

ORDINANCE NO. \_\_\_\_\_

AN UNCODIFIED URGENCY ORDINANCE OF THE  
COUNCIL OF THE CITY OF BURBANK PROHIBITING THE  
EVICTION TEMPORARILY OF RESIDENTIAL AND  
COMMERCIAL TENANTS FOR NON-PAYMENT OF RENT  
CAUSED BY THE CORONAVIRUS

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, 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 Coronavirus 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. The existence of this emergency is expected to continue into the foreseeable future.

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

1. No property owner or landlord shall evict a residential or commercial tenant in the City of Burbank if:

A. The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

B. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (A) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

2. Nothing in this ordinance shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency declared by Burbank to repay any back due rent.

3. Tenants may use the protections afforded in this ordinance as an affirmative defense in an unlawful detainer action.

4. The City Council urges financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical

expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

5. 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).

6. 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.

7. 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.

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

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Springer  
Mayor of the City of Burbank

Attest:

Approved as to Form  
Office of the City Attorney

\_\_\_\_\_  
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, 2020, by the following vote:

AYES:

NOES:

ABSENT:

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 March 17, 2020 adoption.

\_\_\_\_\_  
Zizette Mullins, MMC, City Clerk