

ORDINANCE NO. 20-1108U

AN URGENCY ORDINANCE OF THE CITY OF WEST HOLLYWOOD
AMENDING THE RESIDENTIAL EVICTION MORATORIUM AND SETTING
FORTH THE FACTS CONSTITUTING SUCH URGENCY

The City Council of the City of West Hollywood does ordain as follows:

SECTION 1. Findings.

- A. The findings set forth in Ordinance Nos. 20-1101U and 1103U and 1105U are still applicable and incorporated herein by reference.
- B. The City Council desires to prevent the spread of COVID-19, prevent homelessness and avoid displacement during safer at home orders and during the COVID-19 pandemic and to provide clear and limited bases on which a landlord may endeavor to evict a tenant, related only to health and safety concerns.
- C. 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.
- D. 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.
- E. On May 13, 2020, Los Angeles County Department of 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. The County reports that the safer-at-home order is likely to be in place at least for the next 3 months.
- F. On May 14, 2020, the City Manager issued Emergency Executive Order No. 2020-3, which, beginning on May 23, 2020, requires all persons to wear face coverings when out in public and away from their residence.
- G. This Ordinance is adopted pursuant to the City's police powers and powers afforded to the city in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public. The West Hollywood 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. Paragraph A of Section 3 of Ordinance No 20-1103U is amended to read as follows. All other provisions of the Ordinance remain in place.

- A. Notwithstanding anything to the contrary in West Hollywood Municipal Code Title 17 and due to the declared local emergency, no landlord shall endeavor to evict a tenant for nonpayment of rent, if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19, subject to B and C below.

No landlord shall endeavor to terminate a tenancy during the moratorium period except on the following grounds:

1. Nonpayment of rent not due to financial impacts related to COVID-19.
2. The tenant is using the rental unit for an illegal purpose and has failed to correct the condition after being given notice and an opportunity to cure. The required notice shall be in writing to the tenant and the City and shall describe in detail the nature of the illegal condition, the reason eviction is necessary, and the steps taken by the landlord to avoid eviction. The City Manager, or designee, may request additional documentation supporting the existence of the condition warranting the termination of the tenancy and the tenant's failure to cure. The City may also order suspension of the eviction process if the City Manager or designee determines that suspension is necessary in order to prevent abuse of this ordinance, with the purpose of the ordinance being to prohibit residential evictions during the period of a health pandemic except in limited circumstances. Such determination may be appealed per Subchapter C of Chapter 6 of the Rent Stabilization Regulations.
3. The tenant has created and is maintaining a dangerous and unsanitary condition and has failed to correct the condition after being given notice and an opportunity to cure. The required notice shall be in writing to the tenant and the City and shall describe in detail the nature of the dangerous and unsanitary condition, the reason eviction is necessary, and the steps taken by the landlord to avoid eviction. The City Manager, or designee, may request additional documentation supporting the existence of the condition warranting the termination of the tenancy and the tenant's failure to cure. The City may also order suspension of the eviction process if the City Manager or designee determines that suspension is necessary in order to prevent abuse of this ordinance, with the purpose of the ordinance being to prohibit residential evictions during the period of a health pandemic except in limited circumstances. Such determination may be appealed per Subchapter C of Chapter 6 of the Rent Stabilization Regulations.
4. Eviction is necessary to address an imminent and objectively verifiable threat to the health or safety of a member of the tenant's household or other residents of the rental property. The landlord shall give written notice to the tenant and the City describing in detail the nature of the dangerous and unsanitary condition, the reason eviction is necessary, and the steps taken by the landlord to avoid eviction. The City Manager, or designee, may request additional documentation supporting the existence of the condition warranting the termination of the tenancy and the tenant's failure to cure. The City may also order suspension of the eviction process if the City Manager or designee determines that suspension is necessary in order to prevent abuse of this ordinance, with the purpose of the ordinance being to prohibit residential evictions during the period of a health pandemic

except in limited circumstances. Such determination may be appealed per Subchapter C of Chapter 6 of the Rent Stabilization Regulations.

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. Effective Date.

This ordinance shall remain in effect through July 31, 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 5. 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 6. Urgency Declaration.

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 residential tenants resulting from evictions 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, especially given state and county directives to stay at home. Loss of income as a result of COVID-19 may inhibit City residents 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 displacement require immediate action. Under Government Code Section 8634 and WHMC Chapter 2.80, 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 7. 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 by the City Council of the City of West Hollywood at a regular meeting held this 15th day of June, 2020 by the following vote:

AYES:	Councilmember:	D'Amico, Duran, Meister, Mayor Pro Tempore Heilman, and Mayor Horvath.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:

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 LINDSEY P. HORVATH, MAYOR

ATTEST:

DocuSigned by:

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 YVONNE QUARKER, CITY CLERK

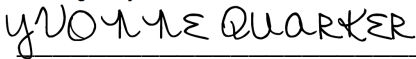
STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES)
 CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 20-1108U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 15th day of June, 2020.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 16th DAY OF JUNE, 2020.

DocuSigned by:



YVONNE QUARKER, CITY CLERK