

## **EXECUTIVE ORDER N-35-20**

**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** despite sustained efforts, COVID-19 continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** it is imperative that clinics, hospice, mobile healthcare units, and adult day health care facilities maximize the number of capable healthcare workers to ensure that Californians impacted by COVID-19 are able to access medical treatment; and

**WHEREAS** governmental entities must have sufficient staffing to adequately address the impacts of COVID-19, and state and local governing bodies must have critical and timely information relating to COVID-19; and

**WHEREAS** given the impacts of COVID-19 on governmental entities, certain statutory deadlines would be impractical or impossible to adhere to; and

**WHEREAS** on March 17, 2020, I issued Executive Order N-31-20, in which I implemented measures to ensure the expeditious restoration of the supply chain, and further action is needed to ensure the purpose of this action is effectuated; and

**WHEREAS** state institutions housing vulnerable populations, such as those operated by the Department of State Hospitals and the Department of Developmental Services, require special measures to protect those populations from COVID-19 and ensure continuity of care; and

**WHEREAS** under the provisions of Government Code sections 8571 and 8627.5, I find that strict compliance with various statutes, regulations, and certain local ordinances specified or referenced herein 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 8627.5, do hereby issue the following Order to become effective immediately:

### **IT IS HEREBY ORDERED THAT:**

- 1) In order to assist in the care or to protect the health of individuals not in a hospital or health facility, as defined in Health and Safety Code section 1250, and due to the COVID-19 outbreak, the director of the State Department of Public Health may, for the duration of the declared

emergency, waive any of the licensing and staffing requirements of chapters 1, 3.3, 8.5, and 9 of division 2 of the Health and Safety Code and any accompanying regulations with respect to any clinic, adult day health care, hospice, or mobile health care unit. Any waiver shall include alternative measures that, under the circumstances, will allow the clinic, adult day health care, hospice, or mobile health care unit to assist in the care or protect the health of individuals while protecting public health and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 2) Notwithstanding Government Code section 54952.2, subdivision (b)(1), or Government Code section 11122.5, subdivision (b)(1), or any other provision of the Brown Act or the Bagley-Keene Act, as applicable, all members of a local legislative body or state body may receive updates (including, but not limited to, simultaneous updates) relevant to the declared emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and may ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Nothing in this Order permits the members of a local legislative body or state body to take action on, or to discuss amongst themselves, any item of business that is within the subject matter jurisdiction of the legislative body without complying with otherwise-applicable requirements of the Brown Act or the Bagley-Keene Act, respectively. Nothing in this section shall impact Paragraph 3 of Executive Order N-29-20.
- 3) The suspension of statutes identified in Paragraph 7 of Executive Order E-25-20, issued on March 12, 2020, shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to the COVID-19 pandemic.
- 4) Any local ordinance, including those relating to noise limitations, is suspended to the extent it restricts, delays, or otherwise inhibits the delivery of food products, pharmaceuticals, and other emergency necessities distributed through grocery stores and other retail or institutional channels, including, but not limited to, hospitals, jails, restaurants, and schools.
- 5) To ensure that patients with mental or behavioral health conditions continue to receive the services and support they need, notwithstanding disruptions caused by COVID-19; and to protect the health, safety and welfare of patients with mental or behavioral health conditions committed to the State Department of State Hospitals facilities, as defined by Welfare and Institutions Code Sections 4100 and 7200; the Director of the State Department of State Hospitals may issue directives waiving any provision or requirement of the Welfare and Institutions Code; any provision or requirement of the Penal Code that affects the execution of laws relating to care, custody, and treatment of persons with mental illness committed to or in the custody of the State Department State Hospitals; and the accompanying regulations of Title 9, Division 1 of the California Code of Regulations. The Director shall describe the need for the waiver

granted in each directive and articulate how the waiver is necessary to protect the public health or safety (including, but not limited to, the health or safety of the individuals served at any Department-operated facility or the staff serving such individuals) from the threat of COVID-19, or how the waiver is necessary to ensure that services to individuals with mental or behavioral health conditions are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance, except that the Director may grant one or more 30-day extensions if the waiver continues to be necessary to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

- 6) As needed to safeguard health of persons already admitted, committed, or ordered to the facilities described in this paragraph and notwithstanding the Penal Code, the Welfare and Institutions Code, or any other statute or regulation, the Director of the Department of Developmental Disabilities is authorized to deny admission or delay discharge of all individuals judicially or otherwise admitted, committed or ordered to the Porterville Developmental Center; the Canyon Springs Community Facility; a Stabilization, Training Assistance, and Reintegration (STAR) home; or any other facility under the jurisdiction or control of the Department for 30 days after the issuance of this Order. The Director may grant one or more 30-day extensions if such action is necessary to protect the public health or safety (including, but not limited to, the health or safety of the individuals served at any Department-operated facility or the staff serving such individuals) from the threat of COVID-19. The Director of the Department shall describe the need justifying the closure of admissions to and delay in discharges from the Department-operated facility. The Director shall authorize admissions and discharges once the actions described in this paragraph are no longer necessary to protect the public health or safety (including, but not limited to, the health or safety of the individuals served at any Department-operated facility or the staff serving such individuals). The Director shall post the notice of closure of admissions and discharges and the extension of closure to the Department facility on the Department's website.
- 7) The deadlines specified in Education Code section 44242.7(a), and California Code of Regulations, title 5, section 80306, related to the presentation of disciplinary cases to the Committee of Credentials for initial review; Education Code section 44244(b)(1), related to the formal review of disciplinary cases and determination of any adverse action by the Committee of Credentials; Education Code section 44343.5, related to the processing of military spouse or partner applications; and Education Code section 44350, related to processing educator applications, are extended for a period of 60 days.
- 8) The deadline specified in Government Code section 11517(c)(2), related to an agency's action on an administrative law judge's proposed decision, is extended for a period of 60 days.
- 9) The deadlines specified in Government Code section 1774(a), related to the Governor's reappointment of an incumbent to an office, and

Government Code section 1774(b), related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, are extended for a period of 60 days.

10) The deadline specified in Government Code section 12011.5(c), related to State Bar's transmittal of its report to the Governor of its evaluation of all judicial candidates referred by the Governor, is extended for a period of 60 days.

11) The time for presenting a claim pursuant to Government Code section 911, et seq., is hereby extended by 60 days. The time within which the Department of General Services may act upon such claim is extended by 60 days.

12) The time limitation set forth in Penal Code section 4750(j) for any jurisdiction submitting a claim for reimbursement is delayed for a period of 60 days. The State Controller shall have the discretion to provide the additional time extension, as appropriate.

**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 21st day  
of March 2020.

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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State