

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

The Council of the City of Burbank finds:

A. 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.

B. 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.

C. 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.

D. 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, 2020, extended through March 31, 2021 (Executive Order N. 80-20) and then extended through June 30, and September 30, 2021.

E. The devastating economic impacts of the safer at home orders in effect since March 19, 2020, are still being felt. California Unemployment Rate was 9.30%, in October compared to 11.10% in previous months and 3.90% in 2019. This is higher than

the long-term average of 7.27%. Los Angeles County unemployment rate in October was 12.3 percent. And Burbank unemployment rate is at 12.20%, compared to 16.40% during September and 4.50% last year in 2019. This is higher than the long-term average of 6.20%.

F. 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.

G. The devastating economic impacts of the Safer at Home Orders in effect since March 19, 2020, are still being felt. A recent report found Los Angeles County lost 437,000 jobs in 2020, will have 354,000 fewer living wage jobs in 2021 compared to the pre-pandemic economy, and that 738,672 living wage jobs need to be created for the entire Los Angeles County workforce to achieve a satisfactory standard of living.<sup>1</sup> Also, the report found 62% of businesses in Los Angeles County have less than two months cash on hand. And an estimated 15,000+ businesses have already permanently closed because of the pandemic, with tens of thousands of businesses at risk of permanent closure.

H. Between February 2020 and October 2020 restaurant occupations suffered the most, with waiters and waitresses losing over 25,000 jobs and restaurant cooks over 13,000, while fast food and counter workers declined in employment by close to 5,000. In 2022, most occupations are still forecasted to be at an employment level below the beginning of 2020 including restaurant occupations. The hospitality industry, primarily the sectors of accommodation and food services, has been one of the hardest hit industries by the pandemic in Los Angeles County.<sup>2</sup>

I. Emergency authorization for vaccine(s), have been approved and nearly 54% of eligible Californians have been vaccinated. Children, however, are still not eligible for a vaccine. As such, the pandemic will be a factor for at least another few months. Even with California's economy reopening fully on June 15, 2021, it still will take months for businesses to recovery. Commercial Tenants still need protection from evictions and time to repay past due rent.

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<sup>1</sup> Los Angeles County Department of Workforce Development, Aging and Community Services (WDACS) commissioned a report entitled "*Pathways for Economic Resiliency: Los Angeles County 2021-2026*" with a shorter executive summary. See: <https://wdacs.lacounty.gov/la-county-wdacs-releases-report-on-covid-19-impact-on-local-economy-recommendations-to-strengthen-data-driven-economic-recovery-efforts/>

<sup>2</sup> PATHWAYS FOR ECONOMIC RESILIENCY: [Los Angeles County 2021 - 2026](#) INSTITUTE FOR APPLIED ECONOMICS; December 2020. This report was commissioned by the Los Angeles County Department of Workforce Development, Aging and Community Services (WDACS). © 2020 Los Angeles County Economic Development Corporation.

J. On September 29, 2020, the City Council allowed the provisions of the Urgency Eviction Ordinance, as to residential tenants, to sunset on September 30, 2020, because residential tenants are currently protected under state law. 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 the Urgency Eviction Ordinance for commercial tenants. On October 6, 2020, the Council extended the commercial eviction moratorium through December 31, 2020, by adopting an Urgency Ordinance entitled

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.

K. On December 15, 2020, the City amended the commercial eviction ordinance extending it through June 30, 2021, pursuant to the Governor's Executive Order by adopting Urgency Ordinance No. 20-3,948.

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

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

1. Urgency Eviction Ordinances, No. 20-3,942 as to commercial tenants is extended through September 30, 2021 and Section 11 of Ordinance No. 20-3,942 is amended to read:

"11. This ordinance shall terminate on September 30, 2020, as to residential tenants only and is extended until September 30, 2021, as to commercial tenants unless further extended by action of the City Council through adoption of another Ordinance."

2. All other sections of Urgency Eviction Ordinances 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 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.

PASSED AND ADOPTED this 22nd day of June 2021.

s/Bob Frutos  
Bob Frutos  
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. 21-3,959 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 22nd day of June, 2021, by the following vote:

AYES:           Anthony, Schultz, Springer, Talamantes and Frutos.

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 June 22, 2021.

s/Zizette Mullins  
Zizette Mullins, MMC, City Clerk