MORATORIUM  
ON RESIDENTIAL AND COMMERCIAL EVICTIONS RESULTING FROM LOSS OF  
INCOME, INCREASED MEDICAL EXPENSES, OR CHILD CARE NEEDS  
RELATED TO COVID-19**

On March 13, 2020, under the authority contained in California Government Code section 8634 and City of Livermore Municipal Code sections 2.56.050 and 2.56.060, I declared the existence of a local emergency in the City of Livermore.

On March 16, 2020, the City Council of the City of Livermore adopted a resolution ratifying the proclamation of the existence of a local emergency in the City of Livermore.

On March 16, 2020, California Governor Gavin Newsom issued Executive Order N-28-20 permitting local governments to exercise their police power to impose substantive limitations on residential and commercial evictions under specified circumstances related to the COVID-19 pandemic or government response to COVID-19.

On March 24, 2020, the Alameda County Board of Supervisors adopted an urgency ordinance establishing a temporary moratorium on evictions resulting from loss of income, increased medical expenses or childcare needs due to COVID-19, in unincorporated County areas.

On March 25, 2020, under my authority as the Emergency Services Director, I signed an Order Establishing a Temporary Moratorium on Residential and Commercial Evictions in Livermore.

On March 27, 2020, California Governor Gavin Newsom issued Executive Order N-37-20 providing tenants in California an extension of 60 days to respond to an eviction complaint, if they are unable to pay rent due for specified reasons related to the COVID-19 emergency.

On March 31, 2020, the Alameda County Board of Supervisors adopted an amended urgency ordinance expanding its eviction moratorium to apply to all cities in Alameda County, as well as unincorporated areas of the county.

In order to maintain consistency between the City's Order, the County's amended ordinance and the Governor's Executive Order, this Order is being amended to expand the eligibility requirements to match the County's amended ordinance.

While the eligibility requirements under this Order are intended to be the same as the Alameda County amended ordinance, the Alameda County amended ordinance has additional procedural and noticing requirements that are not included here. As such, all Livermore

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residents and landlords affected by this Order should also review the County's amended ordinance for additional procedural and noticing requirements.

As a result of the public health emergency and the precautions recommended by the health authorities, many tenants in the City of Livermore have experienced or expect to experience a sudden and unexpected income loss. Further economic impacts are anticipated, leaving tenants vulnerable to eviction.

Under California Government Code section 8634 and Livermore Municipal Code section 2.56.060.B.1, I am empowered upon the proclamation of a local emergency to make and issue orders and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. These orders and regulations are to be confirmed by the City Council at the earliest practicable time.

**THEREFORE**, I, Marc Roberts, as Director of Emergency Services, order the following:

1. During the term of this Order, no landlord shall endeavor to evict a residential, mobile homeowner, or commercial tenant for nonpayment of rent, including but not limited to any such provisions under California Civil Code sections 798.56 et seq., 1940 et seq., or 1954.25 et seq., if the tenant or mobile homeowner demonstrates that the inability to pay rent is due to, or arising out of, a substantial decrease in household or business income or substantial out of pocket medical expense, or extraordinary child care needs, any of which was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented in writing.
2. "Substantial decrease in household income" includes, but is not limited to income loss caused by COVID-19 illness or caring for a household or family member with COVID-19 illness, work closures, layoffs, job loss, a reduction in the number of compensable hours or other economic or employer impacts of COVID-19, missing work due to provide child care in response to a minor child's school or day care closure due to COVID-19 impacts, compliance with government health authority orders, or other similarly-caused reason resulting in loss of household income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of the same.
3. "Substantial decrease in business income" includes, but is not limited to, income loss caused by work closures, reduction in staff reporting to work, reduction in opening hours, or reduction in customer demand, compliance with government health authority orders, or other similarly-caused reason resulting in loss of business income due to COVID-19, substantiated with written documentation or other objectively verifiable proof of the same.
4. A landlord who knows that a tenant or mobile homeowner cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant

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to Code of Civil Procedure section 1161 or 1162, as applicable, file or prosecute an unlawful detainer action based on a three-day notice to pay or quit, or otherwise seek to evict for nonpayment of rent while this Order is in place.

5. A landlord knows of a tenant or mobile homeowner's inability to pay rent within the meaning of this Order if the tenant or mobile homeowner, within 30 days after the date that rent is due, notifies the landlord in writing of tenant's or mobile homeowner's inability to pay full rent because of a substantial decrease in household or business income, or out of pocket medical expenses caused by the COVID-19 pandemic, or extraordinary child care needs, or by any local, state, or federal government response to COVID-19, and provides documentation to support the claim. Any medical or financial information provided to the landlord shall be held in confidence and only used for evaluating the tenant's or mobile homeowner's claim.
6. A landlord is also prohibited from retaliating against a tenant that qualifies for the protections set forth in this order during the term of the moratorium. For example, a landlord, and any of the landlord's employees or agents, is prohibited from any terminating utilities provided to a qualified tenant protected by this moratorium.
7. Nothing in this Order relieves the tenant or mobile homeowner of liability for the unpaid rent, which the landlord may seek after the expiration of this Order or subsequently enacted Ordinance.

This Order shall go into effect immediately and be in effect through May 31, 2020, concurrent with the California Governor's Executive Order N-37-20, unless it is superseded by a duly enacted Ordinance of the City Council of the City of Livermore or a superseding order issued by a duly authorized person or agency. This Order may be extended or supplemented in response to subsequent Executive Orders by the Governor of the State of California on this subject, or orders or ordinances issued or adopted by Alameda County complementing or superseding this Order, or the City Council or the Director of Emergency Services for the City of Livermore.

Dated: 4/2/2020



Marc Roberts  
Director of Emergency Services