

ORDINANCE NO. 20-1414U**AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH
EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS
DURING THE COVID-19 PANDEMIC AND SETTING FORTH THE
FACTS CONSTITUTING SUCH URGENCY**

The City Council of the City of Hermosa Beach does ordain as follows:

SECTION 1. Findings.

- A. The findings set forth in Ordinance No. 20-1407U and 20-1409U are still applicable and incorporated herein by reference.
- B. On March 27, 2020 Governor Gavin Newsom issued Executive Order N-37-20, which provides a 60-day extension for tenants to respond to an eviction complaint based on nonpayment of rent. As another indicator of the critical need for residents to remain at home, this order expressly preserves local authority to enact any public health measure that may compel an individual to remain physically present in any particular residential property.
- C. Effective April 6, 2020, the California Judicial Council approved temporary emergency rules, which suspends the processing of all eviction and foreclosure complaints until 90 days after the state's emergency declaration is lifted, unless necessary to protect public health and safety.
- D. On May 13, 2020, Los Angeles County Department of Public Health issued a new Safer at Home Order for Control of COVID-19, which extended the order for people to remain in their residences except for essential business and requires all persons to practice physical distancing of at least six feet apart and wear a cloth face covering whenever they may have contact with people outside their household. On July 4, 2020, given the surge in COVID-19 cases in Los Angeles County, the Department issued a revised order urging residents to remain in their homes as much as practicable. The status of county and state health orders are still evolving daily.
- E. On June 30, 2020 Governor Newsom issued Executive Order N-71-20 extending the authorization for local governments to halt evictions of renters impacted by the COVID-19 pandemic through September 30, 2020.
- F. The City Council desires to extend the Hermosa Beach commercial and residential eviction and foreclosure moratorium urgency ordinance to prevent uncertainty and confusion for

1 residents associated with multiple state and county regulations governing evictions during
2 the COVID-19 pandemic and to provide certainty for residents on the processes in place to
3 repay deferred rent.

4 G. This Ordinance is adopted pursuant to the City's police powers and powers afforded to the
5 city in the time of a national, state, county and local emergency during an unprecedented
6 health pandemic, such powers being afforded by the State Constitution, State law and
7 HBMC Chapter 2.56 to protect the peace, health, and safety of the public. The Hermosa
8 Beach City Council finds that this ordinance is necessary for the preservation of the public
9 peace, health, and safety of residents living within the City and finds urgency to approve this
10 ordinance immediately based on the facts described herein and detailed in the staff report.
11 Under Government Code Section 8634, this ordinance is necessary to provide for the
12 protection of health, life and property.

13 **SECTION 2.** Paragraphs A, D, and F of Section 3 of Ordinance No. 20-1407U are amended to
14 read as follows:

15 A. During the moratorium period declared in response to COVID-19, no landlord shall
16 endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable
17 to pay rent due to financial impacts related to COVID-19. The moratorium period is March 16, 2020
18 through **September 30, 2020.**

19 D. This ordinance applies to nonpayment eviction notices and unlawful detainer actions
20 based on such notices, served or filed during the moratorium period.

21 F. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which
22 the landlord may seek after expiration of the moratorium period and the tenant must repay within
23 six months of the expiration of the moratorium period. A landlord may not charge or collect a late
24 fee or interest for rent that is delayed for the reasons stated in this ordinance; nor may a landlord
25 seek rent that is delayed for the reasons stated in this ordinance through the eviction process. A
26 landlord shall not commence an eviction during the six months after the end of the moratorium
27 period so long as the tenant pays rent in a timely manner after the moratorium period and is repaying
28 the past due rent that accrued during the moratorium period. Nonpayment of rent in accordance with
the terms of this ordinance shall not be grounds for eviction of a tenant even after expiration of the
moratorium period. To the extent it applies, this ordinance is intended to be more restrictive than
Civil Code Section 1946.2 by further limiting the reasons for termination of a residential tenancy
during the six month repayment period. Landlords are strongly encouraged to offer payment plans
to tenants after the moratorium period, which may go beyond the six month repayment period upon
mutual written agreement of the parties. If mutually agreed upon in writing between the parties,
Tenants may draw down on a security deposit during the repayment period to pay back rent and
such security deposit shall be replenished by the end of the six month repayment period or longer.

1 **SECTION 3.** Paragraphs A and D of Section 4 of Ordinance No. 20-1407U are amended to
2 read as follows:

3 A. During the moratorium period declared in response to COVID-19, no commercial
4 landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the
5 tenant's businesses is subject to the Orders referenced in Section 1 above or is otherwise limited or
6 closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19 and the tenant
7 demonstrates lost income and inability to pay rent as a result of such limitation or closure or other
8 demonstrated financial impact related to COVID-19. The moratorium period is March 16, 2020
9 through **September 30, 2020.**

10 D. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which
11 the landlord may seek after the expiration of the moratorium period and the tenant must pay within
12 six months of the expiration of the moratorium period. A landlord may not charge or collect a late
13 fee or interest for rent that is delayed for the reasons stated in this ordinance; nor may a landlord
14 seek rent that is delayed for the reasons stated in this ordinance, through the eviction process during
15 or after the moratorium period. A landlord shall not commence an eviction during the six months
16 after the end of the moratorium period for non-payment of rent, so long as the tenant pays rent in a
17 timely manner after the moratorium period and is repaying the past due rent that accrued during the
18 moratorium period. Nonpayment of rent in accordance with the terms of this ordinance shall not be
19 grounds for eviction of a tenant even after expiration of the moratorium period. Landlords are
20 strongly encouraged to offer payment plans to tenants after the period of local emergency, which
21 may go beyond the six month repayment period upon mutual agreement of the parties.

22 **SECTION 4.** Paragraph A of Section 5 of Ordinance 1407U is amended to read as follows:

23 A. For mortgagors that are not eligible for financial relief under Governor Newsom's
24 Financial Relief Package found at: <https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/>, no foreclosure action against a property owner shall be initiated or proceed during the
25 moratorium period in the City of Hermosa Beach for any mortgagor with a demonstrated financial
26 impact related to COVID-19. Nothing in this ordinance shall relieve the mortgagor of liability for
27 any unpaid mortgage payments, which the mortgagee may seek after expiration of the moratorium
28 period and the mortgagor must pay within six months of the expiration of the moratorium period
unless a different time is agreed to between the parties. A mortgagee may not charge or collect a
late fee or penalty for payments that are delayed for the reasons stated in this ordinance. The
respective rights and obligations of the parties in any foreclosure proceeding shall be adjudicated
in the appropriate court of law with jurisdiction over the matter at the conclusion of the
moratorium period or rescission of this ordinance. The moratorium period is March 16, 2020
through September 30, 2020.

29 **SECTION 5.** Section 6 of Ordinance No. 1407U, which was further amended through
Ordinance No. 1409U, is amended in its entirety to read as follows:

1 In order to prevent inconsistencies, the Director of Emergency Services may suspend the
2 effectiveness of any provision in this ordinance in the event that the President of the United States,
3 Congress, Governor of the State of California or California State Legislature or other body with
4 jurisdiction adopts an order or legislation that similarly prohibits evictions and foreclosures for
failure to pay rent by individuals impacted by the COVID-19 crisis.

5 **SECTION 6. Severability.**

6
7 If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be
8 unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not
affect the remaining provisions of this Ordinance.

9 **SECTION 7. Environmental Review.**

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11 The City Council finds that adoption and implementation of this ordinance is not a “project” for
12 purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA
13 guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed
14 amendment will be to maintain the status quo and extend the existing urgency ordinance for an
15 additional period of time. No new development will result from the proposed action. No impact to
16 the physical environment will result. The City Council also alternatively finds that the adoption
17 and implementation of this ordinance is exempt from the provisions of CEQA as an administrative
18 activity by the City of Hermosa Beach, in furtherance of its police power, that will not result in
any direct or indirect physical change in the environment, per sections 15061(b)(3), and
15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic
regulations).

19 **SECTION 8. Urgency Declaration; Effective Date.**

20
21 The City Council finds and declares that the adoption and implementation of this ordinance is
22 necessary for the immediate preservation and protection of the public peace, health and safety as
23 detailed above and as the City and public would suffer potentially irreversible displacement of
24 commercial and residential tenants resulting from evictions for failure to pay rent during the
25 COVID-19 crisis. During this local emergency, and in the interest of protecting the public health
26 and preventing transmission of COVID-19, it is essential to avoid unnecessary housing
27 displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from
28 falling into homelessness during a time of abnormal economic conditions, especially given state and
county directives to stay at home. Promoting stability amongst commercial tenancies is also
conducive to public health, allowing businesses to follow the advice and directives of public health
officials to close and allowing employees to avoid public contact during times of a public health
crisis without fear of imminent eviction or foreclosure. Loss of income as a result of COVID-19

may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. This ordinance is intended to provide certainty for tenants that they will not be forced from their homes during a pandemic and during the period of safer at home orders. The purpose of the ordinance is to prevent the spread of COVID-19, prevent homelessness and avoid displacement during safer at home orders. The length of the period of federal, state and local emergency is unknown at this time and it is prudent to revisit these emergency response measures as the unprecedented situation and legal landscape evolve. The Urgency Ordinances are already in place and these amendments to avoid residential and commercial displacement require immediate action. By extending the local eviction moratorium period through September 30, 2020, the City Council desires to prevent uncertainty and confusion for tenants associated with multiple state and county regulations governing evictions during the COVID-19 pandemic and to provide certainty for tenants on the processes in place to repay deferred rent after the initial period of moratorium. Under Government Code Section 8634 and HBMC Chapter 2.56, this ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2020 by the following vote:

AYES: Councilmembers Armato, Detoy, Fangary, Mayor Pro Tem Massey, and Mayor Campbell

NOES: None

DocuSigned by:

Mary Campbell (Mayor)

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Eduardo Sarmiento

Eduardo Sarmiento, City Clerk

DocuSigned by:

Michael Jenkins

Michael Jenkins, City Attorney