

City of Westlake Village
June 22, 2022
Agenda Item: New Business No. 1

TO: Mayor and City Council
FROM: Rob de Geus, City Manager
**SUBJECT: REPEAL OF COVID-19 TEMPORARY EVICTION MORATORIUM;
URGENCY ORDINANCE NO. 294U-22**

OVERVIEW

This report recommends the City Council adopt Ordinance No. 294U-22 to repeal the City's COVID-19 temporary eviction moratorium (Ordinances 278U-20 and 282U-20).

BACKGROUND

On March 16, 2020, Governor Newsom issued Executive Order N-28-20, which generally authorized local governments to impose substantive limitations on evictions of residential and commercial tenants affected by the COVID-19 pandemic.

Pursuant to this authorization, on March 17, 2020, the City Council adopted Ordinance No. 278U-20 to establish a temporary eviction moratorium. The Ordinance provides eviction protections for residential and commercial tenants who are unable to pay rent due to the COVID-19 pandemic.

On June 9, 2020, the City Council adopted Ordinance No. 282U-20 to amend Ordinance No. 278U-20. The amendment modified the time period during which the Ordinance's eviction moratorium is in effect to match the time period that the local government authorization under Executive Order N-28-20 is in effect, and extended the time period during which a tenant must repay unpaid rent to one year after the termination of the COVID-19 local emergency.

On September 30, 2021, the local government authorization under Executive Order N-28-20 to impose substantive limitations on evictions expired.

FINDINGS AND ALTERNATIVES

The City Council established a COVID-19 temporary eviction moratorium after finding that the COVID-19 pandemic increased the risk of housing displacement, loss of income, and homelessness for many people in the City of Westlake Village and surrounding areas.

The COVID-19 temporary eviction moratorium was to remain in effect until the expiration of the Governor's authorization for local governments to impose limitations on evictions pursuant to Executive Order No. N-28-20 or any subsequent Executive Order. Because the authorization from the Governor is now expired, the City's COVID-19 temporary eviction moratorium is no longer in effect.

One provision of Ordinance No. 278U-20 (as amended) that remains in effect concerns the deadline for repayment of unpaid rent. This provision is largely preempted by State law, which modifies certain time periods for tenants to repay unpaid rent. Indeed, at this point, there are now State and County of Los Angeles eviction protection measures in place.

State Eviction Protections

On October 1, 2021, the statewide eviction ban for residential tenants who were negatively impacted by COVID-19 expired. This ban protected residential tenants from eviction for nonpayment of rent that came due between March 1, 2020, and September 30, 2021, if they demonstrated COVID-19 related financial distress by complying with certain procedures. To protect residential tenants following the expiration of the State eviction ban, the Legislature enacted other eviction restrictions that are in effect through June 30, 2022.

Assembly Bill 3088, as modified by subsequent legislation, made specific changes to existing eviction bans and provided that any new local residential eviction ban – or extension, expansion, renewal, or reenactment of an existing ban adopted after August 19, 2020 – will have no effect until July 1, 2022. Additionally, State law places the following limitations on existing local eviction bans that provide a specific period of time in which tenants must repay COVID-19 back rent that came due between March 1, 2020, and September 30, 2021:

- If the provision in effect on August 19, 2020, required the repayment period to commence on a specific date after August 1, 2022, or conditioned commencement of the repayment period on the termination of the state or local emergency, the repayment period is deemed to begin on August 1, 2022. However, if the local ban provides for a commencement date that is earlier than August 1, 2022, that date cannot be extended.
- The repayment period must end by the date established by the local ban. In addition, the repayment period cannot extend beyond August 31, 2023.

County Eviction Protections

Starting on July 1, 2022, City residential tenants may qualify for eviction protections under the County's eviction moratorium. The County has an eviction moratorium that serves as the baseline for all incorporated cities within the County, including cities with their own

local eviction moratoria. While the County’s eviction moratorium for commercial tenants expired on January 31, 2022, the County extended its eviction moratorium for residential tenants until December 31, 2022. However, State law preempts the County’s residential eviction moratorium for nonpayment of rent due to COVID-19 from protecting tenants until July 1, 2022. As of July 1, 2022, tenant households with incomes at or below 80 percent of the area median income will be protected for nonpayment of rent due to a COVID-19 financial hardship under the County’s eviction moratorium.

Repeal of City’s Eviction Moratorium

There have been significant changes in State law since the City’s COVID-19 temporary eviction moratorium was established. Additionally, there are now County eviction protections in place that apply within the territory of incorporated cities. To avoid any potential confusion in the applicability of provisions on evictions related to the COVID-19 emergency, staff recommends that the City Council adopt proposed Ordinance No. 294U-22 to repeal the City’s COVID-19 temporary eviction moratorium. Adoption of the proposed Ordinance will provide qualifying tenants with a twelve-month rent repayment period.

FISCAL IMPACT

There is no fiscal impact to the City associated with the adoption of Ordinance No. 294U-22.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 294U-22 to repeal the City’s COVID-19 temporary eviction moratorium.

Should the City Council concur, the appropriate motion is as follows:

MOTION: "I move that full reading of Ordinance No. 294U-22, titled “An Ordinance of the City of Westlake Village Repealing the COVID-19 Temporary Eviction Moratorium and Declaring the Urgency Thereof”, be waived and that Urgency Ordinance No. 294U-22 be adopted.”
(four-fifths vote required to pass)

ROLL CALL: Yes

Prepared by: Chelsea Straus, City Attorney’s Office

Attachment: 1. Ordinance No. 294U-22

ORDINANCE NO. 294U-22

**AN URGENCY ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
REPEALING THE COVID-19 TEMPORARY EVICTION MORATORIUM (ORDINANCE
NO. 278U-20 AND 282U-20) 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 4, 2020, Governor Newsom proclaimed a state of emergency due to the spread of “coronavirus disease 2019” (“COVID-19”) in California.

B. On March 16, 2020, the Governor 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.

C. 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 generally provides eviction protection for residential and commercial tenants who are unable to pay rent due to the COVID-19 pandemic.

D. On March 19, 2020, the Chair of the Los Angeles County Board of Supervisors issued an Executive Order that imposed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by COVID-19 (“County Eviction Moratorium”).

E. On June 9, 2020, the City Council adopted Ordinance No. 282U-20 to amend Ordinance No. 278U-20 to modify the time period during which the Ordinance’s eviction moratorium is in effect to match the time period that the local government authorization under Executive Order N-28-20 is in effect, and to extend the time period during which a tenant must repay unpaid rent to one year after termination of the COVID-19 local emergency.

F. On September 1, 2020, the Los Angeles County Board of Supervisors amended the County Eviction Moratorium to, in part, establish the County’s eviction protections as the baseline for all incorporated cities within Los Angeles County, including cities with their own local eviction moratoria if those moratoria did not include the same or greater tenant protections as the County Eviction Moratorium.

G. On September 30, 2021, the local government authorization under Executive Order N-28-20 to impose substantive limitations on evictions expired.

H. On January 25, 2022, the Los Angeles County Board of Supervisors voted to extend the County's COVID-19 Tenant Protections Resolution (formerly the County Eviction Moratorium) for residential tenants through December 31, 2022.

I. Except for the provision on the repayment of unpaid rent, Ordinance No. 278U-28 (as amended) is no longer in effect as its duration matched Executive Order N-28-20.

J. To avoid any potential confusion in the applicability of provisions on evictions related to the COVID-19 emergency, it is in the best interest of the City and the general public health, safety, and welfare to repeal Ordinance No. 278U-20, as amended by Ordinance No. 282U-20.

Section 2. Repeal. Ordinance No. 278U-20 and Ordinance No. 282U-20 are repealed in their entirety.

Section 3. Repayment. Tenants previously protected by Ordinance No. 278U-20, as amended by Ordinance No. 282U-20, that have been unable to pay rent due to financial impacts related to COVID-19 and have otherwise complied with the requirements of Ordinance No. 278U-20, as amended, shall have twelve months following the effective date of this Ordinance to repay unpaid rent.

Section 4. Urgency Declaration. The City Council finds that tenants and landlords are likely confused about the applicability of the City's eviction moratorium in conjunction with the State and County eviction protections and the expiration of the Governor's authorization for local governments to impose limitations on evictions. The City Council further finds that in order to provide clarity and decrease the risk of the loss of housing and businesses, this Ordinance must be effective immediately. 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. 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 repeals a temporary eviction moratorium to return to the status quo. 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 6. 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.

PASSED, APPROVED and ADOPTED this 22 day of June, 2022.

Brad Halpern, Mayor

ATTEST:

Antoinette Mann, City Clerk