

ORDINANCE NO. 20-1438

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 8634 AND DOWNEY CITY CHARTER SECTIONS 511 AND 514 ALLOWING TENANTS OF SINGLE FAMILY RESIDENCES AND DWELLING UNITS TO REPAY UNPAID RENTS WITHIN THREE (3) MONTHS AFTER THE CITY TERMINATES THE LOCAL EMERGENCY

WHEREAS, COVID-19 has spread globally to over 117 countries, infecting more than 179,000 persons and killing more than 7,000 individuals worldwide, and shows every indication of spreading further before it is controlled; and,

WHEREAS, the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and,

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency in response to the COVID-19; and,

WHEREAS, on March 4, 2020, the Health Officer of Los Angeles County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and declared a Local Health Emergency, and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continuing spread and the effects of COVID-19; and on March 16, 2020, announced guidelines advising people to avoid gatherings of ten (10) or more persons for a period of fifteen (15) days; and

WHEREAS, effective March 13, 2020 through at least May 5, 2020, all schools in the Downey Unified School District are closed to prevent the spread of COVID-19; and,

WHEREAS, on March 16, 2020 (and expanded on March 19, 2020), Los Angeles County Department of Public Health instituted the "Safer at Home" order to control the spread of COVID-19, which among other things, temporarily prohibits all events and public gatherings of 10 or more people, and the closure of non-essential businesses and areas;

WHEREAS, on March 18, 2020, the City Manager, acting as the Director of Emergency Services for the City of Downey, proclaimed the existence of a Local Emergency due to the spread and potential further spread of COVID-19, which the City Council for the City of Downey ratified at its regular meeting on March 24, 2020; and

WHEREAS, on March 27, 2020, the Governor issued Executive Order N-37-20 which placed a statewide moratorium on evictions of tenants of single family residences and dwelling units, subject to certain conditions; however, the Executive Order does not address the repayment period for tenants of residential units to repay unpaid rent to a landlord; and

WHEREAS, in accordance with California Government Code Section 8634 and Downey City Charter Sections 511 and 514 and based on the recitals set forth herein, the City Council finds that this Urgency Ordinance is necessary to immediately preserve and protect the public peace, health, safety and welfare and is enacted pursuant to the City's police powers afforded by the California State Constitution and State law.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference as findings in support of the regulations contained in this Urgency Ordinance.

SECTION 2. The City Council of the City of Downey hereby enacts this Urgency Ordinance as follows:

I. **Executive Order N-37-20 In Effect in the City of Downey.**

Governor Newsom's Executive Order N-37-20 (attached hereto as Exhibit A) placing a statewide moratorium on evictions of tenants of single family residences and dwelling units is enforceable in the City of Downey until May 31, 2020, or as extended by the Governor.

II. **Repayment of Unpaid Rent.**

Unless a landlord agrees to a longer repayment term, tenants of single family residences and dwelling units shall have up to three (3) months after the City of Downey proclaims the termination of the Local Emergency to repay any unpaid rent. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in paragraph 1 of Executive Order N-37-20.

SECTION 3. The City Council finds and declares that this Urgency Ordinance is required for the immediate preservation and protection of the public peace, health, safety and welfare for the following reasons:

1. Renters who are unable to pay rent during the moratorium period pursuant to the Governor's Executive Order should be provided additional time to repay unpaid rent without fear that they will be evicted once the City of Downey terminates the Local Emergency.

2. Evicting renters who are temporarily unable to pay rent due to a COVID-19-related loss of income or expense poses an immediate threat to life, property, and the public peace, health, or safety, in that, it would displace some of Downey's most vulnerable residents, and likely increase homelessness and/or the risk of COVID-19 transmission. Therefore, it is imperative that the City implement temporary strategies to keep people housed while they make efforts to repay any unpaid rent.

SECTION 4. This Urgency Ordinance is adopted pursuant to Government Code Section 8634 and Downey City Charter Sections 511 and 514, and shall become effective immediately upon its adoption by a four-fifths (4/5th) vote of the City Council.

SECTION 5. This Urgency Ordinance shall be in effect until three (3) months following termination of the Local Emergency by the City of Downey.

SECTION 6. The City Council finds and determines that the adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Urgency Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with

certainty there is no possibility the adoption of this Urgency Ordinance will have a significant effect on the environment.

SECTION 7. If any article, section, subsection, paragraph, sentence, clause or phrase of this Urgency Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have adopted this Urgency Ordinance, and each article, section, subsection, paragraph, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraph, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.


SECTION 8. The City Clerk shall certify to the adoption of this Urgency Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this 2nd day of April, 2020.



BLANCA PACHECO, Mayor

ATTEST:



MARIA ALICIA DUARTE, CMC
City Clerk

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

I HEREBY CERTIFY that the foregoing Uncodified Urgency Ordinance No. 20-1438 was introduced and adopted at a Special Meeting of the City Council of the City of Downey held on the 2nd day of April, 2020, by the following vote, to wit:

AYES:	Council Members:	Ashton, Saab, Frometa, Mayor Pacheco
NOES:	Council Member:	None.
ABSENT:	Council Member:	None.
ABSTAIN:	Council Member:	Rodriguez

I FURTHER CERTIFY that a Summary of the foregoing Uncodified Urgency Ordinance No. 20-1438, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on April 2, 2020, (after adoption). It was also posted in the regular posting places in the City of Downey on the same dates.



MARIA ALICIA DUARTE, CMC
City Clerk