

ORDINANCE NO. 4565

URGENCY ORDINANCE OF THE COUNTY OF VENTURA
AMENDING URGENCY ORDINANCE NO. 4563
TEMPORARILY PROHIBITING OR SUSPENDING
RESIDENTIAL AND COMMERCIAL EVICTIONS WITHIN
THE UNINCORPORATED AREA OF VENTURA COUNTY
FOR NONPAYMENT OF RENT BASED ON
SUBSTANTIAL FINANCIAL HARDSHIP
CAUSED BY THE COVID-19 PANDEMIC

The Board of Supervisors of the County of Ventura ordains as follows:

SECTION 1. Extension of Duration of Urgency Ordinance No. 4563.

Section 6 of Urgency Ordinance No. 4563 is hereby amended to read in full as follows:

“This Ordinance shall take effect and be operative immediately upon adoption and shall remain in full force and effect through the period set forth in section 2 of Executive Order N-28-20 or such later period consistent with any extension of section 2 of Executive Order N-28-20 or similar order by the Governor.”

SECTION 2. Authority.

This ordinance is adopted as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 which provide that an urgency ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of the facts constituting the urgency, may be adopted, by a four-fifths vote of the Board of Supervisors, immediately upon introduction and shall take effect immediately.

SECTION 3. Declaration of Purpose, Facts Constituting Urgency, and Determination of Urgency.

A. Purpose. The purpose of this ordinance is to extend the duration of Urgency Ordinance No. 4563, which temporarily prohibits landlords from evicting or attempting to evict tenants of residential real property (including spaces in mobilehome parks) and commercial real property in the unincorporated area of Ventura County for nonpayment of rent based on substantial financial hardship caused by the COVID-19 pandemic.

B. Facts Constituting Urgency.

1. On March 4, 2020, the Governor declared a state of emergency in California due to the threat of COVID-19.

2. On March 11, 2020, the World Health Organization classified the spread of COVID-19 as a global pandemic.

3. On March 12, 2020, the Ventura County Health Officer declared a local health emergency pursuant to Health and Safety Code section 101080 due to the COVID-19 pandemic.

4. On March 12, 2020, the Governor issued Executive Order N-25-20 ordering all state residents to heed any orders and guidance of state and local public health officials.

5. On March 16, 2020, the Governor issued Executive Order N-28-20 suspending, until May 31, 2020, 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, including but not limited to Civil Code sections 1940 et seq. or 1954.25 et seq., resulting from substantial financial hardship arising from the COVID-19 pandemic.

6. On March 17, 2020, the Board of Supervisors adopted a resolution proclaiming that a local emergency and a local health emergency exist in Ventura County due to the COVID-19 pandemic and ratifying the declaration of local health emergency by the Health Officer;

7. On March 17, 2020, the Ventura County Health Officer issued an order pursuant to Health and Safety Code sections 101040, 101085 and 120175 directing vulnerable Ventura County residents to shelter at their places of residence and restricting or closing certain Ventura County businesses and facilities until April 2, 2020.

8. On March 19, 2020, the Governor issued Executive Order N-33-20 directing all residents to immediately heed the current State public health directives, and on that same date, the State Public Health Officer issued an order requiring that all individuals living in the State of California stay at home except as needed to maintain continuity of operations of critical infrastructure sectors as defined ("State Stay at Home Order").

9. On March 20, 2020, and dates thereafter, the Ventura County Health Officer issued orders supplementing his order of March 17, 2020, ordering all Ventura County residents to stay at their places of residence, with minimal exceptions for essential activities and to operate or work at essential businesses, and restricting or closing all non-essential Ventura County activities, businesses and facilities until April 20, 2020. On

April 18 and 20, 2020, the Health Officer issued an order and an amended order superseding his prior orders, but still directing all Ventura County residents to stay at their places of residence, closing non-essential businesses and prohibiting non-essential activities to combat the COVID-19 pandemic, through May 15, 2020. On May 7, 2020, the Health Officer issued an order repealing his April orders and supplementing the State Stay at Home Order to address the unique needs of Ventura County in response to the COVID-19 pandemic, determining, among other things, that the public health and welfare would best be served by a single set of regulations where reasonable to avoid public confusion between state and local orders.

10. On March 27, 2020, the Governor issued Executive Order N-37-20 extending a tenant's deadline to file an answer to a complaint, and prohibiting enforcement of a writ of possession, in residential unlawful detainer proceedings based on nonpayment of rent if the tenant notifies the landlord in writing before a specified time that the nonpayment is based on substantial financial hardship caused by the COVID-19 pandemic supported by verifiable documentation. Executive Order N-37-20 does not terminate or modify Executive Order N-28-20's suspension, until May 31, 2020, of 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.

11. Unincorporated Ventura County has been and is being significantly impacted by the COVID-19 pandemic. Schools have closed for the remainder of the school year. Commercial activity has significantly declined, and workers are being impacted by lost wages and layoffs. Parents are missing work to care for home-bound school-age children or have incurred unanticipated additional childcare expenses. Workers are caring for sick family members. In addition, families with members infected by COVID-19 may incur substantial unanticipated out-of-pocket medical expenses.

12. According to the state Employment Development Department, the unemployment rate in Ventura County was 14% in April 2020, up from 4.7% in March 2020. Data provided by the Ventura County Economic Development Collaborative and Workforce Development Board identify those industry sectors within Ventura County hit the hardest by the COVID-19 pandemic – retail, food preparation and service, hospitality, personal care aides, and amusement and recreation attendants. These industries pay the lowest wages in Ventura County and across the country, and their workforce typically includes a large portion of individuals and families at or below the federal poverty level, those most likely to need rental assistance to remain stably housed despite the receipt of unemployment and other stimulus assistance. The average hourly wage for these sectors ranges from a low of \$12.31 per hour to a high of \$13.18 per hour, compared to the average of all occupations in Ventura County of \$19.31 per hour. The workforce in these sectors also often earns less than a living wage and most likely does not have vacation pay banks, employer-paid health insurance or other benefits. This workforce represents

approximately 95,253 impacted jobs in the county, accounting for 26.2% of all county jobs.

13. Many tenants have experienced sudden income loss and interruption, and further obstacles to timely rent payment are anticipated. Lost income, increased medical and other expenses, and other financial hardships arising from the COVID-19 pandemic will impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

14. Providing tenants with temporary protection from eviction due to the inability to pay rent will help avoid increasing the homeless population that would otherwise further stress the ability to provide human services assistance and will stabilize the rental housing market and commercial rental market by reducing tenant displacement and further interruption to commercial activities.

C. Determination of Urgency. The Board of Supervisors finds it is necessary to immediately adopt and implement this ordinance to protect the public peace, health and safety pursuant to article XI, section 7 of the California Constitution, Executive Order N-28-20 and Government Code sections 25123 and 25131 in order to prevent potentially irreversible displacement of tenants of residential real property and commercial real property resulting from the evictions that this ordinance will prevent. This determination is based on the facts set forth in this section 3.

SECTION 4. Severability.

If any provision or any part of any provision of this ordinance or the application thereof to any person, property or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or parts of a provision or applications of the ordinance which can be given effect without the invalid provision, provision part or application, and, to this end, the provisions and the parts of the provisions of the ordinance are hereby declared to be severable.

[Text continued on next page.]

SECTION 5. Duration.

This ordinance shall take effect and be operative immediately upon adoption.

PASSED AND ADOPTED this 28 day of May 2020, by the following vote:

AYES: Supervisor Parks, Huber, Zaragoza and Long

NOES: none

ABSENT: Supervisor Bennett

Kelly Long
CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Jon Key
Deputy Clerk of the Board

