



NEW Amended County of San Diego Health Order – Including New Facial Covering Requirements – The County of San Diego, effective April 9th, has established [new guidance](#) on covering faces for those in essential service sectors. It includes the requirement for employees of banks and transportation services, including ride sharing, to wear facial covers. This adds to the previous guidance for employees of businesses that serve food, groceries, pharmacies, convenience stores and gas stations.

Gatherings – in a *clarification* of previous orders, the County of San Diego has ordered that all gatherings except those as follows:

- Single family or households
- Airports, public transportation and other transit options where social distancing is possible
- Operations at essential business where the protocols for operations (sanitation, facial covering and distancing) are being met

Protocols MUST be posted - essential businesses that have remained open and **allow access to members of the public as of April 7th** will be required to create a document outlining their protocol on physical distancing and hygiene. The document can be modeled after a [County created template](#) and must be available to the public and employees and be **posted at the entrance** to the business beginning midnight Monday (April 6th).

*****UPDATE!!!! Eviction Moratorium Ordinances** – a number of NEW jurisdictions have adopted residential and commercial eviction moratoriums. NAIOP San Diego continues to actively engage these jurisdictions to make sure property owners are considered and that the “system” that is commercial real estate is understood. Here are the latest jurisdictions who have adopted ordinances this week (click on the underlined jurisdiction for more information):

- [City of Del Mar – April 6](#) (Item 8 on the agenda through the link)
- [City of Carlsbad – April 7](#)
- [City of Poway – April 7](#) (Item 10 on the agenda through the link)
- [City of Chula Vista – April 7](#)
- [National City – April 7](#)
- [City of Escondido – April 8](#)

So far (and this is not exhaustive), the following jurisdictions **HAVE** adopted an ordinance:

- [County of San Diego – unincorporated area – March 24](#)
- [City of San Marcos – March 24](#)
- [City of San Diego – March 25](#)
- [City of Oceanside – March 25](#)
- [City of Encinitas – April 1](#)

These are pending consideration (again, this is not exhaustive):

- [City of Vista – April 14](#)

NEW – California Judicial Council Order on Court Actions – On April 6th, the California Judicial Council considered [recommendations](#) and ultimately adopted [emergency rules](#) to address court operations during the COVID-19 crisis. Of note for property owners:

- Prohibits courts from issuing a Summons on an unlawful detainer Complaint until 90 days after the Governor declares the state of emergency lifted. (Rule 1 of linked emergency rules above)
- This applies to all California courts, and to all new unlawful detainer Actions – whether or not related to nonpayment of rent for COVID related issues. The only exception is for an unlawful detainer action necessary to protect public health and safety.
- “Stays” any action for judicial foreclosure and tolls any statute of limitations for filing such action until 90 days after the state of emergency is lifted. (Rule 2 – see link above)
- Tolls statutes of limitations for civil causes of action from April 6 until 90 days after the state of emergency is lifted. (Rule 9 – see link above)
- Extends the 5-year deadline to bring a civil action to trial to 5 years and 6 months for all actions filed on or before April 6, 2020. (Rule 10 – see link above)

*****UPDATE!!! Property Taxes DUE April 10th** – the San Diego County Treasurer – Tax Collector has issued a statement basically saying that the second installment of property taxes are due no later than April 10th. There has been much pressure brought to bear on this, both at the local level, as well as at the state level, since property tax payments are driven by state law. The local county can cancel penalties for late payment, and the Treasurer – Tax Collector in his posted statement [HERE](#) noted they will consider requests for “penalty cancellation” based on validated impacts from the COVID-19 crisis but said it will be limited. You can find the form for penalty cancellation [HERE](#). So, for now, property taxes due in the County of San Diego should be paid by April 10 or you will face penalties for non/late payment.

*****UPDATE!!!! CA State Legislative Update** – NAIOP San Diego joined other industry leaders to review over 500 bills that could impact commercial real estate. The nearly 2-hour long discussion focused on what we can expect with the remainder of the legislative session, as well as updating positions on the measures in play. Here are some of the highlights:

- The state legislature has extended its suspension of hearings until May 4th. It’s possible the session is further delayed, but given statutory deadlines for the state budget, they will likely need to start hearings on the budget soon
- The Legislative Desk (where bills are officially drafted and amended) is open and amendments are being processed
- Some Committee Chairs in both the Assembly and the Senate are asking their members to reduce their bills with a focus on COVID related measures
- The Assembly and Senate Leadership may well issue guidance on bill packages with the intent of reducing everything to COVID or housing related and carry over other measures to the next session
- COVID-19 - there are a whole new slate of bills, including funding, statewide codification of some of the Governor’s Executive Orders (like eviction moratoriums - SB 939 Weiner), etc that we will be closely monitoring and acting on since they will likely be the focus when the legislature reconvenes and perhaps for the rest of the session
- Property taxes – the California Business Properties Association (CBPA) and the California Business Roundtable (CBR) have been requesting that the automatic 10% penalty for non-payment by April 10 be waived until June 30th, at a minimum. This has been facing headwinds from local government, school districts and the Treasurer-Tax Collectors Association. Four counties have said they’ll grant penalty waiver until May 1 (Imperial, Kern, San Mateo and San Francisco). Here’s a [story](#) from the Sacramento Bee describing the situation with comments by Rex Hime who runs CBPA.

- Split Roll – proponents of the second potential measure to split the property tax rolls and reassess commercial properties at a higher level submitted 1.7 million signatures late last week to the various Registrar of Voters in California. They need approximately 1 million signatures to qualify. Validation is now commencing but is slowed by getting workers to sites to verify the signatures. Notable new allies in the fight to protect Prop 13 are farmers and the NAACP. On the opposition side, the unions representing California teachers put another \$2.5 million into campaign to support split roll last week.

URGENT REMINDER - City of Encinitas – Photovoltaic (Solar) and Energy MANDATES – the City of Encinitas is considering a mandate for new and existing non-residential buildings to install photo-voltaic or enhance energy efficiency beyond Title 24. There are several thresholds that would apply, so it's not just new buildings that would be impacted. ***ALL MEMBERS with properties in Encinitas need to look at the notice and determine the impacts to them.*** The triggers include additional square footage added to building, as well as monetary improvement thresholds in existing construction.

This is broad and far reaching. NAIOP San Diego will be providing input, but we also need our members, particularly those who reside in, own properties or businesses in or conduct business in Encinitas to provide comment back to the City to discourage this mandate.

The city notice is below, and we've included some messaging for your use. If you have any knowledge of direct cost and feasibility, it would be good to include that in your response. And, if you are a constituent, either as a resident or a business owner in the City, you should identify that in your communication.

Message points:

- The State of California's energy efficiency requirements are some of the most stringent in the world
- These requirements include stringent energy efficiency mandates for both new construction, as well as tenant improvements, so a city centric mandate is not necessary
- The requirement for solar installation is costly, and, in most cases, not feasible, as most commercial roof tops do not have the space available to meet the requirements for energy generation under this ordinance
- Roof tops already have HVAC equipment, fire and life safety equipment, building maintenance equipment, as well as screening and other architectural features that make roof top installation infeasible
- The region is also building out large scale sustainable energy production, both in wind and solar, and that production is both more cost effective, as well as more sustainable from an energy production standpoint
- Our energy rates are already paying for these large scale solar and wind energy projects, so this would be an additional, unfunded cost to jobs creators and small business
- For those who can comply, this new mandate will increase rent on small businesses and jobs creators in Encinitas
- Given the current economic situation facing the world, let alone Encinitas, this is not the time, nor the right policy, as it will increase the cost of both new construction, as well as renovation, and for the properties that can actually meet these goals, will also add to the cost of rent for tenants in these properties
- Please reject this new and unnecessary mandate on jobs creation and support your Encinitas business community

NAIOP will be providing comments to the City, but it's important for city business leaders and residents to make their voice heard. Public comments can be made by email to: ClimateAction@encinitasca.gov.
Comments are due by April 17th.

REFERENCE LIST:

County of San Diego COVID-19 Resource Page – [LINK HERE](#)

City of San Diego COVID-19 Resource Page – [Link HERE](#)

US Federal Government COVID-19 Resource Website – [Link HERE](#)

US Small Business Administration COVID-19 Resource Page – [Link HERE](#)

US Federal Reserve COVID-19 Resource Page – [Link HERE](#)

State of California COVID-19 Resource Website – [Link HERE](#)

Essential Services – There has not been any further change to either the definitions or the rules for “essential services” as previously defined by [Governor Newsome’s Executive Order](#) (EO) to “stay at home” issued on March 19, 2020. The EO provided guidance on “Essential Critical Infrastructure Workers” and pointed to the [federal guidance](#) on “essential critical infrastructure workforce” contained within the EO by reference. That was updated on March 28th, but did not change the applicability for commercial real estate. Find the updated CISA document [here](#).

For now, at the local, state and federal levels, NAIOP Corporate and NAIOP CAL, in addition to our local team, are working to make sure our members continue to be seen as essential, since our services include economic resiliency and sustainability. We are also working to make sure that local government operations related to our members’ needs, like planning, permitting and inspections also continue.