

To: NIELSEN MERKSAMER CLIENTS

From: NM Government Law Section

Date: March 25, 2020

Re: California Statewide COVID-19 Actions

To keep the public informed of all COVID-19 developments, the state has created a webpage, <https://www.covid19.ca.gov/>, to provide up-to-date information and resources that contains links to all relevant state departments and local government websites.

EXECUTIVE ORDERS:

The state's public health experts have determined that gatherings should be postponed or canceled across the state until further notice. Nonessential gatherings must be limited to no more than 10 people, while also following social distancing guidelines.

March 4: [Emergency Declaration](#)

Mar 12: [Executive Order N-25-20](#): General Provisions & Government

This order relaxes protocols for unemployment insurance (specifically waives the one-week waiting period for people who are unemployed and/or disabled as a result of COVID-19), delays the state income tax deadline, discourages large gatherings and waives portions of the Brown Act.

March 13: [Executive Order N-26-20](#): Schools

This order sets forth requirements that school must meet, even if they close because of COVID-19.

March 16: [Executive Order N-27-20](#): State Licensed Facilities

This order establishes guidance for state licensed facilities that house populations most vulnerable to COVID-19. It directs the Health and Human Services Agency, in consultation with counties and labor organizations and consumers, to leverage existing services and programs to support home isolation of vulnerable Californians, including seniors and those with serious chronic underlying health conditions.

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March 16: [Executive Order N-28-20](#): Renters and Homeowners

This order authorizes local governments to take measures to halt evictions and protect against utility shutoffs and sets forth guidance for any jurisdiction looking to do so. The order does not relieve tenants from the obligation to pay rent or restrict the landlord's ability to recover rent that is due. The protections are in effect through May 31, 2020, unless extended. The order also requests banks and other financial institutions to halt foreclosures and related evictions during this time period. It also asks the California Public Utilities Commission to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including electric, gas, water, internet, landline telephone and cell phone service on a weekly basis.

March 18: [Executive Order N 29-20](#): Safety Net Services & Brown Act

This order relaxes requirements for state social safety net programs but waiving eligibility re-determinations for 90 days for Medi-Cal, CalFresh, CalWorks, Cash Assistance for Immigrants and In-Home Supportive Services. It also replaces and revises EO-25-20 and makes further suspensions of Bagley-Keene Act and Brown Act to states that there is no requirement for state or local legislative bodies to make a physical location available from which the public can make public comment, so long as options to participate telephonically or electronically are provided. Local bodies must still follow noticing requirements and implement a procedure for resolving requests for accommodation from individuals with disabilities.

March 18: [Executive Order N-30-20](#): School Testing

This order is focused entirely on school testing. It waives, for the 2019-2020 school year, the requirement that all students be administered academic assessments each year.

March 18: [Executive Order N-32-20](#): Local Flexibility for Homelessness

This order aims to grant local flexibility on spending and building shelters to combat homelessness during the COVID-19 outbreak including waiving certain regulatory barriers for shelters or facilities built with this emergency funding. It provides \$150 million for emergency homelessness actions: \$100M direct to local governments for shelter support and emergency housing to address COVID 19 amend the homeless population and \$50M to purchase travel trailers and lease rooms in hotels, motels and other facilities in partnership with counties and cities to provide immediate isolation for homeless individuals.

March 19: [Executive Order N-33-20](#): Stay at Home Order

This order institutes a statewide stay at home order and includes a link defining critical infrastructure and essential workers.

March 20: [Executive Order N-34-20](#): Elections

This order focuses on elections procedures during the COVID-19 outbreak, including

allowing vote-by-mail for certain upcoming special elections and extends timeframes for the March 4, 2020 statewide primary.

March 21: [Executive Order N-35-20](#): Facilities Staffing Ratios, Work Hours & Brown Act
This order covers a wide array of issues. Broadly it applies work health facilities' staffing rations, hours exemptions (laid out in N-25-20) to local governments, suspends local ordinances that interfere with essential activities, further clarifies and expand Brown Act exemptions, and extends deadlines and relaxes requirements for several statues.

March 24: [Executive Order N 36-20](#): Correctional Facilities
This order temporarily halts the intake and/or transfer of inmates and youth into the state's 35 prisons and four youth correctional facilities. These inmates will remain in county custody for the next 30 days, but the timeframe could be extended if needed.

LEGISLATION:

On March 17, 2020, Governor Gavin Newsom signed emergency legislation providing up to \$1 billion in funding to help California fight COVID-19.

1. [SB 89](#) by the Committee on Budget and Fiscal Review – Budget Act of 2019.
2. [SB 117](#) by the Committee on Budget and Fiscal Review – Education finance: average daily attendance and timeline waivers: protective equipment and cleaning appropriation: COVID-19.

The emergency legislative package provides \$500 million General Fund to help California fight COVID-19 and authorizes increases up to \$1 billion. The funding is intended to:

- Increase hospital bed capacity and purchase medical equipment to combat the coming surge in COVID-19 patients;
- Protect hospitals, nursing homes, and other facilities most vulnerable to COVID-19 spread;
- Provide lifesaving services to Californians isolating at home;
- Support local government to reduce the spread of COVID-19 in homeless populations and provide safe beds for people experiencing homelessness; and
- Provide funding to clean childcare facilities that remain open.

However, the operative language of the bill says, "\$500,000,000 is hereby appropriated from the General Fund to any item for any purpose..." – there will be pressure for the Governor to spend this money outside of his stated purposes.

The package also provides \$100 million Proposition 98 General Fund for personal protective equipment and cleaning for schools that remain open. It also allows schools to maintain funding despite service disruptions.

FEDERAL GOVERNMENT COLLABORATION:

Presidential Major Disaster Declaration

On March 22nd, Governor Newsom [requested](#) and received approval a Presidential Major Disaster Declaration to assist in California's COVID-19 preparedness and emergency response efforts. The Major Disaster Declaration includes any and all individual assistance programs to assist those affected by the outbreak and lessen the economic impacts of the crisis. It will provide additional assistance, including but not limited to, mass care and emergency assistance, crisis counseling, disaster case management, disaster unemployment assistance, disaster legal services and Disaster Supplemental Nutrition Assistance.

Congressional Leadership Letter

On March 19th, the Governor sent a [letter](#) on 3/19/2020 to Senate Majority Leader Mitch McConnell, Senate Democratic Leader Chuck Schumer, Speaker of the House Nancy Pelosi and House Republican Leader Kevin McCarthy requesting additional federal assistance to supplement California's efforts to prepare for a COVID-19 surge.

USNS Mercy Deployment

The Governor also announced on March 19th that he sent a [letter](#) to Trump Administration requesting the immediate deployment of the USNS Mercy Hospital Ship to the Port of Los Angeles through September 1, 2020, to help decompress the state's health care delivery system in Los Angeles in response to COVID-19. The Administration approved the request and USNS Mercy will arrive in Los Angeles by March 26th.

Medi-Cal Section 1135 Waiver Requests

On March 16th, the Department of Health Care Services (DHCS) submitted a [letter](#) to the federal Centers for Medicare and Medicaid Services (CMS) requesting the easing of certain federal rules governing doctors and other health care providers who treat people covered through Medi-Cal, California's version of Medicaid. It also would loosen rules regarding the use of telehealth and where care can be provided, making it simpler to protect seniors and other populations at high risk for harm if exposed to the virus. , DHCS submitted an [additional letter](#) to CMS requesting additional flexibilities on March 19th. On March 23rd, CMS [responded](#) to the letters by approving portions of the requests related to allowing out-of-state providers to treat California (in-person or via telehealth), allowing changes for efficient use of hospital capacity and shifting patients to appropriate care settings and modifications to prior authorization treatment rules.