

ORDINANCE NO. 282U-20

**AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
AMENDING ORDINANCE NO. 278U-20 TO UPDATE THE COVID-19 TEMPORARY
EVICTION MORATORIUM AND DECLARING THE URGENCY THEREOF**

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

Section 1. Findings and Intent.

A. On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20. This Executive Order suspended “[a]ny 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” of certain tenants affected by the COVID-19 pandemic.

B. On March 17, 2020, the City Council adopted Ordinance No. 278U-20 to establish a temporary eviction moratorium for the duration of the COVID-19 local emergency. Ordinance No. 278U-20 provides eviction protection for certain residential and commercial tenants who are unable to pay rent due to the COVID-19 pandemic, and requires that such tenants pay the unpaid rent within six months after the termination of the COVID-19 local emergency.

C. On May 29, 2020, the Governor issued Executive Order N-66-20, which gives local governments until July 28, 2020 to exercise their police power to impose substantive limitations on residential or commercial evictions of certain tenants affected by the COVID-19 pandemic.

D. The purpose of this Ordinance is to amend Ordinance No. 278U-20 to modify the time period during which the Ordinance’s eviction moratorium is in effect to be coterminous with Executive Order N-28-20. Accordingly, under this Ordinance, the City’s temporary eviction moratorium will remain in effect until the City’s authorization to impose limitations on evictions under Executive Order N-28-20 expires. This Ordinance additionally extends the time period during which a tenant must repay unpaid rent to one year after termination of the COVID-19 local emergency and provides a default repayment schedule for the total unpaid rent if no agreement for repayment is reached between the landlord and tenant.

Section 2. Ordinance Amendment. Paragraph A of Section 2 of Ordinance No. 278U-20 is amended to read as follows:

“A. So long as the Governor of the State of California’s Executive Order N-28-20 or any subsequent Executive Order authorizes local governments to impose substantive limitations on residential or commercial evictions, no landlord shall endeavor to evict a residential or commercial tenant if both of the following criteria are satisfied:

i. 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

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

Section 3. Ordinance Amendment. Paragraph C of Section 2 of Ordinance No. 278U-20 is amended to read as follows:

“C. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after termination of the COVID-19 local emergency and the tenant must pay within twelve months of the termination of the COVID-19 local emergency. The exact terms of the repayment plan are to be agreed upon by the landlord and tenant. If no agreement is reached between the landlord and tenant within seven days of termination of the local emergency, then the unpaid rent shall be paid in twelve equal monthly installments beginning fourteen days after termination of the COVID-19 local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek through the eviction process rent that is delayed for the reasons stated in this Ordinance.”

Section 4. 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. 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 5. Violations. This Ordinance shall be punishable as set forth in Chapter 1.2 of the Westlake Village Municipal Code. In addition, this Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Ordinance.

Section 6. Duration. Paragraph C of Section 2 of Ordinance No. Ordinance No. 278U-20 (as amended by this Ordinance) shall expire twelve months after the termination of the COVID-19 local emergency. The remainder of Section 2 of Ordinance No. 278U-20 (as amended by this Ordinance) shall expire concurrently with the expiration of local government authorization to impose substantive limitations on residential or commercial

evictions pursuant to Executive Order N-28-20 or any subsequent Executive Order issued by the Governor of the State of California.

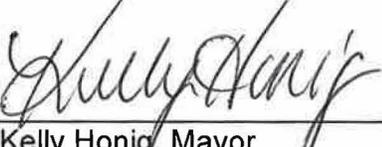
Section 6. Effective Date. Based on the urgency declaration in Section 3 above, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

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 modifies a temporary eviction moratorium to promote preservation of the status quo with respect to residential and commercial tenancies. 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 9th day of June, 2020.



Kelly Honig, Mayor

ATTEST:



Beth A. Schott, City Clerk

On June 9, 2020 Ordinance No. 282U-20 was duly adopted by the following vote, to wit:

AYES: Davis, Pearl, Halpern,
McSweeney, Honig

NOES: None

ABSTAIN: None

ABSENT: None

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