

URGENCY ORDINANCE NO. 1812

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, ADDING CHAPTER 14.17 TO THE GARDENA MUNICIPAL CODE TO TEMPORARILY PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019

WHEREAS, the California legislature passed the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”), an act adding and repealing Sections 1946.2, 1947.12, and 1947.13 of the California Civil Code, effective beginning January 1, 2020, which prohibits evictions without “just cause” and owners of residential rental property from increasing rents each year more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower; and

WHEREAS, in advance of the implementation of AB 1482, no-fault eviction notices and threats of eviction have surged in the City of Gardena; and

WHEREAS, the Gardena City Council wishes to protect renters from no-fault evictions through December 31, 2019, in advance of AB 1482’s effective date, to prevent homelessness and displacement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

SECTION 1. A new Chapter 14.17 is added to Title 14 of the Gardena Municipal Code to read, as follows:

**CHAPTER 14.17
TEMPORARY PROHIBITION OF NO-FAULT EVICTIONS**

Section 14.17.010 Purpose.

On October 8, 2019, Assembly Bill 1482 (“AB 1482”), the Tenant Protections Act of 2019, was passed to address a key cause of California’s affordable housing crisis by preventing rent gouging and arbitrary evictions. AB 1482 becomes effective on January 1, 2020.

Southern California is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale. A significant number of the City’s renters are currently rent burdened paying over 30 percent of their income on rent.

Rapidly escalating real estate values provide an incentive to landlords to evict long-term, lower-income tenants, without cause, to raise rents and attract wealthier tenants, before AB 1482 becomes effective. The City Council has been made aware that all the tenants in several multi-unit apartment buildings have received such eviction notices effective prior to January 1, 2020. Therefore, it is imperative that the City implement temporary strategies to keep people housed.

This article will temporarily prohibit no-fault evictions through December 31, 2019, for residential real property that will be covered by AB 1482 beginning on January 1, 2020.

Section 14.17.020 Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section.

Owner. The term “owner” is any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.

Residential real property. The term “residential real property” is any dwelling or unit that is intended or used for human habitation.

Section 14.17.030 Prohibition on evictions.

A. Through December 31, 2019, the owner of residential rental property shall not terminate a lawful tenancy without at-fault just cause, unless the termination is required to comply with an order issued by a government agency or court necessitating vacating the residential real property or to comport with due process, federal, or state law, which shall be stated in the written notice of termination of tenancy. This prohibition shall also apply to an owner’s action that constitutes constructive eviction under California law. An owner’s failure to comply with this article shall render any notice of termination of tenancy void. This article may be asserted as an affirmative defense in an unlawful detainer action. An owner’s failure to comply with this article does not constitute a criminal offense.

B. At-fault just cause is the following:

1. Default in the payment of rent.
2. A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of a lease after being issued a written notice to correct the violation.
3. Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
4. Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the California Penal Code, on or off the residential real property against the owner of the residential real property.
5. Assigning or subletting the premises in violation of the tenant’s lease, as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
6. The tenant’s refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of the California Civil Code and Sections 13113.7 and 17926.1 of the California Health and Safety Code.
7. Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
8. The employee, agent, or licensee’s failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.

9. When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the California Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the owner, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the California Code of Civil Procedure.

C. This chapter shall not apply to any of the following residential real property or residential circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.

2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

3. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

4. Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

5. Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

6. A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

7. Housing that has been issued a certificate of occupancy within the previous 15 years.

8. Residential real property that is alienable separate from the title to any other dwelling unit, provided that the owner is not any of the following:

(a) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

(b) A corporation.

(c) A limited liability company in which at least one member is a (c) corporation.

9. Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

Section 14.17.040 Application.

This chapter shall apply to tenancies where the tenant remains in possession and the period of notice required under California Civil Code section 1946.1 has not expired. This chapter shall also apply to tenancies where the tenant remains in possession after the period of notice required under California Civil Code section 1946.1 has expired but a judgment of eviction has not yet been rendered.

Section 14.17.050 Severability.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION 2. Urgency Clause.

The City Council finds and declares that this urgency ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The City of Gardena would suffer potentially irreversible displacement of tenants resulting from no-fault evictions during the period before AB 1482 becomes effective. The City Council, therefore, adopts this urgency ordinance to become effective immediately.

SECTION 3. Certification.

The City Clerk shall certify the passage of this urgency ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published, as required by law, in a publication of general circulation.

Passed, approved, and adopted by a vote of not less than 2/3rds of the City Council this 12th day of November, 2019.


TASHA CERDA, Mayor

ATTEST:

MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Urgency Ordinance No. 1812** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **12th** day of **November, 2019**, and that the same was so passed and adopted by the following roll call vote:

- AYES: MAYOR CERDA, COUNCIL MEMBERS MEDINA, HENDERSON AND TANAKA
- NOES: NONE
- ABSENT: MAYOR PRO TEM KASKANIAN

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)