City of Long Beach
Working Together to Serve

Memorandum

Date: April 10, 2020

To: Thomas B. Modica, Acting City Manager

From: John Keisler, Director of Economic Development

For: Mayor and Members of the City Council

Subject: **Economic Relief Package Update**

On March 17, 2020, the City Council directed the City Manager to work with the City Attorney, and all relevant departments, to evaluate the feasibility of implementing an "Economic Relief Package" for working families and small businesses impacted by COVID-19. After extensive discussion, the package of initiatives adopted by the City Council included two broad policy areas and nine more specific issues for consideration. The purpose of this memorandum is to provide an update regarding the City Council directed Economic Relief Package, actions taken to date, potential fiscal impacts, and recommended next steps for City Council consideration, and to receive potential direction from the City Council at the April 14 City Council meeting.

BACKGROUND

On March 4th, California Governor Newsom declared a State of Emergency to make additional resources available and prepare emergency actions for State agencies and departments in response to the spread of the novel coronavirus (COVID-19). Shortly thereafter, the City of Long Beach also acted as the City Public Health Officer issued a Declaration of Local Health Emergency, and the Acting City Manager issued a Proclamation of Local Emergency. On March 17th, the "Coronavirus Economic Relief Package for Long Beach Families and Small Businesses" item was presented for discussion at the regular meeting of the City Council (Attachment A). After extensive discussion, the City Council unanimously approved the following two policies for economic relief and gave the following direction in connection therewith:

- Request the City Attorney to draft an emergency ordinance and minute order for consideration at the next City Council meeting, to establish a moratorium on evictions on commercial and residential units related to COVID-19 that would expire May 31, 2020, with a 4-6 month rental payment grace period; ask staff to look at the possibility of deferring property tax payments; ask staff to look at the possibility of other funds that could help pay rent on tenants behalf; prohibit late fees and prohibit Section 8 terminations by the Housing Authority of Long Beach (HACLB) for the duration of this period (Attachment G);

- Request the City Manager to work with the City Attorney, and all relevant departments, to evaluate feasibility of implementing an economic relief package for working families and small businesses impacted by COVID-19.

As part of the Economic Relief Package described above, the City Council requested specific feedback from staff regarding the following nine issues:

1. A review of sick and disability leave processes and enhancements for City employees, who must miss work due to COVID-19.
2. Explore TOT, or other revenue sharing opportunities, to support hotels that experience significant economic impact due to COVID-19.
3. Partnerships with financial institutions and lenders to prohibit foreclosures or halt mortgage payments for individuals who have suffered loss of wages as a result of COVID-19.
4. Streamlined processes or resources through partnerships with EDD to support workers laid off or impacted by COVID-19, and explore support for impacted workers not covered by unemployment benefits.
5. Emergency loan assistance programs to small businesses who have suffered significant loss as a result of COVID-19.
6. Potential resources and partnerships to safely assist people under self-quarantine, due to COVID-19, with a priority on seniors.
7. Extend training opportunities with the Long Beach Public Health Department on COVID-19 prevention to businesses in the tourism and restaurant industry.
8. Relief for laid-off or furloughed workers in the affected industries such as hospitality including, but not limited to, a "right of return" and "layoff and recall" policy, that protects workers from being laid off and subsequently not given preference when re-hiring commences.
9. A worker retention or just cause for termination policy, in the hospitality industry, to protect workers through potential bankruptcy or subcontracting that could occur during an active emergency proclamation related to COVID-19.

To coordinate the economic relief work described above, the Acting City Manager directed the Economic Development Department (ED) Director to immediately establish an “Economic Resiliency and Recovery” Task Force (Task Force) as part of the City’s response to the COVID-19 public health emergency. The Task Force is comprised of staff from a range of City departments as well as representatives from small business, non-profit, and inter-governmental partners. The purpose of the Task Force is to recommend policy and strategy across sectors to support economic resiliency and recovery for Long Beach residents, workers, and small businesses, affected by the COVID-19 emergency.

The Task Force opened its Operations Center at The Workplace—the City’s Federally-funded workforce development agency operated by Pacific Gateway—located at 4811 Airport Plaza Drive. The Operations Center meets daily to provide real-time updates regarding the emergency response and will continue to meet daily until this phase of the emergency is considered complete. The next section discusses the status of the Economic Relief Package requested by the City Council.

ECONOMIC RELIEF PACKAGE UPDATE

Since March 17th, Task Force staff continue to coordinate meetings with City departments, private sector partners, lending institutions, property owners, and community-based organizations to review the City Council objectives, assess costs, and to discuss steps for implementing economic relief strategies. Through these meetings, City staff and community representatives have discussed and determined the feasibility, project timelines, funding, and administrative resources needed to carry out the policy strategies and additional considerations. The following section describes a summary of Task Force findings, strategies, and fiscal impacts for each of the nine economic resiliency and recovery initiatives. More detailed information about each issue can be found in the attachment section to this memo.

Issue Area 1: Review of Supplemental Sick Leave Policies

City Council asked staff to explore and to recommend policies that provide “a review of sick and disability leave processes and enhancements for City employees who must miss work due to COVID-19”. Although City Management has sufficiently addressed these priorities related to City employees, consistent with recently approved Federal legislation discussed in the following section, City Council has asked staff to explore options and strategies to provide sick leave for all workers impacted by COVID-19 citywide. The following section provides an overview of Federal legislation related to COVID-19 sick leave, city authority to take action on sick leave for privately-employed workers, and options for the City Council to consider for further action.

Overview of Federal Policies

The Federal Department of Labor recently enacted the H.R. 6201 Families First Coronavirus Response Act (the FFCRA) to address supplemental sick leave in response to the COVID-19 pandemic. This new sick leave law supplements the current Fair Labor Standards Act (FLSA) by requiring certain employers to pay 80 hours of sick leave at full pay or 2/3 pay rate depending on an employee's need for the sick leave. The U.S. Department of Labor Wage and Hour Division (DOL) is responsible for the implementation of the FFCRA. Since its adoption, the FFCRA has been ever evolving. Employer understanding of the implications of this act and DOL implementing guidelines are changing rapidly particularly as the DOL provides further guidance in response to employer questions. Additionally, the FFCRA may be further amended by future legislation. Based on the text of the FFCRA and DOL guidance provided to date, there are some explicit carve outs in its application:

- Employers with 500 or more employees are excluded from the paid sick leave requirements;
- Employers with fewer than 50 employees may be exempted at the discretion of the U.S. Secretary of Labor If the paid leave requirement would "jeopardize the viability of the business";
- Employers can decide to exclude "health care providers" and "emergency responders" and the guidance from DOL provides for a broad definition of "emergency responder";

- DOL guidance clarified that employees who are not working because their employer does not have work for them to perform, whether such lack of work is related to a general shelter in place or stay-at-home order, other COVID-19 related reasons, or circumstances unrelated to COVID-19, are not eligible for any kind of leave under FFCRA.

Additionally, there are programs recently introduced by the Internal Revenue Service (IRS) which make a range of "Employee Retention Credit" available for many businesses financially impacted by COVID-19. The credit is available to all employers regardless of size, including tax-exempt organizations, with only two exceptions: State and local governments and small businesses which take small business loans. Qualifying employers must fall into one of two categories, (a) the employer's business is fully or partially suspended by government order due to COVID-19 during the calendar quarter, and (b) the employer's gross receipts are below 50 percent of the comparable quarter in 2019. The amount of credit for qualifying businesses is 50 percent of qualifying wages paid up to $10,000 in total. There are additional conditions that apply, but this program may also help businesses that are unable to secure government loans to offset the costs of providing additional sick leave to workers. The City Manager recently published two memos to the City Council on March 25th and March 30th summarizing some of these programs and benefits (Attachments F.1 and F.2).

City Authority to Take Action

The FLSA does not expressly prohibit State legislation around wages and working conditions. In fact, the opposite is true. The FLSA "specifically contemplates state regulation" of labor conditions. (*See Doctors Hospital, Inc. v. Silva Recio*, 558 F.2d 619 (1st Cir. 1977); 29 U.S.C. § 218(a).) Additionally, the Federal statute does not implicitly prohibit State regulation by occupying the whole field and leaving no room for supplementary State provisions. (*Rice v. Santa Fe Elevator Corp.,* 331 U.S. 218, 230 (1947).) Courts have upheld State wage-related laws "with a social redeeming value and purpose" as authorized under the traditional "police power" belonging to states. (*See Keystone Collection Service Inc. v. Recio*, 389 F. Supp. 164 (D. Puerto Rico 1975).

California Labor Code Section 1205(b) also permits municipal legislation in the exercise of local police powers as long as the local legislation is more stringent than State law. Arguably, any ordinance on supplemental sick leave would be an extension of the City's police power to enact more stringent wage standards.

While wage and working conditions may not be pre-empted the contours of a sick leave ordinance relative to collective bargaining and other considerations could implicate preemption concerns and should be carefully analyzed by the City Attorney's Office.

The City Council could use an emergency ordinance to accomplish any action on an expedited basis. If the City Council uses an emergency ordinance as the vehicle for such an action it will be important for the timeframe of the action to be tied to the emergency basis caused by the COVID-19 pandemic. The Council may want to consider the adoption of an identical "back up" ordinance by way of the usual procedure (two readings) if the timeframe for the application of the ordinance appears to likely extend beyond the timeframe of the pandemic. That way, if the

emergency ordinance is successfully challenged, the non-emergency version of the ordinance will already be effective and only those actions taken during the "gap" are then vulnerable to challenge to the use of an emergency ordinance..

Other Local Government Policies

On March 27th, as part of its 11-hour emergency meeting, the City of Los Angeles considered a Supplemental Paid Sick Leave Due to COVID-19 (Ordinance). The proposed Ordinance appears to have been an attempt by the City of Los Angeles to gap-fill perceived shortfalls of FFCRA. The proposed Ordinance extended to all employers with employees working within the geographic boundary of the City (including those that had been previously excluded from the FFCRA). Like the FFCRA, the ordinance included an exception for "emergency responders" with a narrower definition than the FFCRA. Unlike the FFCRA, the ordinance made the supplemental sick leave available even if the employee is not working because their employer does not have work for them to do. Unlike the FFCRA, the 80 hours of sick leave was all to be paid out at 100 percent (to cap at $511 per day) and did not include a 2/3 pay out rate for certain sick leave reasons. We understand that as drafted the Ordinance raised concern and alarm among business associations and small business owners.

The Los Angeles City Council ultimately adopted a revised version of the Ordinance (Attachment B.1) which was superseded by an emergency order (Order) of the Mayor on April 7th (Attachment B.2). While staff are continuing to analyze the document issued by the Mayor, the Order provides workers with supplemental paid sick leave for time off due to the following reasons:

- COVID-19 infection or because a public health official or healthcare provider requires or recommends the employee isolate or self-quarantine;
- Employee at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;
- Needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine; or
- Needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official’s recommendation. This provision is only applicable to an employee who is unable to secure a reasonable alternative caregiver.

Other conditions of the Order:

- Covers the emergency period;
- Applies to employers with 500 or more employees within the City of Los Angeles or more than 2,000 employees nationwide to which the FFCRA does not apply (this is a significant revision from the proposed Ordinance);

- Applies to employees who were employed from February 3rd to March 4th who are unable to telework;
- Exempts certain emergency and health services personnel and related contractors as well as critical parcel delivery services;
- Exempts certain new businesses and all government agencies;
- Prohibits employers from requiring workers to provide any documentation to support requests for supplemental sick leave (aligns with the FFCRA);
- Requires employees to make an oral or written request for the sick leave;
- Limits employee sick leave payments to $511 per day or $5,110 in the aggregate (similar to the $511 cap rate for full pay in the FFCRA);
- Defines a covered employee as any individual who performs any work within the geographic boundaries of the City for a covered employer even if the employer is not located within city boundaries;
- Ordinance allows for offsets against certain paid time off hours provided to employees for qualifying reasons on or after March 4th;
- A collective bargaining agreement in place on the effective date of this Order may supersede the provisions of this Order if it contains COVID-19 related sick leave provisions;
- The uses for the leave are broader than FFCRA in that they include the ability for an employee to use the leave because the employee is 65 or older or has a health condition that make them more vulnerable to COVID-19;
- The supplemental paid sick leave runs concurrently with leave under FFCRA; and,
- Exempts from the requirement of the order any business or organization that was closed or not operating for a period of 14 or more days due to a city official's emergency order because of the COVID-19 pandemic or provided at least 14 days of leave.

In the City of Long Beach, this type of emergency order would impact seven private employers with more than 500 or more workers and approximately 13,500 workers located within the city boundaries. Staff will continue to monitor the Order and any amendments by the City of Los Angeles City Council regarding the proposed Ordinance and will circulate to City Council the final document once it is made public.

Other Considerations

As highlighted by the FFCRA, the provision of sick leave is an expense that must be covered by the employer and may be cost prohibitive, particularly to very small businesses with 50 employees or less. To offset sick leave benefits covered by FFCRA, the Federal government passed a second bill called the H.R. 748 Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed into law on March 27th. Included in this bill are specific emergency loan programs administered by the Small Business Administration (SBA) to help employers cover the cost of retaining employees and providing sick leave benefits during the

COVID-19 emergency period. These small business loan programs—including the Paycheck Protection Program (PPP) and the Emergency Injury and Disaster Loan (EIDL)—are specifically designed to offset the costs to businesses to provide payroll and sick leave for workers during the emergency and are forgivable if certain criteria are met. It is important to note, however, that these programs are (a) not available to businesses larger than 500 employees, (b) are limited to applicants on a first-come-first-serve basis, (c) have limited funding estimated to cover only 1/3 of American small businesses, and (d) require businesses to retain employees to be eligible for the tax credits or loan forgiveness benefits.

Staff have received feedback during the research process local businesses may lay-off additional workers to avoid incurring costs for the more expansive local sick leave requirements, if a funding source is not available. It is possible that many local businesses will be successful securing funding from Federal loan and grant programs, but current estimates project that at least 2/3 of local small businesses and 100 percent of businesses over 500 employees will not receive or be eligible for funding from current Federal programs. Additionally, it is unknown how the City of Los Angeles ordinance will be funded and whether the added requirements will result in more layoffs.

Strategies

Staff are seeking direction from City Council regarding the following options relative to the provision of local supplemental sick leave requirements for businesses citywide in response to the COVID-19 pandemic:

A. Request the City Attorney to draft an emergency ordinance or an emergency order (similar to the City of Los Angeles) requiring Long Beach businesses with over 500 employees to provide COVID-19-related sick leave.

B. Direct the City Manager to develop an education and technical assistance campaign to assist all Long Beach businesses with the information and training to access Federal, State, and local emergency loan funds or forgivable grants to assist all Long Beach businesses with compliance; and, appropriate funding for outreach and support activities.

C. To ensure that Long Beach businesses are able to successfully provide sick leave to employees and that the policy does not result in additional employee layoffs, direct the City Manager to complete a study of (a) the financial impacts of a comprehensive sick leave policy on local businesses that are not covered by State or Federal loan programs, (b) review the impacts of these mandates in other cities, (c) establish a recommended sick leave assistance fund to be determined by the results of the study.

Staff recommendation: City staff do not have a recommendation at this time, this requires further policy direction from the City Council.

City Attorney Opinion

In the opinion of the City Attorney, all three options identified above are legally viable actions the City Council may take. In relation to Option A (establishment of an emergency ordinance), additional consideration should be given to the specifics of what this ordinance would include, including but not limited to:

- Which employers the ordinance will apply to.
- How the supplemental leave would be requested by employees.
- Which need or reason the supplemental leave could be used for.
- Whether the ordinance should apply to employers that are closed or laid-off employees as a result of the COVID-19 pandemic or as a result of COVID-19 related health orders.
- The applicable time period of the ordinance and how the supplemental sick time should be treated at the conclusion of the time period.
- Any exemptions to the ordinance for “health care provider”, “emergency responders” or other essential employees.
- Exemption for specific businesses.
- Whether the ordinance can be waived by collective bargaining.
- Offset of previously provided sick time by employers.

While Option A should be accomplished by emergency ordinance, the remaining options can be accomplished via resolution (although not required). Using ordinances and resolutions to accomplish these measures provides something for the City Council to formally communicate to local workers and employers and allows for the consideration and inclusion of an end date tied to the pandemic. Ultimately, the City Council will need to make a policy decision on how it would like to move forward relative to the options identified.

Issue Area 2: TOT or Revenue Sharing to Support Hotels

City Council asked staff to explore and to recommend policies that provide a “Transient Occupancy Tax (TOT) or revenue sharing program to support the hospitality industry during the period of the emergency”, to help hotel and motel operators retain the revenue they need to maintain minimum operations and staffing levels.

Overview

The hospitality industry—including 110 hotels and motels citywide—employs thousands of workers and has reported a significant drop in occupancy since mandatory health orders limited special events, conferences, and meetings in the city. Since the onset of the COVID-19 emergency, self-reported estimates from hotel and motel operators citywide indicate occupancy rates between 10 and 30 percent. As a matter of comparison, a report by CBRE Hospitality established citywide hotel and motel occupancy above 81 percent for the previous

two years. The dramatic drop-off in hotel occupancy has resulted in lost revenue and a dramatic increase in worker layoffs.

Existing City Policies

It is required by the Long Beach Municipal Code that hotel and motel operators collect, report, and pay TOT to the City monthly. TOT payments are due the 10th day of each month covering the amount of tax collected from guests on behalf of the City during the preceding month. Currently, the TOT rate in the City is 12 percent. TOT revenue, which was projected to be $23 million in FY 20 is heavily influenced by travel for both business and leisure and is projected to drop significantly because of the COVID-19 pandemic.

It is important to note that TOT is a tax paid by hotel and motel guests and not the hotel operators. The hotel operators are simply collecting and holding City tax revenue paid by overnight visitors. As such, deferral of these payments is like the City acting as a bank or lender of a zero-interest six-month loan to hotel and motel operators who take advantage of this option. TOT payments otherwise due April 10, May 10 and June 10, 2020 would be deferred until November 30, 2020, which would provide hotel operators with about six (6) months to repay any TOT obligation that is deferred by this action.

TOT Sharing Programs

Consistent with City Council direction to explore TOT or revenue sharing to assist the hospitality industry during the COVID-19 emergency period, the City Council may authorize the City Manager to execute agreements with hotel and motel operators allowing the temporary deferral of TOT payments for the months of March, April, and May 2020. To participate in this economic relief program, hotel and motel operators would be required to submit to the City a formal written request for deferment and demonstrate financial hardship directly related to COVID-19. Hotel and motel operators would still be required to submit timely monthly TOT reports to the City, and to make full payment of TOT obligations for which deferral is authorized no later than November 30, 2020. This program would not apply to the 3 percent gross short-term room rental fees that hotel operators pay to the Long Beach Tourism Business Improvement Area (LBTBIA) in both the downtown and airport areas.

Fiscal Impacts

This strategy allows the City to lend hotel operators money as a zero-interest unsecured loan. All standard requirements of record keeping and deadlines for reporting of the TOT would still be required by operators who request to defer the payments. The total amount of deferred TOT revenue is unknown until it is reported on a retroactive basis for each month to the City and whether repayment will occur in FY 20 or FY 21. It is highly likely that TOT revenues will be much lower than normal in March, April and May so that the amount lent through this mechanism is expected to be far below the normal TOT collections that would otherwise have occurred, potentially as much as 70 to 90 percent lower.

Based on budgeted TOT projections, this recommendation could result in approximately $600,000 to $1.8 million in short-term loans to citywide hotels and motels for the 3-month

period. The revenue received from TOT payments is deposited into the General Fund Group and the Special Advertising and Promotions Fund Group. This recommendation would have a minimal staffing impact beyond the normal budgeted scope of duties to establish a deferral program, but is consistent with City Council priorities with regard to aiding the community in recovering from the COVID-19 crisis. This recommendation may help affected business maintain local jobs during the COVID-19 crisis, but the exact number is not known.

However, the City is facing significant financial deficits as a result of COVID-19. Cash management may become a very real issue, even if there is no budget impact assuming all funds would be repaid. The City will need significant cash to pay for expenses related to COVID-19, and any potential reimbursement from the federal government would not occur in the short term.

Strategies

Staff are seeking direction from the City Council regarding the following options to provide a TOT or revenue sharing program to support the hospitality industry, hotels, motels, and workers during the period of the emergency:

A. Authorize the City Manager to execute agreements with hotel and motel operators allowing the deferral of up to three months of TOT payments due, on April 10, May 10, and June 10, 2020, until November 30, 2020, for hotel and motel operators demonstrating economic hardship because of the COVID-19 emergency, while still maintaining all reporting requirements on a case-by-case basis.

B. Direct the City Manager to develop a hospitality hardship application process to provide hotel and motel operators a standardized way to request temporary deferral of TOT payments from the City for the emergency.

C. Direct the City Manager to create a Hospitality Recovery Task Force to develop a plan to develop strategies for the recovery of the visitors, business travel, leisure tourism, and overnight room stays citywide and return to the City Council with potential programs to significantly increase local tourism when the Stay at Home Order is lifted.

Staff recommendation: City staff recommend option C given the potential cash flow issues and to have staff create a plan to grow hotel stays and TOT revenue once the Stay at Home order is lifted.

Issue Area 3: Lenders Partnerships to Prohibit Foreclosures or Halt Mortgage Payments

City Council asked staff to explore and to recommend policies that provide “partnerships with financial institutions and lenders to prohibit foreclosures or halt mortgage payments for individuals who have suffered loss of wages as a result of COVID-19.” The following section includes an overview, current programs, and strategies for City Council consideration.

Overview

On March 24th, the City Council approved a moratorium on evictions for residential and commercial tenants during the emergency. Although the eviction moratorium is intended to provide relief to both residential and commercial tenants during the emergency period when health-related business closures are in effect, many property owners and commercial landlords have expressed concerns that they are now unable to make mortgage payments or repay lenders. As such, staff have been contacting both landlords and lenders to explore strategies to halt foreclosures and defaults.

Local Government Programs

Although it may theoretically be within the City's general police powers to suspend mortgage payments or prohibit foreclosures, it is likely that local municipalities would be prohibited from taking such actions due to pre-emption by widespread Federal and State regulation of the banking and mortgage industries. Further, the private contract nature of power-of-sale mortgages make it extremely difficult to enact an effective and enforceable moratorium. For these reasons, staff can find no evidence that California municipalities or counties have ever adopted foreclosure or mortgage payment moratoriums, and the City Attorney recommends against the City Council taking such an action. Nevertheless, staff are conducting local outreach to collect best practice examples of how tenants, landlords, and lenders are working together to renegotiate agreements to survive the downturn. Overall, landlords and lenders indicate their appreciation for tenants and highlight their efforts to get tenants through the current economic emergency. Landlords, however, are also concerned for their ability to continue paying their lenders, property taxes, insurance, mortgages, business license, and utilities, if business closures and payment deferrals persist. Listed below are some initial examples of how landlords are approaching the situation with tenants:

- Case-by-Case: landlords are handling lease negotiations on a case-by-case basis as some tenants are more directly affected by COVID-19 and subsequent closure mandates than others;
- Month-to-Month: landlords are considering rent reduction or deferment month-by-month to address changing needs in a fluid situation;
- Immediate Relief: most directly affected tenants are being offered a 50% deferment in base rent for the month of April, with potentially larger reductions for May and June if conditions persist;
- Lease Extensions: landlords are considering the extension of lease agreements as to amortize the cost over the full term or remainder of the lease to keep the current monthly payments as affordable as possible in the short-term.

City staff will continue to work with both landlords and tenants to identify best practices, share strategies, and encourage all parties to work together to negotiate a solution that makes it possible for residents and businesses to remain in place while the economic emergency persists. Meanwhile, local lenders contacted by staff report that property owners are encouraged to reach out directly to their banker or lender to discuss options.

State Programs

On March 5th, Governor Newsom announced that four of the nation's five largest banks including Wells Fargo, U.S. Bank, Citibank and J.P. Morgan Chase, along with more than 200 smaller State-chartered banks and credit unions, have all agreed to a 90-day mortgage and payment waiver for Californians impacted by COVID-19. Financial institutions will offer, consistent with applicable guidelines, mortgage payment forbearances of up to 90 days to borrowers economically impacted by COVID-19. In addition, those institutions will:

- Provide borrowers a streamlined process to request a forbearance for COVID-19-related reasons, supported with available documentation;
- Confirm approval of and terms of forbearance program;
- Provide borrowers the opportunity to request additional relief, as practicable, upon continued showing of hardship due to COVID-19;
- Not report late payments to credit reporting agencies, consistent with applicable guidelines, for borrowers taking advantage of COVID-19-related relief; and
- For at least 60 days, financial institutions will not initiate foreclosure sales or evictions, consistent with applicable guidelines.

Additionally, on April 7th, the Governor proposed to spend the State share of the national mortgage settlement on legal assistance for struggling homeowners and renters. Although details are not yet available, the broad outline of the plan is to provide up to $331 million into a trust fund that will pay for legal services to help struggling homeowners and renters, and those in need of legal advice, and programs to stop evictions and foreclosures. The proposed plan still requires approval by the Legislature. Staff will continue to monitor the program and provide updates to the City Council.

Finally, the Judicial Council of the California Courts recently took an action suspending all judicial foreclosures until the date which is 90 days after the end of the emergency.

Federal Programs

To provide further relief for tenants and property owners during the emergency the Federal CARES Act makes several temporary changes to Federal lending policy, including prohibitions on foreclosures and evictions. This includes the following protections:

- Prohibits foreclosures on all Federally-backed mortgage loans for a 60-day period beginning March 18th;
- Provides up to 180 days forbearance for borrowers of Federal-backed mortgage loans due to financial hardships related to COVID-19;
- Provides up to 90 days of forbearance on Federally-backed multifamily mortgage loans; and

- Prohibits evictions for 120 days beginning on the date of enactment for properties that are Federally insured, guaranteed, supplemented, protected, or assisted.

Strategies

Staff are seeking direction from the City Council regarding the following options to partner with financial institutions and lenders to prohibit foreclosures or halt mortgage payments for individuals who have suffered loss of wages as a result of COVID-19:

A. Direct the City Manager to work with the appropriate departments to develop a dedicated educational and marketing program to promote both State and Federal foreclosure protection programs for both residential and commercial tenants and return to City Council with an estimated cost to implement such a program.

B. Direct the City Manager to work with local non-profit economic development or community development corporations to develop a mortgage assistance program to provide property owners with technical assistance and emergency support loans to prevent defaults and foreclosures during emergency periods.

Staff recommendation: Implement both options A and B.

Issue Area 4: Streamlined Processes in Partnership with EDD

City Council asked staff to explore and to recommend policies that provide "streamlined processes or resources through partnerships with the Employment Development Department (EDD) to support workers laid off or impacted by COVID-19 and explore support for impacted workers not covered by unemployment benefits". The following section includes an overview, current programs, and strategies for City Council consideration.

Overview

The City of Long Beach is fortunate to have oversight of the Pacific Gateway Workforce Development Board, which is responsible for providing workforce development resources through the Federal Workforce Innovation and Opportunity Act (WIOA) funds provided by the Federal government. As part of its many programs, Pacific Gateway operates job centers including The Workplace, located near the Long Beach Airport, and the Harbor Gateway Worksource Center, located in San Pedro. These two job centers provide both businesses and workers with a range of support, including assistance with the application for Unemployment Insurance Benefit.

Employment Development Department Programs

The Employment Development Department (EDD) is one of the largest State departments with employees at hundreds of service locations throughout the State. For more than 70 years, EDD have connected millions of job seekers and employers to build the economy of California. These programs include unemployment benefits, disability insurance, paid family leave, jobs

and training, payroll taxes, labor market information, among others. The EDD offers a wide variety of services to millions of Californians. As one of the largest departments, the EDD:

- Administers the Unemployment Insurance and State Disability Insurance programs;
- Audits and collects payroll taxes and maintains employment records for millions of California workers;
- Connects job seekers with employers and administers Federally funded workforce development programs; and
- Gathers, analyzes, and publishes labor market information.

During the COVID-19 emergency, the most critical program offered by EDD is the Unemployment Insurance (UI) program. The UI program pays benefits to workers who have lost their job and meet the program's eligibility requirements. If workers have become unemployed or partially unemployed, they may file a UI claim directly with EDD. After they have filed a claim, they must continue to certify for benefits and meet eligibility requirements each week in order to receive benefit payments.

City Partnership

Through an innovative partnership between the City of Long Beach and the State, approximately 40 staff members from Pacific Gateway are co-located with 15 staff members from EDD at The Workplace. This provides a close working relationship between the Pacific Gateway, EDD and other workforce agencies that can consult, coordinate, and streamline the process for displaced workers who may be navigating the process for filing a UI claim for the first time; or, for a local employer who is exploring options for Work Share to avoid layoffs during an economic downturn. Recently, the following actions have been taken to better support workers laid off or impacted by COVID-19 and provide support for impacted workers not covered by unemployment benefits:

- Established new streamlined webpage to make application for UI benefits easier for employees laid-off due to the COVID-19 emergency;
- Continued providing in-person service at the The Workplace job center throughout the emergency for customers unable to access UI benefits or other services for lack of internet access or other barriers, while implementing social distancing and other protocols to accommodate for the City and State health orders;
- Launched the Work Long Beach online exchange to connect unemployed workers not eligible for benefits with employers with a particular focus on providing childcare to essential workers;
- Launched new webpage for local employers seeking to hire new employees during the emergency;
- Created Instagram Live event for Q&A about unemployment benefits @pacgateway including both Pacific Gateway and EDD staff to answers questions directly from employers and workers laid-off due to COVID-19.

- Provided recruitment and hiring support to healthcare providers to prepare for COVID-19 emergency response including over 150 offers of employment at Community Hospital;

State Funding

In addition to the operating partnerships with EDD, the City is currently pursuing multiple grant funding opportunities through EDD. Many of these grant applications are developed in partnership with EDD because of the streamlined partnership and close working relationships between staff. Current COVID-19-related grant funds the City is pursuing include:

- WIOA Dislocated Worker funds for Underserved COVID-19 Impacted Individuals: to provide funds for supportive services, such as rental assistance, laptops, utilities and transportation, for enrolled customers. Funding is in two tiers, based on income. Our request was to support 500 residents, with $400 and $800 in support depending on their income ($320,000).
- National Dislocated Worker Grant: similar to recession-era funding, additional funds to serve 350 residents through training and job placement support with emphasis on those with employment barriers ($1,575,000).
- Disaster Recovery Grant: funding is typically deployed after a natural disaster to help communities come back on-line (e.g. debris clean up after a tornado), but was made available for workforce boards to help their municipalities restart after COVID-19 shut downs ($1,260,000).
- Additional Assistance Grant: focused on impacts to Aerospace Sector (Boeing 737Max supply chain, etc.). Development of program pre-dates COVID-19 but has changed in shape to include new impacts to the sector. This activity will focus primarily on layoffs from large supply chain manufacturers. The grant was developed with coordination from State ($950,000).
- National Dislocated Worker Grant: via City of Los Angeles Workforce Development Board (LAWDB) dedicated to the Harbor WorkSource Center (San Pedro). ($85,000).

Strategies

Staff are seeking direction from the City Council to continue to streamline processes and resources through partnerships with EDD that advance support for workers laid off or impacted by COVID-19 and increase support for impacted workers not covered by unemployment benefits. These strategies include:

A. Adopt a Resolution authorizing the City Manager, or designee, to execute all necessary documents, including subcontracts and any subsequent amendments, to apply for, accept, and expend grant funding for costs incurred to respond to the proclaimed emergency due to the COVID-19 pandemic.

B. Direct the City Manager to develop a robust marketing and promotional program to provide direct outreach and technical support to all residents and businesses impacted

by COVID-19, with a focus on low-income, undocumented, and under-represented communities and businesses located in low median income areas, to promote and secure the maximum amount of State and Federal benefits for Unemployment Insurance Benefits registration.

C. Direct the City Manager to develop a plan to improve the design and expand the use of the Work Long Beach online labor exchange program to match unemployed workers who are unable to receive unemployment benefits with temporary work opportunities.

Staff recommendation: Support options A, B and C.

Issue Area 5: Emergency Loan Assistance Programs

City Council asked staff to explore and to recommend policies that provide "emergency loan assistance programs to small businesses who have suffered significant loss, as a result of COVID-19". The following section includes an overview, current programs, and strategies related to emergency loan and grant programs for City Council consideration.

Overview

Consistent with goals of the 10-Year Blueprint for Economic Development; the City operates several small business loan programs to help local small businesses at different stages of development to access the capital needed to start and grow their businesses in Long Beach. These City-run microloan programs are needed because many very small businesses are unable to meet the credit standards required to receive loans or lines of credit from commercial banks-particularly during economic downturns-and are considered high risk by for-profit lenders.

Since 2001, the City has used funds from the U.S. Economic Development Administration (EDA) plus local matching funds to grow its Revolving Loan Fund (RLF) to assist local businesses in expanding and creating or retaining jobs. To date, the City has provided local small businesses with more than $5 million in loans resulting in the creation or retention of over 300 new jobs. To provide oversight of the program, the Loan Committee of the Economic Development Commission is responsible for reviewing and approving every application that receives funding. City Council last approved modifications to the EDA local RLF Administrative Plan (RLF Plan) in April 2015, which governs the administration of the RLF.

Emergency Loan and Grant Programs

Given City Council direction to explore ways to provide more emergency loan assistance to local small businesses impacted by the COVID-19 emergency, staff have been working with the EDA, Small Business Development Center (SBDC), National Development Council (NDC) and other partners to make its current loan programs more accessible, flexible, and responsive during this emergency period. The purpose of this recommendation is to request City Council approval to modify the current RLF Plan, to reach more small businesses with emergency assistance during the COVID-19 emergency. Current efforts include:

- Long Beach Emergency Assistance Loan Program: this is a new program, designed to provide financial assistance of up to $10,000 to microenterprise businesses—including non-profit businesses—of 5 or fewer employees on a first-come, first-served basis. In an innovative partnership, business advisors from the Long Beach Small Business Development Center will assist borrowers with the navigation and facilitation of the application process. To apply, potential borrowers must sign-up as a client with the Long Beach SBDC online. Once registered, potential borrowers should call the LB SBDC at 562-938-5100 to set up an appointment with a business advisor who will aid with navigating the loan application process. In addition to one-on-one business consulting, these borrowers will automatically be enrolled in a cohort for special ongoing networking and programming to help them recover from the current emergency, transition their business plans, and grow revenue until they are able to repay their loans.

- Kiva Long Beach Loan Program: this program provides zero percent interest, zero fee loans as low as $500. Kiva has recently approved a modification to the loan program to increase the maximum loan to $15,000. Loan proceeds may be used for a variety of legitimate business needs. Repayment of loans has already been deferred 6-months to provide businesses with time to address immediate financial challenges. These loans are funded online through crowdsourcing contributions from private citizens.

- Economic Injury Disaster Loan Emergency Advance: the Small Business Administration (SBA) provides low-interest disaster loans to businesses of all sizes and the loan can be used to repair or replace the following items damaged or destroyed in a declared disaster: real estate, personal property, machinery and equipment, and inventory and business assets. Business owners may self-initiate loan applications directly. Loans up to $2 million are available. Interest rates are 3.75 percent for businesses and 2.75 percent for non-profits. The repayment period is up to 30 years. Loans may be used on business expenses such as rent, payroll, accounts payable and other operating expenses. Businesses are also eligible to apply for an emergency loan advance of up to $10,000. Loan advances will provide economic relief to businesses that are experiencing a temporary loss of revenue. Funds will be made available within three days of a successful application, and this loan advance will not have to be repaid.

- Paycheck Protection Program: this is an SBA loan program that helps businesses keep their workforce employed during the COVID-19 crisis. Loans up to $10 million are available. Interest rate is 1 percent over two years. First payment is deferred for six months. Loans may be used on business expenses such as payroll, rent, mortgage interest and utilities. Loan amounts will be determined by 2.5 times your average monthly payroll costs capped at $100,000 per employee. Any small business or non-profit with less than 500 employees affected by COVID-19 can apply. For free assistance with applying for this loan, potential borrowers can sign-up for an appointment with the Small Business Development Center (SBDC) at longbeachsbdc.org or by phone at 562-938-5100.

- Long Beach Community Foundation (LBCF): this new program was recently launched by LBCF to raise donations from the Long Beach community. Grants will be made to support approved 501(C)3 nonprofit, educational, and governmental organizations working on these efforts. Funds donated to this Long Beach Relief Fund through June 5th will be used exclusively for assistance to Long Beach residents impacted by Coronavirus. Interested donors can give online. Interested borrowers can now apply for funds as well.

- Los Angeles County Employer Assistance Grant Fund: Los Angeles County has launched a new $500,000 grant fund for businesses and nonprofits based in Los Angeles County. Grant awards up to $10,000 are available and are based on demonstrated need. Applicant eligibility includes for-profit corporations, partnerships, or non-profit organizations with between 2 and 50 full-time employees.

- California Jump Start Loan Program: Loan amounts range from $500 to $10,000. Loan proceeds may be used for a variety of legitimate business needs.

City Business Outreach Efforts

To create awareness about the emergency loan programs and other resources available to local small businesses, the Economic Development Department has implemented the following strategies since the inception of the COVID-19 emergency:

- Established the 570-4BIZ hotline with twenty (20) Parks, Recreation and Marine Department staff to connect businesses with advisors and other services;
- Established the www.longbeach.gov/4BIZ website to market all small business loan and grant programs;
- Developed social media strategy for daily posting on Facebook, Twitter, and Instagram @LBEcondev;
- Created business support newsletter through Constant Contact to reach 8,000 licensed businesses in the city;
- Created “Daily Business Brief” emails to all local leaders of Business Improvement Districts, Chambers, Associations, and community-based organizations;
- Create weekly call with loan-service providers to coordinate services;
- Established Frequently Asked Question (FAQ) guide for all partners;
- Developed One-page summaries on key programs;
- Created “Free Virtual Business Advisors” partnership with SBDC to process loans; and
- Created partnership with local lenders to streamline SBA loan program application.

Fiscal Impacts

It is important for the City Council to note that the total RLF balance may be exhausted during this emergency period and may not have sufficient funds to revert back to its original RLF Plan when the emergency concludes. Although the underwriting criteria will remain the same and still require financial documentation from each borrower to assess the viability of repayment, the EDA anticipates a higher rate of default for the program due to the unknown long-term economic impacts of the COVID-19 emergency. To mitigate defaults, borrowers will be required to receive assistance with the application and repayment process from expert business advisors provided for free through the local SBDC.

The remaining balance of approximately $800,000 in the RLF Plan will be used to underwrite the emergency loans up to $10,000 to local businesses including nonprofits through this emergency period. Although the underwriting criteria will remain the same and still require financial documentation from each borrower to assess the viability of repayment, the EDA anticipates a higher rate of default for the program due to the unknown long-term economic impacts of the COVID-19 emergency, which may result in higher loan losses to the Business Assistance Fund and may not have sufficient funds to revert back to its original RLF Plan. Sufficient appropriations are budgeted in the Business Assistance Fund Group in the Economic Development Department. This recommendation will increase the volume of loans issued, which may redirect staff from other responsibilities. This work is consistent with existing City Council priorities. This recommendation may help affected microbusinesses retain local jobs during the COVID-19 pandemic, but the number is not known.

Strategies

One of the great challenges inherent with securing small business loans is the preparation of financial documents, cash flow reports, business plans, credit histories, and other prerequisites to demonstrate to the lender that the borrower can successfully support repayment. For this reason, intense investment of time and expertise is required for the City Council to develop an effective small business assistance program that is accessible and inclusive to all business owners.

Staff are seeking direction from the City Council regarding the following options to provide more emergency loan funding to local businesses facing challenges due to COVID-19:

A. Authorize the City Manager, or designee, to execute all necessary documents to amend the U.S. Economic Development Administration (EDA) Revolving Loan Fund, to create the Long Beach Emergency Microenterprise Loan Program to assist local micro businesses impacted by the COVID-19 pandemic during the emergency declaration period.

B. Direct the City Manager to prepare a plan to help local small businesses maximize the recovery of Federal stimulus dollars through emergency loan and forgivable loan programs. This includes direct marketing, technical support, language access, and outreach to thousands of local business owners citywide.

C. Direct the City Manager to prepare a plan including financial implications for the City Council to identify and appropriate 20 percent match fund to leverage additional EDA grant funds, and to increase City emergency microloan funds available to very small businesses unable to meet lending requirements of other programs. For instance, a City match of $500,000 would result in an additional $2 million grant from the EDA to support up to 200 more emergency microloans of $10,000 each.

D. Direct the City Manager to develop an ongoing funding plan to provide technical assistance support for borrowers through the duration of the loan repayment process; and, to maximize recovery of Federal small business stimulus funds. Current support for the City revolving loan fund from the National Development Council (NDC) is expiring in 2020. The annual contract for the revolving loan fund support is approximately $75,000 per year (previously funded by the former Redevelopment Agency).

Staff recommendation: Support options A, B, C and D.

Issue Area 6: Partnerships to Safely Assist People Under Self-Quarantine

City Council asked staff to explore and to recommend policies that provide "partnerships to safely assist people under self-quarantine with a particular focus on seniors". The following section describes findings regarding available programs through both the City and its partners to support residents under quarantine with a particular focus on vulnerable seniors.

Overview

On April 1st, the Department of Health and Human Services (HHS) announced two new orders requiring individuals with COVID-19 to self-isolate, and those at risk of having COVID-19 to self-quarantine, in order to slow the spread of COVID-19 in the City. These new health orders took effect immediately and will continue until further notice.

Quarantine is used by public health professionals to separate potentially exposed individuals from the public in case they become infected and thus contagious to others. Quarantined people are ordered to stay home and limit all movements that could put them in contact with other people for 14 days. Should they begin exhibiting symptoms, they may be required to isolate. Isolation is when a person who is sick must separate themselves, even from their own family members, to prevent the spread of the virus to others. To assist people who are under quarantine, HHS produced the "Home Isolation Instructions for People with COVID-19".

Resources

COVID-19 quarantine may be stressful for people, as a result HHS has provided a number of resources to connect people with information.

- COVID-19 website: www.longbeach.gov/covid19 to access updates and resources, and to learn how to care for mental health or support loved ones under quarantine.

- City of Long Beach 562-570-INFO (4636) is a one-stop call center for all questions about COVID-19 in the City of Long Beach and resources available to people experiencing quarantine. "Option 5" for older adults and persons at greater risk of illness, and who are self-quarantining at home, and who need assistance finding food, household supplies, prescription delivery, mental health resources, friendly phone calls, and more. This line is staffed by City of Long Beach Health Department social workers, health educators, and City of Long Beach public librarians. Callers can leave a message and someone will call them back. Current language capacity is English, Spanish, and Khmer.
- Mental health support is also available through the Los Angeles County Department of Mental Health Access Center 24/7 Helpline at (800) 854-7771.
- Long Beach Community Foundation (LBCF): this new program was recently launched by LBCF to raise donations from the Long Beach community. Grants will be made to support approved 501(C)3 nonprofit, educational, and governmental organizations working on these efforts. Funds donated to this Long Beach Relief Fund through June 5th will be used exclusively for assistance to Long Beach residents impacted by Coronavirus. Interested donors can give online. Interested borrowers can now apply for funds as well. So far over $277,000 in grants to non-profits have been distributed.
- There are many non-profit organizations that have also begun to provide food delivery and other services to seniors and other high-risk residents that are currently under self-quarantine due to COVID-19 through the LBCF grant program and donations from Long Beach residents.
- Food Bank of Southern California: Serving the SoCal region for over 45 years, the Foodbank of Southern California consists of over 700 certified charitable community agencies that care for hungry people in need from all walks of life. Together with their counterpart, LA Regional Food Bank, they serve the region through the support of USDA and the county's department of social services to distribute food among their member agencies.
- Neighbor-to-Neighbor: the City is providing Neighbor to Neighbor cards to help open up lines of communication between neighbors and to help find ways neighbors can take care of each other during this difficult time.
- You Are Not Alone Postcards: the City is providing postcards online or for delivery to provide neighbors with a way to reach out to one another and provide support. The postcards state: "If you or a loved one is experiencing fear or anxiety due to the social disruption of COVID-19, you can reach out to the following resources for help: Los Angeles Department of Mental Health Call (800) 854-7771 Crisis Text Line Text "HOME" to 741741". You may also visit the Crisis Text Line website.

Strategies

Staff will continue to market and promote resources for individuals experiencing quarantine due to COVID-19, with a focus on seniors.

- Continue to seek grants and donations to local non-profits to promote the delivery of fresh food or other goods to those in quarantine. Staff will continue to add resources online and through the call center, and promote partnerships with local non-profit organization to stay connected with those in quarantine.

Staff recommendation: Continue to support this work and direct additional Coronavirus Relief Fund grant funds towards organizations who assist those in need during quarantine or other COVID-19 related hardships.

Issue Area 7: Training on COVID-19 Prevention for Tourism and Restaurant Industry

City Council asked staff to explore and to recommend policies that "extend training opportunities with the Long Beach Public Health Department on COVID-19 prevention to businesses in the tourism and restaurant industry". The following section describes findings regarding available programs through both the City and its partners to support restaurants and tourism-related businesses to prevent the spread of COVID-19.

Overview

Under the direct orders of the City Health Officer, the Environmental Health Bureau provides oversight of food-related businesses in the City of Long Beach. This includes food safety and inspections, temporary food facilities, consumer protection, recreation and water quality, body art, noise control, vector control, and hazardous materials oversight. As a result of the recent health orders, Environmental Health has developed a number of new resources, recommendations, fliers, and toolkits for food-related activities. In particular, this includes Health Guidelines for Restaurants and Similar Food Facilities, and the following resources with clickable links:

- Farmers' Markets Health Guidance Toolkit
- Memo to All Vendors
- Health and Safety Recommendations for Grocery Stores
- Health Notice to Owners/Operators of Food Facilities
- Health Notice for Ticketed Event Venues in Long Beach
- Farmers Markets/Grocery Store and Charitable Food Distribution
- Food to Go and Customer Pick up Guidance
- Business Toolkit

In additional to the resources above, there is also an information line of 562-570-INFO (4636) to help businesses stay informed about the current closures and COVID-19 prevention strategies. Restaurant or other food-related business owners may find information about health orders and closures on the general COVID-19 Website.

Strategies

Please see Issue Area 10 below regarding "Food and Grocery Service Worker Protections" for additional strategies and protocols to promote food safety for both workers and consumers.

Staff recommendation: Continue the public education efforts for these and other industries, and health orders designed to protect employees and customers from COVID-19 exposure.

Issue Area 8: Worker Return and Recall

City Council asked staff to explore and to recommend policies that provide “Relief for Laid-off or Furloughed Workers in the affected industries such as hospitality including, but not limited to, a "right of return" and "layoff and recall" policy, that protects workers from being laid off and subsequently not given preference when re-hiring commences". The following section describes findings from the City Attorney regarding the purpose of recall policies and worker retention policies from other local government jurisdictions.

Overview of Worker Recall Policies

Worker recall policies create a process for reinstatement of laid off employees to active status within a defined period. Such policies ensure that workers laid off receive priority re-hiring and applies in instances where a shuttered business reopens or has capacity to begin increasing its employee ranks after a lay-off. Recall policies do not require a change in ownership to apply. Recall policies typically include the following key elements:

- Specific criteria or classification for determining which employees are subject to recall.
- Any preference to be adhered to in bringing-back laid-off employees for open positions (for example, seniority, years of service, performance and qualifications).
- Process for contacting former employees concerning job openings.
- Time frame within which an employee must respond to a job offer.
- Strategies for communicating the recall both internally and externally.

A worker recall policy can be a stand-alone policy or part of a larger worker retention policy.

City Authority to Take Action

The California Constitution provides that any City may make and enforce within its jurisdiction all local regulations not in conflict with general laws. Cal. Const. Art. XI. In the absence of preemption by State or Federal law, a municipality may use its police powers to regulate for health, safety and welfare.

As such, the City Council may use an emergency ordinance to accomplish an action on an expedited basis. If the City Council uses an emergency ordinance as the vehicle for such an action it will be important for the timeframe of the action to be tied to the emergency basis of the COVID-19 pandemic. The Council may want to consider the adoption of an identical "back up" ordinance by way of the usual procedure (two readings) if the timeframe for the application of the ordinance appears to likely extend beyond the timeframe of the pandemic. That way, if the emergency ordinance is successfully challenged, the non-emergency version of the ordinance will already be effective and only those actions taken during the "gap" are then vulnerable to a challenge to the use of an emergency ordinance.

Other Local Government Policies

The City of Santa Monica has adopted a right of recall policy. (Santa Monica Municipal Code, Section 4.66.) Santa Monica's ordinance is limited to two business districts within the City and can be waived by collective bargaining agreements.

The City of Los Angeles is currently contemplating the adoption of a worker right of recall ordinance (Attachment C.1). At its last council meeting, both ordinances were discussed but tabled for further consideration. It is unknown when the City of Los Angeles will attempt to bring the ordinances back for discussion. However, since its last council meeting, the proposed right of recall ordinance has undergone major revision in the areas of identifying which class of employees the ordinance would apply to, revision of the enforcement section, and inclusion of a preemption section. It is likely the ordinance will undergo more revision in the event it is adopted.

Strategies

Staff are seeking direction from the City Council regarding the following options to promote worker recall and rehire during an active emergency proclamation related to COVID-19:

A. Request the City Attorney draft an emergency ordinance to provide a worker recall policy for the hospitality industry to protect workers through potential bankruptcy or subcontracting that could occur during an active emergency proclamation related to COVID-19, and return to the City Council for review and approval at the next available public meeting of the City Council.

B. Direct the City Manager to create a rapid response strategy to market, promote, educate and connect eligible businesses with the resources, technical assistance, and capacity to successfully secure forgivable loan funds through the Federal CARES Act that allow employers to retain existing workers. This includes direct marketing by the City, partnerships with licensed SBA lenders, support from SBDC advisers, and follow-on support.

C. Direct the City Manager to study the fiscal impacts of an ordinance and to determine whether there are local incentives, subsidies, or loan funds to assist employers with the cost of implementing a worker retention ordinance for specific employment sectors, classifications of workers, or geographic areas of the City.

Staff recommendation: City staff do not have a recommendation at this time, this requires further policy direction from the City Council.

City Attorney Opinion

While Option One should be accomplished by emergency ordinance, the remaining options can be accomplished via resolution (although not required). Using ordinances and resolutions to accomplish these measures provides something for the City Council to formally

communicate to local workers and employers and allows for the consideration and inclusion of an end date tied to the COVID-19 pandemic. Ultimately, the City Council will need to make a policy decision on how it would like to move forward relative to the options identified.

Issue Area 9: Worker Retention and Just Cause Termination

City Council asked staff to explore and to recommend policies that provide "Worker retention and/or just cause for termination policy, in the hospitality industry, to protect workers through potential bankruptcy or subcontracting that could occur during an active emergency proclamation related to COVID-19." The following section describes findings from the City Attorney regarding the purpose of worker retention policies, current City policies regarding worker retention, and worker retention policies from other local government jurisdictions.

The following section describes findings from the City Attorney regarding the purpose of worker retention policies, current City policies regarding worker retention, and worker retention policies from other local government jurisdictions.

Overview of Worker Retention Policies

Worker retention polices are designed to protect workers when contractors or businesses change ownership or contracts. While individual worker retention polices may vary, they all operate to ensure the employees keep their jobs if there is a change in ownership of a business or contract holder. Most polices require new contractors/businesses to retain the employees of the former contractor/business for a specific amount of time. This transitional period usually includes a just cause requirement for termination and a process for evaluating performance. Most of the worker retention policies reviewed apply to employees of service contractors and the clear majority were accomplished by ordinance. While most of the retention polices reviewed apply to service contractors, they can be extended to other types of employees that are vulnerable during a change in ownership or contracts.

Existing City Worker Retention Policies

In 2013, the City of Long Beach adopted a worker retention ordinance that applied to workers at food and beverage concessions at the Airport and Convention Center. The stated purpose of the ordinance was to decrease worker turnover and instability in the workplace. As such it required a successor employer or new concessionaire to fill its concession operations positions at the Airport and Convention Center by first hiring from the workforce which was already in place or was being displaced by the departure or reduction in force by the incumbent employer and to retain and not discharge workers without cause during the initial 90-day transition period. The purpose of this ordinance is to offer incumbent workers a period of time to demonstrate for the new operator their qualifications to perform the work. This ordinance was codified as Chapter 16.59 in our municipal code (Attachment E.1).

Other Local Government Worker Retention Policies

As discussed above, the City of Los Angeles is currently contemplating the adoption of a worker retention and right of recall ordinance. At its last council meeting, both ordinances were discussed but tabled for further consideration. It is unknown when the City of Los Angeles will

attempt to bring the ordinances back for discussion. It is likely the ordinance will undergo more revision in the event it is adopted (Attachment E.2).

City Authority to Take Action

The California Constitution provides that any City may make and enforce within its jurisdiction all local regulations not in conflict with general laws. Cal. Const. Art. XI. In the absence of preemption by State or Federal law, a municipality may use its police powers to regulate for health, safety and welfare.

Worker retention ordinances have been adopted by several cities and counties in the State of California over the past several years. City of Los Angeles, City of San Francisco, County of Los Angeles, City of Santa Cruz, City of Oakland, City of San Jose, and City of San Diego have all adopted various forms of worker retention. In 2011, the California Supreme Court ruled it was not unlawful for municipalities to establish worker retention policies. The Court ruled said ordinances do not violate State or Federal law and do not violate the Equal Protection Clause (*See California Grocers Association v. City of Los Angeles*, 52 Cal 4th 177 (2011).).

Retention Incentive Programs

There are also several government-backed financial incentive programs available to employers that both offset the costs to retain employees and rehire employees that may have been laid-off because of the COVID-19 pandemic. Under the recently approved Federal CARES Act, any business that employs fewer than 500 employees per physical location is eligible for a loan up to 2.5 times its average total monthly payroll to retain or rehire employees up to $10 million. Under certain conditions, this loan may be forgivable if the primary use of the loan is for payroll to retain its workers during the emergency. More information about the Paycheck Protection Program and other worker retention or rehire incentive programs can be found in the Federal CARES Act. As previously mentioned, there are also programs from the IRS to promote retention and rehire through Federal tax credits. Please see section on sick leave policies for more information about IRS programs.

Strategies

Staff are seeking direction from the City Council regarding the following options to promote worker retention during an active emergency proclamation related to COVID-19:

A. Request the City Attorney draft an emergency ordinance to provide worker retention and/or just cause for termination policy in the hospitality industry or other identified industries (such as restaurant or janitorial) to protect workers through potential bankruptcy or subcontracting that could occur during an active emergency proclamation related to COVID-19, and return to the City Council for review and approval at the next available public meeting of the City Council.

B. Direct the City Manager to create a rapid response strategy to market, promote, educate and connect eligible businesses with the resources, technical assistance, and capacity to successfully secure forgivable loan funds through the Federal CARES Act that allow

employers to retain existing workers. This includes direct marketing by the City, partnerships with licensed SBA lenders, support from SBDC advisers, and follow-on support.

C. Direct the City Manager to study the fiscal impacts of an ordinance and to determine whether there are local incentives, subsidies, or loan funds to assist employers with the cost of implementing a worker retention ordinance for specific employment sectors, classifications of workers, or geographic areas of the city.

Staff recommendation: City staff do not have a recommendation at this time, this requires further policy direction from the City Council.

City Attorney Opinion

While Option One should be accomplished by emergency ordinance, the remaining options can be accomplished via resolution (although not required). Using ordinances and resolutions to accomplish these measures provides something for the City Council to formally communicate to local workers and employers and allows for the consideration and inclusion of an end date tied to the COVID-19 pandemic. Ultimately, the City Council will need to make a policy decision on how it would like to move forward relative to the options identified.

Similar to the recommendation for worker recall programs, the City Council could use an emergency ordinance to accomplish an action on an expedited basis. If the City Council uses an emergency ordinance as the vehicle for such an action it will be important for the timeframe of the action to be tied to the emergency basis of the COVID-19 pandemic. The Council may want to consider the adoption of an identical "back up" ordinance by way of the usual procedure (two readings) if the timeframe for the application of the ordinance appears to likely extend beyond the timeframe of the pandemic. That way, if the emergency ordinance is successfully challenged, the non-emergency version of the ordinance will already be effective and only those actions taken during the "gap" are then vulnerable to challenge to the use of an emergency ordinance.

ADDITIONAL ECONOMIC RELIEF PACKAGE INITIATIVES

In addition to the nine issue areas included in the original action by the City Council, the Task Force has identified several related issues described below for consideration by the City Council.

Issue Area 10: Food and Grocery Service Protections

City Council asked staff to explore and to recommend policies to improve the safety and security of our grocery, food preparation, food delivery systems, and hospitality industry to benefit both workers and customers.

Overview

Retail grocery and drug stores remain open as essential businesses under the current City Health Order, and their employees have become front-line responders to the local health emergency. In addition, many of the most vulnerable city residents, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms because of the Safer at Home measures under the City Health Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items. Recent concerns about safety and security of our food delivery systems from residents, City Council, employers, and food service workers have warranted a discussion about additional food safety orders.

Furthermore, hospitality workers have become front-line responders as hotels and motels are used for quarantine and isolation for persons experiencing homelessness and other individuals that are unable to quarantine or isolate at their residence.

County of Los Angeles

On March 4th, the Los Angeles County (County) Board of Supervisors (Board) declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel COVID-19 virus, and on March 21st, the Los Angeles Health Officer issued a revised Safer at Home Order for Control of COVID-19 requiring all residents to stay at home unless performing certain Essential Activities. On March 31st, the Board directed County Counsel to prepare an urgency, interim ordinance, and/or order or regulation as appropriate (Attachment D.3), that considers provisions for grocery retail, drug retail, and food delivery platform employers and employees to:

- Provide adequate time by their respective employers, to wash their hands at least every 30 minutes, or as needed if gloves are provided, and that employers provide, at their expense, all necessary sanitary tools and supplies, including, but not limited to, hand sanitizer, disinfecting cleaning products, and protective gear (gloves, etc.), as well as appropriate training on their proper use. In addition, employers should ensure sanitary bathrooms, stocked with necessary soap, towels, toilet seat covers and toilet paper, are made available to employees;
- Ensure sufficient staffing and all necessary sanitary tools and supplies, at their expense, to properly clean the stores and shopping carts between use, and to provide dedicated handwashing or sanitizing stations at the entrance of all stores for use of employees before entering the stores, and plexiglass barriers at points of sale;
- Provide adequate security to implement any necessary crowd control and social distancing measures;
- Develop protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores;
- Develop protocols to implement the terms of this interim ordinance, and/or order or regulation as appropriate;

- Provide, at their expense, access to coronavirus testing, as available if an employee or worker does not have a medical provider to perform the testing and based on guidance issued by the Health Officer;
- Support employees so that they may address childcare and family needs arising from the Local Health Emergency, without retaliation and to maintain employee hours in good faith;
- Support employees who must self-isolate and/or self- quarantine in accordance with any Health Officer Order;
- Follow all Orders and guidance issued by the Health Officer related to the work environment, employees and COVID-19; and
- Prohibit retaliation for exercising rights granted under this interim ordinance, and/or order or regulation as appropriate, or for complying with any Health Officer Order to self-isolate and/or self-quarantine or any other Health Officer Order.

As of April 7th, the Board continues to study the issue and has not adopted a formal policy or ordinance. City staff will continue to monitor the study, discussion, and final decision of the Board. On April 10th, the County Health Officer put into place a Health Order that addresses many of these areas, without the need for a Board ordinance.

City of Los Angeles

On March 27th, the Los Angeles City Council passed an ordinance regarding grocery stores, retail food facilities, and pharmacies to enhance protections for workers and the public (Attachment D.1). On April 7th, Mayor Eric Garcetti announced the adoption of new emergency orders to further protections for non-medical essential workers that are exempt under the City of Los Angeles Safer at Home Emergency Order, including (a) the requirement to wear face coverings, and (b) scheduling for food delivery workers (Attachment D.2). These new emergency orders apply to all workers that are considered essential under the City of Los Angeles Safer At Home Emergency Order, including grocery stores and other food-related workers, and apply the following requirements:

- Employers of all workers included in the order must permit their employees to wash their hands at least every 30 minutes;
- All such employers must provide, at their expense, nonmedical grade face coverings for their employees;
- All such employers must ensure that their employees have access to clean, sanitary restrooms, stocked with all necessary cleansing products; or sanitizing agents required to observe hand sanitation protocols recommended by the Los Angeles County Department of Public Health, provided at the employer's expense;
- All such employers must implement social distancing measures for customers, visitors, and employees that provides a six-foot buffer, to the extent possible, between individuals;

- All customers and visitors of businesses and organizations described in the order must wear face coverings over their noses and mouths to provide additional protection for employees and customers. At this time, the face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandana coverings;
- A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by the order; and
- All food-related retail businesses are encouraged to install plexiglass to separate cashiers and customers at all points of sale; and, all people are encouraged to wear face coverings over their noses and mouths when they are outside their homes to obtain essential services and goods, but these are recommendations and not requirements.

Enforcement of the Order

While enforcement is not described in the County motion, the City of Los Angeles requires that violations of the order can be reported to the City Attorney and failure to comply with the order shall constitute a misdemeanor subject to fines and imprisonment. The Los Angeles Police Department and the City Attorney are encouraged to enforce the order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

Other Considerations

Additionally, staff met with policy leaders from the Los Angeles County Federation of Labor (AFL-CIO), which represents more than 300 affiliated unions and 800,000 workers in the region to review proposed programs to protect grocery, food preparation, and food delivery workers. Consistent with the policies presented by both the City of Los Angeles and the County Board, the AFL-CIO suggested a City policy that will prioritize workplace health and safety, including mandated paid time for and access to hand-washing and sanitizing, provision of appropriate personal protective equipment, and appropriate training for those still at work, especially grocery workers, hospitality workers, food service workers, and delivery drivers.

Strategies

In an effort to protect the health and wellbeing of both workers and consumers, the Long Beach City Health Officer has worked with the City Attorney to update the current COVID-19 Health Order (Attachment D.4) that governs the activities of essential businesses during the health emergency. These updates include provisions for grocery retail, drug retail, and food delivery employers to establish the following protocols:

a. Adequate time and supplies for their employees to wash their hands. If hand washing is impracticable to the nature of the employee's work, the employer must provide hand sanitizer that contains at least 60 percent alcohol to the employee and allow time for he employee to sanitize their hands;
b. Sufficient staffing and sanitary tools and supplies to properly clean the stores and equipment;

c. An employee must be assigned to disinfect all high-touch surfaces frequently and to disinfect carts and baskets between uses;

d. Hand sanitizer (with at least 60% alcohol), soap and water, or disinfectant effective against COVID-19 is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where there is high-frequency employee interaction with members of the public;

e. Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets;

f. Adequate security to implement any necessary crowd control and social distancing measures;

g. Establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores;

h. Require use of face coverings and gloves and/or frequent handwashing for interaction with customers, food preparation, and food delivery. Face coverings and gloves are to be provided at the employer's expense; and

i. Require that members of the public who enter the facility wear a face covering during their time in the facility. An Essential Business may refuse admission or service to any individual who fails to wear a face covering.

In the revised Health Order, all Essential Businesses are required to prepare and post Social Distancing Protocols at each facility in the City frequented by the public or employees. This requirement is intended to further protect the employees working at Essential Businesses and the public that they service. Similar to the City of Los Angeles, there may costs associated with both business compliance and City enforcement of these new protocols and staff will prepare an analysis.

Staff recommendation: This area has now been addressed through the Health Order issued by the City Health Officer on April 10th (Attachment D.4). Staff will continue to monitor health conditions and make additional changes to the Health Order as necessary to protect public health.

Issue Area 11: Digital Inclusion

Internet access is another critical resource that provides residents and small businesses to economic opportunities. City staff have identified the following COVID-19 digital inclusion programs available to residents and businesses. These community resources were recently announced by private sector Internet service providers (ISPs) and local non-profits during the economic emergency.

- AT&T
- Boost Mobile (Sprint)
- Charter Communications (Spectrum)
- COX Communications
- Frontier Communications
- human-I-T

- Starry Internet
- T-Mobile (Metro)
- Verizon

City staff have identified the following COVID-19 digital inclusion community resources available to residents and businesses as part of the City's Digital Inclusion Initiative. Please see Attachment H for a full description of existing or proposed programs to provide affordable access to the internet.

Strategies

Given that many of the State and Federal resources are now only provided online, it is essential that we continue to expand digital connectivity, hardware access, and digital literacy to all parts of our community. Staff are seeking direction from the City Council regarding the following options to promote digital connectivity during an active emergency proclamation related to COVID-19

A. Direct the City Manager and relevant departments to focus the current Digital Inclusion Roadmap process on the economic relief programs, and increasing access to the internet for residents and businesses to maximize recovery of State and Federal stimulus funds.

B. Direct the City Manager to work with private partners to increase access to hardware, internet access, and digital literacy training for residents and businesses citywide; particularly in areas of the city that lack high-speed, quality internet access in the home.

Staff recommendation: Pursue strategies A and B.

Issue Area 12: Development Relief

Continuing construction projects during the emergency not only provides jobs and economic activity but also addresses goals such as multi-family housing and business expansion goals. As such, the Task Force has been exploring strategies for the City Council to continue to promote and incentive real estate development during the emergency period.

City Programs

The City of Long Beach's (City) leadership and staff are committed to help developers persevere during these difficult times, as our City, State and Country responds to the COVID-19 pandemic. Effective March 16th, Long Beach City Hall (including the Permit Center and Neighborhood Resource Center) are closed to the public through May 1st or until further notice. These precautionary changes were implemented to prevent the community spread of COVID-19 in Long Beach.

However, City departments including Economic Development (ED), Development Services (DV) and Public Works (PW) continue to operate virtually via phone, website and email

communications. Below are resources and services to help guide active development City-related projects.

- City Business Support: Visit the ED website for the most up-to-date business support information and resources. If you need to speak to an ED representative, call 562-570-6099 during business hours.

- City Planning Support: Visit the DV's Planning Bureau website for more information pertaining to project updates, plan checks, entitlements and public noticing. If you need to speak to a DV Planning representative, call the zoning hotline at 562-570-6194.

- City Building and Safety Support: Visit the Building and Safety Bureau for information pertaining to Permit Center plan submittals and inspection services. Effective March 18, 2020, the Development Permit Center will begin accepting plans in PDF format. Small file projects can be emailed to DV-BuildingSafety@longbeach.gov. Please note that City staff will contact applicants with all relevant details and instructions. Mid-to-large size file projects can be uploaded to the City system. For instructions on how to upload projects, contact 562-570-7086 or email DV-EPlan-Submit@longbeach.gov. City staff will contact applicants with all relevant details and instructions. Contractors registered on the City online permitting system can continue with their project submittals as before.

- City Inspections Support: City building inspection teams will continue to provide services for residential and commercial projects requested within 24 hours. Please note public health precautions will be taken to protect the public as and inspectors from COVID-19 such as: asking if there is anyone sick on the property or project prior to starting inspection; avoiding handshaking; and implementing social distancing practices during the inspection as required by the City's Health Officer. Visit the DV Inspection for more information or if you need to speak to a DV Inspection representative, call 562-570-PMIT(7648) during business hours.

- City Public Works Support: the City's PW Engineering Bureau will continue to provide design and construction services. For more information, call (562) 570-6383 during business hours. Visit the Public Works Department website for more information.

- Modified City Services: Some City services will continue under a modified format. These include: plan checks (via PDF email), entitlement submittals (via Webex video-conference appointment with planner, with Dropbox for PDF); Planning Commission and Cultural Heritage Commission meetings (via Webex video-conference); public noticing and site posting of proposed developments (via City staff in lieu of applicants); and final inspections and project sign-off (which will require health precautionary measures taken by City staff in the field). Effective March 23, 2020, Zoning Administrator hearings will also continue under a modified format.

- Unavailable City Services: City services that are temporarily unavailable include: in-person meetings; City staff attending outreach or community meetings; walk audits; and acceptance of paper applications. While the City strives to deliver all services, the use of alternative methods and reduced staffing may result in delays or inconveniences to

the public. If you need to speak with a City representative regarding this matter, you can call 562-570-6194 during business hours.

Strategies

In its outreach to developers, contractors, small business owners and investors, there are a number of strategies the City Council may consider continuing to provide support and incentives to promote real estate development and construction jobs during the emergency and recovery periods:

A. Direct the City Manager to review current licenses, permits, and fees for development that can be deferred, delayed, or staggered in a way to promote the continuation of existing development projects and incentivize the attraction of new real estate development.

B. Direct the City Manager to market and promote the continuation of services such as electronic plan check, inspection services, and Planning Commission approvals to create awareness among the real estate development community that Long Beach is still moving forward with development during the emergency.

C. Direct the City Manager to prepare a marketing plan for real estate development including paid advertising, targeted outreach, virtual events, and the promotion of business expansion and renovation while businesses are closed and have the ability to make modification and renovation during the emergency period.

Staff recommendation: Implement options A and B, and continue to review the costs and benefits associated with Option C.

POTENTIAL ECONOMIC RELIEF PACKEGE SCENARIOS

The extent of this economic emergency is unknown. As the City Council contemplates its options, however, it is important to develop an economic philosophy about the current situation facing our community, the approach we may take, and the potential scenarios that might result from our actions. The following section explores some of the policy options available to the City Council in response to the current economic emergency and the likely result of those options.

Scenario One: Wait for the State and Federal Stimulus

There are some economists and policy makers that believe that the economic impacts of COVID-19 will be brief, and that recent stimulus programs from the State and Federal governments will be sufficient to “weather the storm” until businesses re-open and people go back to work at previous levels. Local action is unnecessary, they say, because the underlying economy is very strong and the direct payments, unemployment benefits, and small business

loans provided by State and Federal governments are enough to get us through a temporary closure of the economy.

The State and Federal stimulus plans for direct payments, unemployment benefits, housing grants, and business loans have the potential to create an immediate and short-term impact for residents and businesses. It is critical, however, that residents and businesses are both educated and take action to register and apply for these benefits or they will either go unused or go to another place where they are aggressively preparing their community.

Additionally, staff are concerned that if relying on State and Federal stimulus is the only solution, residents and business (as well as the City itself), will be worse-off than before the economic interruption caused by the public health crisis. In Long Beach, more than 50 percent of our households (over 85,000 households and 240,000 residents) are already considered rent burdened and currently struggle to provide for their basic needs. By further relying on government housing and unemployment benefits, even more local households may be unable to make basic payments for rent, food, utilities, transportation, health care, etc., and may fall even deeper into the safety nets that government provides. With less money to spend, locally serving businesses may continue to shrink or close, furthering reducing the employment base of the City. In short, residents will both (a) cost the support system more, and (b) contribute less to the local economy than they do already for an unknown period, until the broader economy is able to exceed its current size and growth. If the City Council wants to provide economic relief to residents and businesses, relying on short term State and Federal subsidies will not be an effective or timely solution.

Scenario Two: Wait for Economy to Bounce Back

There are many economists and policymakers that believe the national economy will rebound quickly and cite the last 12 years of economic growth and job creation—the longest continuous period of job growth in our nation's history—as evidence of its underlying strength. The underlying economy is strong enough to "bounce back", they say, and if the government would get out of the way, the economy would resume its growth. Once restrictions are lifted, they say, businesses will reopen, people will return to work, and both business and consumer spending will resume at pre-COVID-19 levels.

The economic expansion in Long Beach over the last 12 years has been historic. Local programs to build public infrastructure, streamline regulations, and promote economic development by City leaders have led to unprecedented levels of private investment in new businesses formal, lower unemployment, and higher median household income for residents. But keeping this economic momentum going requires an aggressive and ongoing investment from the City. Staff are concerned that waiting for the economy to "bounce back" will not be a sufficient strategy to provide our residents and businesses with the relief and the resources they need to return to the quality of life and growth they expect.

The level of government support required to prop-up the economy during the previous 12 years will not be available at sufficient levels to support a similar "bounce back". To understand the growth of the current economy—both locally and nationally—we must also recognize the massive, ongoing role of government investment that occurred during the expansion to keep it

growing. This Federal government support includes: the largest tax cut in American history, historic deficit spending by the Federal government (now over $1 trillion annually), unprecedented action by the Federal Reserve to buy bonds (now over $5 trillion) and cut interest rates (now nearly zero), and several huge local tax initiatives for the construction of K-12 school system, Community College facilities, and core civic infrastructure in Long Beach. In short, staff is concerned that government investments of the last 12 years are no longer available and that relying on the economy to "bounce back" will not be enough to help Long Beach residents and businesses to quickly recover from the current economic emergency. If the City Council wants to provide economic relief to residents and businesses, waiting for the economy to bounce will not be an effective or timely solution.

Scenario Three: Take Aggressive Action at the Local Level

There are some economists and policy makers that believe aggressive government action is needed to "invest and grow", particularly during times of financial stress. These economists suggest that government should invest in programs like public safety, public education, and public infrastructure to provide residents, businesses, and investors the resources and tools they need to incentivize private investments in the economy in both good times and bad. This economic development philosophy borrows ideas from the previous two scenarios but suggests that economic development is a public-private partnership where each sector plays a critical role—in different ways at different times—given the unique circumstances, to create an environment for robust economic growth. In this scenario, aggressive local government action by the City Council is essential to provide both immediate economic relief for residents and businesses; and, to create the economic elements necessary for transition to the next phase of economic recovery.

The City's role in economic development described above—as investor, regulator, landlord, communicator, facilitator, strategic planner, and private-sector partner—has contributed to the historic growth over the past 12 years and will serve well the residents and business owners in both the immediate economic relief and long-term recovery phases of the current economic emergency. Additionally, the most important immediate strategies during the first 90 days of the emergency—when mandatory closures are expected to remain in place—are not expected to solve long-term economic challenges or supplant the solutions that are needed for the next phase of economic recovery. Staff are concerned, however, that existing policies, programs and services are insufficient to respond quickly and effectively to the immediate needs of residents and businesses.

RECOMMENDATIONS

Given the potential scenarios and strategies discussed above, staff are recommending the following general approach to the Economic Relief Package, beginning with the first three core principles:

1. Focus City resources on the period of emergency closures.
2. Preserve existing businesses and jobs and assist with efforts to reinvent business models.

3. Maximize recovery of Federal stimulus funds for residents and businesses.

During the emergency, access to working capital is the greatest immediate need for many Long Beach residents and businesses. Mandatory business closures created a sudden reduction of income for both employees and employers, particularly for those employees that are paid hourly wages and particularly for those businesses that rely on face-to-face transactions with customers on a daily basis. As such, a variety of income-based programs are needed to provide residents and businesses with immediate access to capital. Sample programs include:

- Supplemental income programs such as direct payments, unemployment benefits, grants, temporary worker, work share, forgivable loans and charity donations;
- Access to working capital programs such as emergency loans, lines of credit, crowd funding, and equity investment;
- Deferrals or forbearance programs that postpone the payment of rent, leases, taxes, assessments, fees, debt service, borrowing, utilities, or other regular ongoing costs (to be paid in full at a later date); and
- Cost reduction programs such as the temporary or permanent renegotiation of existing contract and agreements, waivers, forgiveness, and regulatory relief.

In addition to the availability of these income-based programs—provided by both government or private sector sources—Long Beach residents and businesses must also be both aware and capable of accessing them. After contacting hundreds of local residents and businesses over the first two weeks of the emergency, staff are concerned that many local residents and businesses are (a) unaware of existing programs available to them and (b) unable to leverage many of the current and future programs that will be available to them through the massive new Federal stimulus bill. These problems are even more acute among our lower-income people and places in the city.

As such, to best accomplish an inclusive and effective economic relief package for residents and businesses requested by City Council the March 17th, staff are recommending an aggressive investment in both: (a) the local staffing and organizational infrastructure to help residents and businesses to access emergency programs from both governmental and private sources, and (b) implement changes at the local level offer a comprehensive menu of local financial assistance, regulatory reliefs, microlending, payment deferrals, technical assistance and training, research, marketing, and local promotional programs to help residents and businesses maximize these programs during the first 90 days of the economic emergency. Although these types of recommendations could create a very significant fiscal impact to the City, total costs and returns are unknown until direction is received from City Council and a comprehensive financial analysis is completed for each of the selected strategies.

Core Values

When preparing an effective economic relief package for the City Council, staff developed the following 10 core values to anchor each of the recommended initiatives.

1. Move quickly to limit the impact of the emergency
2. Maximize existing resources and partners
3. Seek to leverage outside resources
4. Build the capacity of our residents and businesses
5. Design for everyone—the employer and employee
6. Preserve the businesses and workers we already have
7. Be inclusive of all members of the community
8. Seek and maintain trust with all members of the community
9. Maximize return on investment
10. Maintain fiscal discipline

These core values are not meant to replace the objectives the City will use to measure success that will be developed for each initiative, rather they are meant to remind everyone of the core values that the City Council has given us to address the current economic emergency facing our residents and businesses.

CONCLUSION

The full impact of the COVID-19 health emergency on the Long Beach economy may not be known for months or years to come. What we do know is that we must build confidence and trust in our system and our community and prepare for the unknown. To restore trust and create more certainty for residents, businesses, and investors, the City must communicate a clear economic philosophy and model its approach to through thoughtful, quick, and decisive action. To promote cooperation and collaboration between public and private sectors, the City must provide residents, businesses, and investors with a comprehensive menu of financial strategies, regulatory reliefs, deferrals to spread immediate costs, and consumer spending incentives to promote financial transactions.

Depending on direction from the City Council, there are significant potential fiscal impacts related to the strategies available to the Economic Relief Package, and there remain many unknowns with regard to the length of the public health emergency that will dictate the scope and scale of the economic damage to residents and businesses of the city. As such, the City Council might consider the initial strategies for economic relief as an immediate 90-day strategy to immediately address the following objectives: (a) mitigating the immediate impacts of the economic emergency, (b) promoting economic transactions between residents, businesses, property owners, and lenders, (c) preventing business closures and job losses, and (d) maximizing the leverage of State and Federal government stimulus. Once the City Council has provided staff with policy direction for each of the issue areas identified in the March 17th motion and discussed in the preceding memo, staff will begin to develop implementation plans and detailed fiscal impact analysis for consideration.

Thank you for your leadership during this critical time in our City history. Our residents and businesses are fortunate to have leaders that recognize the significance of the economic emergency caused by this novel public health crisis and will benefit from the collective action and collaboration of government, non-profit, and private sectors. Please do not hesitate to direct specific questions regarding this effort to me at john.keisler@longbeach.gov or 562-570-5282.

ATTACHMENTS

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
DOUGLAS HAUBERT, CITY PROSECUTOR
REBECCA GARNER, ACTING ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, INTERIM DEPUTY CITY MANAGER
AJAY KOLLURI, ACTING ADMINISTRATIVE DEPUTY TO THE CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #19-0560)
DEPARTMENT HEADS

Date: March 17, 2020

To: Honorable Mayor Robert Garcia and Members of the City Council

From: Councilmember Rex Richardson
Councilmember Roberto Uranga
Councilmember Jeannine Pearce
Councilmember Mary Zendejas

Subject: **Coronavirus Economic Relief Package for Long Beach Families and Small Businesses**

RECOMMENDATION:

Request the City Attorney to draft an urgency ordinance and minute order for consideration at the next City Council meeting, to establish a moratorium on all evictions on commercial and residential units for a minimum of 30 days, or as long as the City of Long Beach, Los Angeles County, or the State of California have active emergency proclamations related to COVID-19. The ordinance should also include a prohibition on late fees and a prohibition on Section 8 terminations by the Housing Authority of Long Beach (HACLB) for the duration of this period.

Further, request the City Manager to work with the Department of Energy Resources, the Water Department and investor-owned utilities (IOUs) to suspend utility shutoffs for a minimum of 30 days or until emergency proclamations are no longer in effect, whichever is longer.

Furthermore, request the City Manager to work with the City Attorney to establish an ordinance during the duration of the declaration of emergency requiring all airport, convention center, and hotel employer allow all employees to wash their hands every 30 minutes to limit community transmission.

And lastly, request the City Manager to work with the City Attorney, and all relevant Departments, to evaluate the feasibility of implementing an economic relief package for working families and small businesses impacted by the COVID-19.

This package should explore the following:

1. A review of sick and disability leave processes and enhancements for City employees, who must miss work due to COVID-19,

2. Explore TOT, or other revenue sharing opportunities, to support hotels that experience significant economic impact due to COVID-19.

3. Partnerships with financial institutions and lenders to prohibit foreclosures or halt mortgage payments for individuals who have suffered loss of wages as a result of COVID-19,

4. Streamlined processes or resources through partnerships with EDD to support workers laid off or impacted by COVID-19, and explore support for impacted workers not covered by unemployment benefits,

5. Emergency loan assistance programs to small businesses who have suffered significant loss, as a result of COVID-19,

6. Potential resources and partnerships to safely assist people under self-quarantine, due to COVID-19, with a priority on seniors,

7. Extend training opportunities with the Long Beach Public Health Department on COVID-19 prevention to businesses in the tourism and restaurant industry,

8. Relief for laid-off or furloughed workers in the affected industries such as hospitality including, but not limited to, a "right of return" and "layoff and recall" policy, that protects workers from being laid off and subsequently not given preference when re-hiring commences, and

9. A worker retention or just cause for termination policy, in the hospitality industry, to protect workers through potential bankruptcy or subcontracting that could occur during an active emergency proclamation related to COVID-19.

Discussion

The international outbreak of novel coronavirus (COVID-19) has caused governments and organizations across the globe to take major steps to prevent widespread community transmission. On March 4, 2020, California Governor Newsom declared a State of Emergency to make additional resources available and prepare emergency actions for state agencies and departments in response to the spread of the virus. The City of Long Beach also took action as the City Public Health Officer issued a Declaration of Local Health Emergency, and the Acting City Manager issued a Proclamation of Local Emergency.

COVID-19 is a respiratory illness, thought to spread from person-to-person (within 6 feet), primarily via droplets produced when an infected person coughs or sneezes. Symptoms include fever, cough, and shortness of breath, as outcomes for infected individuals range from mild sickness to severe illness and death.

On March 11, 2020, the World Health Organization declared the coronavirus a global pandemic, due to significant spread in multiple countries around the world. To date, over 1700 positive test results of COVID-19 have been confirmed in the United States, with over 150 in the State of California. The City of Long Beach has detected 4 positive results, 8 negative results, and 6 pending results, as approximately 70 persons are currently being monitored. Recently the City has expanded on further guidance issued by Governor Newsom by canceling or postponing events with an estimated attendance of 250 or more. This was made official on March 12th when Long Beach Health Officer, Dr Anissa Davis, signed a declaration that prohibits all large-scale events in the city.

Efforts to contain further spread of the virus have resulted in the cancellation of large gatherings and events. Higher education institutions have announced plans to suspend and transition in-person, on-campus classes to aid in the recommended "social distancing," and many employers have offered additional sick time, as employees have been asked to self-quarantine, working from home, and in some instances, work less hours.

Working families are seeing reduced or eliminated paychecks, while rent continues to come due. The City has a responsibility to act urgently in this fast-moving crisis to prevent thousands of families from facing eviction and homelessness. Service workers, gig economy workers, retail workers, small business workers and port workers are just some of the categories of Long Beach working families who will be unable to pay their rent and utilities due to the coronavirus pandemic. Preventing evictions and utility shutoffs is necessary not only to protect renters, but to protect all Long Beach residents from the spread of the coronavirus.

This past week, the city of San Jose adopted a 30-day moratorium on evictions as a result of loss of income to renters due to the coronavirus. San Francisco Supervisors are considering similar legislation. The City of Los Angeles is considering even broader renter protections at its Council meeting on March 17, 2020, and we can expect more cities to adopt urgency ordinances as this crisis continues to worsen.

As a majority renter city, where over half the population's renters spend more than 30% of their income on rent, and nearly 7,000 families rely on Section 8 vouchers from the Housing Authority to pay their rent, Long Beach must align itself with other jurisdictions working on proactive measures to protect its seniors, families, workers, and entrepreneurs during this crisis. To mitigate the anticipated economic impacts COVID-19 has on the local economy, Council consideration is needed to approve a comprehensive economic relief package to support Long Beach families and small businesses.

Fiscal Impact

No Financial Management review was able to be conducted due to the urgency and time sensitivity of this item.

Statement of Urgency

Due to current state of emergency, we ask that this item be presented and available for review at the March 17th Council Meeting.

City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

Date: March 13, 2020

To: Monique DelaGarza, City Clerk

From: Councilmember Rex Richardson, Ninth District

Subject: Request to Add Agenda Item to Council Agenda of March 17, 2020

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Coronavirus Economic Relief Package for Long Beach Families and Small Businesses

Council District	Authorizing Councilmember	Signed by
9	Rex Richardson	
7	Roberto Uranga	
2	Jeannine Pearce	

ORDINANCE NO. _____

An ordinance adding Article 5-72HH to Chapter XX of the Los Angeles Municipal Code to provide supplemental sick leave to workers affected by COVID-19.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. A new Article 5-72HH is added to Chapter XX of the Los Angeles Municipal Code to read as follows:

ARTICLE 5-72HH

COVID-19 SUPPLEMENTAL PAID SICK LEAVE

SEC. 200.51. PURPOSE.

As a result of the COVID-19 pandemic and "Safer at Home" emergency declarations by California Governor Gavin Newsome and Los Angeles Mayor Eric Garcetti, issued to protect the public health and welfare, many workers in the City of Los Angeles are facing significant job and economic insecurity. To ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand on government-funded social services, the City hereby requires all employers in the City to provide its employees with supplemental paid sick leave for COVID-19 related reasons.

SEC. 200.52. DEFINITIONS.

The following definitions shall apply to this article:

A. **"City"** means the City of Los Angeles.

B. **"Employee"** means an individual who performs any work within the geographic boundaries of the City for an Employer. For purposes of this article, a worker is presumed to be an Employee, and an Employer has the burden to demonstrate that a worker is a bona fide independent contractor and not an Employee.

C. **"Employer"** mean a person, as defined in Section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee. This article applies only to an Employer with 500 or more employees nationally.

D. **"Person"** means a person, association, organization, partnership, business trust, limited liability company or corporation.

E. **"Supplemental Paid Sick Leave"** means time an Employee is compensated by an Employer for COVID-19 related leave as described in Section 200.54.

F. **"First Responder"** means an employee of a state or local public agency who provides emergency response services, including any of the following:

1. A peace officer
2. A firefighter
3. A paramedic
4. An emergency medical technician
5. A public safety dispatcher or safety telecommunicator
6. An emergency response communication employee
7. Rescue service personnel

SEC. 200.53. COVID-19 SUPPLEMENTAL PAID SICK LEAVE.

A. An Employee who has been employed with the same Employer from February 3, 2020 through March 4, 2020, is entitled to Supplemental Paid Sick Leave as follows:

1. An Employee who works at least 40 hours per week or is classified as a full-time Employee by the Employer shall receive 80 hours of Supplemental Paid Sick Leave. Supplemental Paid Sick Leave shall be calculated based on an Employee's average two week pay over the period of February 3, 2020 through March 4, 2020.

2. An Employee who works less than 40 hours per week and is not classified as a full-time Employee by the Employer shall receive Supplemental Paid Sick Leave in an amount no greater than the Employee's average two week pay over the period of February 3, 2020 through March 4, 2020.

B. In no event shall the Supplemental Paid Sick Leave amount paid to an Employee exceed $511 per day and $5,110 in the aggregate. Employees of joint Employers are only entitled to the total aggregate amount of leave specified for Employees of one Employer.

SEC. 200.54. EMPLOYEE REQUEST FOR SUPPLEMENTAL PAID SICK LEAVE.

A. An Employer shall provide Supplemental Paid Sick Leave upon the oral or written request of an Employee if:

1. The Employee takes time off because a public health official or healthcare provider requires or recommends the Employee isolate or self-quarantine to prevent the spread of COVID-19;

2. The Employee takes time off work because the Employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;

3. The Employee takes time off work because the Employee needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine; or

4. The Employee takes time off work because the Employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation.

B. An Employer may not require a doctor's note or other documentation for the use of Supplemental Paid Sick Leave.

SEC. 200.55. EXEMPTIONS.

An Employer of an Employee who is either a First Responder or a health care provider as defined in Section 12945.2 of the California Government Code shall be exempt from this article.

SEC. 200.56. EMPLOYER OFFSET.

An Employer's obligation to provide 80 hours of Supplemental Paid Sick Leave under this article shall be reduced for every hour an Employer allowed an Employee to take paid leave in an amount equal to or greater than the requirements in Section 200.53, not including previously accrued hours, on or after March 4, 2020, for any of the reasons described in Section 200.54.A.1-5.

SEC. 200.57. ENFORCEMENT.

A. An Employee claiming a violation of this article may bring an action in Superior Court of the State of California against an Employer and may be awarded:

1. Reinstatement to the position the Employee was discharged in violation of this article.

2. Back pay and Supplemental Paid Sick Leave unlawfully withheld, calculated at the Employee's average rate of pay.

3. Other legal or equitable relief the court may deem appropriate.

B. If an Employee is the prevailing party in any legal action taken pursuant to this article, the court may award reasonable attorneys' fees and costs as part of the costs recoverable.

SEC. 200.58. RETALIATORY ACTION PROHIBITED.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this article, for requesting to use or actually using Supplemental Paid Sick Leave under this article, for participating in proceedings related to this article, for seeking to enforce his or her rights under this article by any lawful means, or for otherwise asserting rights under this article.

SEC. 200.59. NO WAIVER OF RIGHTS.

Any waiver by an Employee of any or all of the provisions of this article shall be deemed contrary to public policy and shall be void and unenforceable.

SEC. 200.60. COEXISTENCE WITH OTHER AVAILABLE RELIEF FOR SPECIFIC DEPRIVATIONS OF PROTECTED RIGHTS.

With the exception of rights and remedies provided to employees pursuant to the federal Families First Coronavirus Response Act (HR 6201), the provisions of this article are in addition to or independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an Employee.

SEC. 200.61. CONFLICTS.

Nothing in this article shall be interpreted or applied to create any power or duty in conflict with any federal or state law.

SEC. 200.62. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

SEC. 200.63. EXPIRATION OF ORDINANCE.

Due to the extraordinary effects on employment resulting from the COVID-19 pandemic, this ordinance shall be in effect until December 31, 2020, unless the City Council takes an action to extend this ordinance.

SEC. 200.64. EXEMPTION FOR COLLECTIVE BARGAINING AGREEMENT.

All of the provisions of this article, or any part of, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted to constitute, a waiver of all or any of the provisions of this article.

Sec. 2. **Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reason: The State of California and the City of Los Angeles have declared a state of emergency due to the novel COVID-19 pandemic. Residents are subject to "stay at home" orders and certain businesses must reduce services or close. The pandemic increases the threat to the safety and welfare of City workers and their families as workers' incomes, health benefits, and the means to seek medical assistance are reduced or eliminated. Because of the immediate threat of economic hardship for workers in the City, this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 3/27/20

File No. _____

M:\Muni Counsel\COVID-19\Revised LAMC 200.50 - 5-72HH Draft Ordinance.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

_____

_____

Ordinance Passed_____

Approved _____

Attachment B.2

ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: April 7, 2020

Subject: Supplemental Paid Sick Leave Due to COVID-19

On March 27, 2020, the City Council passed an Ordinance (Council File: 20-0147-S39) adding Article 5-72HH to Chapter XX of the Los Angeles Municipal Code, to provide supplemental paid sick leave to workers affected by COVID-19. I applaud the City Council for thinking boldly and acting quickly to pass supplemental paid sick leave, enabling more Anglenos to be safer at home to stop the spread of this disease and care for affected family members.

In the midst of this public health crisis and economic upheaval, we must also anticipate that workers could suffer through layoffs if this City imposes excessive burdens and costs upon businesses — many of which have ceased operations, lost customers, and sustained catastrophic losses due to this pandemic. We must also ensure that City regulations do not unintentionally cause staffing shortages at hospitals and critical health facilities that are on the frontlines of our fight against this pandemic. In my judgment, the modifications put into place by this emergency Order strike a necessary balance of these interests, and I hope the City Council will consider amending its ordinance with these provisions in the near future.

Until then, this Emergency Order will promote public health, protect jobs and preserve economic stability.

Therefore, by virtue of the authority vested in me as Mayor of the City of Los Angeles under the provisions of the Los Angeles Administrative Code, Chapter 3, Section 8.29 to promulgate, issue, and enforce emergency rules, regulations, orders, and directives, I hereby declare the following to be necessary for the protection of life and property and order, effective immediately, during the emergency period, that Article 5-72HH of Chapter XX of the Los Angeles Municipal Code be suspended during this local emergency period and replaced and superseded with the following provisions:

I. COVID-19 SUPPLEMENTAL PAID SICK LEAVE.

A. An Employee who has been employed with the same Employer from February 3, 2020 through March 4, 2020, is entitled to supplemental paid sick leave, if an Employee is unable to work or telework, as follows:

   1. An Employee who works at least 40 hours per week or is classified as a full-time Employee by the Employer shall receive 80 hours of supplemental paid sick leave. Supplemental paid sick leave shall be calculated based on an Employee's average two week pay over the period of February 3, 2020 through March 4, 2020.

   2. An Employee who works less than 40 hours per week and is not classified as a full-time Employee by the Employer shall receive supplemental paid sick leave in an amount no greater than the Employee's average two week pay over the period of February 3, 2020 through March 4, 2020.

B. For purposes of this Order, an Employee is an individual who performs any work within the geographic boundaries of the City for an Employer. For purposes of this Order, an Employer is a person in Section 18 of the California Labor Code, including a corporate officer or executive, who directly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee. This Order shall apply to an Employer that has either: (i) 500 or more employees within the City of Los Angeles; or (ii) 2,000 or more employees within the United States.

C. In no event shall the supplemental paid sick leave amount paid to an Employee exceed $511 per day and $5,110 in the aggregate. Employees of joint Employers are only entitled to the total aggregate amount of leave specified for Employees of one Employer.

II. EMPLOYEE REQUEST FOR SUPPLEMENTAL PAID SICK LEAVE.

A. An Employer shall provide supplemental paid sick leave upon the oral or written request of an Employee if:

   1. The Employee takes time off due to COVID-19 infection or because a public health official or healthcare provider requires or recommends the Employee isolate or self quarantine to prevent the spread of COVID-19;

2. The Employee takes time off work because the Employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;

3. The Employee takes time off work because the Employee needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine; or

4. The Employee takes time off work because the Employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public officials recommendation. This provision is only applicable to an Employee who is unable to secure a reasonable alternative caregiver.

B. An Employer may not require a doctor's note or other documentation for the use of Supplemental Paid Sick Leave.

III. EMPLOYER OFFSET.

An Employer's obligation to provide 80 hours of Supplemental Paid Sick Leave under this Order shall be reduced for every hour an Employer allowed an Employee to take paid leave in an amount equal to or greater than the requirements in Section II, not including previously accrued hours, on or after March 4, 2020, for any of the reasons described in Paragraph II.A.1-4 or in response to an Employee's inability to work due to COVID-19.

IV. EXEMPTIONS.

A. Emergency and Health Services Personnel. An Employer of an Employee who is either Emergency Personnel or a health care worker shall be exempt from this Order. Emergency Personnel refers to individual specified in the April 1, 2020 City of Los Angeles Safer at Home emergency order Paragraph 5(vi), including all first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers. A health care worker shall encompass individuals described in California Government Code Section 12945.2(c)(6) or individuals, including

contract workers, working at a health facility licensed under California Health & Safety Code Section 1250.

B. Critical Parcel Delivery. An Employer of an Employee that provides global parcel delivery services shall be exempt from this Order. For purposes of this Order, global parcel delivery is an essential Emergency Service vital to the health and safety during this pandemic.

C. Generous Leave. If an Employer has a paid leave or paid time off policy that provides a minimum of 160 hours of paid leave annually, the Employer is exempt from any obligation to provide supplemental leave pursuant to this Order for the Employee that received the more generous paid leave.

D. New Business Exemption. This Order exempts new businesses that started in the City or businesses that relocated from outside the City on or after September 4, 2019 through March 4, 2020. To qualify, an Employer could not have been in business in the City in the 2018 tax year. The following businesses shall not qualify for this new business exemption: construction businesses as defined in Section 21.30 b.1 of the Los Angeles Municipal Code or film producers as defined in Section 21.109 of the Los Angeles Municipal Code.

E. Government. This Order does not apply to employees of government agencies working within the course and scope of their public service employment.

F. Closed Businesses and Organizations. Any business or organization that was closed or not operating for a period of 14 or more days due to a city official's emergency order because of the COVID-19 pandemic or provided at least 14 days of leave shall be exempt from the requirements of this Order

V. ENFORCEMENT.

A. An Employee claiming a violation of this Order may bring an action in Superior Court of the State of California against an Employer and may be awarded:

1. Reinstatement to the position the Employee was discharged in violation of this Order.

2. Back pay and Supplemental Paid Sick Leave unlawfully withheld, calculated at the Employee's average rate of pay.

3. Other legal or equitable relief the court may deem appropriate.

B. If an Employee is the prevailing party in any legal action taken pursuant to this Order, the court may award reasonable attorneys' fees and costs as part of the costs recoverable.

VI. RETALIATORY ACTION PROHIBITED.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this Order, for requesting to use or actually using Supplemental Paid Sick Leave under this Order, for participating in proceedings related to this Order, for seeking to enforce his or her rights under this Order by any lawful means, or for otherwise asserting rights under this Order.

VII. NO WAIVER OF RIGHTS.

Any waiver by an Employee of any or all of the provisions of this Order shall be deemed contrary to public policy and shall be void and unenforceable.

VIII. COEXISTENCE WITH OTHER AVAILABLE RELIEF FOR SPECIFIC DEPRIVATIONS OF PROTECTED RIGHTS.

With the exception of rights and remedies provided to employees pursuant to the federal Families First Coronavirus Response Act (HR 6201), the provisions of this Order are in addition to or independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an Employee.

IX. CONFLICTS.

Nothing in this Order shall be interpreted or applied to create any power or duty in conflict with any federal or state law.

X. SEVERABILITY.

If any subsection, sentence, clause or phrase of this Order is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The City Council hereby declares that it would have adopted this Order and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without

regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

XI. EXPIRATION OF ORDER.

Due to the extraordinary effects on employment resulting from the COVID-19 pandemic, this order shall be in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.

XII. EXEMPTION FOR COLLECTIVE BARGAINING AGREEMENT.

A collective bargaining agreement in place on the effective date of this Order may supersede the provisions of this Order if it contains COVID-19 related sick leave provisions. When the collective bargaining agreement expires or is otherwise open for renegotiation, the provisions of this Order may only be expressly waived if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. If a collective bargaining agreement is in place on the effective date of this Order but the agreement does not address COVID-19 related sick leave provisions, the Employer must comply with this Order unless and until the agreement is amended to expressly waive in clear and unambiguous terms set forth in the agreement.

XIII. OFFICE OF WAGE STANDARDS.

The Office of Wage Standards (OWS) of the Bureau of Contract Administration shall promulgate Rule and Regulations consistent with this Order. The Rules and Regulations shall be posted on WagesLA.lacity.org and may be relied upon by Employees and Employers to determine their rights and responsibilities under this Order.

Eric Garcetti, MAYOR

Dated: April 7, 2020 at Los Angeles, California
Time: 9:15pm

Filed with the City Clerk
Date: _____
Time: _____
By: _____

ORDINANCE NO. _____

An ordinance adding Article 4-72J-A to Chapter XX of the Los Angeles Municipal Code subjecting certain businesses in Los Angeles to recall provisions for certain workers laid off during the COVID-19 pandemic.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. A new Article 4-72J-A is added to Chapter XX of the Los Angeles Municipal Code to read as follows:

ARTICLE 4-72J-A

COVID-19 RIGHT OF RECALL

SEC. 200.30. PURPOSE.

As a result of the COVID-19 pandemic and "Safer at Home" declarations by California Governor Gavin Newsom and Los Angeles Mayor Eric Garcetti, issued to protect the public health and welfare, many workers in the City of Los Angeles are facing significant job and economic insecurity. To ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand on government-funded social services, the City hereby enacts legal protections for workers laid off due to the pandemic.

SEC. 200.31. DEFINITIONS.

The following definitions shall apply to this article:

A. "**City**" means the City of Los Angeles.

B. "**Employer**" means any person or entity who employs a Worker who works in the City, and who earned gross receipts in 2019 exceeding $5,000,000.

C. "**Laid Off Worker**" means any Worker who has a Length of Service with the Employer for six months or more and whose most recent separation from active employment by the Employer occurred on or after March 4, 2020, and resulted from a lack of business, a reduction in work force or other economic, non-disciplinary reason. This ordinance creates a rebuttable presumption that any termination occurring on or after March 4, 2020, was due to a non-disciplinary reason.

D. "**Length of Service**" means the total of all periods of time during which a Worker has been in active service, including periods of time when the Worker was on leave or vacation.

E. "**Worker**" means any person who does not act as a manager, supervisor or confidential employee, and who is not required to possess an occupational license.

SEC. 200.32. RIGHT OF RECALL.

A. Priority for Laid Off Workers. An Employer shall offer in writing, to the last known address of every Laid Off Worker, any position which is or becomes available after the effective date of this article for which the Laid Off Worker is qualified. A Laid Off Worker is qualified – and must be offered a position in the order below – if the Laid Off Worker: (1) held the same or similar position at the same site of employment at the time of the Laid Off Worker's most recent separation from active service with the Employer; or (2) is or can be qualified for the position with the same training that would be provided to a new worker hired into that position. If more than one Laid Off Worker is entitled to preference for a position, the Employer shall offer the position to the Laid Off Worker with the greatest length of service with the Employer at the employment site.

B. Time Limit. A Laid Off Worker who is offered a position pursuant to this article shall be given no less than ten days in which to accept or decline the offer.

SEC. 200.33. ENFORCEMENT.

A. A Laid Off Worker may bring an action in the Superior Court of the State of California against an Employer for violations of this article and may be awarded:

1. Hiring and reinstatement rights pursuant to this article.

2. All actual damages (including, but not limited to, lost pay and benefits) suffered by the Laid Off Worker and for statutory damages in the sum of $1,000, whichever is greater.

3. Punitive damage, pursuant to California Civil Code Section 3294.

4. Reasonable attorneys' fees and costs, as determined by the court, if the Laid Off Worker is the prevailing party in the action.

B. Notwithstanding any provision of this Code, or any other ordinance to the contrary, no criminal penalties shall attach for violation of this article.

SEC. 200.34. EXEMPTION FOR COLLECTIVE BARGAINING AGREEMENT.

All of the provisions of this article, or any part of, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted to constitute, a waiver of all or any of the provisions of this article.

SEC. 200.35. NO WAIVER OF RIGHTS.

Except for a collective bargaining agreement provision made pursuant to Section 200.34, any waiver by a Laid Off Worker of any or all provisions of this article shall be deemed contrary to public policy and shall be void and unenforceable. Other than in connection with the bona fide negotiation of a collective bargaining agreement, any request by an Employer to a Worker to waive rights given by this article shall constitute a violation of this article.

SEC. 200.36. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

SEC. 200.37. REPORT.

Before March 1, 2022, the Chief Legislative Analyst shall report to the City Council and Mayor on the effectiveness of the provisions of this article in protecting workers' stability of employment, recommendations for additional protections that further the intent of this article, and whether the provisions of the article are still necessary based on the City's recovery from the impacts of the COVID-19 pandemic.

SEC. 200.38. RETALIATORY ACTION PROHIBITED.

No Employer shall discharge, reduce in compensation, or otherwise discriminate against any Worker for opposing any practice proscribed by this article, for participating in proceedings related to this article, for seeking to exercise his or her rights under this article by any lawful means, or for otherwise asserting rights under this article.

Sec. 2. **Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reason: The State of California and the City of Los Angeles

have declared a state of emergency due to the COVID-19 pandemic. Residents are subject to "stay at home" orders and certain businesses must reduce services or close. Workers in the City of Los Angeles are losing employment as a result of layoffs or closures, affecting their ability to feed and shelter their families. The pandemic also increases the threat to the safety of these workers and their families if workers' incomes are reduced or eliminated now or for the foreseeable future, along with health benefits and the means to seek medical assistance. Because of the immediate threat of economic hardship for workers in the City, this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 3/26/20

File No. _____

M:\Muni Counsel\COVID-19\REVISED ORDINANCES AND REPORTS\LAMC 200.30 - COVID-19 RIGHT OF RECALL.3.26.20.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

_____

_____

Ordinance Passed_____

Approved _____

M O T I O N

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency regarding the outbreak of the novel COVID-19 virus, and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic.

Retail grocery and drug stores remain open, and their employees have become front-line responders to the public health emergency.

Many of the most at-risk Angelenos, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms as a result of the social isolation measures recommended by Governor Newsom.

Food and grocery delivery drivers and shoppers are a vulnerable population of workers, not employed directly by grocery stores, but by third-party "delivery platforms." These businesses must provide workers with the necessary supplies, tools and equipment to protect the worker and the public they are serving.

WE, THEREFORE, MOVE that the Council determine, as provided in Section 54954.2(b)(2) of the Government Code, and pursuant to Rule 23 of the Rules of the City Council, that there is a need to take immediate action on this matter AND that the need for action came to the attention of the City Council subsequent to the posting of the agenda for today's Council meeting:

WE FURTHER MOVE that the City Council adopt the following recommendations:

1. REQUEST that the City Attorney to prepare and present an ordinance that:

    a. Mandates that Grocery Retail, Drug Retail, and Food Delivery employees are allowed time to wash their hands (every 30 minutes) and that employer provides, at its expense, all necessary sanitary cleaners, including, but not limited to, hand sanitizer, disinfecting cleaning products, and protective gear (gloves etc.) and appropriate training on their proper use. Mandate sufficient staffing to ensure sanitary bathrooms are stocked with necessary soap, towels, toilet seat covers and toilet paper, and are made available to employees and public entering such work sites.

    b. Provide access to coronavirus testing at no expense to worker for Grocery Retail, Drug Retail, food delivery workers.

    c. Permit workers to alter their schedules to address childcare and family needs arising from pandemic without retaliation and with good faith effort to maintain hours. Offer full-time hours to current employees before hiring new employees.

2. REQUEST the City Attorney to prepare and present an ordinance to regulate food delivery platforms:

    a. Require all delivery companies to register with the City if they intend to do business within the City. As part of the registration the Company(s) will indicate the number of drivers it believes it has that work in the City and pledge that it will serve all geographic areas of the City. The Companies will agree to a code of

conduct developed by the City, including a commitment to comply with the terms of this ordinance.

b. Require delivery platforms to provide workers with hand sanitizer, disinfectant cleaning products, and other personal protective equipment as necessary (e.g., gloves, masks, etc.) as well as training on how to properly utilize these materials.

c. Prohibit a delivery platform from altering the terms and conditions of employment for drivers or shoppers (e.g. "deactivating") who choose to change their working schedule or patterns or refuse an order(s) during the State of Emergency.

d. Require delivery platforms to offer drivers and shoppers the option of executing a "non-contact delivery" at any time during the State of Emergency that balances the needs of the aged or disabled.

e. Require delivery platforms to maintain minimum liability insurance to cover liabilities arising from a food delivery driver or shopper's use of a vehicle in connection with food delivery platform.

f. Require that food delivery platforms, at their sole expense, must ensure compliance with laws regulating the adulteration of food and spread of communicable disease.

g. Prohibit retaliation: no adverse employment action for exercising rights granted under Ordinance.

3. INSTRUCT the Chief Legislative Analyst to work with County Department of Public Health, and report back to Council on options for delivery drivers to receive education and training on proper food handling to ensure the health and safety of the public.

4. INSTRUCT the Chief Legislative Analyst to convene necessary stakeholders to develop a strategic plan to ensure retail food and drug stores are able to meet the needs of the public and their employees during this State of Emergency.

PRESENTED BY:

_____
CURREN D. PRICE, JR.
Councilmember, 9th District

_____
HERB J. WESSON, JR.
Councilmember, 10th District

SECONDED BY:

_____

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R20-0092

MAR 25 2020

REPORT RE:

DRAFT ORDINANCE ADDING ARTICLE 3-72MM TO CHAPTER XX OF THE LOS ANGELES MUNICIPAL CODE TO PROVIDE WORKERS OF GROCERY, DRUG RETAIL, AND FOOD DELIVERY PLATFORMS WITH ADDED PROTECTIONS DURING THE COVID-19 PANDEMIC

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 20-0147-S44

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds Article 3-72MM to Chapter XX of the Los Angeles Municipal Code to provide workers of grocery, drug retail, and food delivery platforms with added protections during the COVID-19 pandemic.

On Tuesday March 17, 2020, the City Council adopted 48 motions related to COVID-19 pandemic. Motion 72MM requests an ordinance to establish certain worker protection measures for grocery, drug retail, and food delivery workers. In addition, the motion also seeks to regulate health, safety, and sanitation issues in grocery and retail drug stores, as well as food delivery platform companies.

Worker Protections

The draft ordinance provides grocery, drug retail, and food delivery platform workers with additional rights including the right to make schedule changes, have

additional work hours offered to current workers before new workers are hired, and have food delivery platforms set up no-contact delivery methods.

Worker Health and Safety

The remainder of the motion seeks to regulate employers by enacting health and safety standards for grocery and drug retail stores, as well as food delivery platform companies. Protections for these employees is comprehensively provided by state law, including in the California Retail Food Code, and through the California Occupational Safety and Health Act (CalOSHA), which was enacted for the purpose of assuring safe and healthful working conditions for all California workers. For reasons explained in a confidential report transmitted along with this report, the draft ordinance does not include health and safety standards that otherwise are regulated by the state.

We note, however, that the Governor of California can use his expansive emergency powers to order the immediate imposition of enhanced health and sanitation for these workers, or suspend some of these state laws in order expressly to allow municipalities to do so. If the Governor issues such an order clearing the way for local action, the City Council, by ordinance, or the Mayor by issuing a new emergency public order, may enact local health and sanitation protections for grocery, retail drug, and food delivery workers.

If you have any questions regarding this matter, please contact Deputy City Attorney Dania Minassian at (213) 978-8130. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By

DAVID MICHAELSON
Chief Assistant City Attorney

DM:DM:cl
Transmittal

ORDINANCE NO. _____

An ordinance adding Article 3-72MM to Chapter XX of the Los Angeles Municipal Code to provide workers of grocery, drug retail, and food delivery platforms with added protections during the COVID-19 Pandemic.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. A new Article 3-72MM is added to Chapter XX of the Los Angeles Municipal Code to read as follows:

ARTICLE 3-72MM

GROCERY, DRUG RETAIL AND FOOD DELIVERY WORKER PROTECTION

SEC. 200.10. PURPOSE.

As a result of the outbreak of the COVID-19 virus, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California and Mayor Eric Garcetti declared a State of Emergency in the City of Los Angeles. On March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. The COVID-19 pandemic (Pandemic) has rapidly forced the closure of schools and many businesses, including, but not limit to, movie theaters, bars, restaurants and venues holding group events. On March 19, 2020, Mayor Garcetti issued a "Safer at Home" emergency order, ordering all residents to stay inside their homes and immediately limit all movement outside their homes beyond what is necessary to take care of essential needs. On March 19, 2020, Governor Gavin Newsom also ordered all individuals living in the State of California to stay home or at the place of residence with certain exceptions.

The pandemic has resulted in the closure of many businesses throughout the City. Supermarkets, grocery stores, warehouse food stores, and drug retail stores have remained opened during this health crisis, giving many residents the only means to purchase necessary and essential food and household items. The pandemic has resulted in long customer lines and often large numbers of customers inside the stores.

Many people rely on food delivery platforms such as Instacart, Amazon Fresh, Postmates, Uber Eats, Grub Hub, and Doordash to purchase their groceries and restaurant foods. Delivery drivers and the consumers they service are doing their best to practice social distancing to reduce the risk of spreading the virus.

Workers at grocery and drug retail stores and food delivery platforms have joined the front-line responders to the public health emergency, ensuring the public continues to have access to essential needs. These workers are taking precautions to minimize the risk of exposure to themselves and the public they serve, including employing social distancing, while they also face the same hardships most Angelenos now face

regarding child care needs during school closures and caring for sick and/or elderly family members. Through this ordinance, the City seeks to enhance the protection of the public health and safety of workers and residents.

SEC. 200.11 DEFINITIONS.

The following definitions shall apply to this article:

A. "**City**" means the City of Los Angeles.

B. "**Employee**" means any worker of a grocery retail, drug retail store or Food Delivery Platform that either physically works at a retail location that is open to the public, or shops or picks-up groceries and other food orders from a grocery retail store, restaurant, or other retail food facility for the purpose of delivering the items to a consumer. For purposes of this article, a worker is presumed to be an Employee of an Employer, and an Employer has the burden to demonstrate that a worker is a bona fide independent contractor and not an Employee.

C. "**Employer**" means any of the following:

1. A grocery retail store in the City of Los Angeles that sells primarily food or household goods, including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, and/or prepared foods;

2. A drug retail store in the City of Los Angeles that sells a variety of prescription and nonprescription medicines and miscellaneous items, including but not limited to drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, prepared foods, and other merchandise; or

3. A Food Delivery Platform.

D. "**Food Delivery Platform**" means an online business that acts as an intermediary between a consumer and a grocery store, restaurant, or other food facility, and arranges for the delivery of the order from the grocery store, restaurant, or other food facility to a consumer in the City of Los Angeles.

SEC. 200.12. RIGHT TO SCHEDULE CHANGES.

A. An Employer shall approve an Employee's request to change a work schedule under any of the following circumstances:

1. To provide daycare for the Employee's own child;

2. To care for a sick member of the Employee's immediate family or member of its household; or

3. If the Employee feels ill, exhibits a symptom of COVID-19 as identified by the Center for Disease Control, or suspects having been exposed to COVID-19.

SEC. 200.13. ADDITIONAL WORK HOURS OFFERED TO CURRENT EMPLOYEES BEFORE HIRING NEW WORKERS.

Before hiring a new Employee or using a contract, temporary service or staffing agency to perform work, an Employer shall first offer the work to current Employees if:

A. The current Employee is qualified to do the work as reasonably determined by the Employer; and

B. The additional work hours would not result in the payment of a premium rate under California Labor Code Section 510.

SEC. 200.14. ADDITIONAL REQUIREMENT FOR FOOD DELIVERIES.

A Food Delivery Platform shall offer its Employee the option of a "no-contact" delivery method. A Food Delivery Platform shall provide its Employee with written guidance and detailed instructions on how safely to make a "no-contact" delivery.

SEC. 200.15. RETALIATORY ACTION PROHIBITED.

No Employer shall discharge, reduce in compensation, reduce work hours, or otherwise discriminate against any Employee for opposing any practice proscribed by this article, for participating in proceedings related to this article, for seeking to enforce their rights under this article by any lawful means, or for otherwise asserting rights under this article.

SEC. 200.16. ENFORCEMENT.

A. An Employee claiming a violation of this article may bring an action in the Superior Court of the State of California against an Employer and may be awarded:

1. Reinstatement to the position from which the Employee was discharged in violation of this article.

2. Back pay for each day during which the violation continues, which shall be calculated at the Employee's average rate of pay.

3. Other legal or equitable relief the court may deem appropriate.

B. If an Employee is the prevailing party in any legal action taken pursuant to this article, the court shall award reasonable attorneys' fees and costs.

SEC. 200.17. NO WAIVER OF RIGHTS.

Any waiver by an Employee of any provision in this article shall be deemed contrary to public policy and shall be void and unenforceable.

SEC. 200.18. COEXISTENCE WITH OTHER AVAILABLE RELIEF.

The provisions of this article shall not be construed as limiting an Employee's right to obtain relief to which they may be entitled at law or in equity.

SEC. 200.19. CONFLICTS.

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with any federal or state law.

SEC. 200.20. SUNSET.

This section shall sunset upon the later of either the Governor of the State of California lifting his emergency order declared on March 4, 2020, or the Mayor of the City of Los Angeles lifting the State of Emergency declared on March 4, 2020.

SEC. 200.21. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

Sec. 2. **Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The COVID-19 pandemic has led to the current State of Emergency in California. Mayor Garcetti's "Safer at Home" emergency order issued on March 19, 2020, mandating all residents to stay inside their residences and immediately limit all movement outside their homes beyond what is necessary to take care of essential needs, has effectively shut down many businesses in the City in an effort to control the spread of the COVID-19. Grocery and drug retail outlets and the services of Food Delivery Platforms remain some of the few options available for residents to obtain their daily essential needs. Workers of these businesses serve a critical need during this pandemic, aiding as front-line responders to the daily needs of the City's residents. In order for the City of Los Angeles to protect the health of safety of workers and its residents, Employees must be permitted to change their work

schedule to care for their children during school closures or to care for sick and/or elderly family members without fear of retaliation. Because of the immediate health and safety concerns of these workers and the community, the ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 3/24/20

File No. _____

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL\LAMC 200.10 - GROCERY, DRUG RETAIL AND FOOD DELIVERY WORKER PROTECTION.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

_____

_____

Ordinance Passed_____

Approved _____

Attachment D.2

ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: April 7, 2020

Subject: Grocery, Drug Retail and Food Delivery Worker Protection

Food service and drug retail industries are among the most critical parts of our economy during our local response to the COVID-19 pandemic. While we work to maintain consistent access to grocery stores, retail food facilities, and pharmacies throughout our City, we must ensure that workers in these essential businesses -- and, in addition, workers on food delivery platforms such as Instacart, Amazon Fresh, Caviar, Uber Eats, GrubHub, Postmates, and DoorDash -- have adequate flexibility as they balance their personal lives and job duties.

On March 27, 2020, the Los Angeles City Council passed an Ordinance (Council File-20-0147-S44) (the "Ordinance"), which adds Article 3-72MM to Chapter XX of the Los Angeles Municipal Code, in an effort to enhance protections for these workers and the public. However, I believe it is also necessary to amend the Council's ordinance to ensure that the delivery of essential goods can continue without hindrance. Many Angelenos rely on these services for the delivery of essential goods, including those identified as vulnerable to COVID-19 by the Centers for Disease Control.

Accordingly, by virtue of authority vested in me as Mayor of the City of Los Angeles pursuant to the provisions of the Los Angeles Administrative Code, Chapter 3, Section 8.29 to promulgate, issue, and enforce rules, regulations, orders, and directives, I hereby declare the following to be necessary for the protection of life and property and order, effective immediately, until the expiration of the local emergency period, that Sections 200.12 and 200.13 of Article 3-72MM of Chapter XX of the Los Angeles Municipal Code be suspended during this local emergency period and replaced and superseded with the following provisions:

1. Section 200.12 of the Ordinance is hereby modified to read as follows:

SEC. 200. 12. RIGHT TO SCHEDULE CHANGES

A. A Grocery Retail Store and Drug Retail Store Employer shall approve an Employee's request to change a work schedule under any of the following circumstances:
1. To provide daycare for the Employee's own child;
2. To care for a sick member of the Employee's immediate family or member of its household; or
3. If the Employee feels ill, exhibits a symptom of COVID-19 as identified by the Center for Disease Control, or suspects having been exposed to COVID-19.

B. A Food Delivery Platform Business shall allow an Employee to decline orders under any of the following circumstances without negative repercussions:
1. To provide daycare for the Employee's own child;
2. To care for a sick member of the Employee's immediate family or member of its household; or
3. If the Employee feels ill, exhibits a symptom of COVID-19 as identified by the Center for Disease Control, or suspects having been exposed to COVID-19.

2. Section 200.13 of the Ordinance is hereby modified to read as follows:

SEC. 200.13. ADDITIONAL WORK HOURS OFFERED TO CURRENT EMPLOYEES BEFORE HIRING NEW WORKERS

Before hiring a new Employee or using a contract, temporary service or staffing agency to perform work, a Grocery Retail Store and Drug Retail Store Employer shall first offer the work to current Employees if:
1. The current Employee is qualified to do the work as reasonably determined by the Employer; and
2. The additional work hours would not result in the payment of a premium rate under California Labor Code Section 510.

_____
Eric Garcetti, MAYOR

Dated: April 7, 2020 at Los Angeles, California
Time: 9:15pm

Filed with the City Clerk
Date: _____
Time: _____
By: _____

ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: April 7, 2020

Subject: Worker Protection Order

On March 19, 2020, I issued a Safer At Home Order for the City of Los Angeles to help reduce the spread of COVID-19 in our City. The City's workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure. It is imperative that medical workers and first responders continue to follow the advice of health officials and wear hospital grade masks, such as surgical masks or N95 respirators. Our other essential workers who come into frequent contact with others must also be protected from infection. There is a worldwide shortage of medical grade masks, and health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus.

Accordingly, today, I am ordering further protections for our non-medical essential workers, requiring them to wear non-medical grade face coverings while performing their work.

Accordingly, by virtue of authority vested in me as Mayor of the City of Los Angeles pursuant to the provisions of the Los Angeles Administrative Code, Chapter 3, Section 8.29 to promulgate, issue, and enforce rules, regulations, orders, and directives, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective 12:01: a.m. on April 10, 2020, until the end of the local emergency period, that:

1. All workers who work at businesses or perform services that are exempt under Paragraph 5(vii) of the City of Los Angeles Safer At Home Emergency Order, in the following subsections:

    b. Grocery stores, water retailers, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, certified farmers markets and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet food and medication supply (but not grooming or training), fresh or frozen meats, fish, and poultry, any other household consumer products (such as construction supplies, cleaning and personal care products);

    d. Organizations and businesses that provide food, social services and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless services agencies);

    h. Hardware and building supply stores, day labor centers, and nurseries.

    i. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, day laborers, landscapers, gardeners, property managers and leasing agents, private security personnel;

    l. Laundromats, dry cleaners, and laundry service providers;

    m. Restaurants and retail food facilities that prepare and offer food to customers, but only via delivery service, to be picked up, or drive-thru;

    p. Individuals and businesses that ship or deliver groceries, food, beverages or goods directly to residences or businesses;

    q. Taxis, ride sharing services, car rental companies, and other private transportation services;

    v. Hotels, motels and shared rental units

    must wear face coverings over their noses and mouths while performing their work. At this time, the face coverings are not medical-grade masks or N95 respirators, but rather, fabric coverings, such as scarves and bandanas. All essential, non-medical workers required to wear these face coverings must frequently (at least once a day) wash any reusable face coverings, for the health and safety of themselves and others. Single-use face coverings must be properly discarded into trash receptacles.

2. Employers of all workers who work at businesses or perform services described in Paragraph 1 of this Order must permit their employees to wash their hands at least every 30 minutes. All such employers must provide, at their expense, non-medical grade face coverings for their employees. All such employers must ensure that their employees have access to clean, sanitary restrooms, stocked

with all necessary cleansing products; or sanitizing agents required to observe hand sanitation protocols recommended by the Los Angeles County Department of Public Health, provided at the employer's expense. All such employers must implement social distancing measures for customers, visitors, and employees that provides a six-foot buffer, to the extent possible, between individuals.

3. All customers and visitors of businesses and organizations described in Paragraph 1 of this Order must wear face coverings over their noses and mouths to provide additional protection for employees and customers. At this time, the face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandana coverings.

4. A business owner or operator described in Paragraph 1 of this Order may refuse admission or service to any individual who fails to wear face coverings as required by this Order.

Additionally, I encourage all retail businesses in Paragraph 1 to install plexiglass to separate cashiers and customers at all points of sale. And I encourage all people to wear face coverings over their noses and mouths when they are outside their homes to obtain essential services and goods. These are recommendations and not requirements.

Any business owner or operator described in Paragraph 1 of this Order may sell face coverings and emergency supplies. All sellers of emergency supplies referenced in this Order shall abide by all price gouging laws. Violations of such laws can be reported here: https://www.lacityattorney.org/covid19.

Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment. I hereby urge the Los Angeles Police Department and the City Attorney to enforce this Order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

This Order may be extended prior to May 1, 2020.

Eric Garcetti, MAYOR

Dated: April 7, 2020 at Los Angeles, California
Time: 6:15pm

Filed with the City Clerk
Date: _____
Time: _____
By: _____

AGN. NO.

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HAHN **MARCH 31, 2020**

Protecting Retail Grocery, Drug Store and Food Delivery Platform Workers During COVID-19 Crisis

On March 4, 2020, the Los Angeles County (County) Board of Supervisors (Board) declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel COVID-19 virus, and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. In addition, on March 21, 2020, the Los Angeles Health Officer issued a revised Safer at Home Order for Control of COVID-19 requiring all residents to stay at home unless performing certain Essential Activities.

Retail grocery and drug stores remain open, and their employees have become front-line responders to the local health emergency. In addition, many of the most vulnerable County residents, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms as a result of the Safer at Home measures under the County's Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by grocery stores, but by third-party “Food Delivery Platforms.” These businesses, along with grocers and drug stores in traditional retail settings, must provide workers with the necessary supplies, tools and equipment to protect the worker and the public they are serving.

- MORE -

	MOTION
SOLIS	_____
RIDLEY-THOMAS	_____
KUEHL	_____
HAHN	_____
BARGER	_____

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct County Counsel to prepare an urgency, interim ordinance, and/or order or regulation as appropriate, that considers:
   a. Provisions for Grocery Retail, Drug Retail, and Food Delivery Platform employees to be required to, and permitted adequate time by their respective employers, to wash their hands at least every 30 minutes, or as needed if gloves are provided, and that employers provide, at their expense, all necessary sanitary tools and supplies, including, but not limited to, hand sanitizer, disinfecting cleaning products, and protective gear (gloves, etc.), as well as appropriate training on their proper use. In addition, employers should ensure sanitary bathrooms, stocked with necessary soap, towels, toilet seat covers and toilet paper, are made available to employees.
   b. Provisions for Grocery Retail and Drug Retail employers to ensure sufficient staffing and all necessary sanitary tools and supplies, at their expense, to properly clean the stores and shopping carts between use, and to provide dedicated handwashing or sanitizing stations at the entrance of all stores for use of employees before entering the stores, and plexiglass barriers at points of sale.
   c. Provisions for Grocery Retail and Drug Retail employers to provide adequate security to implement any necessary crowd control and social distancing measures.
   d. Provisions for Grocery Retail and Drug Retail employers to develop protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores.
   e. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to develop protocols to implement the terms of this interim ordinance, and/or order or regulation as appropriate.

f. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to provide, at their expense, access to coronavirus testing, as available if an employee or worker does not have a medical provider to perform the testing and based on guidance issued by the Health Officer.

g. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees so that they may address childcare and family needs arising from the Local Health Emergency, without retaliation and to maintain employee hours in good faith.

h. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees who must self-isolate and/or self-quarantine in accordance with any Health Officer Order.

i. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers and employees to follow all Orders and guidance issued by the Health Officer related to the work environment, employees and COVID-19.

j. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or order or regulation as appropriate, or for complying with any Health Officer Order to self-isolate and/or self-quarantine or any other Health Officer Order.

2. Direct County Counsel to prepare and present an urgency, interim ordinance, and/or order or regulation as appropriate, to regulate Food Delivery Platform Companies that considers:

   a. Requiring all Food Delivery Platform Companies to register with the County if they intend to do business within the unincorporated areas of Los Angeles County. As part of the registration, such a company will indicate the number of drivers it believes it has that work in the unincorporated areas of Los Angeles County. The Companies will agree to a code of conduct developed by the unincorporated areas of Los Angeles County, including a commitment to comply with the terms of the urgency, interim ordinance, and/or order or regulation.

b. Prohibiting Food Delivery Platform Companies from penalizing drivers or shoppers (e.g., “deactivating”) during this Local Health Emergency.

c. Requiring Food Delivery Platform Companies to offer drivers and shoppers the option of executing a “non-contact delivery” at any time during the Local Emergency that balances the needs of the those who are 65 years and older or disabled.

d. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or an order or regulation as appropriate, or as a result of an employee complying with any Health Officer Order to self-isolate and/or self-quarantine or any order issued by the Health Officer related to the work environment, employees and COVID-19.

3. Instruct the Director of the Department of Public Health to report back to this Board within 5 days on options for delivery drivers to receive education and training on proper food handling to ensure the health and safety of the public.

# # # #

(CG/FR)

Attachment D.3

AGN. NO.

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HAHN **MARCH 31, 2020**

Protecting Retail Grocery, Drug Store and Food Delivery Platform Workers During COVID-19 Crisis

On March 4, 2020, the Los Angeles County (County) Board of Supervisors (Board) declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel COVID-19 virus, and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. In addition, on March 21, 2020, the Los Angeles Health Officer issued a revised Safer at Home Order for Control of COVID-19 requiring all residents to stay at home unless performing certain Essential Activities.

Retail grocery and drug stores remain open, and their employees have become front-line responders to the local health emergency. In addition, many of the most vulnerable County residents, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms as a result of the Safer at Home measures under the County's Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by grocery stores, but by third-party “Food Delivery Platforms.” These businesses, along with grocers and drug stores in traditional retail settings, must provide workers with the necessary supplies, tools and equipment to protect the worker and the public they are serving.

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	MOTION
SOLIS	_____
RIDLEY-THOMAS	_____
KUEHL	_____
HAHN	_____
BARGER	_____

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct County Counsel to prepare an urgency, interim ordinance, and/or order or regulation as appropriate, that considers:
   a. Provisions for Grocery Retail, Drug Retail, and Food Delivery Platform employees to be required to, and permitted adequate time by their respective employers, to wash their hands at least every 30 minutes, or as needed if gloves are provided, and that employers provide, at their expense, all necessary sanitary tools and supplies, including, but not limited to, hand sanitizer, disinfecting cleaning products, and protective gear (gloves, etc.), as well as appropriate training on their proper use. In addition, employers should ensure sanitary bathrooms, stocked with necessary soap, towels, toilet seat covers and toilet paper, are made available to employees.
   b. Provisions for Grocery Retail and Drug Retail employers to ensure sufficient staffing and all necessary sanitary tools and supplies, at their expense, to properly clean the stores and shopping carts between use, and to provide dedicated handwashing or sanitizing stations at the entrance of all stores for use of employees before entering the stores, and plexiglass barriers at points of sale.
   c. Provisions for Grocery Retail and Drug Retail employers to provide adequate security to implement any necessary crowd control and social distancing measures.
   d. Provisions for Grocery Retail and Drug Retail employers to develop protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores.
   e. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to develop protocols to implement the terms of this interim ordinance, and/or order or regulation as appropriate.

f. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to provide, at their expense, access to coronavirus testing, as available if an employee or worker does not have a medical provider to perform the testing and based on guidance issued by the Health Officer.

g. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees so that they may address childcare and family needs arising from the Local Health Emergency, without retaliation and to maintain employee hours in good faith.

h. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees who must self-isolate and/or self-quarantine in accordance with any Health Officer Order.

i. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers and employees to follow all Orders and guidance issued by the Health Officer related to the work environment, employees and COVID-19.

j. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or order or regulation as appropriate, or for complying with any Health Officer Order to self-isolate and/or self-quarantine or any other Health Officer Order.

2. Direct County Counsel to prepare and present an urgency, interim ordinance, and/or order or regulation as appropriate, to regulate Food Delivery Platform Companies that considers:

   a. Requiring all Food Delivery Platform Companies to register with the County if they intend to do business within the unincorporated areas of Los Angeles County. As part of the registration, such a company will indicate the number of drivers it believes it has that work in the unincorporated areas of Los Angeles County. The Companies will agree to a code of conduct developed by the unincorporated areas of Los Angeles County, including a commitment to comply with the terms of the urgency, interim ordinance, and/or order or regulation.

b. Prohibiting Food Delivery Platform Companies from penalizing drivers or shoppers (e.g., “deactivating”) during this Local Health Emergency.

c. Requiring Food Delivery Platform Companies to offer drivers and shoppers the option of executing a “non-contact delivery” at any time during the Local Emergency that balances the needs of the those who are 65 years and older or disabled.

d. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or an order or regulation as appropriate, or as a result of an employee complying with any Health Officer Order to self-isolate and/or self-quarantine or any order issued by the Health Officer related to the work environment, employees and COVID-19.

3. Instruct the Director of the Department of Public Health to report back to this Board within 5 days on options for delivery drivers to receive education and training on proper food handling to ensure the health and safety of the public.

# # # #

(CG/FR)

AGN NO._____

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND SHEILA KUEHL **March 31, 2020**

Taking Urgent Public Health Action on COVID-19 to Protect Individuals and Staff in Custodial Facilities

New cases of COVID-19, the disease caused by the novel coronavirus, continue to emerge in high numbers across the state and throughout Los Angeles County (County), and containment is becoming increasingly difficult. Minimizing the number of new cases has quickly become the focus of the County's public health response to this unprecedented epidemic. To further this goal, particular attention should be given to vulnerable populations such as those with underlying health issues, the elderly and pregnant women. This is especially true where these already vulnerable individuals are at heightened risk by being justice-involved.

Recognizing this issue immediately, the Sheriff's Department and other law enforcement agencies have been working hard to reduce the number of individuals entering and remaining in the County jails. The courts have also partnered with the County's justice partners, including the Public Defender, Alternate Public Defender, and District Attorney to further explore avenues for reducing the number of individuals remaining in in the jails. As a result of these actions, the population in the jail has been reduced by approximately 1,200 as of March 20, 2020. The Department of Health Services, through its Correctional Health Services (CHS) division, has implemented screening, testing, and hygiene protocols. Multiple departments have been working on plans for treatment and quarantine in the event COVID-19 cases are confirmed in the County's jails. The Inspector General has been monitoring these actions and advocating

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Ridley-Thomas _____

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Hahn _____

Barger _____

for best practices, and legal and advocacy organizations have been offering policy solutions, urging the County to do more. These are just some of the various actions being considered, or taken, by the County partners that are working around the clock on this issue.

The County's justice partners have demonstrated their awareness that the large volumes of people in close quarters makes the jails ripe for quick COVID-19 spread. Many people in these facilities are in the vulnerable or medically fragile population, and these individuals are thus at risk for complications from COVID-19. Further, the dangers from the spread of COVID-19 in the jails are not restricted just to those facilities. The high rate of daily turnover in the County's jail facilities means that those individuals will be released back into the community, potentially spreading COVID-19 to friends and family upon their return. If we can reduce the risk of disease spread within the jail system, then we are also reducing the risk of disease throughout the County. By acknowledging the heightened risk that is inherent to custodial facilities to create a potential public health crisis, the County can offer guidance, support and legal direction to the Sheriff, who is ultimately responsible for the administration of the County's jails.

In light of the ongoing public health emergency, and in the interest of safeguarding the health and safety of all people, including and especially those confined in our jails, an executive order issued on March 23, 2020. This order directed the following:

1. The Los Angeles County Health Officer, in collaboration with the Department of Health Services-Correctional Health, the Sheriff's Department, the Department of Mental Health, and the Office of Inspector General, conduct an immediate assessment of County's jails for the purpose of identifying all necessary and appropriate measures to prevent the spread of COVID-19 in the jails and protect individuals incarcerated, in the jails as well as County staff working in the jails, and make any orders necessary for that purpose;

2. The County Counsel, the Department of Health Services-Correctional Health, the Department of Mental Health, the Office of the Inspector General, and any other relevant entities, working with the Sheriff's Department, implement any recommendations or orders of the County Health Officer, including, if appropriate, actions

available to the Sheriff under California Government Code section 26602, and other applicable laws; and

3. The Chief Executive Officer, in coordination with relevant County departments, identify the resources necessary to ensure successful implementation of the recommendations or orders identified by the parties identified above.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS,

1. Ratify the attached Executive Order of the Chair of the County of Los Angeles Board of Supervisors Following Proclamation of Existence of a local Health Emergency Regarding Novel Coronavirus (COVID-19); and

2. Direct County Departments to implement all assessment, assistance and monitoring efforts as applicable.

# # #

MRT: mn
SK: vp

EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL HEALTH EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency within the State of California ("State") due to the threat posed by Novel Coronavirus ("COVID-19");

WHEREAS, on March 4, 2020, the Los Angeles County Health Officer issued a Declaration of Local Health Emergency due to the introduction of the COVID-19 cases to the County of Los Angeles ("County");

WHEREAS, on March 4, 2020, Los Angeles County Board of Supervisors ("Board") concurred and issued a Proclamation ("Proclamation") declaring a local emergency within the County of Los Angeles regarding the imminent spread of COVID- 19;

WHEREAS, California Government Code section 8550 et seq. and Los Angeles County Code ("Code") Section 2.68.150 empower the Chair of the Board of the County to promulgate orders and regulations for the protection of life and property where necessary to preserve the public order and safety;

WHEREAS, new cases of COVID-19, the disease caused by the novel coronavirus, continue to emerge in high numbers across the State of California and throughout the County, and containment is becoming increasingly difficult;

WHEREAS, to accomplish the critical public health goal of disease containment, particular attention must be given to vulnerable populations such as those with underlying health issues, the elderly and pregnant women, especially those who are at heightened risk because they are incarcerated in the County jails;

WHEREAS, the Los Angeles County Sheriff's Department, and other law enforcement agencies, recognized this early on and have been working diligently to reduce the number of individuals entering and remaining in the County jails;

WHEREAS, the courts and the County's justice partners, including the Public Defender, Alternate Public Defender, and District Attorney, are actively pursuing avenues to reduce the number of individuals in the jails, which has resulted in the reduction of the jail population by approximately 1,400 as of March 22, 2020;

WHEREAS, the Department of Health Services, through its Correctional Health Services (CHS) division, has implemented screening, testing, and hygiene protocols to control spread of the virus in custody and multiple departments have been working on plans for treatment and quarantine in the event COVID-19 cases are confirmed in the County's jails;

WHEREAS, the Inspector General has been monitoring these actions and advocating for best practices, and legal and advocacy organizations have been offering policy solutions, urging the County to do more;

WHEREAS, the diligent work of these, and other, justice partners is moving us in the right direction, it is incumbent on the Board to take all available action to protect the people of this County;

WHEREAS, large volumes of people in close quarters makes the jails ripe for quick COVID-19 spread, and many people in the jails are medically fragile or otherwise particularly vulnerable, and thus at risk for complications from COVID-19;

WHEREAS, the high rate of daily turnover in the County's jail facilities means that these individuals will be released back into the community, potentially spreading COVID-19 to friends, family and other community members upon their return, and thus the dangers from the spread of COVID-19 in the jails are not restricted just to those facilities;

WHEREAS, if we reduce the spread of disease within the jail system, then we are also reducing the risk of disease throughout the County and beyond;

WHEREAS, by acknowledging the heightened health risks inherent to custodial facilities that may exacerbate this public health crisis, the County can offer guidance, support, and legal direction to the Sheriff, who under state law is charged with keeping the County's jails and the persons incarcerated in them;

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Chair of the Board of Supervisors of the County of Los Angeles, that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents.

IT IS **HEREBY ORDERED THAT:**

I. The Los Angeles County Health Officer, in collaboration with the Department of Health Services-Correctional Health, the Sheriffs Department, the Department of Mental Health, and the Office of Inspector General, conduct an immediate assessment of Los Angeles County's ("County's") jails for the purpose of identifying all necessary and appropriate measures to prevent the spread of COVID-19 in the jails and protect individuals incarcerated, in the jails as well as County staff working in the jails, and make any orders necessary for that purpose;

II. The County Counsel, the Department of Health Services-Correctional Health, the Department of Mental Health, the Office of the Inspector General, and any other relevant entities, working with the Sheriff s Department, implement any recommendations or orders of the County Health Officer, including, if appropriate, actions available to the Sheriff under California Government Code section 26602, and other applicable laws; and

III. The Chief Executive Officer, in coordination with relevant County departments, identify the resources necessary to ensure successful implementation of the recommendations or orders identified by the parties identified above.

Dated: March 23, 2020

Kathryn Barger
Chair, Los Angeles County Board of Supervisors

CITY OF LONG BEACH

Health and Human Services
2525 Grand Avenue, Long Beach, CA 90815
(562) 570-4000 FAX (562) 570-4049

SAFER AT HOME ORDER FOR CONTROL OF COVID-19

Temporary Prohibition of All Events and Gatherings
Closure of Non-Essential Businesses and Areas
Closure of Certain Public Areas
Social Distancing Protocols Required of All Essential Businesses
REVISED ORDER ISSUED: April 9, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (Ca. Health & Safety Code § 120275 et seq)

Summary: This Health Officer Order amends and restates the Order of the Long Beach Health Officer (Health Officer) issued on March 28, 2020, to control the spread of the Novel Coronavirus (COVID-19) within the City of Long Beach (City). This Revised Order clarifies, strengthens, and extends certain terms of the Health Officer's March 19, 2020 “Safer at Home” Order (Safer at Home Order) to increase social distancing and reduce person-to-person contact in order to further slow transmission of COVID-19.

The intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.

This Order requires that Essential Businesses prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations. Social Distancing Protocols are intended to provide workers with the necessary supplies, tools and equipment to protect the worker and the public they are serving. Retail Food and drug stores remain open and their employees have become front-line responders to the local health emergency due to COVID-19. Many of the most vulnerable City residents, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms as a result of the Health Officer’s Safer at Home Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Furthermore, hospitality workers have become front-line responders as hotels and motels are used for quarantine and isolation for persons experiencing homelessness and other individuals that are unable to quarantine or isolate at their residence. Accordingly, this Order is requires additional measures by Retail Food, drug stores, third-party, hospitality, and food delivery platform employers to protect employees and the public that they serve to stem the spread of COVID-19 within the community.

The Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health (CDPH) and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified to protect the public’s health.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY OF LONG BEACH ORDERS:

1. Effective immediately on April 9, 2020 and continuing through April 19, 2020, all public and private group events and gatherings are prohibited anywhere within the City of Long Beach (City). All persons are to remain at their place of residence, except to travel to and from Essential Businesses, to work at or provide service to a Healthcare Operation, Essential Infrastructure, or Essential Business, to engage in Essential Activities, provided that Social Distancing Requirements are strictly adhered to.

2. The Health Officer orders the immediate closure of the following types of properties and businesses:

    a. Non-Essential Retail Businesses.

    b. Indoor Malls and Indoor Shopping Centers, including all stores therein regardless whether they are Essential or Non-Essential Retail Businesses. As an exception, Essential Businesses that are part of an Indoor Mall or Indoor Shopping Center, but that are accessible to the public from the exterior of the Indoor Mall or Shopping Center may remain open. The interior of the Indoor Mall or Indoor Shopping Center shall remain closed to the public.

    c. This Order does not require closure of Essential Businesses in Outdoor Malls and Shopping Centers. However, owners and operators of Outdoor Malls and Shopping Centers shall enforce Social Distancing Protocols among their visitors, as provided in Section 3 of this Order.

    d. Indoor or Outdoor Playgrounds for Children, except for those located within childcare centers.

    e. Indoor and outdoor flea markets and swap meets.

    f. Bars and nightclubs that do not serve food.

    g. Gyms and fitness centers, including, but not limited to, private gyms and fitness centers located in multifamily housing complexes, such as, apartment buildings and condominiums.

    h. Movie theaters, drive-in theaters, live performance theaters, concert halls, arenas and stadiums.

    i. Bowling alleys and arcades.

    j. Wineries, breweries, and tap rooms that provide tastings.

    k. All swimming pools, spas, hot tubs, splash pads, saunas, and steam rooms, except as follows:

        i. Those located in a single-family residence, which shall be used only by members of the household residing at the single-family residence.

ii. Medical or therapy pools that provide medically prescribed and/or medically necessary supervised therapy. Therapy sessions should employ Social Distancing Protocols of at least six (6) feet at all times possible.

iii. Routine maintenance, including, cleaning, chemical balancing and adjustments are permitted at any facility required to closed by this Section.

3. All Essential Businesses shall prepare and post by no later than 11:59 p.m. on April 13, 2020 a Social Distancing Protocol at each of their facilities in the City frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:

   a. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;

   b. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;

   c. Providing, at the Essential Business' expense, hand sanitizer that contains at least 60% alcohol, soap and water, or disinfectant qualified for use against COVID-19 at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);

   d. Providing for contactless payment systems or, if not feasible to do so, providing for disinfecting all payment portals, pens, and styluses after each use;

   e. Providing physical space between employees and customers (e.g. plexiglass at point of sale locations, drive through, partitions);

   f. Regularly disinfecting other high-touch surfaces;

   g. Posting a sign at the entrance of the facility informing all employees and customers that they should: (i) avoid entering the facility if they are experiencing symptoms of respiratory illness, including cough or fever; (ii) maintain a minimum six-foot distance from one another; (iii) sneeze and cough into one's elbow; (iv) not shake hands or engage in any unnecessary physical contact;

h. Require, and permit adequate time for, employees to wash their hands at least every 30 minutes, or as needed if gloves are provided;

i. Ensure sanitary bathrooms are made available to employees, which are stocked with necessary soap, towels, toilet seat covers, and toilet paper; and

j. Make every effort to implement and adhere to Social Distancing Protocols with employees, including, but not limited to:

   i. Allow employees to telecommute (i.e. work from home);

   ii. Allow for flexible schedules, such as, staggering schedules of employees so less individuals occupy a worksite at any given time;

   iii. Separate employees by at least six (6) feet;

   iv. Allow teleconferencing or video conferencing for meetings; and

   v. Limit meetings or gatherings of any sort, especially in locations where employees could interact or come in contact with any member of the public. This includes limiting or eliminating (1) employees from traveling in vehicles together and/or (2) the need for employees to physically work in teams of two or more. If meetings or gatherings are absolutely necessary, Essential Businesses must implement Social Distancing Protocols to the extent practicable.

k. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html); and

l. Develop protocols to implement the provisions of this Order.

4. In addition to the requirements in Section 3, Retail Food and drug retail employers shall:

   a. Provide, at their expense protective gear (e.g. gloves and Face Coverings, as available), as well as appropriate training on their proper use.

      This subsection is not intended to require Face Coverings of all employees. Face Coverings should not be used as a substitute for other evidence-based measures to prevent the spread of COVID-19. Face Coverings are recommended in public settings where Social Distancing Measures are difficult to maintain. Face Coverings may be used in addition to, but not in place of, other evidence-based measures (e.g. social distancing; frequent hand washing practices; avoiding touching our eyes, nose and mouth with unwashed hands; avoiding being around sick people).

   b. Ensure sufficient staffing to properly clean the facilities and shopping carts between use.

   c. Provide dedicated handwashing or sanitizing stations at the entrance of a facility

or site for use of employees before entering the facility or site.

d. Provide adequate security or staffing to implement any necessary crowd control and Social Distancing Protocols, as provided in Section 3 of this Order.

e. Develop protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores.

5. In addition to the requirements in Section 3, food delivery platform and hospitality employers shall provide, at their expense protective gear (e.g. gloves and Face Covering, as available), as well as appropriate training on their proper use.

   This Section is not intended to require Face Coverings of all employees. Face Coverings should not be used as a substitute for other evidence-based measures to prevent the spread of COVID-19. Face Coverings are recommended in public settings where Social Distancing Measures are difficult to maintain. Face Coverings may be used in addition to, but not in place of, other evidence-based measures (e.g. social distancing; frequent hand washing practices; avoiding touching our eyes, nose and mouth with unwashed hands; avoiding being around sick people).

6. Any business that has not been identified either as property or business that must close in Section 2, or as an Essential Business, may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

7. Licensed Cannabis Dispensaries approved by the City to deliver cannabis may provide curbside pickup service under the following conditions:

   a. Customers must submit proof of a valid government-issued identification prior to the curbside pickup.

   b. Upon pickup, the Dispensary must verify that the identification of the customers is the same person who ordered curbside pickup via the presentation of a valid government-issued identification.

   c. Products must be delivered to customers in opaque packaging.

   d. Uniformed and licensed security personnel must be present during all curbside pickup transactions.

   e. All other local and State laws, regulations, and lawful orders are adhered to.

   f. The City Manager is authorized to issue reasonable rules and policies to further restrict curbside pickup activities allowed by this Section to protect the health, safety, and welfare of the residents of Long Beach and the public.

8. Any and all City regulations governing the sale of alcoholic beverages are modified to allow:

   a. Restaurants and bars that prepare and serve food for off-site consumption to sell

alcoholic beverages together with food for delivery and take-out.

b. Sales, by retail stores, of alcoholic beverages for off-site consumption, including deliveries and extended sales hours, from 6 a.m. to 2 a.m. daily.

9. Effective immediately on April 9, 2020 and continuing through May 1, 2020:

a. All public trails, trailheads, basketball courts, tennis courts, volleyball courts, golf courses, dog parks, playgrounds, skate parks, public park parking lots and picnic areas within the City are to be temporarily closed to the public, to limit the gathering of crowds of people at these sites to further stem the spread of COVID-19 among the Long Beach community; and

b. All public beaches, piers, public beach parking lots, beach bike paths that traverse the sanded portion of the beach, beach access points within the City are to be temporarily closed to the public to limit gathering of crowds of people on public beaches to further stem the spread of COVID-19 among the Long Beach community.

c. Individuals may continue to use currently open and publicly available parking space, not prohibited by this Order, for Essential Activities, while practicing Social Distancing Requirements.

REASONS FOR THE ORDER

10. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into its emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary Social Distancing Requirements to reduce community transmission of COVID-19.

11. This Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout Los Angeles County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the City. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Since even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the City issued the initial Safer at Home Order on March 19, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the

same time, evidence suggests that the restrictions on mobility and Social Distancing Requirements imposed by the prior Safer at Home Order are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension of the prior Safer at Home Order and strengthening of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the City and advancing toward a point in the public health emergency where transmission can be controlled.

12. This Order is issued in light of existing community transmission of COVID-19 in the City which presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of April 8, 2020, there have been at least 256 cases of COVID-19 and 6 death reported in the City of Long Beach, and 6,910 cases of COVID-19 and 169 deaths reported in Los Angeles County. There remains a strong likelihood of a significant and increasing number of suspected cases of community transmission.

13. This Order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

14. The virus that causes COVID-19 can be spread easily through person-to-person contact. This risk of transmission is increased when people are in close proximity. All gatherings and pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health.

As such, it is crucial that Essential Business employers, especially those businesses who require employees at a worksite or those who provide public-facing services, provide employees with the necessary supplies, tools, and equipment and implement Social Distancing Protocols. Furthermore, places where people gather, such as public beaches, trails, basketball courts, tennis courts, volleyball courts, golf courses, dog parks, playgrounds, skate parks, and picnic areas; Indoor Malls or Indoor Shopping Centers; swap meets and flea markets; children's playgrounds; and Non-Essential Retail Businesses, provide significant opportunities for patrons or groups of patrons to have close contact with each other. Characteristics of these gatherings that are likely to exacerbate the spread of COVID-19 include, without limitation: (a) that these gatherings and businesses will attract people from throughout the City and Los Angeles County when there is widespread COVID-19 community transmission, (b) the prolonged time period during which many people are in close proximity at these locations, (c) the difficulty in tracing and controlling additional exposures when large

numbers of people visit these places, and (d) visitors may be unknowingly infected with COVID-19 and may not follow adequate hygienic and Social Distancing Measures.

15. In the absence of a specific immunization or treatment for COVID-19, social distancing is essential to preventing this disease. Increasing social distancing, increasing worker protections, and prohibiting events and gatherings is intended to slow transmission of COVID-19. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all events and gatherings, the closure of commercial properties and businesses, and for Essential Businesses to prepare, post, and implement a Social Distancing Protocol at each facility at which they maintain operations.

DEFINITIONS

For Purposes of this Order, the following definitions shall apply:

16. For purposes of this Order, “Essential Activities” shall include travel for the purpose of engaging any Essential Activity. Individuals may leave their residences only to perform the following “Essential Activities”:
    a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, obtaining medical supplies or medication; visiting a health care or veterinary care professional; providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; or providing care for pets.
    b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, to obtain supplies they need to work from home; to obtaining grocery items for one’s household or for delivery to others; or to obtain any products necessary to maintain the safety, sanitation, and essential operation of residences.
    c. To engage in outdoor activity for the purpose of physical exercise (including outdoor activities with pets), provided individuals strictly comply with Social Distancing Requirements as defined in this Order, such as, walking, cycling, hiking, or running.
    d. To engage in legally mandated governmental purposes, such as, access to court, social, and administrative services or complying with an order of law enforcement or court.
    e. To perform work providing essential products and services at an Essential Business, at a Healthcare Operation, or at a business identified as part of Essential Infrastructure, or to otherwise carry out activities specifically permitted in this Order.
17. “Indoor Malls or Indoor Shopping Centers” are defined as a building with seven (7) or more "sales or retail establishments" with adjoining indoor space.

18. “Outdoor Malls and Shopping Centers” are defined as a series of buildings on a common site, either under common ownership or common control or developed together, with seven (7) or more "sales or retail establishments."
19. “Non-Essential Retail Businesses” are defined as retail establishments that provide goods or services to the public that do not come within the definition of Essential Businesses set forth in Section 20 of this Order.
20. “Essential Businesses” shall refer to those establishments whose primary business, per their City-issued business license is any of the following:
    a. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other business where the primary function of the business is to sell household consumer products necessary to maintain the safety, sanitation, and essential operation of residences. This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
    b. Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
    c. Organizations and businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
    d. Newspapers, television, radio, magazine, podcast and other journalism activities;
    e. Gas stations, auto-supply, mobile auto-repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), bicycle repair shops, and related facilities;
    f. Banks, credit unions, financial institutions, and insurance companies;
    g. Hardware stores, garden nurseries, building supply stores;
    h. Plumbers, electricians, professional pest control, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation service, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;
    i. Businesses providing mailing and shipping services, including post office boxes;
    j. Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning, providing meals for

pick-up, or performing essential functions, provided that Social Distancing Requirements are practiced to the extent feasible;

k. Laundromats, dry cleaners, and laundry service providers;

l. Restaurants and other food facilities that prepare and serve food for delivery, drive-thru, or carry out. Indoor and outdoor table dining is not permitted. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as Social Distancing Protocols are practiced pursuant to Section 3 of this Order;

m. Businesses that supply office or computer products needed by people who work from home;

n. Businesses that supply Essential Businesses, Healthcare Operations, and Essential Infrastructure with the support or supplies necessary to operate;

o. Businesses that ship, truck, provide logistical support or deliver groceries, food, goods, or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure;

p. Airlines, taxis, ride sharing services, and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;

q. Businesses that provide manufacture and provide service for Essential Infrastructure and Healthcare Operations;

r. Home-based care for seniors, adults, people with a disability, or children;

s. Residential facilities and shelters for seniors, adults, people with a disability, and children;

t. Professional services, such as legal, payroll, or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto;

u. Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, but not limited to defense, intelligence and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-primes, and supplier contractor employees, at both the prime contract level and any supplier levels at any tier, working on federal United States Government contracts such as contracts rated under the Defense Priorities and Allocations System (DPAS) and contracts for national intelligence and national security requirements.;

v. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

   i. Childcare must be carried out in stable groups of 12 or fewer ("stable" means the same twelve (12) or fewer children are in the same group each day);

   ii. Children shall not change from one group to another;

   iii. If more than one (1) group of children is cared for at one (1) facility, each group shall be in a separate room. Groups shall not mix with each other; and

   iv. Childcare providers shall remain solely with one group of children.

w. Hotels, motels, shared rental units, and similar facilities.

x. Businesses that provide death care services, limited to the removal, care, and preparation, and burial of deceased persons or animals.

y. Construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction).

z. Painting services are only allowed if (1) the purpose of painting is to sell or lease new residences, (2) the painting is necessary to maintain the safety or habitability of residences or businesses, or (3) the painting is due to new construction.

aa. Essential Infrastructure and Healthcare Operations, as indicated below.

21. "Social Distancing Requirements" means maintaining at least six-foot distance from other individuals (known as social distancing), washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve, elbow, or tissue, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

22. "Retail Food" means Essential Businesses identified in Section 19(a) and 19(l) of this order.

23. "Face Covering" or "Face Coverings" mean a cloth cover that fully covers the tip and nostrils of the nose and the mouth. Face Coverings required by this order are not surgical masks or N-95 respirators. Per CDC guidelines, surgical masks and N-95 respirators are critical supplies that must continue to be reserved for healthcare workers and other medical first responders.

<u>Additional Terms</u>

24. The intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. Certain activities

are essential to the functioning of the City and the well-being of our residents and must continue.

25. This Order does not prohibit persons from leaving their residences to perform any work necessary or provide any services to or obtain services from the following Essential Infrastructure and Healthcare Operations:

    a. Healthcare Operations including, but not limited to: hospitals, clinics, laboratories, dentists, pharmacies, physical therapists, and chiropractors; pharmaceutical and biotechnology companies; other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers; alcohol and drug treatment providers; medical cannabis dispensaries with all required state and local licenses; medical or scientific research companies or any related and/or ancillary healthcare services; manufacturers, distributors and servicers of medical devices, diagnostics, and equipment (including personal protective equipment); veterinary care; and all healthcare provided to animals. This Order does not apply to businesses that provide support, supplies, or services deemed essential as part of the supply chain to Healthcare Operations. This exemption shall be broadly construed to avoid any impact to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar exercise or training facilities.

    b. Essential Infrastructure, including, but not limited to: public health, public works construction; construction of commercial, office, and institutional buildings; construction of housing; airport operations; port operations; water; sewer; gas; electrical; oil refining and extraction; road and highways; public transportation; solid waste collection and removal; emergency services; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with Social Distancing Protocols.

26. This Order does not apply to employees of government agencies working in the course and scope of their public service employment.

27. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.

28. The entities subject to this Order that are not required to close may otherwise remain open for business and perform essential functions and operations during the duration of this Order.

29. This Order does not, in any way, prohibit fishing from the shore, in accordance with Cal. Const., art. I, § 25, nor does it prohibit an individual from traversing the sand to enter the ocean to launch a boat, kayak, and the like.

30. This Order does not, in any way, prohibit individuals from utilize walking paths, both paved any unpaved, located within public parks for the purpose of engaging in outdoor Essential Activities provided that Social Distancing Requirements are strictly followed.

31. This Order does not waive, suspend or amend any regulations promulgated by the State, including those under the authority of the Department of Alcoholic Beverage Control; nor does it suspend or supersede existing prohibitions against drinking in public and similar regulations pertaining to public consumption and possession of alcohol. Alcoholic beverages sold under this Order must be sold in containers that are fully sealed in a manner designed to prevent consumption without removal of the lid or cap.

32. Essential Businesses shall operate in accordance with all current local licenses or permits, including business licenses, health permits, and the like.

33. The City shall promptly provide copies of this Order by: (a) posting it on the Long Beach's Department of Health and Human Services website (http://www.longbeach.gov/health/), (b) posting it at the Civic Center located at 411 W. Ocean Blvd., Long Beach, CA 90802, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the City, and (e) by serving via email on large facilities known to the Health Officer that are likely to be subject to this Order (but service via email is not required for compliance). The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.

    a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.

    b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Long Beach Department of Health and Human Services' website (http://www.longbeach.gov/health/) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.

34. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

35. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the "Governor's Order") , which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow the Governor's Order. The Governor's Order was complementary to the prior Safer at Home Order. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in this City, which are necessary to control the public health emergency as it is evolving within the City and Los Angeles County. Without this tailored set of restrictions that further reduces the

number of interactions between persons, scientific evidence indicates that the public health crisis in the City will worsen to the point at which it may overtake available health care resources within the City and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the Governor's Order, including limiting such travel to performance of Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the City when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with the Social Distancing Requirements.

Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this City.

36. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the and the March 4, 2020 Proclamation of Local Emergency by the City Manager, and the Declaration of Local Health Emergency by the Health Officer, ratified by the City Council on March 10, 2020, respectively, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

37. The Water Department, in consultation with the City Attorney, is permitted to shut off water service to Non-Essential Businesses operating in violation of the order, as appropriate.

38. Essential Businesses that do not adhere to this Order may be subject to mandatory closure for the duration of this Order, including any amendment or extension hereto.

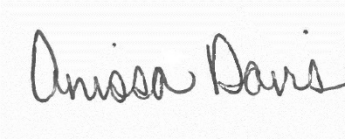
39. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. To protect the public's health, the Health Officer of the City of Long Beach may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Safety Code Section 120275 et seq and Chapter 1.32 of the Long Beach Municipal Code.

Pursuant to Long Beach City Charter Section 109, Sections 8634 and 41601 of the California Government Code; Sections 101040 and 120175 of the California Health and Safety Code; and Chapters 8.08 and 8.26 of the Long Beach Municipal Code, these Orders and Directives as issued by the Health Officer shall be enforceable by the Chief of Police of the City of Long Beach to ensure compliance with and enforcement of this Order and the Directives set forth herein.

Further, and in addition to the criminal penalties set forth herein, these Orders and Directives as issued by the Health Officer shall be enforceable by the City Manager of the City of Long Beach. For the duration of the declared health emergency, the City

Manager is permitted to designate and authorize appropriate employees of the City to issue Administrative Citations and levy civil fines and penalties to those individuals, businesses, and others who are in violation of the Orders and Directives contained herein in accordance with the provisions of Chapter 9.65 of the Long Beach Municipal Code.

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,
Health Officer, City of Long Beach
Date: April 9, 2020

APPENDIX A: SOCIAL DISTANCING PROTOCOL

Business Name:

Business Address:

Approximate gross square footage of space open to the public:

Type of Businesses: Retail Non-Retail

BUSINESSES MUST IMPLEMENT ALL APPLICABLE MEASURES LISTED BELOW AND BE PREPARED TO EXPLAIN WHY ANY MEASURE THAT IS NOT IMPLEMENTED IS INAPPLICABLE TO THE BUSINESS.

SIGNAGE

- ☐ Signage at each public entrance of the facility to inform all employees and customers that they should: (i) avoid entering the facility if they have a cough or fever; (ii) maintain a minimum six-foot distance from one another; (iii) sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and (iv) not shake hands or engage in any unnecessary physical contact.
- ☐ Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

MEASURES TO PROTECT EMPLOYEE HEALTH (check all that apply to the facility):

All employees have been told not to come to work if sick.

Symptom checks are being conducted before employees may enter the work space.

All desks or individual work stations are separated by at least six (6) feet.

Physical space between employees and customers increased (e.g. drive through, partitions, plexiglass at point of sale locations)

Where possible, employees who can carry out their work duties from home have been directed to do so.

Flexible meetings (e.g. teleconferencing or video conferencing).

Flexible travel options (e.g. postpone non-essential meetings or events).

Flexible work hours (e.g. staggered shifts).

Delivering services remotely (e.g. phone, video, or web).

Break rooms, bathrooms, and other common areas are being disinfected frequently, and stocked with necessary hygiene supplies on the following schedule:

Break rooms:

Bathrooms:

Other:

Disinfectant effective against COVID-19 and related supplies are available to all employees at the following location(s):

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

Soap and water are available to all employees at the following location(s):

Employees are required and permitted adequate time for, to wash their hands at least every 30 minutes, or as needed if gloves are provided.

Copies of this Protocol have been distributed to all employees.

Optional - Describe other measures:

Protective gear (e.g. gloves and face coverings), as well as appropriate training on proper use has been provided to employees.

> *NOTE: This is not intended to require Face Coverings of all employees. Face Coverings should not be used as a substitute for other evidence-based measures to prevent the spread of COVID-19. Face Coverings are recommended in public settings where Social Distancing Measures are difficult to maintain. Face Coverings may be used in addition to, but not in place of, other evidence-based measures (e.g. social distancing; frequent hand washing practices; avoiding touching our eyes, nose and mouth with unwashed hands; avoiding being around sick people).*

MEASURES TO PREVENT CROWDS FROM GATHERING (check all that apply to the facility):

Limit the number of customers in the store at any one time to Select (or other enter), which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Post an employee or security at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

Optional—Describe other measures

MEASURES TO KEEP PEOPLE AT LEAST SIX (6) FEET APART (check all that apply to the facility):

Placing signs outside the store reminding people to be at least six (6) feet apart, including when in line.

Placing tape or other markings at least six (6) feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.

Separate order areas from delivery areas to prevent customers from gathering.

All employees have been instructed to maintain at least six (6) feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.

Deliver products to customers through curbside pickup or delivery.

Protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores.

Optional—Describe other measures:

MEASURES TO PREVENT UNNECESSARY CONTACT (check all that apply to the facility):

Preventing people from self-serving any items that are food-related.

Lids for cups and food-bar type items are provided by staff; not to customers to grab. Bulk-item food bins are not available for customer self-service use.

Not permitting customers to bring their own bags, mugs, or other reusable items from home.

Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe:

Optional—Describe other measures (e.g. providing senior-only hours):

MEASURES TO INCREASE SANITIZATION (check all that apply to the facility):

Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.

Employee(s) assigned to disinfect carts and baskets regularly.

Hand sanitizer (with at least 60% alcohol), soap and water, or disinfectant effective against COVID-19 is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where there is high-frequency employee interaction with members of the public (e.g. cashiers).

Providing for disinfecting all payment portals, pens, and styluses after each use.

Disinfecting all high-touch surfaces frequently.

Optional—Describe other measures:

* Any additional measures not included here should be listed on separate pages should be attached to this document.

You may contact the following person with any questions or comments about this protocol:
Name: Phone number:

CHAPTER 16.59 - WORKER RETENTION AT THE AIRPORT AND THE LONG BEACH CONVENTION CENTER

16.59.010 - Findings and purpose.

A. The City Council finds that the prospect of massive displacement of the large existing workforces at food and beverage concessions at the Long Beach Airport and Long Beach Convention Center would likely cause severe injury to the City's economy and impose significant burdens upon society such as welfare and public health expenses and security risks at such facilities. The City Council finds this policy is the only realistic means of preventing such displacement.

B. The City Council finds that the regulation of worker retention at food and beverage concessions should proceed initially only at the Airport and Convention Center due to factors unique to the businesses at such facilities, including their superior location and ability to pay thanks to large City investments and City policies limiting access to such facilities for competitors, the competency of their existing workforces (including their security clearances and demonstrated record in preserving Airport security), the greater likelihood of mass displacement at these workplaces compared to most others within the City (especially given the large number of persons capable of taking these jobs), and the negative impact on City revenues should new employers refuse to rehire existing workers and thereby spur boycott activities by displaced workers and their organizations.

C. The City Council wishes to fully assess economic and social impacts of regulating these businesses initially before including any other businesses, and thus to proceed in a fully-informed incremental manner.

D. The purpose of establishing worker retention requirements at the Airport and Convention Center is to decrease worker turnover and instability in the workplace. The consequential benefits of such measures are the improvement of the quality of service to the City, the traveling public, and other users of the Airport and Convention Center.

E. This Chapter is not intended to conflict with federal or State law. It is the intention of the City Council that this Chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes which those enactments encompass.

(ORD-13-0031 , § 1, 2013)

16.59.020 - Definitions.

A. "City" means the City of Long Beach.

B. "City Council" means the City Council of the City of Long Beach.

C. "Concession Contract" means any contract from the City covering Concession Operations at the Long Beach Airport or the Long Beach Convention Center.

D. "Concession Operations" means the general business operations of food and beverage concessions at the Long Beach Airport and the Long Beach Convention Center, but do not include the provision by an airline of food or beverage to passengers while on board an airplane.

E. "Concessionaire" means all food and beverage concessions contractors together with all tenants, lessees, subtenants, sublessees, subcontractors, successors and assigns of such contractors that provide such concession services at the Long Beach Airport or the Long Beach Convention Center.

F. "Predecessor Employer" means the Concessionaire at the Long Beach Airport or Long Beach Convention Center that employed Retention Workers to provide substantially similar services for a Concession Operation immediately prior to the Successor Employer.

G. "Retention Workers" means all full-time and part-time employees in a Concession Operation, except supervisors and managers.

H. "Successor Employer" means the new Concessionaire at the Long Beach Airport or Long Beach Convention Center business that succeeds the Predecessor Employer in the provision of substantially similar Concession Operations.

(ORD-13-0031 , § 1, 2013)

16.59.030 - Worker retention.

A. A Successor Employer shall fill its Concession Operations positions at the Long Beach Airport and the Long Beach Convention Center by first hiring from the workforce which has been or is being displaced by the departure or reduction in force of a Predecessor Employer at such location, and shall retain and not discharge a Retention Worker without cause during the initial ninety (90) work day period of his or her employment. Just cause for discharge shall not include the reason being a Retention Worker receiving superior wages or benefits in their prior positions.

B. In the event that the Successor Employer does not have enough positions available for all Retention Workers, the Successor Employer shall hire the Retention Workers who are eligible for retention by seniority within each employment classification. For any positions that become available during the initial one (1) calendar year period of the new Concession Contract, the Successor Employer will hire Retention Workers by seniority within each employment classification.

C. A Successor Employer shall offer continued employment to each Retention Worker who receives a satisfactory performance evaluation at the end of the initial ninety (90) work day period of employment under terms and conditions established by the Successor Employer for all its employees.

(ORD-13-0031 , § 1, 2013)

16.59.040 - Posting and recordkeeping requirement.

A. Each Concessionaire shall cause the Worker Retention requirements under this Chapter to be posted at its place of business in the Airport or Long Beach Convention Center, so as to be conspicuous to the general public, to patrons entering or using such facilities, and to the Retention Workers employed at such facilities.

B. Each Successor Employer shall maintain records for three (3) years showing the reasons for not hiring or for discharging Retention Workers during the initial ninety (90) work day period. The City Manager and each Retention Worker and their designees are authorized to review these records upon reasonable request to ascertain compliance with this Chapter.

(ORD-13-0031 , § 1, 2013)

16.59.050 - Waiver.

The provisions of this Chapter may not be waived by agreement between an individual Retention Worker and Predecessor or Successor Employer. All of the provisions of this Chapter, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Chapter.

(ORD-13-0031 , § 1, 2013)

16.59.060 - Retaliation.

No person shall discharge, reduce any part of the compensation of, nor discriminate against any Retention Worker due to the enactment of this Chapter or due to his or her assertion of any rights under this Chapter.

(ORD-13-0031 , § 1, 2013)

16.59.070 - Enforcement.

A. The City Manager or his/her designee is invested with the discretionary authority to issue additional rules and regulations interpreting this Chapter and/or establishing complaint procedures related to enforcement of this Chapter. Notwithstanding the foregoing, the City shall be under no duty to monitor compliance with this Chapter; however, the City may consider compliance with this Chapter in making contracting decisions.

B. Any violation of this Chapter may be subject to injunctive relief and any other relief or remedy available at law or equity.

(ORD-13-0031 , § 1, 2013)

16.59.080 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-13-0031 , § 1, 2013)

ORDINANCE NO. _____

An ordinance adding Section 200.40 to Article 4-72J-B of Chapter XX of the Los Angeles Municipal Code requiring certain businesses in Los Angeles to comply with citywide worker retention provisions applicable to an employer's change of ownership or control that occurs within two years following the declaration of emergency resulting from the COVID-19 pandemic.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. A new Article 4-72J-B is added to Chapter XX of the Los Municipal Code to read as follows:

ARTICLE 4-72J-B

COVID-19 CITYWIDE WORKER RETENTION ORDINANCE

SEC. 200.40. PURPOSE.

As a result of the COVID-19 pandemic and "Safer at Home" declarations by California Governor Gavin Newsom and Los Angeles Mayor Eric Garcetti, issued to protect the public health and welfare, many workers in the City of Los Angeles are facing significant job and economic insecurity. To ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand on government-funded social services, the City hereby enacts legal protections for workers when a business changes ownership.

SEC. 200.41. DEFINITIONS.

The following definitions shall apply to this article:

A. "**Business**" means a corporation, partnership, limited partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign, set up for profit in the City.

C. "**Change in Control**" means any sale, assignment, transfer, contribution, or other disposition of all or substantially all of the assets used in the operation of a Business, or a discrete portion of a Business that continues to operate as the same type of Business of the Incumbent Business Employer, or any Person who controls the Incumbent Business Employer.

B. "**City**" means the City of Los Angeles.

D. "**Employment Commencement Date**" means the date on which a Worker retained by the Successor Business Employer pursuant to this article commences work for the Successor Business Employer in exchange for compensation under the terms and conditions established by the Successor Business Employer or as required by law.

E. "**Incumbent Business Employer**" means the Person who owns, controls, and/or operates a Business prior to the Change in Control.

G. **"Length of Service"** means the total of all periods of time during which a Worker has been in active service, including periods of time when the worker was on leave or vacation.

G. "**Person**" means an individual, corporation, partnership, limited partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

H. "**Successor Business Employer**" means the Person who owns, controls, and/or operates a Business after the Change in Control.

I. "**Transfer Document**" means the purchase agreement or other documents creating a binding arrangement to effect the Change in Control.

J. "**Worker**" means an individual employed by the Incumbent Business Employer: (1) who has a Length of Service with the Incumbent Business Employer for six months or more; (2) whose primary place of employment is a Business subject to a Change in Control; (3) who is employed or contracted to perform work functions directly by the Incumbent Business Employer, or by a Person who has contracted with the Incumbent Business Employer to provide services at the Business subject to the Change in Control; and (4) who worked for the Incumbent Business Employer on or after March 1, 2020, and prior to the execution of the Transfer Document. "Worker" does not include a managerial, supervisory, or confidential employee.

SEC. 200.42. BUSINESS WORKER RETENTION.

A. **BUSINESS EMPLOYER'S RESPONSIBILITIES.**

1. The Incumbent Business Employer shall, within 15 days after execution of a Transfer Document, provide to the Successor Business Employer the name, address, date of hire, and occupation classification of each Worker.

2. The Successor Business Employer shall maintain a preferential hiring list of Workers identified by the Incumbent Business Employer as set forth in Subsection A.1 of this section, and shall be required to hire from that list for a

period beginning upon the execution of the Transfer Document and continuing for six months after the Business is open to the public under the Successor Business Employer.

3. If the Successor Business Employer extends an offer of employment to a Worker, the Success Business Employer shall retain written verification of that offer for no fewer than three years from the date the offer was made. The verification shall include the name, address, date of hire, and occupation classification of each Worker.

B. **TRANSITION EMPLOYMENT PERIOD.**

1. A Successor Business Employer shall retain each Worker hired pursuant to this article for no fewer than 90 days following the Worker's Employment Commencement Date. During the 90-day transition employment period, a Worker shall be employed under reasonable terms and conditions of employment or as required by law. The Successor Business Employer shall provide a Worker with a written offer of employment. This offer shall remain open for at least ten business days from the date of the offer.

2. If, within the period established by Section 200.42.A.2, the Successor Business Employer determines that it requires fewer Workers than were required by the Incumbent Business Employer, the Successor Business Employer shall retain Workers by seniority within each job classification to the extent that comparable job classifications exist.

3. During the 90-day transition employment period, the Successor Business Employer shall not discharge without cause a Worker retained pursuant to this article.

4. At the end of the 90-day transition employment period, the Successor Business Employer shall perform a written performance evaluation for each Worker retained pursuant to this article. If the Worker's performance during the 90-day transition employment period is satisfactory, the Successor Business Employer shall consider offering the Worker continued employment under the terms and conditions established by the Successor Business Employer or as required by law. The Successor Business Employer shall retain a record of the written performance evaluation period of no fewer than three years.

C. **NOTICE OF CHANGE IN CONTROL.**

1. The Incumbent Business Employer shall post written notice of the Change in Control at the location of the affected Business within five business days following the execution of the Transfer Document. Notice shall remain posted during any closure of the Business and for six months after the Business is open to the public under the Successor Business Employer.

2. Notice shall include, but not be limited to, the name of the Incumbent Business Employer and its contact information, the name of the Successor Business Employer and its contact information, and the effective date of the Change in Control.

3. Notice shall be posted in a conspicuous place at the Business so as to be readily viewed by Workers, other employees, and applicants for employment.

SEC. 200.43. RETALIATORY ACTION PROHIBITED.

No Incumbent or Successor Business Employer employing a Worker shall discharge, reduce in compensation, or otherwise discriminate against any Worker for opposing any practice proscribed by this article, for participating in proceedings related to this article, for seeking to exercise his or her rights under this article by any lawful means, or for otherwise asserting rights under this article.

SEC. 200.44. ENFORCEMENT.

A. A Worker may bring an action in the Superior Court of the State of California against an Incumbent Business Employer or the Successor Business Employer for violations of this article and may be awarded:

1. Hiring and reinstatement rights pursuant to this article. For a Worker, the 90-day transition employment period begins on the Worker's Employment Commencement Date with the Successor Business Employer.

2. Front or back pay for each day the violation continues, which shall be calculated at a rate of compensation not less than the higher of:

a. The average regular rate of pay received by the Worker during the last three years of their employment in the same occupation classification; or

b. The most recent regular rate received by the Worker while employed by either the Business, Incumbent Business Employer, or the Successor Business Employer.

3. Value of the benefits the Worker would have received under the Successor Business Employer's benefits plan.

B. If the Worker is the prevailing party in any legal action taken pursuant to this section, the court may award reasonable attorney's fees and costs.

C. Notwithstanding any provision of this Code, or any other ordinance to the contrary, no criminal penalties shall attach for violation of this article.

SEC. 200.45. EXEMPTION FOR COLLECTIVE BARGAINING AGREEMENT.

All of the provisions of this article, or any part of, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted to constitute, a waiver of all or any of the provisions of this article.

SEC. 200.46. NO WAIVER OF RIGHTS.

Except for a collective bargaining agreement provision made pursuant to Section 200.45, any waiver by a Worker of any or all provisions of this article shall be deemed contrary to public policy and shall be void and unenforceable. Other than in connection with the bona fide negotiation of a collective bargaining agreement, any request by an Employer to a Worker to waive rights given by this article shall be a violation of this article.

SEC. 200.47. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

SEC. 200.48. REPORT.

Before March 1, 2022, the Chief Legislative Analyst shall report to the City Council and Mayor on the effectiveness of the provisions of this article in protecting workers when a business changes ownership, recommendations for additional protections that further the intent of this article, and whether the provisions of the article are still necessary based on the City's recovery from the impacts of the COVID-19 pandemic.

Sec. 2. **Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reason: The State of California and the City of Los Angeles have declared a state of emergency due to the COVID-19 pandemic. Residents are subject to "stay at home" orders and certain businesses must reduce services or close. Workers in the City of Los Angeles are losing employment as a result of layoffs or closures, affecting their ability to feed and shelter their families. The pandemic also increases the threat to the safety of these workers and their families if workers' incomes are reduced or eliminated now or for the foreseeable future, along with health benefits

and the means to seek medical assistance. Because of the immediate threat of economic hardship for workers in the City, this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 3/26/20

File No. _____

M:\Muni Counsel\COVID-19\REVISED ORDINANCES AND REPORTS\LAMC 200.40 - COVID-19 CITYWIDE WORKER RETENTION ORDINANCE.3.26.20.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

_____

_____

Ordinance Passed_____

Approved _____

City of Long Beach
Working Together to Serve

Memorandum

Date: March 25, 2020

To: Mayor and Members of the City Council

From: Thomas B. Modica, Acting City Manager

Subject: COVID-19 Federal Legislation Updates

This memorandum summarizes recent coronavirus (COVID-19) emergency relief federal legislation. The federal government has enacted two laws to address the COVID-19 pandemic: the Coronavirus Preparedness and Response Supplemental Appropriations Act (H.R. 6074) and the Families First Coronavirus Response Act (H.R. 6201). A third legislative response is currently in development to provide economic stimulus and relief through additional lending capacity and direct financial assistance.

H.R. 6074: Coronavirus Preparedness and Response Supplemental Appropriations Act

H.R. 6201 was enacted on March 6, 2020, to provide emergency funding for federal agencies to respond to the COVID-19 outbreak. The law allocated $7.8 billion, plus an additional $500 million authorization for telehealth services, to provide medical professionals and healthcare workers on the front lines with resources for the COVID-19 public health response.

Of the allocated funding, $2.2 billion of this funding is allocated to the Centers for Disease Control and Prevention to support the prevention and response activities of state and local governments. $475 million must be distributed within 30 days to support efforts such as laboratory testing, infection control and mitigation, and other public health preparedness measures.

Additional funding is provided for developing a vaccine and purchasing critical medical supplies to protect the health and safety of Americans. The law also enabled the Small Business Administration to provide up to $7 billion in disaster loans to help small businesses affected by financial losses due to COVID-19.

H.R. 6201: Families First Coronavirus Response Act

H.R. 6201 was signed into law on March 18, 2020, creating emergency paid leave programs and additional funding for public health programs. The law will go into effect on April 2, 2020. Under this law, private sector employers with fewer than 500 workers, as well as government entities, would have to provide as many as twelve weeks of partially paid family leave to care for a child whose school or day care has closed. Employers also would have to provide full- and part-time workers with two weeks paid sick time, which would also apply to a quarantine order or if the employee needed to care for another affected individual. Private employers impacted by this law will be reimbursed through tax credits, while government entities will not.

Additional public health resources provided by this legislation include:

- Resources to cover costs of COVID-19 testing;
- $500 million for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program;
- $400 million for the Emergency Food Assistance Program;
- $250 million for Senior Nutrition programs; and,
- As much as $1 billion for states to process and pay unemployment benefits to workers affected by the COVID-19 outbreak.

COVID-19 Federal Relief Legislation Summary

The table below summarizes the two federal legislative relief packages that have been enacted:

Phase I (H.R. 6074)	Phase II (H.R. 6201)
• **$6.5 billion – Health and Human Services Department** ○ $3.4 billion for Public Health and Social Services Emergency Fund ○ $2.2 billion for Centers for Disease Control and Prevention ○ $836 million for National Institutes of Health ○ $61 million for Food and Drug Administration ○ Waived telehealth restrictions (estimated $490 million increase in mandatory spending) • **$1.25 billion – State Department & USAID** ○ Funds for global health programs, humanitarian and health assistance, diplomatic operations, evacuation and emergency preparedness costs	• **Emergency Paid Leave** ○ Private sector employers with fewer than 500 workers & government employers have to provide as many as *12 weeks of partially paid leave* to care for a child whose school or day care was closed ○ Employers would have to provide full- and part-time workers with *2 weeks paid sick leave*, including for a quarantine order to care for another affected individual ○ Paid leave financed through tax credits to private employers, not government employers • **$1 billion – Agriculture Department programs (SNAP, WIC, food banks)** • **$1 billion – unemployment benefits**

Next Steps

Following the passage of H.R. 6201, on March 18, 2020, Senate Majority Leader Mitch McConnell (R-KY) stated that the Senate will remain in session until they pass a third phase of COVID-19 relief legislation. Congress and the administration are currently in negotiations regarding the details of this proposal. Draft legislation language indicates an interest in providing a stimulus package that could include targeted lending to certain industries impacted by the COVID-19 pandemic and direct financial help for small businesses and residents.

These federal relief packages are likely to have important impacts on the City's efforts to respond to COVID-19. However, it is unclear at this time how much of the resources will be allocated to the City directly. In addition, the paid leave program mandated by H.R. 6201 does not provide reimbursement to government entities, which may increase the fiscal burden on

the City. Staff is currently analyzing the full fiscal and workplace impacts of this legislation and will provide additional information once the analysis is complete.

We continue to look for additional resources to help manage the public health crisis and will provide further legislative updates as they are available. If you have questions or comments, please contact Tyler Bonanno-Curley, Manager of Government Affairs, at Tyler.Curley@longbeach.gov or (562) 570-5715.

CC: MAYOR AND MEMBERS OF THE CITY COUNCIL
CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
REBECCA GUZMAN GARNER, ACTING ASSISTANT CITY MANAGER
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City of Long Beach
Working Together to Serve

Memorandum

Date: March 30, 2020

To: Mayor and Members of the City Council

From: Thomas B. Modica, Acting City Manager

Subject: **COVID-19 Federal Relief Legislation: The CARES Act**

In response to the coronavirus (COVID-19) pandemic, the Federal government has enacted three phases of relief legislation: H.R. 6074—The Coronavirus Preparedness and Response Supplemental Appropriations Act; H.R. 6201—The Families First Coronavirus Response Act; and, H.R. 748—The Coronavirus Aid Relief and Economic Security (CARES) Act. A previous memorandum summarizes the emergency allocations for COVID-19 response enacted through H.R. 6074 and H.R. 6201. The purpose of this memorandum is to provide an overview of the third relief package, the CARES Act. Additional information on the CARES Act, including a summary table of main provisions and breakdown by issue area, is provided in Attachment A to this memorandum.

Overview of The CARES Act

Immediately following the passage of H.R. 6201, on March 18, 2020, Congressional leaders announced the need for a third phase of COVID-19 relief. The following day, on March 19, Senate Majority Leader, Mitch McConnell (R-KY), introduced the first draft of the CARES Act. On March 25, after six days of negotiations and revisions, the Senate voted 96-0 in favor of the legislative package. On March 27, the House passed the legislation and the CARES Act was signed into law.

The CARES Act allocates an unprecedented $2 trillion, the largest stimulus package in U.S. history, to assist state and local responses to the COVID-19 pandemic. It includes funding and resources for small businesses, direct relief for workers, economic stabilization for impacted industries and government entities, and emergency appropriations for the public health response. Below is a summary of the main provisions of the Federal stimulus package, many of which align closely with City Council's direction to provide economic relief for Long Beach families and small businesses. For a detailed breakdown of the funds allocated through the CARES Act, please see the attached summary.

Small Business Relief

The CARES Act directs $349 billion to the Small Business Administration (SBA) to assist small businesses with fewer than 500 employees affected by the COVID-19 pandemic. Nonprofit organizations, sole-proprietors, independent contractors, and other self-employed individuals may be eligible for these SBA loans. The legislation also provides more than $10 billion for SBA emergency Economic Injury Disaster Loans to cover operating costs, as well as $17 billion for the SBA to subsidize existing loans for six months. Additional relief is provided through

employee retention credits and deferred payment of payroll taxes. The law also gives workforce development boards more flexibility to use funds under the Workforce & Innovation Opportunity Act to prioritize training for those affected by COVID-19.

Relief for Workers

A primary focus of the CARES Act is to offer relief for working Americans through direct payments, projected at $250 billion. All U.S. residents are eligible to receive a one-time, non-taxable payment of $1,200 per individual or $2,400 for joint filers, in addition to $500 per child. Rebate amounts decrease for individuals with an adjusted gross income greater than $75,000 and for joint filers with an adjusted gross income greater than $150,000, based on their 2019 tax return, if filed, or their 2018 return. Eligibility requirements include having a valid Social Security number. Most eligible residents will receive a direct payment without having to take any additional action.

As unemployment claims rise dramatically in California and in other parts of the country, the CARES Act allocates an estimated $260 billion to expand unemployment insurance (UI) benefits for people who have lost their jobs during the pandemic. The legislation reimburses states for half of the costs they incur through their UI program. In addition to full check reimbursement, each recipient of UI benefits will receive $600 per week for up to four months. Furthermore, the CARES Act expands access to UI benefits for workers who are not traditionally eligible, such as part-time, self-employed, and gig economy workers.

Economic Stabilization

Another pillar of the stimulus package is $500 billion for direct lending, loan guarantees, and investments in various industries and government entities to help stabilize the economy. The CARES Act directs $25 billion in loans to passenger air carriers, $4 billion in loans to cargo air carriers, and $17 billion in loans to businesses that are deemed critical to national security. The remaining $454 billion is reserved for other sectors of the economy, states, and municipalities impacted by COVID-19. The legislation outlines numerous regulations on the allocation of these funds and creates a Congressional Oversight Commission to provide additional transparency and reporting. The funding in this section must be used to retain at least 90 percent of the recipient's workforce with full compensation and benefits through September 30, 2020.

The CARES Act allocates $150 billion to the Coronavirus Relief Fund to assist states and local governments with their COVID-19 response. Funds will be distributed within 30 days after the enactment of the bill. Each state will receive a minimum of $1.25 billion, prorated by population, to cover necessary expenditures incurred due to the public health emergency. As defined in the legislation, the population threshold for local governments to receive funding directly is 500,000 or more. With a population of almost 470,000, the City of Long Beach is ineligible for direct funding through the Coronavirus Relief Fund. However, the City may benefit from funds that go to the State of California and Los Angeles County. We will also continue to advocate for additional resources.

Public Health Response

In addition to providing stimulus and relief for small businesses, workers, and critical sectors of the economy, the CARES Act distributes $340 billion in emergency allocations to support the COVID-19 public health effort. This includes $45 billion to the Department of Homeland Security's Disaster Relief Fund, $1.32 billion in supplemental funding for community health centers, $127 billion for medical facilities, and additional grants for telehealth services and programs. The Centers for Disease Control and Prevention will also issue $1.5 billion to federal, state, and local public health agencies to pay for lab testing and COVID-19 infection control and monitoring. Several emergency allocations provide resources to supply first responders with personal protective equipment and other medical items to support firefighters and police officers on the front lines of the COVID-19 response.

Housing and Social Services

In an effort to provide further relief for tenants and property owners, the CARES Act makes several temporary changes to Federal housing policy, including prohibitions on foreclosure and evictions. The law prohibits foreclosures on all federally-backed mortgage loans for a 60-day period beginning March 18; up to 180 days of forbearance for borrowers of federally-backed mortgage loans due to financial hardships related to COVID-19; and up to 90 days of forbearance on federally-backed multifamily mortgage loans. Furthermore, for 120 days beginning on the date of enactment, the CARES Act prohibits eviction filings for properties that are federally insured, guaranteed, supplemented, protected, or assisted.

Financial support for other Housing & Urban Development initiatives includes $5 billion for the Community Development Block Grant (CDBG) program to address the economic and housing impacts of COVID-19. Of these funds, $2 billion is for states and local governments that received an allocation under the FY 2020 CDBG formula; $1 billion goes directly to states; and $2 billion will go to states and local governments based on the prevalence and risk of economic and housing disruption due to COVID-19. An additional $4 billion will go to Emergency Solutions Grants for eviction prevention activities such as rapid rehousing, housing counseling, and rental deposit assistance; and $3 billion is allocated for various Rental Assistance Protections for Low-Income Americans programs.

Airports & Public Transportation

Along with the loans outlined above for the airline industries, the CARES Act provides relief for aviation workers, as well as $10 billion in Federal assistance for publicly-owned, commercial airports. These funds will help airport operators meet ongoing needs and manage construction projects as the COVID-19 pandemic impacts airport revenues. The law also repeals Federal Excise Taxes collection in relation to commercial aviation during the emergency. $25 billion is allocated to public transit operators to continue offering services and work on construction projects, while ridership and revenues are down.

Next Steps

Despite the unprecedented scope of the $2 trillion stimulus package enacted through the CARES Act, some Congressional leaders have already indicated a need to negotiate a fourth phase of Federal relief. For the City of Long Beach, two broad resource constraints have not been addressed in existing relief legislation. These include direct Federal funding through the Coronavirus Relief Fund, which only applies to cities whose population exceeds 500,000, and reimbursement for the paid leave required by H.R. 6201. The City has been working closely with the National League of Cities, the U.S. Conference of Mayors, and our Federal delegation to advocate for additional resources to support local response efforts.

We will continue to provide updates on how Federal legislation impacts the City's COVID-19 response as they are available. If you have questions or comments, please contact Tyler Bonanno-Curley, Manager of Government Affairs, at Tyler.Curley@longbeach.gov or (562) 570-5715.

CC: CHARLES PARKIN, CITY ATTORNEY
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ATTACHMENT A – SUMMARY OF CARES ACT
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ATTACHMENT A

THIRD PHASE OF COVID-19 FEDERAL RELIEF LEGISLATION

The Coronavirus Aid Relief and Economic Security (CARES) Act

$2 trillion stimulus package

SUMMARY OF MAIN PROVISIONS

Small Business Appropriations	Relief for Workers	Economic Stabilization	Public Health & Social Services
$349 billion—SBA 7(a) Paycheck Protection Program • Applies to businesses with fewer than 500 employees • Increases 7(a) loan amounts to $10m through December 31, 2020 • Expanded Allowable Uses—payroll, paid leave, insurance, mortgage/rent payments • 10-year loans, 100% government guarantee through December 31, 2020 • Maximum loan amount—$1m **$10.562 billion**—SBA emergency grants up to $10,000 for immediate relief for operating costs **$17 billion**—cover 6 months of payments for small businesses with existing SBA loans	**$250 billion—Direct Payments**: • Recovery checks of $1,200 (gross income up to $75k) or $2,400 for joint filers (gross income up to $150k) • $500 increase per child • Based on 2018 income tax return or 2019, if filed • Amount reduced by $5 for every $100 above threshold **$260 billion—Expanded Unemployment Insurance** • Payments to those not traditionally eligible for UI (e.g., self-employed, independent contractors) • Increase in UI benefits, additional $600/week for 4 months • $100m for grants to states to enact "short-time compensation" programs **Student loan relief**—loan payment, principal, and interest deferral for 6 months without penalty to borrowers	**$500 billion**—loan for industry sectors impacted by COVID-19 • $25 billion for passenger air carriers • $4 billion for cargo air carriers • $17 billion for industries critical to national security • $454 billion to businesses in critical economic sectors, states, and municipalities • Negotiations placed more oversight and restrictions on allocation of funds **$150 billion**—State and Local Expenditures Fund: • Each state will receive minimum of $1.25 billion • Limited to localities with 500k+ population **$1.5 billion**—Economic Development Administration	**$340 billion**—Emergency Appropriations ▪ $15.5 billion—SNAP ▪ $450 million—Emergency Food Assistance Program to food banks ▪ $45 billion—DHS for immediate needs of state, local, tribal, and territorial governments ▪ $4.3 billion—CDC to support federal, state, and local public health agencies ▪ $10 billion—publicly-owned, commercial airports ▪ $25 billion—public transit operators ▪ $5 billion—Community Development Block Grant ($2 billion to states and local governments that received an allocation under FY 2020 formula) ▪ $4 billion—emergency grants for people experiencing homelessness, including rapid rehousing, rental deposit assistance ▪ $3 billion—housing providers to help low-income tenants assisted by HUD

BREAKDOWN BY ISSUE AREA

I. SMALL BUSINESS RELIEF

SBA 7(a) Loan Program – $349 billion

- Loan programs for businesses with fewer than 500 employees
- Increases government guarantee to 100% through December 31, 2020
- Eligibility for loans: small businesses, 501(c)(3) nonprofit, 501(c)(19) veteran's organization, or Tribal business (applies current SBA affiliation rules to eligible nonprofits)
    - Includes sole-proprietors, independent contractors, and other self-employed individuals as eligible for loans
- Establishes maximum loan amount at $10 million through December 31, 2020—provides formula by which loan amount is tied to payroll costs incurred
    - Allows complete deferment of payments for at least six months and not more than a year
- Allowable uses of loan: payroll support, paid leave, insurance premiums, mortgage, rent, and utility payments

SBA Emergency Grants – $10 billion

- SBA emergency EIDL grants up to $10,000 for immediate relief for operating costs
- Expands eligibility for EIDL to include Tribal businesses, cooperatives, and ESOPs with fewer than 500 employees, as well as sole-proprietors or independent contractors. Private non-profits are also eligible for grants and EIDLs.
- Allows EIDLs based solely on applicant's credit score—Requires EIDLs made in response to COVID-19 before December 31, 2020, waive personal guarantee below $200,000 and requirement that applicants has been in business for 1-year period.

Loan Subsidies – $17 billion

- SBA will pay principal, interest, and fees for six months
- Loans already on deferment will receive six months of payments by SBA

Secondary Market Loan Guarantees – $100 billion

Additional Appropriations

- $675 million—SBA salaries and expenses
- $25 million—SBA Office of Inspector General
- $240 million—SBA entrepreneurial development and technical assistance (SBDCs and Women's Business Centers)
- $25 million—Resource partner associations to provide online training
- $10 million—Department of Commerce—Minority Business Development Agency
- $25 million—Treasury Department salaries and expenses
- $25 million—language access
- $562 million—resources to provide Economic Injury Disaster Loans (additional to other EIDL funding)

Other Business Provisions

- Employee retention credit (employment taxes) equal to 50% of qualified wages paid per employee—ineligible if taking small business interruption loan. For all employers with 100 or fewer full-time employees, all employee wages qualify for the credit. Credit is provided

for first $10,000 of compensation per employee.
    - Available to employers whose operations were fully or partially suspended, or gross receipts declined by more than 50% when compared to same quarter in prior year.
- Delay payment of employer payroll taxes: allows employers and self-employed to defer payment of the employer share of Social Security tax. Deferred employment tax must be paid over the following two years.
- Student loans: Enables employers to provide a student loan repayment benefit to employees on a tax-free basis. Employer may contribute up to $5,250 annually toward an employee's student loans, and payments would be excluded from employee's income.
- Workforce: provide workforce boards additional flexibility to use funds under WIO Act for administrative costs. Allows Governors to utilize reserved workforce funds on rapid response activities in response to COVID-19.

Paid Leave Clarifications

- Paid Leave: an employer shall not be required to pay more than $200 per day and $10,000 in the aggregate for each employee
- Paid Sick Leave: an employer shall not be required to pay more than $511 per day and $5,110 in the aggregate for sick leave; or more than $200 per day and $2,000 in the aggregate to care for quarantined individual or child
- Employers get advance funding on payroll tax credit to offset cost of expanded paid sick leave and family and medical leave

II. Relief for Workers

Direct Payments to Workers

- $1,200 per individual or $2,400 for joint filing
- Additional $500 per child
- Limitations:
    - $75,000 adjusted gross income for single filers, or $150,000 for joint return—based on 2019 tax return, if filed, or 2018
    - Rebate amount is reduced by $5 for each $100 that a taxpayer's income exceeds the phase-out threshold
    - Must have Social Security Number to be eligible
- Secretary of Treasury will conduct a public awareness campaign—but for vast majority of recipients, no action will be necessary to receive rebate check

Unemployment Insurance

- Provides payment to states to reimburse nonprofits, government agencies, and Tribes for half of the costs they incur through December 31, 2020, to pay unemployment benefits
    - For states that choose to pay recipients as soon as they become unemployed, provides funding to pay the cost of the first week of unemployment benefits through December 31, 2020
- Full paycheck replacement: provides an additional $600 per week to each recipient of UI for up to four months
- Extends benefits an additional 13 weeks of federally-funded unemployment insurance benefits through December 31, 2020, for those who remain unemployed after state unemployment benefits are no longer available
- Expands access to UI benefits for workers who are not traditionally eligible for

unemployment benefits, including part-time, self-employed, and gig economy workers
- $100 million—grants for "short-time compensation" programs, where employers reduce employee hours instead of laying off workers and the employees with reduced hours receive a pro-rated unemployment benefit. Provision pays 100% of the costs incurred in providing this short-term compensation and 50% to states programs that are started through December 31, 2020.

Student Loan Relief
- Monthly payments on federally held student loans suspended through September 30, 2020, with no interest accruing during that time. This provides relief for over 95% of student loan borrowers.

III. Economic Stabilization

Economic Stabilization to Economic Sectors – $500 billion
- Direct lending
  - $25 billion—passenger air carriers
  - $4 billion—cargo air carriers
  - $17 billion—business critical to national security
- $454 billion in loans, loan guarantees, and investments in businesses in critical economic sectors, States, and municipalities
  - Outlines specific regulations on using funds, including: prohibits businesses controlled by President, VP, Members of Congress, and heads of Executive Departments from receiving loans or investments; and bans stock buybacks for the term of the assistance plus 1 year. Will also require a Congressional Oversight Commission to provide oversight.

Coronavirus Relief Fund – $150 billion
- Funds to states, territories, and tribal governments to use for expenditures incurred due to public health emergency.
- Funds distribution: All states receive a minimum of $1.25 billion; distributions to states based on population proportion.
- *Direct payments only to local governments with populations above 500,000 (Title V).*

Financial Institutions Provisions
- Authorizes FDIC to temporarily establish a debt guarantee for solvent insured depositories and depository institution holding companies
- Temporary reduction in Community Bank Leverage Ratio for qualifying community banks from 9 to 8 percent.

Economic Development Administration—$1.5 billion
- Provides economic adjustment assistance to revitalize local communities. EDA assistance can be used to rebuild impacted industries, such as tourism or manufacturing supply chains, capitalize local funds to provide low-interest loans to businesses of all sizes, and support locally-identified priorities for economic recovery.

IV. Public Health Response

Diagnostic Testing

- Clarifies that all COVID-19 diagnostic testing is to be covered by private insurance plans without cost sharing
- For COVID-19 testing covered with no cost to patients, requires an insurer to pay either the rate specified in a contract between the provider and insurer, or a cash price posted by the provider

Healthcare Providers

- $1.32 billion—supplemental funding to community health centers on the front lines of testing and treating patients for COVID-19
- Reauthorizes grant programs to offer telehealth technologies and services
- $127 billion—for medical response efforts, including $100 billion to provide grants to hospitals, public entities, and institutional providers to cover unreimbursed healthcare expenses or lost revenues

First Responders

- $850 million—Byrne-JAG program to allow state and local police departments and jails to purchase PPE and other medical items to support overtime for officers on front lines. Resources will go to states and localities quickly to respond to this crisis.
- Disaster Relief Fund (through DHS)—$45 billion for immediate needs of state, local, tribal, and territorial governments. Reimbursable activities include medical response, PPE, National Guard deployment, coordination of logistics, safety measures, and community services.
- Firefighter grants—$100 million for PPE (through DHS)
- Emergency Management Performance Grants (through DHS)—$100 million to state, local, territorial, and tribal government for coordination, communications, and logistics

COVID-19 Response

- Centers for Disease Control & Prevention—$1.5 billion to federal, state, and local public health agencies, including purchase of PPE, surveillance of COVID-19, lab testing, contact tracing, infection control, and public health preparedness and response

V. Housing and Social Services

Housing Relief

- Prohibits foreclosures on all federally backed mortgage loans for 60-day period beginning March 18, 2020. Up to 180 days of forbearance for borrowers of a federally backed mortgage loan who have experienced financial hardship due to COVID-19. Applicable mortgages include Fannie Mae, Freddie Mac, insured by HUD, VA, or USDA.
- Provides up to 90 days of forbearance for multifamily borrowers with a federally backed multifamily mortgage loan who have experienced a financial hardship. Borrowers receiving forbearance may not evict or charge late fees to tenants for the duration of forbearance period.
- Moratorium on Eviction Filings: For 120 days beginning on date of enactment, landlords are prohibited from initiating legal action to recover possession of a rental unit or to charge fees, penalties, or other charges to tenant related to nonpayment of rent where landlord's mortgage on that property is insured, guaranteed, supplemented, protected, or assisted

in any way by HUD, Fannie Mae, Freddie Mac, rural housing voucher program, or the Violence Against Women Act of 1994.

HUD Programs

- $5 billion—Community Development Block Grant (CDBG) program to address economic and housing impacts of COVID-19.
    - $2 billion of these funds will be allocated to states and local governments that received an allocation under FY 2020 CDBG formula
    - $1 billion goes to directly to states to support coordinated response across entitlement and non-entitlement communities
    - $2 billion allocated to states and local governments based on prevalence and risk of COVID-19 and related economic and housing disruption
- $4 billion—Emergency Solutions Grant to address impact of COVID-19 among individuals and families who are homeless or at risk of homelessness. Eviction prevention activities include rapid rehousing, housing counseling, and rental deposit assistance.
- $3 billion—Rental Assistance Protections for Low-Income Americans
    - $1.935 billion—allow public housing agencies for Section 8 voucher and public housing
    - $1 billion—continuation of housing assistance contracts with private landlords for Section 8 households
    - $65 million—housing elderly and persons with disabilities for rental assistance, service coordinators, and support services for affordable households
    - $65 million—Housing Opportunities for Persons with AIDS, to maintain rental assistance and operational and administrative flexibility for housing and support services

Social Services

- $15.5 billion—SNAP to ensure all residents, including seniors and children, receive the food they need
- $8.8 billion—Child Nutrition Programs to ensure children receive meals while school is not in session
- $450 million—The Emergency Food Assistance Program to provide resources for food banks across the country
- $1 billion—Community Services Block Grant to help communities address the consequences of increasing unemployment and economic disruption
- $900 million—Low-Income Home Energy Assistance Program

VI. AIRPORTS & TRANSPORTATION

- Repeals Federal Excise Taxes collection in relation to commercial aviation, such as those applied to transportation of person (e.g., ticket tax), the transportation of property (e.g., cargo tax), and aviation fuel.
- Relief for aviation workers: provides financial assistance for wages in amounts up to $25 billion for passenger air carriers, $4 billion for cargo air carriers, and $3 billion for airline contractors.
- $10 billion—Federal assistance to help publicly-owned, commercial airports address COVID-19 crisis
- $25 billion—to public transit operators

VII. Overview of Emergency Appropriations

- **$340 billion total**
  - $48.9 billion—Department of Agriculture and FDA
    - $15.5 billion—SNAP
    - $8.8 billion—Child Nutrition Programs
    - $450 million—Emergency Food Assistance Program to food banks
    - $80 million—FDA for medicine, vaccines, and therapies
    - $25 million—distance learning and telemedicine
    - $14 billion—Commodity Credit Corporation
    - $9.5 billion—support for specialty crop producers
  - $3.079 billion—support economic development, science, and law enforcement
    - $1.5 billion—Economic Development Administration
    - $50 million—support for manufacturing
    - $300 million—assistance for fishermen
    - $850 million—Byrne-Justice Assistance Grant Program
    - $100 million—Federal Bureau of Prisons
    - $55 million—FBI, DEA, U.S. Marshals Service, and U.S. Attorneys
    - $6 million—National Institute of Standards and Technology
    - $75 million—National Science Foundation
    - $50 million—Legal Services Corporation
  - $10.5 billion—Department of Defense
    - $1.4 billion—deployment of National Guard
    - $1 billion—Defense Production Act—invest in manufacturing capabilities
    - $415 million—research and development
    - $1.5 billion—expansion of military hospitals and expeditionary hospital packages
  - $221 million—agencies to respond to COVID-19 impact on operations
    - $70 million—US Army Corps of Engineers
    - $20.6 million—Bureau of Reclamation
    - $28 million—Department of Energy
    - $3.3 million—Nuclear Regulatory Commission
    - $99.5 million—Department of Energy's Office of Science
  - $1.82 billion—Financial Services and General Government support for small business, elections
    - $562 million—SBA Economic Injury Disaster Loans (EIDL)
    - $400 million—states to prepare for 2020 elections
    - $80 million—Pandemic Response Accountability Committee to provide transparency and oversight of funds
    - $200 million—Federal Communications Commission
    - $250 million—IRS to administer new tax credits for paid leave
    - $7.5 million—Judiciary
  - $45.873 billion—Department of Homeland Security to prepare for COVID-19
    - $45 billion—immediate needs of state, local, tribal, and territorial governments
    - $200 million—Emergency Food and Shelter Program
    - $100 million—PPE for first responders
    - $100 million—Emergency Management Performance Grants
    - $178 million—PPE for federal employees on front lines
    - $100 million—TSA for enhanced sanitation at airport security checkpoints
    - $141 million—Coast Guard Reserve

        - $45 million—FEMA information technology
        - $9 million—Cybersecurity and Infrastructure Security Agency
    - $2 billion—Department of the Interior
        - Provide necessary resources to assist Native communities and tribal governments
    - $172.1 billion—investments in healthcare, vaccine development, support for state and local governments' COVID-19 efforts
        - $4.3 billion—CDC to support federal, state, and local public health agencies
        - $945 million—National Institutes of Health
        - $127 billion—medical response efforts, including $100 billion for new program to provide grants to health facilities, and $27 billion for Biomedical Advanced Research and Development Authority (BARDA)
        - $30.75 billion—Education Stabilization Fund for states, school districts, and higher education institutions
        - $360 million—Department of Labor to invest in training and supportive services for dislocated workers
        - $3.5 billion—child care and early education programs through Child Care Development Block Grant
        - $1 billion—Community Services Block Grant to address unemployment and economic disruption
        - $900 million—Low Income Home Energy Assistance Program
    - $48.5 billion—transportation and housing
        - $10 billion—publicly-owned, commercial airports
        - $1.018 billion—Amtrak
        - $25 billion—public transit operators
        - $5 billion—Community Development Block Grant ($2 billion to states and local governments that received an allocation under FY2020 formula)
        - $4 billion—emergency grants for people experiencing homelessness, including rapid rehousing, rental deposit assistance
        - $3 billion—housing providers to help low-income tenants assisted by HUD

OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-2

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime
Howard D. Russell

DEPUTIES

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Katrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin Weesner-McKinley
Theodore B. Zinger

March 24, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.100, relating to a temporary prohibition on evictions due to COVID-19 and declaring the urgency thereof, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

On March 17, 2020 the City Council gave direction to our office to draft and submit to Council an ordinance temporarily prohibiting evictions of residential and commercial tenants due to non-payment of rent resulting from adverse impacts associated with COVID-19.

As you know, the COVID-19 pandemic and local government response thereto is rapidly evolving. The passage of time has allowed for a more thorough analysis of the likely consequences of the direction given by the Council. As a result, there are three substantive issues which our office would like to highlight for your consideration and possible further direction:

1. Although the Council's motion specifically directed that the ordinance require tenants to provide notice of imminent non-payment of rent and documentation of the reasons therefore PRIOR to the date on which rent would otherwise have been due, it seems that such a requirement is likely to result in a significant percentage of tenants being prohibited from taking advantage of protections for which they would otherwise qualify. The ordinance as drafted requires that a tenant give notice and documentation of a COVID-19 related non-payment on or before the date of expiration of a three-day notice to pay or quit resulting from such non-payment.

2. The Governor declared a State of Emergency on March 4, 2020. Presumably there are tenants who have been impacted by COVID-19 who would qualify for eviction protection starting on that date. The advance notice

requirement, however, makes it impossible in practice for such tenants to take advantage of the eviction protection. We have included a provision which allows tenants who received three-day notices to pay or quit between March 4 and March 24 to provide the required COVID-19-related notice and documentation to their landlord at any time prior to final adjudication of their unlawful detainer proceeding.

3. In order to promote tenant awareness of their rights under the proposed ordinance, we have included an obligation that pay-or-quit notices issued between March 25, 2020 and May 31, 2020 must include certain additional notification language. Such noticing requirements place an additional burden on landlords, but are generally consistent with the Tenant Protection Act of 2019 and Section 8.99 of the Long Beach Municipal Code.

Our office will, of course, amend the proposed ordinance on the floor to reflect further direction, if any, by the Council on these issues. It is our intention that by highlighting these issues for Council and the public, any changes to the ordinance made on the floor at the direction of the Council will not require an additional reading of the ordinance, and the proposed ordinance, as possibly amended, will be of immediate force and effect (assuming passage as an urgency ordinance).

Pursuant to your request on March 17, 2020, this ordinance is attached hereto and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

RICHARD F. ANTHONY
Deputy City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.100, TO TEMPORARILY PROHIBIT EVICTIONS DUE TO COVID-19 THROUGH MAY 31, 2020; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California due to the threat posed by the novel coronavirus and the COVID-19 disease resulting therefrom; and

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and many residential and commercial tenants have experienced, or will soon experience, sudden income loss resulting from COVID-19 and/or governmental response thereto; and

WHEREAS, such income loss will impact some tenants' ability to pay rent when due, leaving such tenants vulnerable to eviction and possible homelessness; and

WHEREAS, in the interests of protecting the public health and mitigating the economic impacts of COVID-19, it is essential to avoid displacement of tenants by temporarily prohibiting the eviction of tenants impacted by COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20 which, among other things, suspended the application of certain state laws which might limit a municipality's ability to exercise its police powers in connection with temporary eviction moratoriums;

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

NOW, THEREFORE, The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.100 is added to the Long Beach Municipal Code to read as follows:

Chapter 8.100

TEMPORARY PROHIBITION OF EVICTIONS DUE TO COVID-19

8.100.010 Purpose.

In order to protect the public health and mitigate the economic impacts of the novel coronavirus and the COVID-19 disease resulting therefrom, this Chapter shall temporarily prohibit certain evictions as more particularly described herein.

8.100.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

A. COVID-19. The term "COVID-19" shall mean the novel coronavirus SARS-CoV-2 and disease resulting therefrom.

B. Owner. The term "owner" shall mean any person or entity, acting as principal or as an agent, renting residential or commercial real property.

C. Pay-or-quit notice. The term "pay-or-quit notice" shall mean the notice to be delivered to a tenant resulting from non-payment of rent as required by, and in accordance with, California law, including without limitation Section 1161 et seq of the Code of Civil Procedure.

8.100.030 Prohibition on Evictions.

A. The owner of residential or commercial real property shall not

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take action to evict a residential or commercial tenancy if (1) the basis for the eviction is non-payment 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 (2) the decrease in such household or business income or such out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state or federal government (including school districts) response to COVID-19, and is documented and communicated to the owner in accordance herewith.

B. In order to take advantage of the protections included in subsection 8.100.030.A., a tenant must do each of the following before the expiration of the pay-or-quit notice: (1) notify the owner that the tenant will not be able to make its rental payment (or portion thereof); and (2) provide documentation supporting and/or evidencing such substantial decrease in household or business income or out-of-pocket medical expenses. Notwithstanding the foregoing, a tenant which received a pay-or-quit notice dated on or after March 4, 2020 but before March 25, 2020 shall provide the notification and documentation required by this subsection (B) prior to the final adjudication of the subject eviction proceedings.

C. Nothing in this Chapter shall relieve a tenant of the obligation to pay rent, nor restrict an owner's ability to recover rent due; provided, however, an owner may not recover late fees which would have otherwise been applicable to rental payments validly delayed and repaid in accordance with this Chapter.

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8.100.040 Pay-or-Quit Notices.

Any pay-or-quit notices dated between March 25, 2020 and May 31, 2020 shall include the following language (or substantially similar): "The City of Long Beach has declared a state of emergency in response to COVID-19. If you cannot pay your rent due to a loss of income or medical expenses resulting from COVID-19, you need to notify [provide owner or agent contact information] immediately. You may qualify for protections against eviction and you may have a right to delay your rent payment and to repay such delayed rent over a six-month period".

8.100.050 Grace Period.

Tenants which are protected against eviction under this Chapter shall have until November 30, 2020 to pay all delayed rent (without any associated late charges); provided, however, that all of such delayed and unpaid rent shall become immediately payable should a tenant fail to make a regularly scheduled monthly rental payment after May 31, 2020, and such failure to make a regularly scheduled payment persists after the expiration of a pay-or-quit notice applicable thereto.

8.100.060 Affirmative Defense.

This Chapter may be asserted as an affirmative defense in an unlawful detainer action.

8.100.070 Application.

This Chapter shall apply retroactively to March 4, 2020, except to the extent a tenant has surrendered possession of its premises or an eviction lawsuit has been finally adjudicated, prior to March 25, 2020.

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8.100.080 Severability.

If any provision of this Chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Chapter which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this Chapter and each provision hereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 2. This ordinance is an emergency ordinance duly adopted by the City Council by a vote of five of its members and shall take effect at 12:00 a.m. on March 25, 2020. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted in three conspicuous places in the City of Long Beach.

Section 3. This ordinance shall also be adopted by the City Council as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach.

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Long Beach, CA 90802-4664

I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of March 24, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: _____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

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Long Beach, CA 90802-4664

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2020, by the following vote:

Ayes: Councilmembers: _____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

_____
Clerk

Approved: _____ _____
(Date) Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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ORDINANCE NO. ORD-20-0010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.100, TO TEMPORARILY PROHIBIT EVICTIONS DUE TO COVID-19 THROUGH MAY 31, 2020; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California due to the threat posed by the novel coronavirus and the COVID-19 disease resulting therefrom; and

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and many residential and commercial tenants and housing providers have experienced, or will soon experience, sudden income loss resulting from COVID-19 and/or governmental response thereto; and

WHEREAS, such income loss will impact some tenants' and housing providers' ability to pay rent or mortgages when due, leaving such tenants and housing providers vulnerable to eviction and possible homelessness or foreclosure, respectively; and

WHEREAS, such impacted tenants who cannot pay rent in full are encouraged to pay as much rent as possible to reduce the amount owed upon expiration of the temporary prohibition on evictions; and

WHEREAS, in the interests of protecting the public health and mitigating the economic impacts of COVID-19, it is essential to avoid displacement of tenants by temporarily prohibiting the eviction of tenants impacted by COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-

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20 which, among other things, suspended the application of certain state laws which might limit a municipality's ability to exercise its police powers in connection with temporary eviction moratoriums;

NOW, THEREFORE, The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.100 is added to the Long Beach Municipal Code to read as follows:

Chapter 8.100

TEMPORARY PROHIBITION OF EVICTIONS DUE TO COVID-19

8.100.010 Purpose.

In order to protect the public health and mitigate the economic impacts of the novel coronavirus and the COVID-19 disease resulting therefrom, this Chapter shall temporarily prohibit certain evictions as more particularly described herein.

8.100.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

A. COVID-19. The term "COVID-19" shall mean the novel coronavirus SARS-CoV-2 and disease resulting therefrom.

B. Owner. The term "owner" shall mean any person or entity, acting as principal or as an agent, renting residential or commercial real property.

C. Pay-or-quit notice. The term "pay-or-quit notice" shall mean the notice to be delivered to a tenant resulting from non-payment of rent as required by, and in accordance with, California law, including without

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limitation Section 1161 et seq of the Code of Civil Procedure.

8.100.030 Prohibition on Evictions.

A. The owner of residential or commercial real property shall not take action to evict a residential or commercial tenancy if (1) the basis for the eviction is non-payment of rent which became due between March 4, 2020 and May 31, 2020, 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 (2) the decrease in such household or business income or such out-of-pocket medical expenses was caused by the COVID-19 pandemic, or by any local, state or federal government (including school districts) response to COVID-19, and is documented and communicated to the owner in accordance herewith.

B. In order to take advantage of the protections included in subsection 8.100.030.A., a tenant must do each of the following before the expiration of the pay-or-quit notice: (1) notify the owner that the tenant may not be able to make its rental payment (or portion thereof); and (2) provide documentation supporting and/or evidencing such substantial decrease in household or business income or out-of-pocket medical expenses. Notwithstanding the foregoing, a tenant which received a pay-or-quit notice served on or after March 4, 2020 but before March 25, 2020 shall provide the notification and documentation required by this subsection (B) prior to the final adjudication of the subject eviction proceedings.

C. Nothing in this Chapter shall relieve a tenant of the obligation to pay rent, nor restrict an owner's ability to recover rent due; provided,

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however, an owner may not recover late fees which would have otherwise been applicable to rental payments validly delayed and repaid in accordance with this Chapter.

8.100.040 Pay-or-Quit Notices.

Any pay-or-quit notices dated between March 25, 2020 and May 31, 2020 shall include the following language (or substantially similar): "The City of Long Beach has declared a state of emergency in response to COVID-19. If you cannot pay your rent due to a loss of income or medical expenses resulting from COVID-19, you need to notify and provide supporting documentation to [provide owner or agent contact information] immediately. You may qualify for protections against eviction and you may have a right to delay your rent payment and to repay such delayed rent over a six-month period".

8.100.050 Grace Period.

Tenants which are protected against eviction under this Chapter shall have until November 30, 2020 to pay all delayed rent (without any associated late charges); provided, however, that all of such delayed and unpaid rent shall become immediately payable should a tenant fail to make a regularly scheduled monthly rental payment after May 31, 2020, and such failure to make a regularly scheduled payment persists after the expiration of a pay-or-quit notice applicable thereto.

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This Chapter may be asserted as an affirmative defense in an unlawful detainer action.

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8.100.070 Application.

This Chapter shall apply retroactively to March 4, 2020, except to the extent a tenant has surrendered possession of its premises or an eviction lawsuit has been finally adjudicated, prior to March 25, 2020.

8.100.080 Severability.

If any provision of this Chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Chapter which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this Chapter and each provision hereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 2. This ordinance is an emergency ordinance duly adopted by the City Council by a vote of five of its members and shall take effect at 12:00 a.m. on March 25, 2020. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted in three conspicuous places in the City of Long Beach.

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City of Long Beach.

I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of March 24, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	Zendejas, Pearce, Price, Supernaw, Mungo, Andrews, Uranga, Austin, Richardson.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	None.
Recusal(s):	Councilmembers:	None.

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

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Long Beach, CA 90802-4664

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Ayes: Councilmembers: _____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

_____
Clerk

Approved: 3/25
(Date)

_____
Mayor

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CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

ORDINANCE NO. ORD-20-0010

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WHEREAS, such impacted tenants who cannot pay rent in full are encouraged to pay as much rent as possible to reduce the amount owed upon expiration of the temporary prohibition on evictions; and

WHEREAS, in the interests of protecting the public health and mitigating the economic impacts of COVID-19, it is essential to avoid displacement of tenants by temporarily prohibiting the eviction of tenants impacted by COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-

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20 which, among other things, suspended the application of certain state laws which might limit a municipality's ability to exercise its police powers in connection with temporary eviction moratoriums;

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C. Nothing in this Chapter shall relieve a tenant of the obligation to pay rent, nor restrict an owner's ability to recover rent due; provided,

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8.100.070 Application.

This Chapter shall apply retroactively to March 4, 2020, except to the extent a tenant has surrendered possession of its premises or an eviction lawsuit has been finally adjudicated, prior to March 25, 2020.

8.100.080 Severability.

If any provision of this Chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Chapter which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this Chapter and each provision hereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 2. This ordinance is an emergency ordinance duly adopted by the City Council by a vote of five of its members and shall take effect at 12:00 a.m. on March 25, 2020. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted in three conspicuous places in the City of Long Beach.

Section 3. This ordinance shall also be adopted by the City Council as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and shall cause the same to be posted in three (3) conspicuous places in the

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City of Long Beach.

I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of March 24, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	Zendejas, Pearce, Price, Supernaw, Mungo, Andrews, Uranga, Austin, Richardson.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	None.
Recusal(s):	Councilmembers:	None.

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	Zendejas, Pearce, Price, Supernaw, Mungo, Andrews, Uranga, Austin, Richardson.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	None.
Recusal(s):	Councilmembers:	None.

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I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2020, by the following vote:

Ayes: Councilmembers: _____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

_____
Clerk

Approved: 3/25
(Date)

_____
Mayor

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Long Beach, CA 90802-4664

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 24th day of March, 2020, I posted three true and correct copies of Emergency Ordinance No. ORD-20-0010 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me
This 24th day of March 2020.

CITY CLERK

DIGITAL INCLUSION COMMUNITY RESOURCES

On March 17th, the Long Beach City Council passed the "Coronavirus Economic Relief Package for Long Beach Families and Small Businesses" package at its regular meeting, which requested strategies to connect residents and businesses with economic relief resources. One critical element for residents and businesses to apply for loans or unemployment benefits is access and use of the Internet for online applications processes.

Reduced Cost Internet and Technology Access Programs

City staff have identified the following COVID-19 digital inclusion community resources available to residents and businesses as part of the City's Digital Inclusion Initiative. These community resources were recently announced by private sector Internet service providers (ISPs) and local non-profits during the economic emergency.

- AT&T: is offering Internet access for qualifying low-income households at $10/month through their Access from AT&T Program. In addition, AT&T is suspending Broadband usage caps for their home Internet customers. They are keeping public Wi-Fi hotspots open for individuals who need them. AT&T also increased mobile hotspot data by 15GB a month for each line on an unlimited plan that currently includes a monthly tethering allotment. For more information, visit: https://about.att.com/pages/COVID-19.html.

- Boost Mobile (Sprint): is offering additional 20 Gigs of mobile hotspots on their plans at no extra cost through April 30, 2020 to customers currently on an unlimited data plan. They are waiving reconnection fees for customers through April 30, 2020. For more information, visit: https://newsroom.sprint.com/boost-mobiles-response-to-coronavirus-covid-19.htm.

- Charter Communications (Spectrum): is expanding the eligibility for its 60-day free offer for Spectrum Broadband Internet and Wi-Fi access to include (K-12 teachers and College/University professors and students) who do not already have a Spectrum account. They are continuing to offer Spectrum Internet Assist, a high-speed Broadband Program available to eligible low-income households that delivers speeds of 30 Mbps. Spectrum has also opened its Wi-Fi hotspots across their footprint for public use. In addition, they do not have any data caps, hidden fees and will not terminate service for residential or small business customers who face difficult economic circumstance related to the COVID-19 pandemic. For more information, visit: https://corporate.charter.com/newsroom.

- COX Communications: is providing the first two months free of the Connect2Complete service and the service will be $9.95/month thereafter. They are providing phone and remote desktop support through Cox Complete Care at no charge through May 15, 2020. Cox Communications is also providing resources for discounted, refurbished equipment through their association with PCs for People. For more information, visit: https://www.cox.com/residential/internet/connect2compete/covid-19-response.html.

- Frontier Communications: is providing Frontier high-speed Internet service with no data caps. For more information, visit: https://frontier.com/resources/covid-19.

- human-I-T: human-I-T is providing low-cost Internet assistance and free Chromebooks to qualifying households. For more information, visit: https://www.human-i-t.org/request-internet. human-I-T has their hITconnect store where individuals can purchase computers for as low as $55. In addition, human-I-T is also supplying organizations and school districts with technology devices in bulk. For more information, visit: https://www.human-i-t.org/request-technology.

- Starry Internet: is committing to providing all current Starry Connect customers with free service until the end of May. They are suspending cancellation of service due to nonpayment. Starry Internet will not cap data or charge extra for high usage and they are providing downloads and uploads that both average over 250 Mbps. For more information, visit: https://starry.com/blog/news/doing-our-part-during-covid-19.

- T-Mobile (Metro): is launching the T-Mobile Connect as part their 5G for Good Initiative. They are offering a $15 plan with unlimited talk and text plus 2GB of high-speed smartphone data. T-Mobile is also offering new and current Metro customers with any voice line that includes a free 8" tablet (via rebate redemption) with a $15 unlimited tablet data plan. They are providing MetroSmart Hotspot devices that will be half off, and the $35 per month data plan will include 20GB that is double the normal monthly data for the next 60 days. For more information, visit: https://www.t-mobile.com/news/tmobile-connect-launch.

- Verizon: is offering new affordable Internet plans for low-income households. Qualified customers can purchase Fios 200/200Mbps home Internet service for just $19.99/month with a free year of Disney+ and no router rental charges for two months. They are waiving wireless data overage charges to support customers who may be financially affected by the COVID-19 pandemic. Verizon is also waiving Internet and voice service charges for current Lifeline customers for two billing cycles. For more information, visit: https://www.verizon.com/about/news/our-response-coronavirus.