

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK SPECIFYING THE DATE FOR REPAYMENT OF RENTS UNDER URGENCY ORDINANCE NO. 20-3,934 AND GOVERNOR'S EXECUTIVE ORDER N 37-20.

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

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 and modified the Safer at Home Order to May 15, 2020.

11. These orders have resulted in massive unemployment. For the week ending April 4, 2020, the greatest number of new unemployment claims in the United States were in California, which processed an estimated 925,450 claims and the Governor reported that California had processed 2.4 million applications for unemployment in the three weeks since mid-March, accounting for more than 12 percent of the state's civilian workforce.

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.

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

1. Nothing in Urgency Ordinance No. 20-3,934 nor this ordinance shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent, late fees and/or penalties.

2. Tenants, who do not pay their rent due to COVID-19 as outlined in Urgency Ordinance No. 20-3,934 or under the Governor’s Executive Order N. 37-20 will have up to November 30, 2020, to repay any back due rent, late fees and/or penalties. The time frame for deferring payment of rent under Section 2 of Urgency Ordinance No. 20-3,934 is amended by this section.

3. Tenants may use the protections afforded in this ordinance and Urgency Ordinance No. 20-3,934 as an affirmative defense in an unlawful detainer action.

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.

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

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

PASSED AND ADOPTED this 21st day of April, 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. 20-3,935 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 21st day of April, 2020, by the following vote:

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

NOES:           Springer.

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 April 21, 2020 adoption.

s/Zizette Mullins  
Zizette Mullins, MMC, City Clerk