

Eff.:

ORDINANCE NO. _____

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, 2020 extended through March 31, 2021 (Executive Order N. 80-20). On March 4, 2021, the Governor signed Executive Order N-03-21, that extended a local authority's power to enact local commercial eviction orders through June 30, 2021.

5. The devastating economic impacts of the safer at home orders in effect since March 19, 2020, are still being felt. The California Unemployment Rate is at 9.20%

in January 2021 compared to 11.10% last September 2020 and 3.90% in 2019. This is higher than the long-term average of 7.27%. The Los Angeles County unemployment rate in January 2021 was 12.70%. And in Burbank, also for January 2021, the unemployment rate is at 13.30%, compared to 16.40% during September 2020 and 4.50% in 2019. This is higher than the long-term average of 6.20%.

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 slower than anticipated roll-out of a vaccine, the pandemic will likely not resolve anytime soon. The reclosing, and recent reopening 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 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; updated by SB 91 on January 29, 2021. SB 91 extends the COVID-19 Tenant Relief Act (AB 3088, 2020) for another five months until June 30, 2021, and creates a state government structure to pay up to 80 percent of past due rent to landlords for residential tenants. As to Commercial tenants, on October 6, 2020, the Council extended the commercial eviction moratorium through December 31, 2020 by adopting an Urgency Ordinance (No. 20-3,945) 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.

9. On December 15, 2020, the City Council extended the commercial eviction moratorium through March 31, 2021 by adopting an Urgency Ordinance (No. 20-3,948) entitled

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 AND NO. 20-3,945 AS TO COMMERCIAL TENANTS ONLY.

10. 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 June 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 June 30, 2021, 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 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 4/5th vote of the Council.

PASSED AND ADOPTED this ____ day of March 2021.

Bob Frutos
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

Zizette Mullins, MMC, City Clerk

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. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of March, 2021, by the following vote:

AYES:

NOES:

ABSENT:

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 March ____, 2021.

Zizette Mullins, MMC, City Clerk