

## URGENCY ORDINANCE NO. 2979

### AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA AFFIRMING EFFECTIVE AS OF JUNE 1, 2020 THE APPLICATION OF THE EVICTION MORATORIUM OF THE COUNTY OF LOS ANGELES TO THE CITY OF EL MONTE RELATING TO THE NON-PAYMENT OF RENT DUE TO COVID-19 PANDEMIC AND ITS RELATED EFFECTS

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspended “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions ... including, but not limited to, any such provision of Civil Code Sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles (the “County”) ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, on March 19, 2020, the Chair of the County Board of Supervisors issued an Executive Order establishing a temporary moratorium which was later ratified by the County Board of Supervisors on March 31, 2020, on residential and commercial evictions in the unincorporated areas of the County in response to the COVID-19 pandemic; and

WHEREAS, on March 19, the City of El Monte (the “City”) adopted Urgency Ordinance No. 2971 enacting a temporary moratorium on evictions due to the nonpayment of rent for residential tenants; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 (“Executive Order N-37-20”) which prevents evictions for a period of 60 days of “a tenant from a residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order; and

WHEREAS, the moratorium established under Executive Order N-28-20 currently expires on May 31, 2020; and

WHEREAS, on April 7, 2020, the City repealed Urgency Ordinance No. 2971 and replaced it with Urgency Ordinance No. 2974 (the “COVID-19 Eviction Moratorium Ordinance”), which expanded the parameters of the City eviction moratorium; and

WHEREAS, on April 14, 2020, the County Board of Supervisors expanded the County's anti-eviction moratorium to include all jurisdictions countywide except those jurisdictions that have adopted their own moratoria; and

WHEREAS, on May 12, 2020, the County Board of Supervisors further modified its countywide eviction moratorium to, among other things, extend the same to June 30, 2020; and

WHEREAS, the City COVID-19 Eviction Moratorium Ordinance and the County's eviction moratorium provide conflicting parameters regarding the terms of eviction such as the time of notice that is required for a tenant to notify a landlord of its inability to pay rent; and

WHEREAS, in order to avoid confusion between the City COVID-19 Eviction Moratorium Ordinance and County's eviction moratorium, the City desires to repeal its Urgency Ordinance No. 2974.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The recitals above are true and correct and incorporated herein by reference. For purposes of this Ordinance, the term "County Eviction Moratorium" shall mean the eviction moratorium first approved by the County Board of Supervisors' March 19, 2020 Executive Order establishing a temporary moratorium which was later ratified by the County Board of Supervisors on March 31, 2020, as the same was subsequently modified and expanded by action of the County Board of Supervisors on April 14, 2020 and on May 12, 2020, and as the same may be further modified by subsequent action of the County Board of Supervisors.

**SECTION 2. Effective Date.** This Urgency Ordinance shall be effective as of 12:00AM on June 1, 2020. Urgency Ordinance No. 2974 shall have no application to tenants whose rent becomes past due and remains unpaid as of the effective date of this Urgency Ordinance.

**SECTION 3. Findings and Application.**

- A. The purpose of this Ordinance is to repeal the COVID-19 Eviction Moratorium Ordinance in order to avoid confusion between the COVID-19 Eviction Moratorium Ordinance and the County Eviction Moratorium, which shall apply to the City from the Effective Date of this Ordinance. It is also stressed that the underlying objective of this Ordinance and the City's prior eviction moratorium ordinances is to prevent tenants from becoming homeless as a result of adverse economic impacts brought on by the COVID-19 crisis. A surge in homelessness attributable to evictions would only exacerbate the spread of COVID-19 as evicted tenants would be forced out into the streets and would further strain City resources already strained by efforts to respond to the pandemic. This Ordinance is therefore adopted as an Urgency Ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b), and therefore shall be passed immediately upon its introduction and shall become effective at 12:00AM on May 6, 2020 upon its adoption by a minimum of 4/5 vote of the City Council. This Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.
- B. It is the intent of the City Council that as of the effective date of this Ordinance all residential and commercial tenants in the City of El Monte shall be subject to all of the protections afforded under the County Eviction Moratorium, subject to any modifications set forth in this Ordinance, below.
- C. The application of the County Eviction Moratorium to tenants in the City of El Monte shall be subject to the following limited modification: Commencing upon

the start date under the County Eviction Moratorium of the 12-month period for the repayment of unpaid rent, each Tenant and Landlord shall establish a prorated repayment schedule of the unpaid rent that is at least 25% of the deferred amount of the rent due at the end of each 3-month period within the 12-month repayment period of the County Eviction Moratorium or any further extended repayment period as the County may approve. If the Tenant terminates the tenancy during the repayment period, the total amount of deferred rent shall become due immediately. Nothing in this Ordinance shall operate to prevent a Tenant and a Landlord from agreeing to different repayment terms.

- D. Except to the limited extent set forth under paragraph C of this Section, above, it is the intent of the City Council that effective 12:00AM on June 1, 2020 all of the protections, rights and responsibilities set forth in the County Eviction Moratorium, as the same may be further amended by the County of Los Angeles shall apply to all residential and commercial tenants in the City of El Monte to the extent afforded under the County Eviction Moratorium and for the duration of the County Eviction Moratorium as the same may be modified, amended or extended by the County of Los Angeles.

**SECTION 4. Environmental.** This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

**SECTION 5. Inconsistent Provisions.** Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

**SECTION 6. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 7. Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the El Monte Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 8. Publication and Effective Date.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. The City Clerk shall post a copy of this Ordinance on the City's internet homepage and the City shall endeavor to notify landlord and tenant groups, the County of Los Angeles and other interested parties of this Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 5th day of June, 2020.



Andre Quintero, Mayor  
City of El Monte

ATTEST:



Catherine A. Eredia, City Clerk  
City of El Monte

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )     SS:  
CITY OF EL MONTE             )

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Urgency Ordinance No.2979 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 5th day of June, 2020 and that said Urgency Ordinance was adopted by the following votes, to-wit:

AYES:       Mayor Quintero, Mayor Pro Tem Morales, Councilmembers Ancona, Martinez Muela and Velasco

NOES:       None

ABSTAIN:   None

ABSENT:    None



Catherine A. Eredia, City Clerk  
City of El Monte