

**DIRECTOR OF EMERGENCY SERVICES
EXECUTIVE ORDER NO. 2020-03**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom signed Executive Order N-25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, on March 15, 2020, Governor Gavin Newsom called for the closure of all bars, pubs, and wineries in the State and restrictions on restaurants; and

WHEREAS, on March 16, 2020, the Los Angeles County Health Officer issued Health Officer Order for the Control of COVID-19, attached as Attachment A, which seeks to limit residents' exposure by ordering the closure of certain private facilities; and

WHEREAS, on March 16, 2020, Governor Newsom signed Executive Order N-28-20, suspending 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;

WHEREAS, Calabasas Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency within the City on the 16th day of March 2020; and

WHEREAS, the City Council ratified the City Manager's proclamation on March 16, 2020; and

WHEREAS, on March 16, 2020 the City Manager issued Executive Order 2020-01 ordering, in part, that no residential landlord shall evict a residential tenant during the period of emergency because of an inability to pay rent due to circumstances related to the COVID-19 pandemic;

WHEREAS, Government Code section 8634 states, "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."

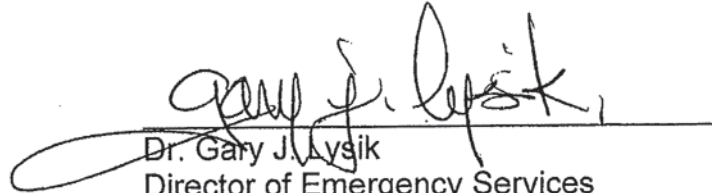
NOW, THEREFORE, I, Gary J. Lysik, City Manager of the City of Calabasas, as Director of Emergency Services, in accordance with the authority vested in me by Government Code section 8634, Calabasas Municipal Code section 2.44.060, and City Council Resolution No. 2020-1672 do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. No landlord shall evict a commercial tenant in the City of Calabasas during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include loss of business income due to a COVID-19 related workplace closure or reduction in demand, child care expenditures due to school closures, 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. Nothing in this section shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent, verifiably caused by Covid-19 related circumstances. Tenants may use the protections afforded in this section as an affirmative defense in an unlawful detainer action. This section shall remain in effect during the pendency of the local emergency period.


2. This Order shall be filed in the office of the City Clerk, posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market, at Calabasas City Hall, and published in a local newspaper.

SO ORDERED.



Dr. Gary J. Lysik
Director of Emergency Services
City of Calabasas


March 18, 2020
Date signed



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

March 18, 2020
Date signed

APPROVED AS TO FORM:



Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney

3/18/20
Date signed