

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE LOCAL COMMERCIAL EVICTION MORATORIUM BY AMENDING URGENCY EVICTION ORDINANCE NO. 20-3,942 AS TO COMMERCIAL TENANTS ONLY.

The Council of the City of Burbank finds:

1. There has been an emergency declared in the state of California and locally due to the worldwide COVID-19 pandemic since the beginning of March 2020.

2. Promoting stability amongst commercial tenancies is 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.

3. Since March 17, 2020, the City Council has adopted, amended and extended eviction moratorium for commercial and residential tenants. On July 28, 2020, the City Council adopted Urgency Ordinance No. 20-3,942 entitled:

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING AN URGENCY EVICTION ORDINANCE AND ADDING REPAYMENT OF RENT PROVISIONS AND REPEALING ORDINANCE NO. 20-3,935 AND ORDINANCE NO. 20-3,934 AS AMENDED. (Urgency Eviction Ordinance)

This Ordinance prohibited the eviction of residential and commercial tenants for non-payment of rent caused by COVID-19 and allowed up to six months to repay any back due rent from the termination of the City of Burbank's eviction moratorium. This Ordinance expired on September 30, 2020.

4. As part of this Executive Order No. 28-20 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." This order was extended by another executive order through September 30, 2020 and on September 23, extended through March 31, 2021 (Executive Order N. 80-20).

5. The devastating economic impacts of the safer at home orders in effect since March 19, 2020, are still being felt. In June, the City of Los Angeles reported an unemployment rate of 20%. The State's official unemployment rate for May was 16.0% and the rate in June was 15.1%. The rate for the Los Angeles-Long Beach-Glendale

metropolitan area during the same timeframe was 20.8% and 19.5%. The California Employment Development Department reports the City of Burbank's unemployment rate for June is 22.6%, even higher than the City of Los Angeles and the metropolitan region. Furthermore, some of the City's largest employment centers such as the studios and production related services have just started to reopen, adding to the economic downturn in Burbank.

6. Lastly, for businesses, we know that 80% of the businesses nationwide sought some type of financial assistance. In Burbank, that would mean 10,080 businesses asked for some type of financial aid since the beginning of the COVID Crisis. Based on this data, one can conclude Burbank residents and businesses are still suffering financial hardships from the pandemic's effects.

7. Given the number of COVID 19 cases in Los Angeles County and throughout the country and the lack of a vaccine, the pandemic will likely not resolve anytime soon. The reclosing of certain business sectors and the delay in the reopening of other sectors, also means the economic downturn will continue. Commercial Tenants still need protection from evictions and time to repay past due rent.

8. On August 31, 2020, Governor Newsom signed into law AB 3088, Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, which went into effect immediately. This Act provides long term protections to residential renters and preempts and prohibits the extension of local eviction moratorium for residential renters.

9. On September 29, 2020, the City Council allowed the provisions of the Urgency Eviction Ordinance, as to residential tenants sunset on September 30, 2020 because residential tenants are protected under AB 3088. As to commercial tenants based on the extension of the Governor's Executive Order, City Council directed staff to bring back an urgency eviction ordinance extending Urgency Eviction Ordinance for commercial tenants.

10. The City encourages residential and commercial tenants to pay any portion of the rent they can afford, to speak with the landlords and if possible, work out a repayment plan.

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

1. Urgency Eviction Ordinance, No. 20-3,942, as to commercial tenants is extended through December 31, 2020 and Section 11 thereof is amended to read:

"11. This ordinance shall terminate on September 30, 2020 as to residential tenants only and is extended until December 31, 2020, as to commercial tenants unless further extended by action of the City Council through adoption of another Urgency Ordinance."

2. All other sections of Urgency Eviction Ordinance, No. No. 20-3,942 not inconsistent with this Amendment shall remain in full force and effect.

3. 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).

4. 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.

5. 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 September 30, 2020.

PASSED AND ADOPTED this 6th day of October, 2020.

s/Sharon Springer
Sharon Springer
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

By: 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. 20-3,945 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 6th day of October, 2020, by the following vote:

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

NOES: None.

ABSENT: None.

I further certify that this Urgency Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its adoption on October 6, 2020.

 s/Zizette Mullins
Zizette Mullins, MMC, City Clerk