EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-80-20

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 COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

WHEREAS local health officers and other public health officials protecting public health during the COVID-19 pandemic have been subject to threats and other harassment, including threats and harassment targeted at their places of residence, which threatens to chill the performance of their critical duties; and

WHEREAS many businesses have suffered financial hardship as a result of the COVID-19 pandemic, undermining their ability to pay rent and other expenses that have become due; and

WHEREAS numerous local jurisdictions have determined that promoting stability amongst commercial tenancies is necessary to mitigate the economic impacts of COVID-19 and conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures; and

WHEREAS the circumstances warranting these protections continue to exist, and are expected to continue to exist; and

WHEREAS due to the COVID-19 pandemic, it may be impossible or impracticable for lead agencies, responsible agencies, and project applicants to adhere to certain public filing and notice requirements under the California Environmental Quality Act; and

WHEREAS the COVID-19 pandemic has had serious economic and other impacts on health care providers in California, and maintaining a robust system of heath care providers is an essential part of preserving public health; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to 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) Notwithstanding any contrary provision of Title 1, Division 7, Chapter 3.1 of the Government Code, or any other provision of law, the Secretary of State may establish procedures to allow local health officers and other public health officials (as determined by the Secretary of State) to participate in the address-confidentiality program described in that chapter and Title 2, Division 7, Chapter 11 of the California Code of Regulations (the "Safe at Home Confidential Address Program"). The establishment of these procedures shall not be subject to the Administrative Procedure Act.

2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, and Executive Order N-71-20, Paragraph 3, is hereby extended through March 31, 2021, with respect to commercial evictions only.

3) The requirements in Corporations Code sections 20 and 600 to request and receive the consent of shareholders for meetings of shareholders to be held by electronic transmission or by electronic video screen communication are suspended as to meetings taking place after June 30, 2020.

   In the event that any corporation holds a shareholder meeting by electronic transmission or by electronic video screen communication under the suspension in this Paragraph, the corporation shall afford a "reasonable opportunity to participate in the meeting" under Corporations Code section 600, subd. (e), by:

   (i) Not imposing unreasonable obligations on shareholders seeking to participate in the shareholder meeting; and

   (ii) Providing shareholders, as closely as reasonably possible, an opportunity to participate equivalent to the ability of in-person attendees at the corporation's last in-person meeting, including any ability to vote, ask questions, be heard by other shareholders, or advance proposals. In addition, if such a meeting considers any significant business transaction, controversial proposal, counter-solicitation, or other matter of a sort not considered at the last in-person meeting, the corporation shall provide as closely as reasonably possible an equivalent ability to participate as in-person attendees at the last in-person meeting to consider such a matter.

4) Notwithstanding the one-year period set forth in Health and Safety Code section 11362.745(a), identification cards issued under Health and Safety Code section 11362.71 (concerning identification cards for persons authorized to engage in the medical use of cannabis and their

designated primary caregivers) that would otherwise have expired on or after March 4, 2020 shall be valid through and including December 31, 2020.

5) The Director of the Department of Alcoholic Beverage Control shall have the authority to suspend, for a period of up to 30 days, the deadlines for renewing licenses upon payment of annual fees, as specified in Business and Professions Code section 24048. This authorization shall extend through December 31, 2020, and the Director shall consider funding availability in determining whether to exercise this discretion. Nothing in this paragraph shall have any impact upon relief granted pursuant to Executive Order N-40-20, Paragraph 9, and Executive Order N-66-20, Paragraph 14.

6) The provisions of Paragraph 8 of Executive Order N-54-20—conditionally suspending (subject to the conditions set forth in subparagraphs (a)–(c) of that paragraph) certain public filing, posting, notice, and public access requirements for projects undergoing, or deemed exempt from, California Environmental Quality Act review—are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. A lead agency, responsible agency, or project applicant that complies with the conditions set forth in subparagraphs (a)–(c) of Paragraph 8 of Executive Order N-54-20 shall be deemed to have fully satisfied any applicable requirements for public filing, posting, notice, and public access set forth in Public Resources Code sections 21092.3 and 21152, as well as California Code of Regulations, Title 14, sections 15062(c)(2) and (c)(4); 15072(d); 15075 (a), (d), and (e); 15087(d); and 15094(a), (d), and (e).

   Nothing in this Paragraph 6 or in Paragraph 8 of Executive Order N-54-20 shall be construed to limit a lead agency's, responsible agency's, or project applicant's ability to satisfy applicable requirements for public filing, posting, notice, and public access by complying with the laws conditionally suspended by Paragraph 8 of Executive Order N-54-20. A lead agency, responsible agency, or project applicant that is able to comply with those laws (and that therefore need not avail itself of the conditional suspension set forth in Paragraph 8 of Executive Order N-54-20) may do so without further satisfying the conditions set forth in subparagraphs (a)—(c) of Paragraph 8 of Executive Order N-54-20.

7) The Department of Managed Health Care is authorized to take action to assess the impacts of the COVID-19 pandemic on health care providers and health care service plans (including, but not limited to, dental and other specialized plans) in California, including by establishing procedures to require health care service plans to furnish information related to that subject. Action taken pursuant to this Paragraph 7 shall not be subject to the Administrative Procedure Act.

8) As to appointments made prior to the date of this Order, the deadline specified in Government Code section 1774(b) is extended for 30 days from the date of this Order.

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 September 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State