EXECUTIVE ORDER N-57-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS the economic impacts of COVID-19 have been severe, and Californians have suffered unprecedented financial harms as a result of the COVID-19 pandemic; and

WHEREAS Congress and the President have enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, to provide emergency financial assistance to individuals affected by the COVID-19 pandemic, among other purposes; and

WHEREAS to alleviate the financial harms caused by the COVID-19 pandemic, and to otherwise further the public interest in mitigating the economic impacts of COVID-19, individuals who receive financial assistance under the CARES Act should be able to use such assistance to meet their own immediate financial needs, and to provide support to individuals who need and are entitled to such support; and

WHEREAS on April 16, 2020, I issued Executive Order N-52-20, suspending the State's entitlement to certain financial assistance made available to individuals under the CARES Act, and recognizing that such assistance should be made available to individuals (including custodial parents and other caregivers) who need such assistance in connection with past due support; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Financial assistance made available under section 2201 of the CARES Act (concerning 2020 Recovery Rebates for Individuals), and any other federal-, state-, or local-government financial assistance made available to individuals in express response to the COVID-19 pandemic, shall be exempt from any attachment, levy, execution, or garnishment, except as otherwise provided in this Order, without requiring any further action by the person receiving such financial assistance (including, but not limited to, the filing of any claim). This exemption shall extend to funds in any account held by an individual who received such financial assistance, to the extent those funds are traceable to the financial assistance received by that individual. The

provisions of Part 2, Title 6.5 and Part 2, Title 9, Division 2 of the Code of Civil Procedure, and such other laws as may be necessary to implement this exemption, are suspended to the extent necessary to implement this exemption.

2) Notwithstanding Civil Code section 3054 or Financial Code section 1411, or any other provision of law, no financial institution shall have any lien upon, or any right of setoff against, any financial assistance or funds described in Paragraph 1. Funds in any account held by an individual who received the financial assistance described in Paragraph 1 shall be exempt from any such lien or setoff—including, but not limited to, any such setoff in connection with fees charged to, or debt arising from, the same account in which the funds are held—to the extent those funds are traceable to such financial assistance received by that individual.

3) The exemption set forth in Paragraph 1 shall not apply to any attachment, levy, execution, or garnishment in connection with any action for, or any judgment awarding, any child support, spousal support, or family support, or any criminal restitution payable to victims.

4) It shall be unlawful to collect any money in a manner inconsistent with Paragraph 1 or Paragraph 2, or to retain any money so collected, including (but not limited to) any money so collected prior to the date of this Order. Any money so collected shall be promptly refunded without any further action (including, but not limited to, the filing of any claim of any kind, or the payment of any fee or penalty of any kind) by the individual entitled to that money under Paragraphs 1 and 2.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of April 2020.

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GAVIN NEWSOM
Governor of California

ATTEST:

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ALEX PADILLA
Secretary of State