

Adopted
06/02/20
Brotman/Kassakhian
All Ayes

RESOLUTION NO. 20-61

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, MODIFYING AND EXTENDING A PRIOR RESOLUTION ISSUING
PUBLIC ORDERS RELATING TO A MORATORIUM ON COMMERCIAL EVICTIONS
UNDER THE CITY OF GLENDALE EMERGENCY AUTHORITY REGARDING COVID-
19; AND FOR OTHER RELATED AND LAWFUL PURPOSES**

Whereas, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death; and

Whereas, 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; and

Whereas, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency in response to increased spread of coronavirus across the country; and

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

Whereas, on March 16, 2020, the City Council of the City of Glendale, pursuant to Glendale Municipal Code Chapter 2.84, declared the existence of a local emergency and ordered the closure of and limitation of access to certain public establishments; and

Whereas, on March 18, 2020, the Director of Emergency Services issued Public Order No. 3, which imposed a moratorium prohibiting the eviction of any residential and commercial tenant who is unable to pay rent due to a COVID-19 related reason, and such Order on March 24, 2020, was amended, ratified and extended by the City Council and added a 14-day written notice provision on the eviction moratorium; and

Whereas, on March 27, 2020, the Governor's issued an Executive Order (N-37-20), which extends the time for a residential tenant to respond to an eviction complaint if the tenant notifies the landlord in writing either before the rent is due or no later than seven days after it is due that the tenant is unable to pay the rent because of COVID-19. Under the Governor's Order, the tenant is only required to provide the landlord documentation of the COVID-19 related reason at the time of payment of back due rent, which has the legal effect of superseding the City's 14-day written notice requirement; and

Whereas, on April 6, 2020, the California Judicial Council (CJC) – the administrative authority over state courts – issued an emergency order prohibiting the issuance of a summons for an eviction action until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, unless the eviction

is necessary for health and safety and also continued any then-existing cases by at least 60 days; and

Whereas, on April 8, 2020, the Director of Emergency Services issued Public Order No. 6, which amended the Eviction Moratorium Orders by making them subject to the Governor's Executive Order on residential evictions and the California Judicial Council's order delaying eviction proceedings and also prohibiting landlords from charging or collecting late charges, fees, or interest on unpaid rent, or engaging in any harassing behavior in an attempt to collect deferred rent; and

Whereas, on April 14, 2020, the City Council by Resolution No. 20-41, ratified and expanded Public Order No 6 by extending the payback period on the Eviction Moratorium from 6 months to 12 months and extended the public order the Eviction Moratorium until May 31, 2020.

Whereas, such conditions of peril continue to exist, and necessitate extending the expiration deadlines of prior resolutions and public orders and adopt additional protections for the preservation of public health and safety.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE THAT:

SECTION 1. The Emergency Public Order imposing a moratorium on commercial evictions, as authorized by Public Order No. 3, and as extended and amended by Resolution No. 20-33, Public Order No. 6, and Resolution Nos. 20-41 and 20-54 (collectively, the "Prior Commercial Eviction Order"), is hereby amended and extended as follows:

A. Eviction Moratorium for Qualifying Commercial Tenancies. For purposes of this Order, a Qualifying Commercial Tenant means a business that: (i) employed 99 or fewer employees in the city of Glendale as of March 16, 2020; or (ii) has five or fewer offices or locations anywhere in the world as of the date of this Resolution. To provide relief and protection to Qualifying Commercial Tenants and businesses during this unprecedented emergency, the eviction moratorium on Qualifying Commercial Tenancies and businesses is hereby extended until June 30, 2020, and shall comply with the Prior Commercial Eviction Order, except as amended as follows:

1. The period of time for Qualifying Commercial Tenants to repay any back due rent shall be 180 days following the expiration of this Resolution.
2. This Order does not apply to any commercial property leased by a tenant that is a publicly traded company.

B. Eviction Moratorium for Non-Qualifying Commercial Tenancies. For purposes of this Order, a Non-Qualifying Commercial Tenant means a business that: (i) employed 100 or more employees in the city of Glendale as of March 16, 2020; or (ii) has five or more offices or locations anywhere in the world as of the date of this Resolution. To provide relief and protection to Non-Qualifying Commercial Tenants and businesses during this unprecedented emergency, the eviction moratorium on Non-Qualifying

Commercial Tenancies and businesses is hereby extended until June 30, 2020, and shall comply with the Prior Commercial Eviction Order, except as amended as follows:

1. The period of time for Non-Qualifying Commercial Tenants to repay any back due rent shall be 90 days following the expiration of this Resolution.
2. Commencing on the repayment start date and ending three months after the end of this moratorium, landlord and tenant shall establish a prorated repayment schedule of the unpaid rent that is at least one-third of the deferred amount of the rent due at the end of each month. If the tenant terminates the tenancy during the repayment period, the total amount of deferred rent shall become due immediately.
3. Notwithstanding Subsection 2 above, the landlord and tenant may agree to different repayment terms or percentage for repayment.
4. This Order does not apply to any commercial property leased by a tenant that is a publicly traded company.

C. As set forth in Resolution No. 20-33, written notice of inability to pay rent for one or more of the COVID-19 reasons set forth in Resolution No. 20-33 must be provided to the landlord 14 days prior to when the rent is due. This provision is declaratory of existing law.

SECTION 2. If any provision of this Public Order or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Orders or this Resolution 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.

SECTION 3. Any violation of the above Public Orders may be referred to the Office of the City Attorney for prosecution under Glendale Municipal Code Chapter 1.20, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use his/her discretion in enforcing this order and always keep the intent of the order in mind. Violations may also be enforced by the provisions of Glendale Municipal Code Chapter 1.24, which shall provide, along with other enforcement mechanisms set forth therein, for fines of \$400 for the first citation, \$1,000 for the second citation, and \$2,000 for the third citation.

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SECTION 4. This Resolution and the corresponding orders do not supersede any stricter limitation imposed by the County of Los Angeles or the State of California.

Adopted by the Council of the City of Glendale on this 2nd day of June, 2020.

H Agajanian

Mayor

ATTEST:

Aram Adjemian

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Resolution No. 20-61 was adopted by the Council of the City of Glendale, California, at a special meeting held on the 2nd day of June, 2020, and that the same was adopted by the following vote:

Ayes: Brotman, Devine, Kassakhian, Najarian, Agajanian
Noes: None
Absent: None
Abstain: None

Aram Adjemian

City Clerk

APPROVED AS TO FORM	
NAME:	<u>Michael J. Garcia</u>
TITLE:	<u>City Attorney</u>
SIGNATURE:	<u>Michael J. Garcia</u>
DATE:	<u>June 3, 2020</u>