ORDINANCE NO. 1140

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS, PROPERTY FORECLOSURES AND DECLARING THE ORDINANCE TO BE IN EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, the City Council of the City of Pico Rivera ("City Council") governs the City of Pico Rivera ("City"), which is a general law city, incorporated under the laws of the State of California, that has the interest of planning and regulating the occupancy and use of property within the City;

WHEREAS, implicit in any regulation is the City's interest in maintaining the quality of life, character and stability of the City's neighborhoods, and avoiding negative consequences to social, environmental, and economic values;

WHEREAS, Governor Newsom declared a State of Emergency in California due to the novel Coronavirus Disease 2019 ("COVID-19") on March 4, 2020;

WHEREAS, the City Council adopted Resolution No. 7054 on March 16, 2020 declaring an emergency due to COVID-19;

WHEREAS, the County of Los Angeles Department of Public Health ("LACO Public Health") issued an Order on March 16, 2020 regarding COVID-19 with advice to avoid public gatherings and stay at home to prevent the spread of this disease;

WHEREAS, Governor Newsom issued Executive Order N-28-20 on March 16, 2020 to suspend any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19;

WHEREAS, Governor Newsom and LACO Public Health on March 19, 2020 issued "Stay at Home" directives that preclude the operation of a variety of businesses deemed nonessential;

WHEREAS, due to directives from federal, state, and local health officials, businesses have been substantially impacted by COVID-19, which in turn has been impacting their employees with lost or diminished wages, layoffs, and their ability to meet rental payments to their landlord;

WHEREAS, due to COVID-19 residents have experienced sudden income loss, and further income impacts are anticipated as they have had to miss work to care for home-bound school-age children, elderly relatives or others in their care;

WHEREAS, effective March 16, 2020 to maintain the health and safety of the City, short-term protection from a slowing of the foreclosure process and short term ban on tenant evictions can assist those with mortgages on a property, assist residential and commercial tenants, protect the public health, and minimize the transmission of COVID-19 during this health crisis;

WHEREAS, residential and commercial tenants are still responsible for back rent owed to a landlord;

WHEREAS, residential and commercial tenants are not protected from evictions that are for just cause such as use of a unit or property for criminal activity;

WHEREAS, those with a mortgage on a residential or commercial property are not protected from foreclosure implemented for just cause;

WHEREAS, this Ordinance will be in effect until May 31, 2020 similar to Governor Newsom's Order or until Governor Newsom's Order is suspended or extended

WHEREAS, tenants and those with a mortgage on a property will be given four (4) months following the termination of this Ordinance to handle missed payments;

WHEREAS, Government Code section 36937(b) authorizes the adoption of an urgency ordinance to protect the public health, safety and welfare by a four-fifths (4/5) vote of the City Council;

WHEREAS, the City Council now desires to adopt this Urgency Ordinance, effective immediately.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. FACTS CONSTITUTING URGENCY. This Urgency Ordinance is adopted as an urgency measure pursuant to Government Code section 36937(b) for the immediate preservation of public health, safety, and welfare. These findings are based on the facts set forth in the above recitals and staff report accompanying this Ordinance, which are incorporated herein by this reference as part of the findings. This Urgency Ordinance is necessary for the immediate preservation of public health, safety, and welfare because eviction of residential and commercial tenants can adversely affect the health, safety, and well-being of the City. Absent this Ordinance being adopted as an urgency measure, the City would lack enforceable regulations addressing evictions in the City that are caused by COVID-19. The City Council finds that a City-wide ban is proper and necessary to avoid the risks of increased transmission of COVID-19 due to displacement of residents. This Urgency Ordinance will assist in slowing the foreclosure process for residential and commercial properties, and evictions for residential and commercial tenants due to the economic impacts of COVID-19. It is necessary to expeditiously prohibit evictions for residential and commercial tenants and slow

SECTION 4. The City Council requests that City staff and the City Attorney assist landlords, residential and commercial tenants and residential and commercial properties by preparing a list of documents that can be utilized as proof of impact from COVID-19, which could include, but not be limited to:

1. a doctor's note demonstrating COVID-19 the residential or commercial tenant had been diagnosed with COVID-19;
2. letter from an employer citing COVID-19 as a reason for reduced work hours or termination;
3. paycheck stubs from before and after the COVID-19 outbreak; and/or
4. bank statements showing your financial situation before and after the outbreak.

SECTION 5. CEQA. The City Council, on the basis of the whole record and exercising independent judgment, finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA), since there is no possibility that this Ordinance will have any significant effect on the environment pursuant to Section 15061 (b) (3) of the State CEQA Guidelines (Title 14 of the California Code of regulations).

SECTION 6. SEVERABILITY. If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pico Rivera hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 7. EFFECTIVE DATE. This Ordinance is an urgency ordinance adopted by the necessary four-fifths vote of the members of the City Council pursuant to California Government Code Section 36937(b), and shall take effect immediately upon adoption.

SECTION 8. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance causing it to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 24th day of March, 2020.

Gustavo V. Camacho, Mayor

foreclosures residential and commercial properties in order to prevent displacements and minimize economic impacts on residents and businesses within the City, which can engender nuisances in the City and facilitate criminal activity. Absent this Ordinance, bad actors could attempt to undertake evictions and implement foreclosure processes that would unduly harm residents and businesses during the COVID-19 crisis, which would be detrimental to the public peace, safety, and health.

SECTION 2. This Ordinance creates a moratorium on evictions of residential and commercial tenants and slows the foreclosure process for residential and commercial properties during the COVID-19 emergency subject to the following provisions:

1. This Ordinance is temporary and will remain in effect until the expiration of Governor Newsom's Order N-28-20, unless sooner suspended or extended by the Governor, at which point this Ordinance shall continue until that extended period ends.
2. This Ordinance applies to all residential and commercial tenants within the City.
3. This Ordinance applies to all residential and commercial properties within the City.
4. No landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent if the tenant provides evidence that the inability to pay rent is due to COVID-19, the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.
5. The foreclosure process on mortgages for residential or commercial properties is to be slowed if evidence is provided showing that the inability to pay is due to COVID-19, the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.
6. Nothing in this Ordinance will prevent a landlord or mortgage company from commencing an eviction process or foreclosure process if the eviction or foreclosure is for cause such as use of the unit or property for criminal activity.
7. Nothing in this Ordinance excludes residential or commercial tenants or those who have a mortgage on a property in the City from paying what is due to the landlord or mortgage holder four (4) months following termination of the Ordinance.

SECTION 3. To benefit from the protections of this Ordinance a residential tenant, a commercial tenant or those who have the responsibility to pay a mortgage on a residential or commercial property must do all of the following:

1. Notify the landlord or mortgage holder in writing on or before the day payment is due that the tenant has a covered reason for delayed payment;
2. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the payment is due;
3. Pay the full amount of rent or mortgage payment otherwise due, less the amount of the change in funds available due to a covered reason for delayed payment; and
4. For purposes of this Ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative or mortgage holder with whom there has been previous correspondence by email or text.

ATTEST:

Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
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COUNTY OF LOS ANGELES)

I, Anna M. Jerome, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance, Ordinance No. 1140 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, March 24, 2020, with the following vote:

AYES: Elias, Salcido, Sanchez, Tercero, Camacho
NOES: None
ABSENT: None
ABSTAIN: None

_____, City Clerk