

ORDINANCE NO. 20-1451

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 COMMERCIAL 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. 20-1444 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 a slow reopening of certain businesses.

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. With the closure of the indoor operations of businesses in Los Angeles County, the slow reopening of other businesses, and the continued order that County residents remain at home, commercial businesses in Downey will continue to struggle to remain open. The extension of the temporary moratorium on evictions of commercial tenants who are unable to pay rent due to the COVID-19 pandemic will help businesses remain stable, reduce the economic impacts of the indoor closure orders, and provide commercial tenants with additional time to repay rents in arrears.

F. On June 23, 2020, the City Council adopted Urgency Ordinance No. 20-1444 establishing a temporary moratorium on evictions of commercial 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.

G. On July 28, 2020, the City Council adopted Urgency Ordinance No. 20-1448 extending the temporary moratorium on evictions of commercial 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 September 30, 2020.

H. Effective September 1, 2020, Governor Newsom signed into law AB 3088 that provides residential tenants with certain protections against evictions for COVID-19-related financial hardships, subject to certain requirements, until January 31, 2021. However, AB 3088 provides no protections for commercial tenants who are unable to pay rent due to a COVID-19-related financial hardship.

I. 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. 20-1444, 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. 20-1444 is amended to read as follows:

"The temporary moratorium created by this Urgency Ordinance shall be in effect until **January 31, 2021**, 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. 20-1444 is necessary for the immediate preservation and protection of the public peace, health, safety and welfare for the following reasons:

A. Promotion of stability in commercial tenancies is important in the City of Downey, given the number of small businesses in the community, and the need to preserve the existing commercial core of businesses, as a foundation not only for the City to recover quickly from losses of sales tax revenues expected to occur as a result of immediate shutdowns and curtailment of business activities in compliance with local, state, and federal health orders, but also for the ability to meet the need to attract new commercial tenants in the Downtown Downey Specific Plan area and elsewhere; and to minimize the job losses that may occur from displacement, relocation, or bankruptcies of businesses resulting from commercial evictions.

B. COVID-19 has become a National, State, and local emergency that will result in substantial loss of income and expense for many commercial renters whose business activities have been curtailed or stopped by natural consequences of compliance with federal, state and local mandates and any other similar COVID-19 response measures enacted to slow the infection rate, preserve the ability of medical and emergency response providers to respond to the crises and ultimately save lives.

C. Evicting commercial 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 Downey's most vulnerable businesses, and likely increase homelessness and/or the risk of COVID-19 transmission. Therefore, it is imperative that the City implement strategies to keep people and businesses housed.

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 22nd day of September, 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. 20-1451 was introduced and adopted at a Regular Meeting of the City Council of the City of Downey held on the 22nd day of September, 2020, by the following vote, to wit:

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

I FURTHER CERTIFY that a Summary of the foregoing Uncodified Urgency Ordinance No. 20-1451, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on September 24, 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