

MARCH 20, 2020
CITY OF AGOURA HILLS EXECUTIVE ORDER NO. 2020-01

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS IMPOSING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND COMMERCIAL TENANT EVICTIONS, GROUP EVENTS AND GATHERINGS; SOCIAL DISTANCING MEASURES; AND CLOSURES OF CERTAIN BUSINESSES

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government will make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19;

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20. This Executive Order waived the 30-day time limitation in Penal Code Section 396(f) and mandated that the protections in that statutory provision shall be in effect through May 31, 2020. Additionally, this Executive Order suspended “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions” of certain tenants affected by the COVID-19 pandemic;

WHEREAS, Agoura Hills Municipal Code Section 3605 designates the City Manager to be the Director of Emergency Services.

WHEREAS, on March 16, 2020, the Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic;

WHEREAS, on March 17, 2020, the City Council ratified the emergency proclamation issued by the Director of Emergency Services;

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Health Officer have issued recommendations and orders regarding social distancing, staying home if sick, cancellation or postponement of large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus;

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in the City of Agoura Hills have experienced or expect soon to experience sudden and unexpected income loss;

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19, and that individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks;

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction;

WHEREAS, during this emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness;

WHEREAS, it is essential to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19 and protect the healthcare system from a surge of cases into its emergency rooms and hospitals, during this emergency;

WHEREAS, in the interest of public health, and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the Director of Emergency Services to exercise his authority to issue these regulations; and

WHEREAS, pursuant to Government Code Section 8634 and Agoura Hills Municipal Code Section 3606(a)(7)a., the Director of Emergency Services for the City of Agoura Hills has the authority to make and issue rules and regulations related to the protection of life and property as affected by the COVID-19 pandemic.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Temporary Moratorium on Evictions. Until the period of local emergency declared in response to COVID-19 concludes, or until May 31, 2020, whichever date is sooner, a temporary moratorium on eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed in the City of Agoura Hills as follows:

A. No landlord shall evict or attempt to evict a residential or commercial tenant if both of the following criteria are satisfied:

1) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

2) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph 1) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this Executive Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to substantial financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Executive Order, "in writing" includes e-mail or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by e-mail or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

C. Nothing in this Executive Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after termination of the COVID-19 local emergency and the tenant must pay within six months of the termination of the COVID-19 local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Executive Order; nor may a landlord seek through the eviction process rent that is delayed for the reasons stated in this Executive Order.

D. For purposes of this Executive Order, a "substantial financial impact related to COVID-19" includes a substantial decrease in a tenant's household or business income as a result of any of the following: (i) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (ii) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (iii) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (iv) extraordinary out-of-pocket medical expenses; or (v) child care needs arising from school closures related to COVID-19.

E. This Executive Order applies to evictions and unlawful detainer actions served or filed on or after the date on which a local emergency was proclaimed to exist within the City of Agoura Hills, March 16, 2020.

F. This Executive Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Executive Order.

SECTION 2. County of Los Angeles Orders Apply to City of Agoura Hills. This Executive Order adopts and incorporates by reference the March 16, 2020 Los Angeles County Health Officer Order for the Control of COVID-19 ("March 16, 2020 Health Officer Order") and the March 19, 2020 Los Angeles County Health Officer Order for the Control of COVID-19 ("March 19, 2020 Health Officer Order"). The March 16, 2020 Health Officer

Order and the March 19, 2020 Health Officer Order apply to the City of Agoura Hills subject to the terms and conditions more particularly set forth below:

A. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are hereby exempt from having to comply with any City rules and regulations that limit the hours for such deliveries.

B. This Executive Order does not, in any way, restrict: (a) first responder access to any location during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties.

C. The Los Angeles County Health Officer will continue to monitor COVID-19 disease spread, State and CDC recommendations, and the impact of the required measures, and as needed, may revisit, extend, expand, or otherwise modify any Health Officer Orders to protect the public's health.

SECTION 3. Violations. This Executive Order shall be enforceable as set forth in Government Code Section 8665 and Section 3609 of the Agoura Hills Municipal Code. Nothing in this Executive Order shall be construed to diminish or supersede the provisions of Penal Code Section 396 and the penalties contained therein.

SECTION 4. Term. This Executive Order shall remain in effect until the local emergency declared in response to COVID-19 within the City is concluded, or until May 31, 2020, whichever date is sooner. This Executive Order may also be extended or superseded during the period of local emergency by a duly enacted ordinance of the City Council or by a further Order by the Director of Emergency Services.

SECTION 5. Amendments. The Director of Emergency Services shall continue to monitor the Orders of Federal, State and local authorities and shall amend, extend or modify this Executive Order or issue additional Executive Orders as necessary or advisable.

SECTION 6. Effective Date. This Executive Order shall be effective immediately as of the date of this Executive Order.

SECTION 7. Severability. The Director of Emergency Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director of Emergency Services hereby declares that he would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Notice of Executive Order. The Director of Emergency Services hereby directs City staff to cause this Executive Order to be disseminated to the public and be given widespread publicity and notice.

ORDERED, ADOPTED and ISSUED this 20th day of March, 2020.



Greg Ramirez
Director of Emergency Services/City Manager