



NEW – State of CA allows **MORE** counties to reopen **FASTER** – the Governor announced on Monday that he is amending his previous guidance on “county variance” and changing the two key metrics which were largely thought to prevent large urban counties from being able to determine their own pace on reopening. With these changes, 53 of the state’s 58 counties can now qualify for a variance from the state pace of reopening, which includes the County of San Diego. Additionally, Governor Newsom also suggested that if the health data trajectory continues, some counties will be able to add in-person retail shopping and spectator-free sporting events as soon as the first week in June. The updated county list, along with each county’s individual plan can be found [HERE](#). Additional changes, including the opening of hair salons/barber shops, could be made across the state with some local rules on how those businesses would be able to operate. The Governor suggested early June as a possibility but noted its dependent on health data and the six metrics identified for broader reopening.

NEW – the County of San Diego to reopen faster – following the State’s changes to the county variance policy, the County of San Diego Board of Supervisors voted unanimously to direct staff to formally request a variance in order to move forward in the Stage 2 reopening process faster. The County submitted plans to the state later that day, and as of Wednesday night (see County of San Diego plan [HERE](#)), the state has now signed off for Stage 2 reopening of additional business activities. The plan would allow for in-person dining at restaurants with specific requirements (see restaurant specific Operating Protocols that need to be completed and posted [HERE](#) and posters that need to be printed and posted [HERE](#)) as well as in person shopping at retailers (with hygiene, cleaning and social distancing protocols...see retail specific guidance [HERE](#) and checklist [HERE](#)). Retailers will also need to complete and post a “safe reopening plan” (see template [HERE](#)). Swap meets would also be allowed under those same standards.

NEW – County announces “pilot program” for broader reopening – Also on Tuesday, the County Board took a separate action on a 4-1 vote (Sup Fletcher opposed) to present a pilot program to the State to allow San Diego County to move some of the Stage 3 reopening activities to Stage 2. These would include some research lab space not presently open, therapeutic and peer support groups (fewer than 12 people), modified youth sports and clubs (for practice, not games), personal services including barber shops, hair and nail salons, fitness centers (@ 25% capacity), multi-family and HOA common area pools (@25% capacity), as well as outdoor religious services. This was “socialized” with the Governor’s office but was not “fully embraced” according to the County’s CAO, so some more progress to be made there. No indication has, as of yet, been given on the status of the state’s review or when a decision might be made.

For now, hotels, won't be allowed to open for other than housing for essential workers. They are presently in Stage 4 for broader reopening. This also includes events or activities that would promote large gatherings. The only change on the gathering guidance is for funeral services, which are now allowed, with social distancing and facial coverings.

NEW – **City of San Diego Extends Eviction Moratorium** – The San Diego City Council extended on Tuesday their previously adopted eviction moratorium ordinance by 30 days to June 30, 2020 (see revised ordinance [HERE](#)). The previous ordinance was set to sunset at the end of the month. Since the California Judicial Council had already adopted a hold on any unlawful detainer (UD) actions for 90 days FOLLOWING the end of the emergency orders (see CA Judicial Council Order [HERE](#)), this action was largely symbolic. San Marcos has also amended their ordinance, extending it for 30 days, and Escondido is considering the same for next week.

NEW – **Mayor Faulconer releases “May Revise” budget** – City of San Diego Mayor Kevin Faulconer presented his “May Revise” budget plan earlier this week updating the previous budget proposal delivered last month (see news release synopsis [HERE](#)). The revised budget includes a significantly higher budget deficit as sales tax and TOT continue to decline but are significantly offset by the \$268 million in state and federal relief dollars. The Council is reviewing the budget and will consider it through the next few weeks for a decision on the final budget sometime in June. The City will likely have a quarterly update in September to address any changes in revenue as the wake of the economic crisis continues to be felt.

UPDATE – **State Legislature considers the *CONTROVERSIAL RENT and LEASE* bill SB 939** – the Senate Judiciary Committee will be considering TODAY, the controversial measure to change commercial leasing contracts and establish a statewide commercial eviction moratorium. SB 939 by Senator Scott Weiner from San Francisco is being pushed by a group of restaurants in the Bay Area. You can find the bill text, along with the Senate Judiciary Committee analysis [HERE](#). In short, the measure would:

- Establish a statewide moratorium on commercial evictions through the duration of the state emergency order
- Would extend repayment of past due and owed commercial rent over 12 months
- Allow for leases to be amended or terminated by the tenant if the tenant and property owner can't come to terms

A large coalition has formed to oppose the measure, and numerous letters and comments have been submitted in advance of the committee hearing. In the released Senate Judiciary Committee analysis, the author is considering some amendments to address the concerns. They include:

- Would create a narrower test for who would qualify for the eviction protection
- Would extend the statewide eviction moratorium under this narrower test for 90 days after the end of the state emergency order (this would make it consistent with the CA Judicial Council order)
- Would narrow the criteria for being able to access the 12-month pay back schedule
- Would narrow the lease amendment and termination applicability provisions to those with a hardship

At this point, with the amendments not yet in print and the overarching concerns, even with the amendments, about the bill's remaining provisions, our coalition remains strongly opposed. There will likely be more action forthcoming after the bill is heard today and dependent on what actions or changes occur at the hearing. So, please stay tuned!

REMINDER – **Ting bill to mandate residential reductions of 25% still pending** – AB 828 (see bill text [HERE](#)), introduced by Assemblymember Phil Ting (D-San Mateo), proposes to reduce rent for residential tenants by 25% for 12 months without being required to show financial hardship. It also changes the burden of proof and pushes any challenges to the courts. Many organizations are opposed to this, including NAIOP CAL. The opposition effort is being led by the California Rental Housing Association. **If you haven't already done so and are interested in taking action to oppose, please click [HERE](#).**

REMINDER – County of San Diego Clarifies rules on health screening – The County updated and posted its written Health Order, last week, effective May 10th, which includes the newly clarified provisions for either temperature checks **OR** health screening when equipment isn't available, as well as the facial covering provisions for businesses **WHEN** you're within six feet of someone else noted above. You can read the Health Order [HERE](#).

REMINDER – High-risk groups, INCLUDING essential infrastructure workers, can be tested for COVID-19 – the County has expanded their recommendations for testing in San Diego, including for “high-risk” groups. **This includes anyone in an “essential infrastructure” occupation (more information [HERE](#))**. In order to get tested at a hospital, health care provider or one of the County's testing sites, individuals who fall into any of these expanded testing categories should contact their doctor or call 2-1-1.

REMINDER – City of San Diego COVID-19 construction site protocols – effective April 24, 2020, the City of SD is requiring all active construction sites within the City follow new safety protocols to protect the health and safety of construction workers. The protocols include guidance on tenant improvement projects based upon input from NAIOP and other commercial real estate construction experts. The key rule is social distancing with a minimum separation of 6-feet. Construction industry employers must develop a comprehensive COVID-19 “exposure control plan” which includes social distancing, symptom checking and reporting, hygiene, decontamination procedures and training. Additionally, gatherings of 10 or more people are prohibited at any time on the job site. Click [HERE](#) to view the construction site protocols.

REMINDER – County of San Diego Health Orders STILL in effect AND being enforced – Please continue to follow the County of San Diego's health orders ([found HERE](#)), including the “stay at home” orders for those not in an essential business or newly opened non-essential businesses. These orders include the requirement for facial coverings in public or at work and within six feet of another person not in your family. The County's health orders, also require that **essential** businesses complete and post their checklist (see link [HERE](#)) AND **non-essential** businesses that can operate must create and post a **DIFFERENT** “Safe Reopening Plan” or SRP. A downloadable version of the SRP template can be found [HERE](#). If you are an essential business, you do NOT need to complete, distribute to employees and post an SRP, but you do need to complete a “Social Distancing and Sanitation Protocol” checklist linked above.

REMINDER – County of San Diego mandates FACIAL COVERINGS in public and at work starting MAY 1st (when you're within in six feet of someone) – the County of San Diego has mandated that facial coverings be worn when in public and within six feet of another person not in your immediate household. This includes when you're working in either an essential job or a job in a non-essential business that has been allowed to open, again, when you get closer than six feet to another person who is not a member of your direct, household family. The requirements can be found [HERE](#).

REMINDER – San Diego Superior Court services remain CLOSED until an estimated re-opening on May 26th. Until then, nearly all court services, except for some criminal case processing and **consideration of temporary restraining orders** are suspended.

REFERENCE LIST:

State of California Resilience Roadmap Page (including industry specific guidance and checklists) – LINK [HERE](#)

County of San Diego Essential Business *Social Distancing and Sanitation Protocol* Template – LINK [HERE](#)

County of San Diego *Safe Reopening Plan* (SRP) Template for NON-ESSENTIAL businesses – LINK [HERE](#)

NEW – County of San Diego *Restaurant/Food Facility Operating Protocol Template* – Link [HERE](#)

City of San Diego COVID-19 Construction Safety Protocols - [LINK HERE](#)

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. In short, office buildings are still allowed to be open, but certain tenants and tenant functions may not be allowed to occur. Each tenant should individually verify whether they can open (as an essential or non-essential business). For reference to the federal government’s definition of what constitutes an “essential service”, please 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 operate, and their tenants get back to work as soon as safely possible. We are also working to make sure that local government operations related to our members’ needs, like planning, permitting and inspections also continue.