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

WHEREAS, scientific evidence indicates that COVID-19 is highly contagious, and since first discovered COVID-19 has spread globally to over 190 countries, areas, and territories, infecting more than 330,000 persons and killing more than 14,500 individuals worldwide; and

WHEREAS, the first case of COVID-19 in the United States was confirmed in late January, and over the ensuing two (2) months the pandemic spread throughout the United States creating a significant health risk to residents, causing the closure of schools across the country, bringing the national and local economies to a standstill, and threatening to overwhelm healthcare facilities; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a “state of emergency” throughout the State in response to COVID-19, and in furtherance of this proclamation has issued several Executive Orders that include extraordinary measures directed at slowing the spread of COVID-19 and reducing impacts to residents and businesses; and

WHEREAS, on March 15, 2020, Governor Newsom released
statewide guidance, urging the highest risk of population (individuals who are 65 years or older, or have compromised immune system) to self-isolate at home; and

WHEREAS, on March 16, 2020, the President of the United States issued "The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread" which recommended, and among other things, social distancing and gathering guidelines intended to slow the spread of the illness; and

WHEREAS, as of March 24, 2020, California reported a total of 2,186 positive cases of COVID-19, and as of March 19, 2020, Governor Newsom advised that half of California’s population could be infected over the next eight (8) weeks; and

WHEREAS, the widespread and community transmission of COVID-19, has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, given these conditions, on March 14, 2020, the Mayor of the City of Vernon, acting as Chief Executive Officer of the Vernon Disaster Council, proclaimed the existence of a local emergency to allow prompt response to emergency conditions at the local level, and provide the City access to federal, state, and local resources during the crisis, and this local emergency was ratified by City Council on March 17, 2020; and

WHEREAS, on March 19, 2020, in an unprecedented step to slow the spread of COVID-19, Governor Newsom issued Executive Order No. 33-20 ordering all California residents and businesses to stay and work at home for an indeterminate period of time, at least through April 19, 2020, with the only exceptions from this order being essential services
and industries; and

WHEREAS, the City Council has reconsidered the conditions giving rise to the “local emergency” proclamation made by the Mayor on March 14, 2020, and ratified by City Council on March 17, 2020, and has determined that the conditions giving rise to the local emergency continue to exist, and in fact have become more dire since the original proclamation was made; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order No. 28-20, which suspended any 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; and

WHEREAS, the City Council finds this Ordinance is a temporary moratorium intended to promote stability and fairness within the commercial rental market and business community in the City during the COVID-19 pandemic outbreak; and

WHEREAS, the City Council further finds and declares as a result of sudden and unexpected income loss as a result of the COVID-19 pandemic, as well as the precautions recommended by public health officials to avoid or postpone group events, this Ordinance is necessary to avoid unnecessary displacement of commercial businesses and nonprofit organizations, the stability of which is conducive to public health; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries resulting in economic hardship for business owners due to sudden loss of business income, layoffs, COVID-19 affected quarantined employees, and/or reduced work hours for a significant percentage of this
workforce; and

WHEREAS, the City has created the Business Preservation/COVID-19 Disaster Relief Initiative to be funded through the Community Development fund to immediately free up a portion of funds from the fiscal year 2019/2020 budget to help businesses with experiencing significant need during this unprecedented public health pandemic; and

WHEREAS, the City Council further finds and declares that it is necessary and appropriate to adopt this Ordinance as an emergency measure, pursuant to Chapter 4.4 of the Charter of the City of Vernon, for the immediate preservation of the public peace, health, or safety, given that displacement through eviction destabilizes the business viability of tenants, creates undue hardship for commercial and nonprofit tenants through additional relocation costs, stress and anxiety, and the threat of having to reduce staffing or even close their business permanently; which justify adoption of this Ordinance as an emergency measure to be effective immediately upon adoption by a majority vote of the City Council; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council has duly considered all evidence presented in connection with its consideration of this Ordinance.

THE CITY COUNCIL OF THE CITY OF VERNON HEREBY ORDAINS:

SECTION 1: The City Council of the City of Vernon hereby finds and determines that all of the foregoing recitals are true and correct

SECTION 2: The City Council of the City of Vernon finds that this action is exempt under the California Environmental Quality
Act (CEQA), because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378.

SECTION 3: Authority. The City Council of the City of Vernon hereby adopts this Ordinance as an emergency measure pursuant to Chapter 4.4. of the Charter of the City of Vernon for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings of the City Council in Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council’s consideration hereof.

SECTION 4: A Temporary Moratorium on eviction for non-payment of rent by commercial tenants impacted by the COVID-19 pandemic is imposed as set forth herein.

SECTION 5: During the period of local public health emergency and/or local emergency declared in response to COVID-19:

A. For commercial or nonprofit properties, no landlord shall endeavor to evict a commercial tenant for non-payment of rent if a commercial or nonprofit tenant is unable to pay rent due to financial impacts related to COVID-19.

B. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency.

C. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek rent that is delayed for the reasons
stated in this Ordinance through the eviction process.
D. During this moratorium, a commercial or nonprofit tenant
shall also be waived any obligation for payment on late fee
assessments related to electric, water, fiber, and gas
utility charges and service shall not be shut off due to non-
payment.
E. For purposes of this Ordinance, “financial impacts
related to COVID-19” include, but are not limited to: for
commercial tenants, loss of business income from full or
partial closure of the business (either voluntarily or by
mandate) to prevent the spread of COVID-19.
F. For purposes of this Ordinance, “in writing” includes
email or text communications to a landlord or the landlord’s
representative with whom the tenant has previously
corresponded by email or text. Any medical or financial
information provided to the landlord shall be held in
confidence, and only used for evaluating the tenant’s claim.
G. For purposes of this Ordinance, “no-fault eviction”
refers to any eviction for which the notice to terminate
tenancy is not based on alleged fault by the residential
tenant including, but not limited to, eviction notices served
pursuant to Code of Civil Procedure Sections 1161(1),
1161(5), or 1161c.
SECTION 6: This Ordinance may be asserted as an
affirmative defense in an unlawful detainer action. Any failure to
comply with this Ordinance does not constitute a criminal offense.
This Ordinance shall not be read in any way to prohibit any
terminations of tenancy for just cause, or other terminations of
tenancy where this Ordinance does not apply.

SECTION 7: As applied to notices of termination issued prior to the effective date of this Ordinance, this Ordinance shall apply to tenancies where, as of the effective date of this Ordinance, said tenant remains in possession and/or any unlawful detainer action has not reached final judgment or issuance of a final order, after all appeals have been exhausted. This Ordinance shall be deemed to have taken effect as of March 14, 2020, the date of the City’s proclamation of a “local emergency,” and shall remain in full force and effect for the period of time set forth in Executive Order No. 28-20, as the same may be extended from time to time, unless sooner terminated or repealed by the City Council.

SECTION 8: Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, 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, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 9: The City Council of the City of Vernon hereby passes this emergency ordinance by a majority vote of the City Council. Accordingly, this measure shall take effect immediately upon adoption pursuant to City Charter Section 4.4.
SECTION 10: Book of Ordinances. The City Clerk shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk’s certification to be entered in the Book of Ordinances of the Council of this City. The City Clerk shall cause this ordinance to be published or posted as required by law.

SECTION 11: This Ordinance shall go into effect and be in full force and effect immediately upon adoption.

APPROVED and ADOPTED this 7th day of April, 2020.

Name: Melissa Ybarra
Title: Mayor

ATTEST:

Lisa Pope, City Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman,
Interim City Attorney
I, Lisa Pope, City Clerk of the City of Vernon, do hereby certify that the foregoing Ordinance, being Ordinance No. 1267, was duly passed, approved and adopted by the City Council of the City of Vernon at a regular meeting of the City Council duly held in the City of Vernon on Tuesday, April 7, 2020, and thereafter adopted at a meeting of said City Council by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

And thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this ____ day of April, 2020, at Vernon, California.

________________________________________
Lisa Pope, City Clerk

(SEAL)