

URGENCY ORDINANCE NO. 1170-20
AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
PROHIBITING RESIDENTIAL AND COMMERCIAL TENANT

EVICCTIONS RELATED TO THE

COVID-19 PANDEMIC AND EXEMPTION FROM CEQA

SUMMARY: Effective immediately, this ordinance prohibits residential and commercial evictions resulting from the COVID-19 pandemic.

WHEREAS, in December of 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, COVID-19 has since spread outside of China, impacting more than 177 countries, including the United States; and

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services has activated the State Operations Center

to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Newsom declared the existence of a state of emergency for the State of California due to threats to people within the State from COVID-19 and the

County declared the existence of a local emergency for Los Angeles County; and

WHEREAS, on March 16, 2020, the Los Angeles County Health Officer (Health Officer) issued an order ("County Order") prohibiting all indoor and outdoor, public and private events and

gatherings within a confined space where 50 or more members of the public are expected to attend at

the same time and to require social distancing measures and the temporary closure of certain businesses within the County. The order explains that it is based on evidence of increasing community

transmission requiring the immediate implementation of additional community mitigation efforts to

help reduce the spread of COVID-19 within the county. To further protect against the spread of COVID-19, the County Order also requires persons in charge of events and gatherings attended by 10-

49 persons to ensure that attendees follow specific social distancing measures and follow infection

control guidelines for the duration of the event; and

WHEREAS, also on March 16, 2020, the City Manager, in his role as the City's Director of Emergency Services, proclaimed the existence of a local emergency to activate the City's Emergency

Operations Center as a result of the spread of COVID-19, which local emergency proclamation was ratified by the City Council on March 16, 2020; and WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations and/or orders including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

Ordinance No. 1170-20
Prohibition on Evictions 2

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-28-20, which waived any provisions 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., until May 31, 2020, unless extended; and

WHEREAS, on March 19, 2020, because of the continued rapid spread of COVID-19 and the need to protect the community, the County Order was expanded to prohibit all indoor public and private gatherings and all outdoor public and private events within a confined space where at least 10 people are expected to be in attendance at the same time through at least April 19, 2020. This updated

County Order also required all nonessential businesses to close; and

WHEREAS, also on March 19, 2020, the Governor issued Executive Order N-33-20, effective that night, requiring people within the State to stay at home, other than to obtain food and other essential services. As a result of this public health emergency and the precautions mandated, many tenants in Lawndale have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19, and such individuals and their families may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased

demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, the County Order was further updated on March 21, 2020 to comply with the Governor's Executive Order N-33-20, which ordered all individuals living in the State of California to

stay home except as needed to maintain continuity of operations of critical infrastructure and to extend

the list of the types of businesses required to be closed. To the extent there remain differences in the

standards adopted by the State and County, the stricter standards apply; and

WHEREAS, the City Council the power, under Government Code sections 36934 and 36937, to adopt an ordinance that takes effect immediately if it is an ordinance "[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the

urgency, and is passed by a four-fifths vote of the City Council"; and

WHEREAS, based on the forgoing, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council believes it is necessary to issue and

implement this Urgency Ordinance to protect life, property and civil order.

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

SECTION 1. Recitals. The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. Urgency and Emergency Findings. The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by COVID-19, and there is an

Ordinance No. 1170-20

Prohibition on Evictions 3

immediate need for the preservation of public peace, health or safety of the residents and community

of the City. One of the many effects of the COVID-19 pandemic is that the stay at home order precludes many residents of the City from working or significantly reduces the hours that may be

worked or requires residents to refrain from working or to work fewer hours to take care of children

who are home because schools are closed, take care of ill family members, or because they themselves

are ill. The City Council further finds that during this local emergency, and in the interest of protecting

the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals

from falling into homelessness. Additionally, the loss of income as a result of COVID-19 may inhibit

City residents and businesses from fulfilling their financial obligations, including paying rent, while

further economic impacts are anticipated, leaving tenants vulnerable to eviction.

SECTION 3. Prohibition on Evictions. A temporary moratorium on eviction for non-payment of rent by residential and commercial tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure Section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this Ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. 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. Nothing in this Ordinance shall relieve a 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. 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.

b. For purposes of this Ordinance, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with

COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic

or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

c. 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 tenant, including but not limited

to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

d. This Ordinance applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after March 16, 2020, the date on which a local emergency was proclaimed through May 31, 2020 as authorized in the Governor's Executive Order N-28-20, or such longer period if this authorization is extended by the Governor.

e. The violation of this Ordinance shall be punishable as a misdemeanor as set forth in Section 1.08.020 of the Lawndale Municipal Code. In addition, this Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Ordinance.

f. This Ordinance may be superseded by a duly enacted Ordinance of the City Council that expressly supersedes this Ordinance.

SECTION 4. Adoption; Effective Date. Pursuant to Government Code Section 36937, this ordinance shall take effective immediately upon approval of the same by a four-fifths (4/5) affirmative

vote of the City Council. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent price

gouging during declared states of emergency.

SECTION 5. CEQA. This Urgency Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in

question may have a significant effect on the environment, the activity is not subject to CEQA.

The

adoption of a temporary moratorium on evictions would not cause a significant effect on the environment.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this ordinance. The City Council

hereby declares that it would have passed this ordinance, and each and every section, subsection,

sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether

any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Urgency Ordinance, and shall make a minute of the passage and adoption thereof in the records of and the

proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in

full force and effect immediately and the City Clerk shall cause it to be posted and published in
a
newspaper of general circulation in the manner required by law.

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Ordinance No. 1170-20

Prohibition on Evictions 5

PASSED, APPROVED, AND ADOPTED this 6th day of April, 2020.
