



SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING NOTICE AND AGENDA  
APRIL 8, 2020 – 6:00 PM

**SPECIAL NOTICE REGARDING COVID-19**

*On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando City Council will participate in meetings telephonically.*

**PUBLIC PARTICIPATION:** Pursuant to Executive N-29-20 and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via Facebook Live, at <https://www.facebook.com/thecityofsanfernando>. Members of the public can submit comments electronically for City Council consideration by sending them to [cityclerk@sfcity.org](mailto:cityclerk@sfcity.org). To ensure distribution to the City Council prior to consideration of the agenda, please submit comments prior to 4:00 p.m. the day of the meeting. Those comments will be distributed to the City Council and will be limited to three minutes and made part of the official public record of the meeting.

**NOTICE IS HEREBY GIVEN** that the San Fernando City Council will hold a Special Meeting on **Monday, April 8, 2020, at 6:00 p.m.**

**CALL TO ORDER/ROLL CALL**

Mayor Joel Fajardo  
Vice Mayor Hector A. Pacheco  
Councilmember Sylvia Ballin  
Councilmember Robert C. Gonzales  
Councilmember Mary Mendoza

**APPROVAL OF AGENDA**

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**PUBLIC STATEMENTS**

Members of the public can submit comments electronically for City Council consideration by sending them to [cityclerk@sfcity.org](mailto:cityclerk@sfcity.org). To ensure distribution to the City Council prior to consideration of the agenda, please submit comments prior to 4:00 p.m. the day of the meeting. Those comments will be distributed to the City Council and will be limited to three minutes and made part of the official public record of the meeting. Only matters contained in this notice may be considered.

**PUBLIC HEARING**

- 1) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON COMMERCIAL AND RESIDENTIAL EVICTIONS, SUBJECT TO MODIFICATION BY CITY COUNCIL**

**ADMINISTRATIVE REPORTS**

- 2) DISCUSSION OF CITY'S ACTIONS REGARDING CORONAVIRUS INCLUDING FINANCIAL ASSISTANCE PROGRAM FOR CERTAIN PARKING TICKETS AND TOW FEES**

**RECESS TO CLOSED SESSION**

- A) CONFERENCE WITH LEGAL COUNSEL – CONSIDERATION OF INITIATION OF LITIGATION  
G.C. §54956.9(d)(4)  
One (1) Matter
- B) PUBLIC EMPLOYMENT  
G.C. §54957  
Title: City Clerk
- C) CONFERENCE WITH LABOR NEGOTIATORS  
G.C. §54957.6  
Unrepresented Employee: City Clerk

**ADJOURNMENT**

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*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting.*

*Cynthia Alba*

*Deputy City Clerk/Management Analyst*

*Signed and Posted: April 7, 2020 (5:40 p.m.)*

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*Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk Department at (818) 898-1204 at least 48 hours prior to the meeting.*

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# **Special Meeting**

# **San Fernando City Council**

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## AGENDA REPORT

**To:** Mayor Joel Fajardo and Councilmembers

**From:** Nick Kimball, City Manager  
By: Richard Padilla, Assistant City Attorney

**Date:** April 8, 2020

**Subject:** Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential Evictions, Subject to Modification by City Council

### RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, waive full reading and adopt Urgency Ordinance No. 1693 (Attachment "A") by title, "An Uncodified Urgency Ordinance of the City of San Fernando, California, enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19)."

**This Ordinance is introduced pursuant to Government Code Sections 36934 and 36937 and requires a four-fifths (4/5ths) vote for adoption.**

### BACKGROUND:

1. In late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China.
2. On January 7, 2020, a novel coronavirus, now known as COVID-19, was identified as the likely source of the illness.
3. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
4. On March 4, 2020, California Governor Gavin Newsom 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 a broader spread of COVID-19.

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5. On March 16, 2020, Governor Newsom issued Executive Order N-28-20, which suspends “[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 ... including, but not limited to, any such provision of Civil Code sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise.
6. On March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only.
7. On March 16, 2020, the San Fernando City Council adopted Resolution No. 7992 declaring a local emergency due to the public threat caused by COVID-19.
8. On March 19, 2020, the County of Los Angeles issued a Mandatory Safer at Home Order, ordering the closure of all non-essential businesses until April 19, 2020.
9. On March 27, 2020, Governor Newsom issued Executive Order N-37-20 (Attachment “B”), which prevents evictions for a period of 60 days of “a tenant from a residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order.
10. On April 6, 2020, City Council considered a proposed Urgency Ordinance (Attachment “C”) enacting a moratorium on residential and commercial evictions. After a thorough discussion, there were a number of unresolved issues regarding a Landlord’s ability to evict for reasons other than non-payment of rent and identifying businesses that qualify for the commercial eviction moratorium. City Council created a temporary Ad Hoc Committee to work with staff to discuss and develop recommendations to address the unresolved issues.

**ANALYSIS:**

During City Council’s discussion of the original proposed ordinance, City Council generally supported the policy goal of protecting commercial and residential tenants in San Fernando from being evicted as a direct result of impacts from COVID-19. For residential tenants, the discussion revolved around limiting a Landlord’s ability to evict beyond non-payment of rent. Specifically, City Council discussed suspending a Landlord’s right to evict due to the tenant’s violation of certain lease terms commonly found in many residential leases, including, but not limited to:

- Removing tenants for housing unapproved pets.
- Removing tenants for exceeding the approved unit occupancy and/or illegal subletting.
- Removing tenants if the owner wants to occupy the unit.

For commercial tenants, City Council discussed various methods for determining which businesses qualify for eviction protection. The overall discussion focused on providing protection

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for businesses in urgent need while avoiding shifting the financial burden to commercial property owners whose tenants still retain financial ability to pay their monthly rent.

For both commercial and residential tenants, City Council discussed various repayment terms, ranging from 120 to 180 days.

**Ad Hoc Committee Recommendation*****Residential Eviction Protection***

After thoughtful discussion, the Ad Hoc Committee recommends that City Council focus on the policy of protecting residents from eviction due to financial impacts of the COVID-19 pandemic and avoid addressing violations of other lease terms. There are a wide variety of possible lease terms that may be violated for a number of reasons and it is much more difficult to demonstrate a direct connection to COVID-19. Additionally, these conditions are often temporary in nature and may exist irrespective of the current COVID-19 pandemic.

Therefore, the Ad Hoc Committee recommends that the City Council adopt the terms of the State's eviction protection, with the added provision allowing tenant's up to 180 days to pay unpaid rent after the Executive Order N-37-20 expires on May 31, 2020, unless extended. However, if the lease is legally terminated by the tenant or the landlord within the 180 day repayment period, the balance of unpaid rent is due and payable immediately.

To qualify for protection under the proposed Urgency Ordinance, a tenant must meet the following:

1. Prior to March 27, 2020, the tenant paid rent due to the landlord pursuant to an agreement.
2. The tenant notifies the landlord in writing before rent is due, or within a reasonable period of time afterwards, not to exceed seven (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, including, but not limited to, the following:
  - a. The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
  - b. The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or other government response; or
  - c. The tenant needed to miss work to care for a child whose school or daycare was

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closed in response to COVID-19.

3. This eviction protection is in effect through May 31, 2020, unless otherwise extended by the State. The Tenant shall have up to 180 days from expiration of the protection to pay any rent that was deferred during the time these protections are in place. The full unpaid balance becomes due and payable upon legal termination by either party.

***Commercial Eviction Protection***

For commercial tenants, the Ad Hoc Committee recommends extending the state's eviction protection terms to small businesses. To qualify for protection under the proposed Urgency Ordinance, a commercial tenant must meet the following:

1. As of March 16, 2020 (date of the City's emergency declaration), employed fewer than 25 employees (subject to amendment by City Council).
2. Prior to March 27, 2020, the commercial tenant paid rent due to the landlord pursuant to an agreement.
3. The commercial tenant notifies the landlord in writing before rent is due, or within a reasonable period of time afterwards, not to exceed seven (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, including, but not limited to, the following:
  - a. The commercial tenant was unavailable to operate resulting from a state or local health order related to COVID-19;
  - b. The commercial tenant experienced a loss of income resulting from COVID-19, the state of emergency, or other government response; or
  - c. The commercial tenant's operations are impacted due to employee(s) being sick with a suspected or confirmed case of COVID-19, caring for a household or family member who was sick with a suspected or confirmed case of COVID-19, or needing to miss work to care for a child whose school or daycare was closed in response to COVID-19.
4. This eviction protection is in effect through May 31, 2020, unless otherwise extended by the State. The commercial tenant shall have up to 180 days to pay any rent deferred during the time these protections are in place. The full unpaid balance becomes due and payable upon legal termination by either party.

For both commercial and residential Tenants, the Tenant must include true and correct copies of verifiable documentation that corroborate the reason for the request to delay rental payments.

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**BUDGET IMPACT:**

The proposed Urgency Ordinance protects small businesses and residents that are experiencing significant financial hardships from the prospects of immediately closing their doors or experiencing homelessness. The Urgency Ordinance shifts some of the financial hardship from the tenant to the property owner and requires the tenant to work out a payment plan to be repaid within 180 days of May 31, 2020, unless otherwise extended by the State.

There will be additional costs incurred by the City to inform Tenants about their rights under the proposed Urgency Ordinance as well as enforcement efforts to respond to alleged violations. The City will submit for reimbursement from Federal Emergency Management Agency (FEMA) as both costs are related to the COVID-19 response effort.

**CONCLUSION:**

It is recommended that the City Council adopt the revised Urgency Ordinance No. 1693 to enact a temporary moratorium on commercial and residential evictions.

**ATTACHMENTS:**

- A. Revised Urgency Ordinance No. 1693
- B. Executive Order N-37-20
- C. Original Proposed Urgency Ordinance

**ATTACHMENT “A”****URGENCY ORDINANCE NO. 1693****AN UNCODIFIED URGENCY ORDINANCE OF THE  
CITY COUNCIL OF THE CITY OF SAN FERNANDO,  
CALIFORNIA ENACTING A TEMPORARY  
MORATORIUM ON EVICTIONS DUE TO THE  
NONPAYMENT OF RENT FOR RESIDENTIAL AND  
NON-ESSENTIAL COMMERCIAL TENANTS  
WHERE THE FAILURE TO PAY RENT RESULTS  
FROM INCOME LOSS RESULTING FROM THE  
NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom 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 a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends “[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 ... including, but not limited to, any such provision of Civil Code sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, as of March 29, 2020, the Los Angeles Department of Public Health (the “County”) has identified 2136 cases of COVID-19 in Los Angeles County and resulting in 37 deaths; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 (“Executive Order N-37-20”) which prevents evictions for a period of 60 days of “a tenant from a residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order; and

**ATTACHMENT “A”**

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of San Fernando (the “City”) during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City’s residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The recitals above are true and correct and incorporated herein by reference.

**SECTION 2. Title.** This Urgency Ordinance shall be known as the “COVID-19 Eviction Protection Ordinance.”

**SECTION 3. Urgency Findings.** The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

**ATTACHMENT “A”****SECTION 4. Definitions**

- A. “Affected Tenant” means a Commercial Tenant who satisfies one or more of the criteria in paragraph A of Section 7, of this Urgency Ordinance below.
- B. “Health Department” means the County of Los Angeles Department of Public Health.
- C. “Landlord” means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit.
- D. “Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.
- E. “Mobilehome Park” means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.
- F. “Mobilehome Owner” means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.
- G. “Mobilehome Resident” means a person who rents a mobilehome from a Mobilehome Owner.
- H. “Notice of Termination” shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.
- I. “Commercial Rental Unit” means a building, structure or part of a structure that is used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)
- J. “Commercial Tenant” means any person or business entity that leases and occupies a Commercial Rental Unit.
- K. “Residential Tenant” means a “tenant” within the meaning of Executive Order N-37-20. Except as otherwise declared by a court of competent jurisdiction, for purposes of this Urgency Ordinance, the City shall interpret the term “tenant” as set forth under Executive Order N-37-20 to be inclusive of the following: (i) any lawful residential tenancy or subtenancy; residential lease or sublease or any person entitled by written agreement or by sufferance to use or occupy a “residence” or “dwelling unit” within the meaning of Executive Order N-37-20; and (ii) any Mobilehome Resident or Mobilehome Owner.
- L. “Tenant Household” means one or more Tenant(s) who occupy any individual Rental



**ATTACHMENT “A”**

Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

**SECTION 5. Protections for Residential Tenants.**

- A. For the duration of the moratorium established under Executive Order N-37-20 or any extension thereto, the City hereby affirms, adopts and incorporates into this Urgency Ordinance, the protections of Executive Order N-37-20 as to all Residential Tenants in the City of San Fernando, subject to the additional conditions and protections established under paragraph B of this section, below.
- B. Nothing in this Urgency Ordinance shall relieve a Residential Tenant of liability for any unpaid rent following the expiration of the moratorium established under Executive Order N-37-20. The foregoing notwithstanding and except as otherwise agreed to in writing by the Residential Tenant and the Landlord, the Residential Tenant shall be given a period of **one hundred and eighty (180)** calendar days from the expiration date of Executive Order N-37-20, or any extension thereto, to pay all rent sums that became due, but were not paid by the Residential Tenant during the moratorium period established under Executive Order N-37-20 or any extension thereto. During this 180-day period for the repayment of unpaid back-rent, a Residential Tenant shall continue to be afforded the protections set forth under Executive Order N-37-20 specifically to the payment of rent sums that became due during the moratorium period but which were unpaid. A Landlord shall not assess and the Residential Tenant shall not be liable for the payment of any late fees or penalties for the delay in payment of rent sums that became due but which were unpaid by the Residential Tenant during the period of the moratorium established under Executive Order N-37-20 or any extension thereto.

**SECTION 6. Protections for Commercial Tenants .**

- A. For the period commencing on the effective date of this Urgency Ordinance and ending upon the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Commercial Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium specific to Commercial Tenants established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.

**SECTION 7. Commercial Tenants: Affirmative Defense to Eviction; Penalties and Remedies.**

- A. **Affirmative Defense.** Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Commercial Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed seven (7) calendar days, that the Commercial Tenant satisfies all of the following criteria:

**ATTACHMENT “A”**

1. The Commercial Tenant operates a lawful and duly licensed and permitted business establishment or business operation located in the City of San Fernando that employed twenty-five (25) or fewer employees as of March 16, 2020; and
  2. The Commercial Tenant was not otherwise delinquent on the payment of rent as of March 27, 2020; and
  3. The Commercial Tenant:
    - (i) Was unable to operate due to State or Health Department orders mandating the closure of the business due to the COVID-19 pandemic; or
    - (ii) Experienced a substantial loss of income resulting from the COVID-19 pandemic, including as a result of restrictions on business operations mandated by the State or Health Department orders issued in response to the COVID-19 pandemic; or
    - (iii) Was adversely impacted due to the owner(s) or employee(s): (a) being sick with COVID-19 or otherwise quarantined with a suspected COVID-19 infection; or (b) caring for a family member who was sick with COVID-19 or otherwise quarantined with a suspected COVID-19 infection; or (iii) having to care for minor children due to the closure of a school or daycare as a result of the COVID-19 pandemic.
- B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:
1. A copy of any governmental order issued in response to the COVID-19 pandemic which indicates that the Commercial Tenant's business must close or which otherwise place restrictions on the businesses normal operations;
  2. Subject the Commercial Tenant securing all necessary consent, a doctor's note confirming sickness or suspected sickness with COVID-19; or
  3. Tax records or other records evidencing a reduction in business activity due to the COVID-19 pandemic.

Nothing in this Urgency Ordinance shall relieve a Commercial Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Commercial Tenant and the Landlord, the Commercial Tenant shall be given a period of **one hundred and eighty (180)** calendar days from the expiration

**ATTACHMENT “A”**

date of Executive Order N-37-20, or any extension thereto, to pay all rent sums that became due, but were not paid by the Commercial Tenant during the moratorium period established under this Urgency Ordinance or any extension thereto. During this 180-day period for the repayment of unpaid back-rent, a Commercial Tenant shall continue to be afforded the protections set forth under this Urgency specific to the payment of rent sums that became during the moratorium period but which were unpaid. A Landlord shall not assess and the Commercial Tenant shall not be liable for the payment of any late fees or penalties for the delay in payment of rent sums that became due but which were unpaid by the Commercial Tenant during the period of the moratorium established under this Urgency Ordinance or any extension thereto.

**C. Civil Remedies**

1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.
2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.
4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

**SECTION 8. Environmental.** This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

**SECTION 9. Inconsistent Provisions.** Any provision of the San Fernando Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

**SECTION 10. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**ATTACHMENT “A”**

**SECTION 11. Construction.** The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 12. Publication and Effective Date.** This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at the regular meeting of this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Joel Fajardo, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

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Richard Padilla, Assistant City Attorney

**ATTACHMENT “A”**

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES    ) ss**  
**CITY OF SAN FERNANDO       )**

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020 and was carried by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elena G. Chávez, City Clerk

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-37-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

**WHEREAS** on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

**WHEREAS** on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

**WHEREAS** many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

**WHEREAS** Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

**WHEREAS** on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while



this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
  - b. The tenant notifies 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, including but not limited to the following:
    - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
    - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
    - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
  - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

**IT IS FURTHER ORDERED** that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State



## ATTACHMENT “C”

## URGENCY ORDINANCE NO. \_\_\_\_

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND NON-ESSENTIAL COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

**WHEREAS**, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

**WHEREAS**, on March 4, 2020, California Governor Gavin Newsom 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 a broader spread of COVID-19; and

**WHEREAS**, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

**WHEREAS**, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends “[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 ... including, but not limited to, any such provision of Civil Code sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

**WHEREAS**, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

**WHEREAS**, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

**WHEREAS**, as of March 30, 2020, the County of Los Angeles Department of Public Health (the “County”) has identified 2,474 cases of COVID-19 in Los Angeles County and resulting in 44 deaths; and

**WHEREAS**, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 (“Executive Order N-37-20”) which prevents evictions for a period of 60 days of “a tenant from a

residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order; and

**WHEREAS**, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

**WHEREAS**, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of San Fernando (the “City”) during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

**WHEREAS**, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City’s residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

**WHEREAS**, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

**WHEREAS**, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

**WHEREAS**, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The recitals above are true and correct and incorporated herein by reference.

**SECTION 2. Title.** This Urgency Ordinance shall be known as the “COVID-19 Eviction Moratorium Ordinance.”

**SECTION 3. Urgency Findings.** The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the

COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

#### **SECTION 4. Definitions**

- A. "Affected Tenant" means a Tenant who satisfies one or more of the criteria in paragraph A of Section 8, of this Urgency Ordinance below.
- B. "Health Department" means the County of Los Angeles Department of Public Health.
- C. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit.
- D. "Mobilehome" means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.
- E. "Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.
- F. "Mobilehome Owner" means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.
- G. "Mobilehome Resident" means a person who rents a mobilehome from a Mobilehome Owner.
- H. "Notice of Termination" shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.
- I. "Rental Unit" means (i) a Mobilehome, building, structure or the part of a structure that is used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household; (iii) a rented lot within a Mobilehome Park where a Mobilehome Owner's Mobilehome coach is located; or (ii) a building, structure or part of a structure that is used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)

- J. “Tenant” means a residential or commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupy a Rental Unit. The term “Tenant” is inclusive of the defined terms “Tenant Household”, “Mobilehome Resident” and “Mobilehome Owner.”
- K. “Tenant Household” means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

**SECTION 5. Application.** This Urgency Ordinance applies to Affected Tenants in any Rental Unit and Landlords of Affected Tenants.

**SECTION 6. Moratorium on Eviction and Termination of Tenancies for Affected Tenants.**

- A. For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.
- B. The moratorium established under this Urgency Ordinance is intended to have greater scope and longer duration than the moratorium established under Executive Order N-37-20.

**SECTION 7. Just Cause Termination.**

- A. The provisions of Section 8 of this Urgency Ordinance notwithstanding, a Landlord, subject to compliance with the requirements of this Urgency Ordinance may terminate the tenancy of a Tenant who otherwise qualifies as an Affected Tenant if a Landlord can show any of the following circumstances apply thereby rendering the termination a “Just Cause Termination”:
  - 1. Nuisance Behavior. The Affected Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City, including but not limited to regulations established by ordinance or resolution.

2. Refusing Access to the Unit. The Affected Tenant, after written notice to cease and a reasonable time to cure, continues to refuse the Landlord reasonable access to the Rental Unit, so long as the Landlord is not abusing the right of access under California Civil Code Section 1954, as amended.
3. Unapproved Holdover Subtenant. The Affected Tenant holding over at the end of the term of the oral or written rental agreement is a subtenant who was not approved by the Landlord.
4. Ellis Act Removal. The Landlord seeks in good faith to recover possession of the Rental Unit to remove the building in which the Rental Unit is located permanently from the residential or commercial rental market under the Ellis Act and, having complied in full with the Ellis Act and any related ordinance of the City, including the provision of relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
5. Owner Move-In. With respect to residential tenancies, the Landlord seeks in good faith, honest intent, and without ulterior motive to recover possession for: a) the Landlord's own use and occupancy as the Landlord's principal residence for a period of at least thirty-six (36) consecutive months commencing within three (3) months of vacancy; or (b) the principal residence of the Landlord's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least thirty-six (36) consecutive months and commencing within three (3) months of vacancy, so long as the Rental Unit for the Landlord's authorized family member is located in the same building as the Landlord's principal residence and no other Rental Unit in the building is vacant. It shall be a rebuttable presumption that the Landlord has acted in bad faith if the Landlord or the Landlord's qualified relative, for whom the Tenant was evicted, does not move into the Rental Unit within three (3) months from the date of the Tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least thirty-six (36) consecutive months. The Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
6. Order to Vacate. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action or order that necessitates the vacating of the building in which the Rental Unit is located as a result of a violation of the San Fernando Municipal Code or any other provision of law, and provides a notice of the right to reoccupy. The Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
7. Vacation of Unpermitted Rental Unit. The Landlord seeks in good faith to recover possession of an unpermitted Rental Unit in order to end the unpermitted use. The

Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.

8. Criminal Activity.

- a. The Tenant Household, after receiving a written notice to cure (which notice shall include the return provisions listed in subsection d, below) by removing the Violating Tenant (as defined below) from the household, and, where necessary, amending the lease to remove the Violating Tenant's name, fails to do so within a reasonable time, by one of the following methods as further described in the regulations:
  - i. Filing a restraining order or providing evidence to the Landlord of similar steps being taken to remove the Violating Tenant from the household.
  - ii. Removing the Violating Tenant from the household and providing written notice to the landlord that the Violating Tenant has been removed.
- b. For purposes of this subsection 9, a "Violating Tenant" shall mean an adult Tenant that is indicted by a grand jury or held to answer pursuant to Penal Code Section 872, as amended, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), as amended, which occurred during the tenancy and within 1,000 feet of the premises on which the Rental Unit is located.
- c. The past criminal history of a Tenant shall not be a factor in determining whether the Tenant is a Violating Tenant.
- d. If a Violating Tenant, as defined above, is acquitted from the charges or the charges are dismissed or reduced, he or she may return to the Rental Unit as a Tenant, so long as: 1) the Tenant Household still resides in the Rental Unit; and 2) the Tenant Household consents to the Violating Tenant's return.

B. Relocation Assistance and Deposits.

1. Nothing in this Urgency Ordinance shall operate to relieve a Landlord of any obligation to provide a Tenant Household with relocation assistance to the extent required by State law. Such assistance must be provided to the Tenant Household concurrent with delivery of the Notice of Termination to the Tenant Household where applicable.
2. Refund of Security Deposit. A landlord shall refund to the Tenant Household any security deposit paid by the Tenant Household, provided however, that the Landlord may withhold any properly itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended.

**SECTION 8. Affirmative Defense to Eviction; Penalties and Remedies.**

- A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the full amount due to reasons related to the novel coronavirus (COVID-19) pandemic, including but not limited to the following:
1. The Tenant was unable to work because the Tenant (i) was sick with COVID-19 and hospitalized or otherwise required to stay at home and self-quarantine by written order of the Health Department; and (ii) the Tenant was either ineligible to receive or use paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave and vacation time before being able to return to work; or
  2. The Tenant experienced a lay-off, work furlough, reduction in work hours or income reduction resulting from the COVID-19 pandemic and/or related emergency responses of governmental entities, including orders and/or declarations of the Governor of the State of California and the Health Department; or
  3. The Tenant needed to miss work (i) to care for a minor child whose school was closed in response to the COVID-19 pandemic or care for a household or family member who was sick with COVID-19; AND (ii) the Tenant was either ineligible to receive or use paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave and vacation time before the minor's school was re-opened or the Tenant was otherwise able to return to work; or
  4. For commercial Tenants, the Tenant (i) is commercial business entity or the principal owner or co-owner of a commercial business entity whose name appears on the lease for the Rental Unit occupied by the business entity; (ii) is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California; and (iii) is a "Non-Essential Business" within the meaning of the Safer at Home Order for the Control of COVID-19 and was required to cease all commercial operations while said order was in effect. For purposes of this Urgency Ordinance the term "Safer at Home Order for the Control of COVID-19" means that certain order of the same name that was first issued by the Health Department on March 19, 2020 and later revised on March 21, 2020 and all subsequent revisions to the same as may later be issued by the Health Department.

- B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:
1. A written notice or like documentation from the Affected Tenant's employer citing COVID-19 as a reason for reduced work hours, work furlough, or termination; or
  2. Employer paycheck stubs, payroll checks, bank statements, or medical bills or signed letters or statements from the Affected Tenant's employer or supervisor explaining the Affected Tenant's changed financial circumstances; or
  3. Notification from a school declaring a school closure related to COVID-19; or
  4. For an Affected Tenant that is a commercial business, a copy of any governmental order identifying the Affected Tenant as a Non-Essential Business as defined by Health Department order; any notice from a governmental entity ordering the commercial business to close and/or cease operations and/or any governmental license or permit identifying the business' headquarters as being located within the City.
- C. Obligation of Affected Tenant to pay unpaid rent. Nothing in this Urgency Ordinance shall relieve an Affected Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent. During the 120-day period, the protections against eviction found in this Urgency Ordinance shall apply for such Affected Tenants and provided the Affected Tenant pays all rent due by this deadline.
- D. Civil Remedies
1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.
  2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
  3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.



4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

**SECTION 9. Environmental.** This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

**SECTION 10. Inconsistent Provisions.** Any provision of the San Fernando Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

**SECTION 11. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 12. Construction.** The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 13. Publication and Effective Date.** This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Fernando at the regular meeting of this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Joel Fajardo, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

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Richard Padilla, Assistant City Attorney

**STATE OF CALIFORNIA**           )  
**COUNTY OF LOS ANGELES**    ) ss  
**CITY OF SAN FERNANDO**       )

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020 and was carried by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elena G. Chávez, City Clerk



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## AGENDA REPORT

**To:** Vice Mayor Hector A. Pacheco and Councilmembers

**From:** Mayor Joel Fajardo

**Date:** April 8, 2020

**Subject:** Discussion of City's Actions Regarding Coronavirus Including Financial Assistance Program for Certain Parking Citations and Tow Fees

### RECOMMENDATION:

I have placed this on the agenda for City Council to discuss the City's response efforts and policy initiatives related to the COVID 19 pandemic and provide direction to staff, as appropriate.

This may include discussion of a financial hardship program related to parking citations, towing, and other fees and fines.

### ANALYSIS:

#### Parking Citation and Tow Data (March 16, 2020 through April 7, 2020)

##### Parking Citation:

- Total Parking Citations Issued: 602
- Residential Street Sweeping Citations: 455
- Street Sweeping Citation: \$45.00 (includes ticket processor charge of \$25.00 which cannot be waived)

##### Towing:

- Number of vehicles towed: 30
- Reason for tow:
  - Criminal arrest: 22
  - Recovered stolen vehicle: 1
  - Expired registration: 4 (all registrations were more than 6 months expired; oldest was expired for almost 6 years)
  - Hazard in the Roadway: 3
- City Charge: \$45.00 (all other fees are charged by the tow operator)

**Discussion of City's Actions Regarding Coronavirus Including Financial Assistance Program for Certain Parking Tickets and Tow Fees**Page 2 of 2

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**BUDGET IMPACT:**

There is no impact to the budget by discussing this item. Depending on the parameters of the program, a financial hardship program would result in a loss of revenue and a potential increase in expenditures.