

URGENCY ORDINANCE NO. 816U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, EXTENDING THE TEMPORARY MORATORIUM ON FORECLOSURES AND EVICTIONS DUE TO THE NONPAYMENT OF RENT BY RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE COVID-19 VIRUS, FINDING THE SAME EXEMPT FROM CEQA AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

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.

The moratoria provisions set for in sections 2(A), (B), 3(A), and (D), 4(A) of Ordinance No. 810U shall remain in effect from the date a local emergency was declared related to COVID-19 until September 30, 2020 so long as the tenant or mortgager were in possession of the property in question at the time Ordinance No. 810U was passed. The remaining provisions shall remain in effect unless otherwise amended or terminated. 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

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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 Lomita, 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 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

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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 4th day of August 2020.

James Gazeley
James Gazeley, Mayor

ATTEST:

Kathleen Horn Gregory
Kathleen Horn Gregory, City Clerk



APPROVED AS TO FORM:

DocuSigned by:
Trevor Rusin
875AED1708CA474
Trevor Rusin
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LOMITA)

I, **Kathleen Horn Gregory**, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Ordinance No. 816U was duly passed, approved, and adopted by the City Council of the City of Lomita at its regular meeting held on August 4, 2020, by the following vote, to wit:

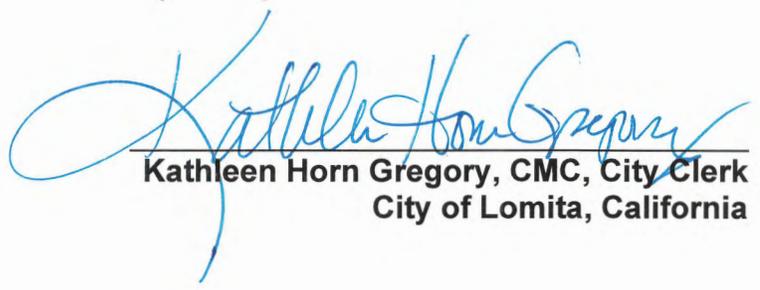
AYES: Council Members: Sanchez, Savidan, Segawa, Mayor Pro Tem Waronek and Mayor Gazeley

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 4th day of August 2020.



**Kathleen Horn Gregory, CMC, City Clerk
City of Lomita, California**