URGENCY ORDINANCE NO. 812U


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

SECTION 1. Findings.

A. The findings set forth in Ordinance No. 810U are still applicable and incorporated herein by reference.

B. The City Council desires to extend the Lomita temporary moratorium on foreclosures and commercial and residential eviction urgency ordinance 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.

C. This Ordinance is adopted pursuant to the City's police powers and powers afforded to the city in the time of a national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and Title III, Chapter 2, of the Lomita Municipal Code to protect the peace, health, and safety of the public. The City of Lomita City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of health, life and property.

SECTION 2. Section 5 of Ordinance No. 810U is amended to read as follows. All other provisions of the Ordinance remain in place.

Ordinance No. 810U shall remain in effect until June 30, 2020. In order to prevent inconsistencies, the Director of Emergency Services may suspend the effectiveness of any provision in this ordinance in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature or other body with jurisdiction adopts an order or legislation that similarly prohibits evictions for failure to pay rent by individuals impacted by the COVID-19 crisis.

SECTION 3. Severability.

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

SECTION 4. Environmental Review.

The City Council finds that adoption and implementation of this ordinance is not a
"project" for purposes of the California Environmental Quality Act (CEQA), as that term
is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The
effect of the proposed amendment will be to maintain the status quo and extend the
existing urgency ordinance for an additional month. No new development will result from
the proposed action. No impact to the physical environment will result. The City Council
also alternatively finds that the adoption and implementation of this ordinance is exempt
from the provisions of CEQA as an administrative activity by the City of West
Hollywood, 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).

SECTION 5. Urgency Declaration; Effective Date.

The City Council finds and declares that the adoption and implementation of this
ordinance is necessary for the immediate preservation and protection of the public
peace, health and safety as detailed above and as the City and public would suffer
potentially irreversible displacement of commercial and residential tenants resulting
from evictions for failure to pay rent during the COVID-19 crisis. During this local
emergency, and in the interest of protecting the public health and preventing
transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to
protect the City's affordable housing stock, and to prevent housed individuals from
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. By extending the local eviction moratorium ordinance for an additional month
through June 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. 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 initial Urgency Ordinance is already in place and these
amendments require immediate action so the ordinance does not expire. Under
Government Code Section 8634 and Title III, Chapter 2, of the Lomita Municipal Code,
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 6. 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 22nd day of May 2020.

James Gazeley, Mayor

ATTEST:

Kathleen Hill, City Clerk

APPROVED AS TO FORM:

Trevor Rusin
City Attorney
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF LOMITA  

I, Kathleen Hill, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Urgency Ordinance No. 812U was duly passed, approved, and adopted by the City Council of the City of Lomita at a special meeting held on May 22, 2020, by the following vote, to wit:

AYES: Council Members: Sanchez, Savidan, Segawa, Mayor Pro Tem Waronek and Mayor Gazeley  
NOES: None  
ABSENT: None  
RECUSE: None  

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lomita, California this 26th day of May 2020.

Kathleen Hill, CMC, City Clerk  
City of Lomita, California