



## **CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL**

### **AGENDA ITEM**

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Report: Consideration of Adoption or Extension of Emergency Public Orders Related to COVID-19 State of Emergency: Rent Increase Freeze, Face Covering Requirements, and Waiver of Parks Facilities Rental Fees for Specific Fitness Activities; Summary of Assembly Bill No. 3088's Impact on City's Rental Eviction Moratorium

1. Resolution Extending an Emergency Public Order Relating to the Freeze on Residential Rent Increases
2. Resolution Extending an Emergency Public Order Pertaining to Face Coverings
3. Motion Providing Direction on Rental Eviction Moratorium Procedures
4. Resolution Adopting an Emergency Public Order Waiving Parks Facilities Rental Fees for Specified Fitness Activities by Glendale-Based Brick and Mortar Fitness Facilities

### **COUNCIL ACTION**

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**Item Type:** Action Item

**Approved for** September 29, 2020 **calendar**

### **ADMINISTRATIVE ACTION**

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**Approved by:**

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**RECOMMENDATION**

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It is recommended that the Council consider whether to (i) extend the Emergency Public Orders relating to the residential rent increase freeze and face coverings, (ii) adopt an Emergency Public Order waiving parks facility rental fees for Glendale based “brick and mortar” fitness facilities renting park facility space for fitness classes or activities, and (iii) receive an update on Assembly Bill No. 3088 and the City’s residential eviction moratorium.

**BACKGROUND/ANALYSIS**

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Since the City declared a state of emergency on March 16, 2020 in response to the unprecedented COVID-19 pandemic, the City has undertaken a number of actions to protect life, property and public health and safety, including regulatory actions, economic development efforts, and tenant protection and assistance efforts to help residents and businesses. The regulatory actions include:

- Declaration of State of Emergency;
- Imposition of a moratorium on residential evictions, effective through September 30, 2020;
- Imposition of a moratorium on commercial evictions, which expired on June 30, 2020;
- Imposition of a freeze on residential rent increases, effective through September 30, 2020; and
- An emergency public order requiring individuals to wear face coverings when leaving their residence, effective through September 30, 2020.

Additionally, the City Council has moved forward with several economic development and rental assistance efforts intended to provide resources or financial assistance to local businesses and residents negatively impacted by the economic fallout associated with COVID-19. Among these programs is the Emergency Rental Assistance Program for COVID-19 which will provide residential rent payments to landlords on behalf of low income eligible households, up to \$750 per month, for two months (\$1,500 maximum assistance).

### Rent Freeze

The City's order, which expires on September 30, 2020, prohibits residential rent increases for many rental properties in Glendale, excluding single family homes, individual units in condominium buildings, and units constructed after February 1, 1995. Any notices issued during the rent freeze or notices issued before the rent freeze that were to go in effect during the rent freeze period are invalid. A new rent increase will not be effective until the rent freeze expires and a new notice of rent increase is issued in accordance with state law. The Council may extend the rent increase freeze order.

### Face Coverings Order

The Public Order requiring face coverings when leaving one's residence also expires on September 30, 2020. A proposed resolution extending the face coverings order is included for Council consideration. Also, Council has the discretion to extend it without an expiration date. The Council or Director of Emergency Services could subsequently rescind it when health authorities have determined it is safe to do so.

### Waiver of Parks Facility Fees for Glendale-based Gyms/Fitness Facilities

Due to COVID-19 health orders, many businesses such as restaurants, gyms and fitness facilities are not permitted to conduct business operations indoors. In response, the City has adopted measures allowing such businesses to operate outdoors either on the public right of way (where feasible), parklets created by the City on such rights of way, or privately-owned parking lots of said businesses. The City has waived permit fees for such uses for a specific period of time for use. The City has also permitted Glendale businesses and individuals, including Glendale-based "brick and mortar" fitness facilities, that operate fitness activities or classes to rent City recreation facilities for those activities. The City charges facility rental fees for the use of its parks and recreation facilities. There has been a request to waive the facility rental fees for Glendale-based "brick and mortar" gyms/fitness facilities – i.e. those fitness facilities that rent or own building space in Glendale to operate their fitness facilities. The facility rental fees range from \$35 to \$60 per hour (Exhibit 1). Community Services and Parks staff will not assess the staff costs if staff is present at the facility when it is being used, but otherwise staff costs are assessed at \$20 per hour. A resolution enacting a Public Order waiving those fees is included with this Report for Council's consideration.

### Residential Evictions

The Council also adopted and extended a moratorium on residential evictions that was set to expire on September 30, 2020. On August 31, 2020, the Governor signed Assembly Bill No. 3088 (AB 3088). AB 3088 prohibits residential tenants from being evicted for failure to pay rent due to a COVID-19-related hardship occurring between March 1 and Aug. 31, 2020, so long as the tenant provides the landlord with a written declaration of COVID-related hardship.

Residential tenants experiencing COVID-19-related hardships between Sept. 1, 2020 and Jan. 31, 2021 are also protected from eviction provided they pay at least 25 percent of the rent due during this period. In addition to providing a written declaration of

hardship, tenants with a household income of at least \$100,000 per year, or 130 percent of the median household income, may be asked to submit additional documentation to support their hardship declaration.

AB 3088 provides that nonpayment of rent due between March 4, 2020 through Jan. 31, 2021, or unpaid COVID-19-related rent, is not grounds for eviction. However, all unpaid COVID-19-related rent owing from March 4, 2020 through Jan. 31, 2021 is still owed by all residential tenants, and must eventually be paid back. AB 3088 expands the jurisdiction of the small claims court to allow landlords to file claims for unpaid rent related to COVID-19, regardless of the amount owed, until Feb. 1, 2025. Absent a valid local eviction moratorium with different requirements (discussed below), landlords are permitted to start recovering unpaid rent beginning March 1, 2021.

With respect to the City's residential eviction moratorium, AB 3088 intervened in local eviction moratoriums in a couple of notable ways. First, it provided that any extension of a local eviction moratorium that occurs between August 19, 2020 and January 31, 2021, shall have no effect before February 1, 2021. Hence, the City's August 25, 2020 resolution (Reso. No. 20-130) extending the City's eviction moratorium from September 1, 2020 through September 30, 2020 is not valid (although AB 3088's moratorium commencing on September 1 is in effect). Resolution No. 20-109, adopted on July 21, 2020, extending the moratorium until August 31, 2020 is the last effective City moratorium order.

Second, with respect to the repayment period, AB 3088 provides that if a provision of a local moratorium in effect on August 19, 2020 required commencement of the repayment period on a specific date on or before March 1, 2021, any extension of that date made after August 19, 2020, shall have no effect. The moratorium, as modified and extended by Resolution No. 20-109, provided that the twelve-month repayment period commenced "following the expiration of the order." That would be September 1, 2020. There is a lack of clarity in the legislation as to whether Glendale's repayment period commenced upon on a "specific date" since the Resolution No. 20-109 does not list a specific date upon which the repayment period commences (e.g. September 1), but states that the repayment period commences "following the expiration of the order" (which happens to be September 1, 2020). Nevertheless, there is nothing in AB 3088 which invalidates the City's repayment period, including the twelve-month repayment period and requirement of equal quarterly payments, except that the repayment period is now deemed to have commenced on September 1, 2020 because the moratorium expired on August 31, 2020. Under AB 3088, the City cannot extend that period or permit a tenant a time period beyond March 31, 2022 to repay that debt. Council can provide additional direction it deems appropriate but cannot extend the repayment periods or extend the moratorium.

### **FISCAL IMPACT**

There would be a fiscal impact associated with waiving the parks facility rental fees although exact costs cannot be quantified as fiscal impact would depend on the number of fitness facilities using parks facilities for fitness classes/activities. As noted above, facility rental fees range from \$35 to \$60 per hour, plus \$20 per hour staff costs if staff is not already assigned to the facility at the time of usage. It is unknown at this time how

many Glendale-based brick and mortar fitness facilities would utilize the waiver since none are currently using parks facilities for classes/fitness activities, but there are an estimated 20 such establishments in Glendale.

### **ALTERNATIVES**

1. The Council can extend the public orders relating to the rent increase freeze and face coverings, adopt the parks facility fee waiver and provide any appropriate direction on the rental eviction moratorium in light of state law changes.
2. The Council can choose not to adopt or extend the public orders.
3. The Council can choose an alternative not identified by staff.

### **CAMPAIGN DISCLOSURE**

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Not applicable.

### **EXHIBITS**

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1. CSP Policy – Rental of Park Facilities for Fitness Classes and Activities