

ORDINANCE NO. 4543

URGENCY ORDINANCE OF THE COUNTY OF VENTURA  
TEMPORARILY PROHIBITING OR SUSPENDING  
RESIDENTIAL AND COMMERCIAL EVICTIONS WITHIN  
THE UNINCORPORATED AREA OF VENTURA COUNTY  
FOR NONPAYMENT OF RENT BASED ON  
SUBSTANTIAL FINANCIAL HARDSHIP  
CAUSED BY THE COVID-19 PANDEMIC

The Board of Supervisors of the County of Ventura ordains as follows:

**SECTION 1. Temporary Prohibition on and Suspension of Evictions.**

A. No landlord or person acting on behalf of a landlord (collectively “landlord”) shall evict, attempt to evict or continue with the eviction of a tenant of residential real property (including spaces in mobilehome parks) or commercial real property in the unincorporated area of Ventura County for the nonpayment of rent if the tenant, within 30 days after rent is due, provides notification and documentation to the landlord substantiating that the nonpayment of rent is related to one or more of the following substantial financial hardships caused by the 2019 novel coronavirus (“COVID-19”) pandemic (“Notice of Documented Hardship”):

1. Substantial loss of income arising from (a) a job loss; (b) a layoff; (c) a reduction in the number of compensable hours of work; (d) the closing of a store, restaurant, office or business (including a nonprofit organization); (e) a decrease in business income caused by a reduction in operating hours or consumer demand; (f) a decrease in charitable giving; (g) the need to miss work to care for a home-bound school-age minor child or to care for a family member infected with COVID-19; (h) the inability to work due to infection with COVID-19; or (i) a similar cause of a substantial loss of income caused by the COVID-19 pandemic or a local, state or federal government’s response thereto; or

2. Substantial out-of-pocket medical expenses caused by the COVID-19 pandemic in an amount equal to or greater than 50 percent of the amount of the tenant’s monthly rent.

B. To invoke the protections provided in section 1.A., the tenant must deliver a written Notice of Documented Hardship to the landlord that (i) reasonably identifies the tenant, the residential real property or commercial real property, and the due date of the rent payment and (ii) includes documentation reasonably supporting the tenant’s substantial loss of income or substantial out-of-pocket medical expenses as described in section 1.A, such as termination notices, payroll checks, pay stubs, banks statements,

general ledgers, accounting journals, business receipts, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances. The Notice of Documented Hardship may be delivered to the landlord by any reasonable means, including e-mail. The Notice of Documented Hardship must be delivered to the landlord within 30 days after the due date of the rent for which no payment or a partial payment is or will be made. The inclusion of false information or documentation in a Notice of Documented Hardship shall constitute a violation of this ordinance.

C. After receiving a Notice of Documented Hardship, a landlord shall not, with respect to the nonpayment of rent that is the subject of the Notice of Documented Hardship, serve a notice pursuant to Code of Civil Procedure section 1161(2) or Civil Code section 798.56, file, prosecute or continue to prosecute an unlawful detainer action based on a notice to pay or quit, or otherwise seek to evict or eject a tenant for nonpayment of rent under any law, rule, statutory cause of action or regulation. In addition, the landlord shall not take any action furthering or constituting constructive eviction under California law. A landlord's failure to comply with this section 1 shall constitute a violation of this ordinance and render any notice of termination of tenancy void and unenforceable.

D. Nothing in this section 1 shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due. Tenants are encouraged to notify their landlords of their inability to pay the full amount of rent on or before the date the rent is due. Tenants are also encouraged to make partial payments of rent to the extent reasonably possible.

E. This section 1 shall be liberally construed, including by broadly interpreting the terms "tenant," "landlord," "residential real property" and "commercial real property" as used herein, to provide broad protection for tenants in the unincorporated area of Ventura County during the COVID-19 pandemic.

F. This ordinance may be used as an affirmative defense in any unlawful detainer or other legal proceeding seeking the eviction or ejectment of a tenant who is eligible for the protections of this section 1.

G. Nothing in this ordinance shall be construed to limit the rights of a tenant under Executive Order N-28-20 or Executive Order N-37-20.

## **SECTION 2. Authority.**

This ordinance is adopted as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 which provide that an urgency ordinance for the immediate preservation of the public peace, health or safety, which contains a

declaration of the facts constituting the urgency, may be adopted, by a four-fifths vote of the Board of Supervisors, immediately upon introduction and shall take effect immediately.

### **SECTION 3. Declaration of Purpose, Facts Constituting Urgency, and Determination of Urgency.**

A. Purpose. The purpose of this ordinance is to temporarily prohibit landlords from evicting or attempting to evict tenants of residential real property (including spaces in mobilehome parks) and commercial real property in the unincorporated area of Ventura County for nonpayment of rent based on substantial financial hardship caused by the COVID-19 pandemic.

#### **B. Facts Constituting Urgency.**

1. On March 4, 2020, the Governor declared a state of emergency in California due to the threat of COVID-19.

2. On March 11, 2020, the World Health Organization classified the spread of COVID-19 as a global pandemic.

3. On March 12, 2020, the Ventura County Health Officer declared a local health emergency pursuant to Health and Safety Code section 101080 due to the COVID-19 pandemic.

4. On March 12, 2020, the Governor issued Executive Order N-25-20 ordering all state residents to heed any orders and guidance of state and local public health officials.

5. On March 16, 2020, the Governor issued Executive Order N-28-20 suspending, until May 31, 2020, 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, including but not limited to Civil Code sections 1940 et seq. or 1954.25 et seq., resulting from substantial financial hardship arising from the COVID-19 pandemic.

6. On March 17, 2020, the Board of Supervisors adopted a resolution proclaiming that a local emergency and a local health emergency exist in Ventura County due to the COVID-19 pandemic and ratifying the declaration of local health emergency by the Health Officer;

7. On March 17, 2020, the Ventura County Health Officer issued an order pursuant to Health and Safety Code sections 101040, 101085 and 120175 directing

vulnerable Ventura County residents to shelter at their places of residence and restricting or closing certain Ventura County businesses and facilities until April 2, 2020.

8. On March 20, 2020, the Ventura County Health Officer issued an order supplementing his order of March 17, 2020, ordering all Ventura County residents to stay at their places of residence, with minimal exceptions for essential activities and to operate or work at essential businesses, and restricting or closing all non-essential Ventura County activities, businesses and facilities until April 20, 2020.

9. On March 27, 2020, the Governor issued Executive Order N-37-20 extending a tenant's deadline to file an answer to a complaint, and prohibiting enforcement of a writ of possession, in residential unlawful detainer proceedings based on nonpayment of rent if the tenant notifies the landlord in writing before a specified time that the nonpayment is based on substantial financial hardship caused by the COVID-19 pandemic supported by verifiable documentation. Executive Order N-37-20 does not terminate or modify Executive Order N-28-20's suspension, until May 31, 2020, of 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;

10. Unincorporated Ventura County is being significantly impacted by the COVID-19 pandemic. School closures have occurred and may continue for months. Commercial activity has significantly declined, and workers are being impacted by lost wages and layoffs. Parents are missing work to care for home-bound school-age children or have incurred unanticipated additional childcare expenses. Workers are caring for sick family members. In addition, families with members infected by COVID-19 may incur substantial unanticipated out-of-pocket medical expenses.

11. Many tenants have experienced or will soon experience sudden income loss and interruption, and further obstacles to timely rent payment are anticipated. Lost income, increased medical and other expenses, and other financial hardships arising from the COVID-19 pandemic will impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

12. Providing tenants with temporary protection from eviction due to the inability to pay rent will help avoid increasing the homeless population that would otherwise further stress the ability to provide human services assistance and will stabilize the rental housing market and commercial rental market by reducing tenant displacement and further interruption to commercial activities.

C. Determination of Urgency. The Board of Supervisors finds it is necessary to immediately adopt and implement this ordinance to protect the public peace, health and safety pursuant to article XI, section 7 of the California Constitution, Executive Order N-28-20 and Government Code sections 25123 and 25131 in order to prevent potentially

irreversible displacement of tenants of residential real property and commercial real property resulting from the evictions that this ordinance will prevent. This determination is based on the facts set forth in this section 3.

#### **SECTION 4. Penalties.**

Any person or entity that violates section 1 of this ordinance is guilty of a misdemeanor/infraction, which is enforceable pursuant to sections 13 through 13-4 of the Ventura County Ordinance Code.

#### **SECTION 5. Severability.**

If any provision or any part of any provision of this ordinance or the application thereof to any person, property or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or parts of a provision or applications of the ordinance which can be given effect without the invalid provision, provision part or application, and, to this end, the provisions and the parts of the provisions of the ordinance are hereby declared to be severable.

#### **SECTION 6. Duration.**

This ordinance shall take effect and be operative immediately upon adoption and shall be of no further force and effect after May 31, 2020, unless extended in accordance with law.

**PASSED AND ADOPTED** this 31 day of March 2020, by the following vote:

AYES: Supervisor Bennett, Parks, Huber, Zaragoza, & Long

NOES: none

ABSENT: none

Kelly Long  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By: Lori Key  
Deputy Clerk of the Board

