

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AND AMENDING URGENCY EVICTION ORDINANCE NO. 20-3,934.

The Council of the City of Burbank finds:

1. On March 4, 2020, the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
2. The Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency on March 4, 2020 in response to increased spread of COVID-19 across the country and additional cases in Los Angeles County.
3. The World Health Organization on March 11, 2020, declared the outbreak a pandemic.
4. As proclaimed by the Governor on March 12, 2020 despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed.
5. As further proclaimed, the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19.
6. On March 16, 2020 the Governor issued Executive Order N. 28-20 wherein he found as follows:
 - A. The economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses.
 - B. Many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills.
 - C. Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19.
 - D. Because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health.
 - E. Promoting stability amongst commercial tenancies is also 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, or to mitigate the economic impacts of COVID-19.

7. As part of this Executive Order the Governor ordered “Any 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 as described in subparagraphs (i) and (ii) below-including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.-is hereby suspended to the extent that it would preempt or otherwise restrict such exercise.”

8. On March 17, 2020, the City Council adopted a resolution confirming the existence of an emergency based on the corona virus entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
BURBANK RATIFYING THE PROCLAMATION OF THE
EXISTENCE OF A LOCAL EMERGENCY BY THE
DIRECTOR OF EMERGENCY SERVICES.

9. On March 17, 2020, the City Council Adopted an Urgency Ordinance No. 20-3,934 entitled:

AN UNCODIFIED URGENCY ORDINANCE OF THE
COUNCIL OF THE CITY OF BURBANK PROHIBITING THE
EVICTION OF RESIDENTIAL AND COMMERCIAL
TENANTS FOR NON-PAYMENT OF RENT CAUSED BY
THE CORONA VIRUS (Urgency Eviction Ordinance)

This ordinance prohibited the eviction of residential and commercial tenants for non-payment of rent caused by COVID-19 and allowed deferral of rent payment for up to six months following the expiration of the local emergency declared by Burbank. This ordinance sunsets on April 30, 2020.

10. On March 19, 2020, Los Angeles County Public Health, which covers Burbank, issued a Safer at Home Order and the Governor issued a Statewide Stay at Home order on the same date. These orders literally closed all non-essential businesses. The County extended the Safer at Home Order to May 15, 2020 with some modifications.

11. These orders have resulted in massive unemployment. As of April 23rd, the total of unemployment claims in California rose to nearly 3.4 million workers — one out of every six in the state — who have lost jobs in the economic fallout from the coronavirus. Since March 15, the state has paid \$3.94 billion in unemployment claims, Gov. Gavin Newsom reported on April 23rd.

12. On March 27, 2020, the Governor issued Executive Order N 37-20, which extended the time for residential tenants to respond to eviction proceedings based on non-payment of rent as the result of COVID-19 and while the order is in effect prohibits a writ being issued commanding a tenant to vacate their unit where the eviction was based on non-payment of rent as outlined in the order. The order provided “Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.” This Executive Order is set to expire on May 31, 2020.

13. On April 14, 2020, the Los Angeles County Board of Supervisors amended their eviction moratorium to have it be applicable to incorporated cities, who did not have their own eviction moratorium. The County order covers residential and commercial tenants; has a repayment schedule different than Burbank's, as well as different rules on interest, late fees and penalties for non-payment of rent.

14. On April 28, 2020, Governor Newsome unveiled his roadmap to recovery framework which outlines a reopening of the economy over weeks and months. Meaning the economic outlook for workers and businesses will not improve in the immediate near term.

The Council of the City of Burbank does ordain as follows:

1. Urgency Eviction Ordinance, No. 20-3,934 is extended until May 31, 2020 and Section 8, thereof is amended to read:

"8. This ordinance shall terminate on May 31, 2020 unless further extended by action of the City Council."

2. Urgency Eviction Ordinance, No. 20-3,934, Section 1. B is amended to read as follows:

"1. B. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph 1. A was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented. A tenant unable to pay the rent must give the landlord notice of the reasons for non-payment based as outlined in subparagraph 1. A. Said notice shall be given no later than seven (7) days after the date that rent was due, and if seven days from rent being due has already passed, then within 3 days of adoption of this ordinance. The tenant must retain verifiable documentation of the reason for the non-payment of rent and this documentation must be provided to the landlord no later than thirty days from the rent due date.

3. Urgency Eviction Ordinance No. 20-3,934, is amended by adding Section 1. C. to read as follows:

"1. C. The protections afforded to commercial tenants do not apply to commercial property leased by a tenant that is a multi-national company, a publicly traded company, or a company that is not eligible for the Small Business Administration's Paycheck Protection Program."

4. This Ordinance is exempt from the California Environmental Quality Act (CEQA) since there is no possibility that this project will have any significant effect on the environment pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Title 14 of the California Code of Regulations).

5. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or

application, and to this end each phrase, section, sentence, or word is declared to be severable.

6. Pursuant to the Charter of the City of Burbank Section 500 based on the findings contained herein, the oral staff report and testimony concerning this Ordinance, the Council declares this Ordinance is necessary as an emergency measure to preserve the public peace, health, safety and welfare. As such, this ordinance shall be introduced and passed at one and the same meeting, and shall become effective immediately upon a 4/5ths vote of the Council and is retroactive to May 1, 2020.

7. This Ordinance shall be published in a newspaper of general circulation within fourteen (14) days following adoption.

PASSED AND ADOPTED this 5th day of May, 2020.

s/Sharon Springer
Sharon Springer
Mayor

Attest:

Approved as to Form:
Office of the City Attorney

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

s/Amy Albano
Amy Albano, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 20-3,936 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 5th day of May, 2020, by the following vote:

AYES: Frutos, Gabel-Luddy, Murphy, Talamantes and Springer.

NOES: None.

ABSENT: None.

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its May 5, 2020 adoption.

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk