

**ORDINANCE NO. 20-1452**

**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 AMENDING THE RENT REPAYMENT PERIOD SET FORTH IN ORDINANCE NO. 20-1445 BY MAKING THE REQUIRED FINDINGS CONSISTENT WITH ASSEMBLY BILL 3088; AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

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

**SECTION 1. FINDINGS.**

A. 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.

B. 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.

C. 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.

D. While most businesses are closed for indoor activities, the Los Angeles County Department of Public Health has slowly relaxed its order for certain business operations, residential tenants will continue to struggle find work or return to work and pay rent.

E. On June 23, 2020, the City Council adopted Urgency Ordinance No. 20-1445 establishing a local eviction moratorium for residential renters who were unable to pay rent due to a COVID-19-related financial hardship and establishing a repayment period giving renters two months for every month of unpaid rent (i.e., a tenant who failed to pay rent for 3 months shall have 6 months to repay rent to the landlord starting on the expiration date of Urgency Ordinance No. 20-1445).

F. Effective September 1, 2020, the Governor signed into law AB 3088 which provides certain eviction protections to residential renters who were unable to make rent payments due to COVID-19-related financial hardships for the period March 1, 2020-January 31, 2021, subject to certain conditions, and prohibits the further extension of local residential eviction moratoria. As a result, AB 3088 prohibits further extension of the City's residential tenant eviction moratorium which will expire on September 30, 2020.

G. Starting March 1, 2021, AB 3088 also allows a landlord to initiate an action in small claims court against a residential renter to collect the amount of rent that remains unpaid for the period March 1, 2020-January 31, 2021 which does not allow sufficient time for a tenant to repay unpaid rent and avoid legal action.

H. The City Council wishes to preserve the repayment provisions first enacted pursuant to Urgency Ordinance 20-1445 by providing tenants with additional time to repay unpaid rent and avoid legal action.

I. By this Urgency Ordinance, the City Council adopts findings that its repayment provisions are more protective than AB 3088 and are consistent with AB 3088's requirement that any provision that allows a tenant a specified period of time in which to repay COVID-19 rental debt shall begin by or before March 1, 2021 and end on or before March 31, 2022. The City's repayment period begins October 1, 2020 and ends September 30, 2021 or sooner depending on the number of months a tenant is in arrears.

J. 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 IV of Urgency Ordinance No. 20-1445 is amended to add Subsection F. to read as follows:

F. It is the intent of the City Council to preserve the repayment provisions of this Section IV following its expiration which are more protective than AB 3088 and which are consistent with AB 3088's requirement that any provision that allows a tenant a specified period of time in which to repay COVID-19-related rental debt shall begin by or before March 1, 2021 and end on or before March 31, 2022. For unpaid rent due to financial impacts related to COVID-19 accrued between April 1, 2020-September 30, 2020, the City's repayment period shall begin October 1, 2020 and end September 30, 2021 or sooner depending on the number of months of unpaid rent."

**SECTION 3.** URGENCY DECLARATION

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

A. Starting March 1, 2021, AB 3088 also allows a landlord to initiate an action in small claims court against a residential renter to collect the amount of rent that remains unpaid for the period March 1, 2020-January 31, 2021.

B. The City Council wishes to preserve the repayment provisions first enacted pursuant to Urgency Ordinance 20-1445 by providing tenants with additional time to repay unpaid rent and avoid legal action.

C. Providing residential renters with additional time to repay unpaid rent due to a COVID-19-related loss of income or expense will allow tenants to avoid legal action which could make worse a tenant's financial situation and credit worthiness and prevent a tenant from

achieving financial recovery during Local Emergency. Therefore, it is imperative that the City preserve temporary repayment strategies to allow tenants to repay any unpaid rent.

D. By this Urgency Ordinance, the City Council makes findings that the repayment provisions of Ordinance No. 20-1445 which are consistent with AB 3088's requirement that any provision that allows a tenant a specified period of time in which to repay COVID-19-related rental debt shall begin by or before March 1, 2021 and end on or before March 31, 2022.

**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.** Urgency Ordinance No. 20-1445 remains in effect and expires as set forth in Urgency Ordinance No. 20-1449, except that the repayment period set forth in Paragraph IV shall survive expiration of Urgency Ordinance No. 20-1445.

**SECTION 7.** 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 (4/5<sup>th</sup>) vote of the City Council.

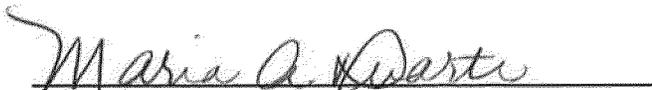
**SECTION 8.** The City Clerk shall certify to the adoption of this Urgency Ordinance and cause the same to be published in the manner prescribed by law.

**APPROVED AND ADOPTED** this 22<sup>nd</sup> day of September, 2020.



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BLANCA PACHECO, Mayor

**ATTEST:**



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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. 20-1452 was introduced and adopted at a Regular Meeting of the City Council of the City of Downey held on the 22<sup>nd</sup> 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. 20-1452, 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.

  
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MARIA ALICIA DUARTE, CMC  
City Clerk