

ORDINANCE NO. 280U-20

**AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
ESTABLISHING A TEMPORARY EXTENSION
OF THE ANTI-PRICE GOUGING STATUTORY PROHIBITIONS
AND DECLARING THE URGENCY THEREOF**

**THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings and Intent.

A. Penal Code Section 396(b) generally makes it unlawful for a person, contractor, business, or other entity to impose a greater than 10% price increase for designated goods and services for a period of 30 days following issuance of a proclamation of a state of emergency or a local emergency.

B. Penal Code Section 396(e) generally makes it unlawful for a person, business, or other entity to impose a greater than 10% price increase in the rental price for housing for a period of 30 days following issuance of a proclamation of a state of emergency or a local emergency.

C. Penal Code Section 396(g) authorizes local governments to extend such prohibitions for additional 30-day periods as needed if deemed necessary to protect the lives, property, or welfare of the citizens.

D. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019" ("COVID-19").

E. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

F. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government will make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.

G. On March 16, 2020, the City Manager / Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic.

H. On March 17, 2020, the City Council ratified the emergency proclamation issued by the City Manager / Director of Emergency Services.

I. The Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Health Officer have issued recommendations and orders regarding social distancing, staying home if sick, cancellation or postponement of large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus.

J. As a result of the public health emergency and the precautions recommended by health authorities, many residents in the City of Westlake Village have experienced or expect soon to experience sudden and unexpected income loss.

K. The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19, and that individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks.

L. Further economic impacts are anticipated, leaving residents vulnerable to eviction and other pressures.

M. During this emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid excessive and unjustified increases in the prices of essential consumer goods and services, and in the price of rental housing.

N. In the interest of public peace, health, and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to exercise its authority to issue these regulations.

Section 2. Extension of Anti-Price Gouging Statutory Prohibitions. No person, contractor, business, or other entity shall violate Penal Code Section 396(a) for the duration of the COVID-19 local emergency. No person, business, or other entity shall violate Penal Code Section 396(e) for the duration of the COVID-19 local emergency.

Section 3. Urgency Declaration. The City Council finds that the COVID-19 pandemic has increased the risk of housing displacement, loss of income, and homelessness for many people in the City of Westlake Village and surrounding areas as more fully described in Section 1 of this Ordinance. The City Council further finds that, unless this Ordinance is effective and its regulations are immediately put in place, the public health, safety, and welfare will be at risk. Therefore, the immediate preservation of the public health, safety, and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code Section 36934, and its urgency is hereby declared.

Section 4. Violations. This Ordinance shall be punishable as set forth in Chapter 1.2 of the Westlake Village Municipal Code.

Section 5. Duration. This Ordinance shall remain in effect for the duration of the COVID-19 local emergency.

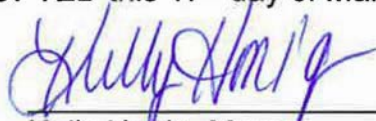
Section 6. Effective Date. Based upon the findings in Section 1 and the urgency declaration in Section 3 above, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 7. CEQA. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because it establishes a temporary extension of the anti-price gouging statutory prohibitions to promote the public health, safety, and welfare. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 9. Certification and Posting. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be posted in three public places within the City of Westlake Village within 15 days after its passage in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 17th day of March, 2020.



Kelly Honig, Mayor

ATTEST:

Beth A. Schott, City Clerk

On March 17, 2020 Ordinance No. 280U-20 was duly adopted by the following vote, to wit:

AYES: Davis, Pearl, Halpern,
McSweeney, Honig

NOES: None

ABSTAIN: None

- 3 of 3 ABSENT: None