

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, EXTENDING AN EMERGENCY PUBLIC ORDER
RELATING TO A COMMERCIAL EVICTION MORATORIUM**

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 the Glendale City Council adopted Resolution No. 20-29 consistent with County's Safer at Home orders, which closed all dine-in services at restaurants, except for delivery and take-out; 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 adopted Resolution No. 20-29 consistent with County's Safer at Home order, which closed all dine-in services at restaurants;

Whereas, on May 15, 2020 Glendale's Resolution No. 20-29 - pertaining to restaurants, bars, nightclubs etc. - expired and said business and activities continued to be regulated under the County's Safer at Home orders.

Whereas, on or about May 26, 2020 revised its Safer at Home Orders to allow for partial re-opening of restaurants for dine-in services and retail stores for in-store shopping services if they meet certain county protocols;

Whereas, on June 2, 2020, the City Council, by Resolution No. 20-61, amended and extended the Commercial Eviction Moratorium until June 30, 2020; and

Whereas, on June 9, 2020, the City Council, by Resolution No. 20-82, amended the Commercial Eviction Moratorium regarding its exemption for multi-location businesses; and

Whereas, on June 30, 2020, the Commercial Eviction Moratorium expired; and

Whereas, on August 13, 2020, the CJC repealed the CJC Order, which had the effect of permitting the filing of unlawful detainer proceedings in state courts, effective September 1, 2020; and

Whereas, on September 23, 2020, the Governor issued Executive Order N-80-20 extending prior orders authorizing local government to issue commercial eviction moratoriums, and authorizing local governments to issue such moratoriums through March 31, 2021; and

Whereas, since November 2020, there has been a surge in COVID-19 cases in the State of California and in Los Angeles; and

Whereas, in response to the COVID-19 surge, the County of Los Angeles issued revised Safer at Home orders commencing in November 2020 requiring the closure of additional businesses that had re-opened or partially re-opened under earlier Safer at Home Orders, such as renewed prohibitions on outdoor dining and reduced occupancy of retail establishments; and

Whereas, on December 3, 2020, the Governor issued Regional Stay at Home Orders requiring closure or reduction in many businesses, including prohibitions of outdoor seating for bars, restaurants, wineries and tap rooms, and closure of personal care establishments; and

Whereas, as a result of these renewed Stay at Home Orders from the State and County, many businesses are experiencing, and will continue to experience, substantial losses of income as a result of business closures or restrictions, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, thereby leaving them vulnerable to eviction; and

Whereas, in response to the COVID-19 surge, the County of Los Angeles issued revised Safer at Home orders commencing in November 2020 requiring the closure of additional businesses that had re-opened or partially re-opened under earlier Safer at Home Orders, such as renewed prohibitions on outdoor dining and reduced occupancy of retail establishments; and

Whereas there remains a strong likelihood of a significant and increasing number of cases of community transmission, when individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others, and for such reasons, the County of Los Angeles Health Officer continues to prohibit social gatherings within the county;

Whereas, on December 15, 2020, the Glendale City Council discussed the impact of the revised Stay at Home Orders on local businesses and directed the Director of Emergency to implement emergency measures to prohibit the eviction of specified commercial tenants who are having challenges making rental payments as a result of COVID-19, including as a result of necessary compliance with public health orders from the State of California and the County of Los Angeles; and

Whereas, in furtherance, thereof, the Director of Emergency Services issued Emergency Public Order No. 2020-19 Reenacting a Moratorium on Certain Commercial Evictions, which public order was ratified by the City Council on January 21, 2021, by

Resolution No. 2021-10, and extended again by Resolution No. 21-39 until June 30, 2021; and

Whereas, such conditions of peril to life, health and safety, continue to exist, and necessitate the extension of the public orders for the preservation of public health and safety.

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

SECTION 1. Resolution NO. 2021-39 (Commercial Eviction Moratorium) is hereby extended and shall remain in effect until _____, 2021 at 11:59 p.m., to wit:

1. Moratorium on Commercial Evictions. Subject to the provisions herein, no landlord shall file an unlawful detainer action against a commercial tenant in the City of Glendale if the commercial tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include a commercial tenant's loss of income due to a COVID-19 related workplace closure or reduction in hours or activities, child care expenditures, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures.

2. Applicability. The moratorium on commercial evictions imposed by this Order shall apply to prohibit the filing of any unlawful detainer proceeding whether it is for nonpayment of rent due prior to the enactment of this Order or during the effective period of this Order provided the unlawful detainer proceeding has not commenced prior to the effective date of this Order.

3. Exemptions. This Order shall not be applicable to any commercial tenant with 100 or more employees, 11 or more locations or offices worldwide, or to any tenant that is a publicly traded company.

4. Obligation to Pay; Repayment Date. Nothing in this Order shall be construed to mean that a commercial tenant is not obligated to pay lawfully charged rent. Commercial tenants shall have up to six months following the expiration of this Order to repay any back due rent; provided, however, a landlord and commercial tenant may agree to different repayment terms.

5. Notice. The commercial tenant shall notify the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19. If non-payment of rent occurred prior to the effective date of this Order and an unlawful detainer has not commenced, the commercial tenant shall have up to seven days after this Order or prior to commencement of an unlawful detainer action, to provide notice of non-payment of rent associated with COVID-19.

6. Documentation. Commercial tenants with a COVID-19 justification for nonpayment of rent in accordance with this Order shall retain verifiable documentation, such as bank statements, medical bills, invoices or signed letters or statements explaining

the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation shall be provided to the landlord no later than the time that the first payment of back-due rent is made.

7. Affirmative Defense. Commercial tenants may use the protections afforded in this Order as an affirmative defense in an unlawful detainer action.

8. Prohibition of Late Fees, Interest, Harassment. A landlord is further prohibited 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, when payment of rent is delayed during the period this Order is in effect.

SECTION 2. This Order does not and shall not be construed to allow any business or individual to operate his/her/its business regulated by this public order in a manner that violates any public health orders or protocols of the State of California, Los Angeles County Public Health Officer, and the City of Glendale, including but not limited to those pertaining to gatherings, social distancing and face coverings;

SECTION 3. 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 4. Violation of this Public Order may result in the revocation of the temporary certificate of occupancy. Any violation of the County Order shall be a violation of this Public Order and thereby a violation of the Glendale Municipal Code. Any violation of this Public Order 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.

SECTION 5. 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 ____ day of June ____, 2021.

Mayor

ATTEST:

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. _____ was adopted by the Council of the City of Glendale, California, at its regular meeting held on the ____ day of June March, 2021, and that the same was adopted by the following vote:

Ayes:
Noes:
Absent:
Abstain:

City Clerk