

ORDINANCE NO. 20-1449

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 EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS OF RESIDENTIAL TENANTS FOR NONPAYMENT OF RENT RESULTING FROM LOSS OF INCOME DUE TO THE COVID-19 PANDEMIC AND RENT REPAYMENT PERIOD; AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

THE CITY COUNCIL OF THE CITY OF DOWNEY DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

A. The recitals set forth in Urgency Ordinance No. 20-1445 are still applicable and incorporated herein by this reference.

B. With the rising number of infections and deaths in Los Angeles County due to the COVID-19 pandemic, Governor Newsom on July 13, 2020 ordered 30 counties in the State, including Los Angeles County, to close indoor activities at fitness centers, places of worship, offices for non-critical sectors, personal care services, such as hair salons and barbershops, and indoor malls; and all 58 counties in the State to close indoor operations at restaurants, wineries, tasting rooms, movie theaters, family entertainment centers, museums, zoos and card rooms, and ordered all bars shuttered across the state.

C. Consistent with the Governor's announcement, on July 14, 2020, Los Angeles County Department of Public Health announced that the "Safer at Work and the Community for Control of COVID-19" reopening would require closure of the indoor activities of Los Angeles County businesses in the Governor's order with no end date.

D. Los Angeles County Department of Public Health continues to order that County residents remain in their residences as much as practicable; to limit close contact with others and limit social gatherings outside their household; to continue to practice Social (Physical) Distancing, at all times while out in public; and to wear a cloth face covering over both the nose and mouth when in or likely to be in contact with others, to lower the risks of person-to-person contact for themselves and others.

E. On June 23, 2020, the City Council adopted Urgency Ordinance No. 20-1445 establishing a temporary moratorium on evictions of residential tenants for nonpayment of rent resulting from the loss of income due to the COVID-19 pandemic and establishing a rent repayment period expiring at 12 midnight on July 28, 2020.

F. On June 30, 2020, the Governor issued Executive Order N-71-20 extending the authority of cities to adopt or extend local moratoria on evictions of tenants from single family residences or dwelling units, subject to certain conditions, until September 30, 2020.

G. With the closure of indoor operations of businesses in Los Angeles County and the continued order that County residents remain at home, residential tenants will continue to struggle find work or return to work and pay rent. The extension of the temporary moratorium on evictions of residential tenants who are unable to pay rent due to the COVID-19 pandemic will allow residential tenants remain in their homes and help control the spread of COVID-19.

H. In accordance with California Government Code Section 8634 and Downey City Charter Sections 511 and 514 and based on the findings set forth herein and the recitals set forth in Urgency Ordinance No. 20-1445, 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.

SECTION 2. Section 5 of Urgency Ordinance No. 20-1445 is amended to read as follows:

"The temporary moratorium created by this Urgency Ordinance shall be in effect until **September 30, 2020**, unless extended by action of the City Council. If the term of the temporary moratorium is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council; except that the repayment period set forth in Paragraph IV shall survive expiration of this Urgency Ordinance."

SECTION 3. URGENCY DECLARATION

The City Council finds and declares that the extension of Urgency Ordinance No. 20-1445 is necessary for the immediate preservation and protection of the public peace, health, safety and welfare for the following reasons:

A. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to extend this Urgency Ordinance related to the protection of life and property, to ensure renters can remain in their homes and prevent proliferation of homelessness and further spread of COVID-19.

B. Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing.

C. During the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted.

D. Widespread evictions of tenants due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19.

E. Renters who are unable to pay rent during the moratorium period and who have provided landlords notice should be provided additional time to repay unpaid rent without fear that they will be evicted once this Urgency Ordinance expires.

F. 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 and extend temporary strategies to keep people housed while they make efforts to repay any unpaid rent.

SECTION 4. 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 5. 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 6. 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 7. 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 28th day of July, 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. 20-1449 was introduced and adopted at a Regular Meeting of the City Council of the City of Downey held on the 28th day of July, 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. 20-1449, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on July 30, 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