

URGENCY ORDINANCE NO. 1819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, RELATING TO A TEMPORARY MORATORIUM ON EVICTING TENANTS DUE TO CAUSES RELATED TO THE COVID-19 STATE OF EMERGENCY AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continue spread and the effects of COVID-19; and

WHEREAS, On March 16, 2020, the Los Angeles County Health Officer issued an order, to prohibit all indoor and outdoor, public and private events and gatherings within a confined space, to require social distancing measures and temporary closure of certain businesses; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued the Safer at Home Order for Control of COVID-19 to further restrict and limit the gathering of persons and to require the closure of shopping centers, children’s playgrounds, and non-essential retail businesses in an effort to slow the spread of COVID-19 within the greater Los Angeles community; and

WHEREAS, On March 16, 2020 the Governor issued a directive effective through May 31, 2020, which suspends “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, any such provision of Civil Code section 1940 et seq. or 1954.25 et seq. provided it meets the following requirements:

i. The basis for the eviction is nonpayment of rent, or a foreclosure if the basis of the eviction is a substantial decrease in household or business income or substantial out-of-pocket medical expenses; and

ii. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.”

iii. The tenant still has the duty to pay rent, and the landlord still has the ability to recover rent due; and

WHEREAS, The City is seriously impacted by the health crisis of this global pandemic. School closures have occurred and may continue. Businesses have been ordered closed. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

WHEREAS, Residential and commercial tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages or other income caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction. The loss of income to businesses impacted by closures or other restrictive measures may impact those businesses ability to pay rent when due, leaving those business vulnerable to eviction and permanent closure.

WHEREAS, Providing residential and commercial tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population, stabilize the rental housing market by reducing displacement and avoid the permanent closure of affected businesses.

WHEREAS, During this state of emergency, and in the interests of protecting the public health and safety and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

WHEREAS, Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

WHEREAS, for the foregoing reasons the Gardena City Council determines it is necessary to temporarily protect residential and commercial tenants from evictions due to causes related to the COVID-19 pandemic through May 31, 2020

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

Section 1. TEMPORARY PROHIBITION ON COVID-19 RELATED EVICTIONS

SECTION 1. Purpose. Illness and quarantines caused by the COVID-19 pandemic and the emergency measures imposed to deal with the national, state and local emergency, will seriously impact the ability of residential and commercial tenants to meet their rent payment obligations during the crisis. This emergency temporary moratorium on evictions is imposed by the City to avoid the eviction of residents and permanent closure of businesses resulting from the current crisis.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

- A. Term. This Section 1 remains in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions (the “Term”).

- B. Scope. This ordinance applies to all residential and commercial tenants within the city.

- C. Evictions. No landlord shall seek to evict a residential or commercial tenant if both of the following are true:
 - 1. Decreased Income, or Increased Medical Expenses. The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in operating hours or consumer demand), or substantial out-of-pocket medical expenses (collectively, the “COVID-19-Related Financial Impacts”); and

 - 2. Cause is COVID-19. The decrease in household or business income or the out-of-pocket medical expenses described in subsection (1), above, was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and the income loss and the increased expenses are documented.

- D. Tenant to Notify Landlord. To qualify, the tenant must, within 30 days after the rent is due: (1) notify the landlord “in writing” of the substantial COVID-19-Related Financial Impacts (2) provide documentation “in writing” establishing such substantial COVID-19-Related Financial Impacts and (3) pay the portion of rent that the tenant is able to pay.

- E. When Landlord Shall Not Evict. The landlord shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action

based on a notice to pay rent or quit, or otherwise seek to evict for nonpayment of rent during the period during the Term if either: (1) rent is overdue for a period of 30 days or less and the tenant notified the landlord as required in subsection (1), of subsection (D), above; or (2) rent is overdue for a period of 31 days or more and the tenant complied with both requirements of subsection (D), above.

- F. Definition of "In Writing." 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.

- G. Repayment of Rent Required. Nothing in this ordinance shall relieve the tenant of liability for any unpaid rent. The landlord may seek the unpaid rent after the expiration of the Term, and the tenant must pay it as soon as possible, but in no event later than 120 days from the expiration of the Term. A landlord may not during the period the local emergency is in effect, seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

SECTION 3. Emergency Declaration/Effective Date. The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934. The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 4. Future Governor's Order. If the Governor issues an executive order which prohibits residential and commercial evictions throughout the state relating due to COVID-19 related impacts, then that order shall control, and this ordinance shall no longer be in effect. Otherwise, this ordinance shall remain in full effect, and landlords shall meet the requirements of both this Ordinance and the Governor's order.

SECTION 5. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 6. Certification. The City Clerk shall certify the passage of this 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.

SECTION 7. CEQA. This action is exempt from CEQA under the common-sense exception of CEQA Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant impact.

Passed, approved, and adopted by a vote of not less than four-fifths of the City Council this 26th day of March, 2020.



TASHA CERDA, Mayor

ATTEST:



for MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



CARMEN VASQUEZ, 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 **Ordinance No. 1819** 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 **26th** day of **March, 2020**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS TANAKA, MEDINA, HENDERSON, AND
 MAYOR PRO TEM KASKANIAN AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

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

(SEAL)

