

ORDINANCE NO. 278U-20

**AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
ESTABLISHING A TEMPORARY EVICTION MORATORIUM
AND DECLARING THE URGENCY THEREOF**

**THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings and Intent.

A. Penal Code Section 396(f) generally makes it unlawful for a person, business, or other entity to evict a residential tenant of residential housing for a period of 30 days following issuance of a proclamation of a state of emergency or a local emergency.

B. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019" ("COVID-19").

C. 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.

D. 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.

E. 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.

F. On March 16, 2020, the City Manager / Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic.

G. On March 17, 2020, the City Council ratified the emergency proclamation issued by the City Manager / Director of Emergency Services.

H. 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.

I. As a result of the public health emergency and the precautions recommended by health authorities, many tenants in the City of Westlake Village have experienced or expect soon to experience sudden and unexpected income loss.

J. 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.

K. Further economic impacts are anticipated, leaving tenants vulnerable to eviction.

L. 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.

M. In the interest of public peace, health, and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to exercise its authority to issue these regulations.

Section 2. Eviction Moratorium. A temporary moratorium on eviction for non-payment of rent by residential and commercial tenants impacted by the COVID-19 pandemic is imposed as follows:

A. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a residential or commercial tenant if both of the following criteria are satisfied:

i. 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

ii. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) 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 Ordinance 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 Ordinance, "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 Ordinance 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 Ordinance; nor may a landlord seek through the eviction process rent that is delayed for the reasons stated in this Ordinance.

D. For purposes of this Ordinance, 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.

Section 3. Urgency Declaration. The City Council finds that the COVID-19 pandemic has increased the risk of housing displacement, loss of income, and homelessness for many people in the City of Westlake Village and surrounding areas as more fully described in Section 1 of this Ordinance. The City Council further finds that, unless this Ordinance is effective and its regulations are immediately put in place, the public health, safety, and welfare will be at risk. Therefore, the immediate preservation of the public health, safety, and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code Section 36934, and its urgency is hereby declared.

Section 4. Violations. This Ordinance shall be punishable as set forth in Chapter 1.2 of the Westlake Village Municipal Code. In addition, this Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Ordinance.

Section 5. Duration. This Ordinance shall remain in effect for the duration of the COVID-19 local emergency.

Section 6. Effective Date. Based upon the findings in Section 1 and the urgency declaration in Section 3 above, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 7. CEQA. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because it establishes a temporary eviction moratorium to promote preservation of the status quo with respect to residential and commercial tenancies. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be 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 Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 9. Certification and Posting. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be posted in three public places within the City of Westlake Village within 15 days after its passage in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 17th day of March, 2020.



Kelly Honig, Mayor

ATTEST:



Beth A. Schott, City Clerk

On March 17, 2020 Ordinance No. 278U-20 was duly adopted by the following vote, to wit:

AYES: Davis, Pearl, Halpern,
McSweeney, Honig

NOES: None

- 4 of 4 - ABSTAIN: None

ABSENT: None