

ORDINANCE NO. 1093

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PROHIBITING THE EVICTION TEMPORARILY OF RESIDENTIAL AND COMMERCIAL TENANTS FOR NON-PAYMENT OF RENT CAUSED BY THE CORONAVIRUS

The Council of the City of La Verne 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, 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.

1 E. Promoting stability amongst commercial tenancies is also conducive
2 to public health, such as by allowing commercial establishments to decide
3 whether and how to remain open based on public health concerns rather
4 than economic pressures, or to mitigate the economic impacts of COVID-19.

5 7. As part of this Executive Order the Governor ordered "Any provision of state
6 law that would preempt or otherwise restrict a local government's exercise of its
7 police power to impose substantive limitations on residential or commercial
8 evictions as described in subparagraphs (i) and (ii) below-including, but not
9 limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et
10 seq.-is hereby suspended to the extent that it would preempt or otherwise restrict
11 such exercise."

12 8. On March 16, 2020, the City Council adopted RESOLUTION 20-17
13 declaring the existence of an emergency based on the Coronavirus
14 entitled:

15 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE,
16 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PROCLAIMING EXISTENCE
17 OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)**

18 9. The existence of this emergency is expected to continue into the
19 foreseeable future.

20 The Council of the City of La Verne does ordain as follows:

21 1. No property owner or landlord shall evict a residential or commercial tenant in
22 the City of La Verne if:

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

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

2. Nothing in this ordinance shall be construed to mean that the
tenant will not still be obligated to pay lawfully charged rent.
Tenants will have up to six months following the expiration of the
local emergency declared by La Verne to repay any back due rent.

3. Tenants may use the protections afforded in this ordinance as an
affirmative defense in an unlawful detainer action.

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4. The City Council urges financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

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5. 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.

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6. 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.

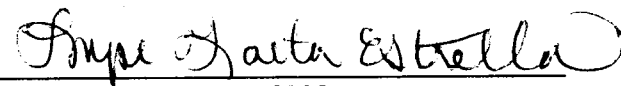
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8. This ordinance shall terminate on April 30, 2020 unless further extended by action of the City Council through adoption of an Urgency Ordinance extending this ordinance.

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APPROVED and ADOPTED this 24th day of March, 2020.

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Don Kendrick, Mayor

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Lupe Gaeta Estrella, CMC
Assistant City Clerk

CERTIFICATION

I, Lupe Gaeta Estrella, Assistant City Clerk, City of La Verne, California, do hereby certify that the foregoing **Urgency Ordinance No. 1093** was adopted as an urgency action at a special meeting of the City Council duly held on the **24th day of March, 2020**, and duly passed and adopted by said City Council and thereupon duly signed by the Mayor and attested the Assistant City Clerk and passed and adopted by the following vote:

AYES: Davis, Hepburn, Carder, and Mayor Kendrick.
NOES: None.
ABSENT: Mayor Pro Tem Rosales
ABSTAIN: None.



Lupe Gaeta Estrella, CMC
Assistant City Clerk

Posting Statement: On March 24, 2020, a true and correct copy of this Urgency Ordinance No. 1093 was posted on the bulletin board at La Verne City Hall, 3660 D Street, La Verne, and the La Verne Public Safety Facility.