



# City of Huntington Beach

File #: 20-1559

MEETING DATE: 3/31/2020

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Oliver Chi, City Manager

**Subject:**

**Emergency Ordinance 4210 Establishing Temporary Ban on Certain Tenant Evictions for Non-Payment of Rent as a Result of COVID-19 Related Financial Impacts**

**Statement of Issue:**

On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 requiring all Californians to stay at home and avoid public gatherings to slow the spread of novel coronavirus (COVID-19). This Order has necessitated the closure of all non-essential businesses, which has resulted in substantial losses of income for many residents. These economic impacts have hindered some people's abilities to pay rents, potentially exposing them to evictions during the Stay At Home Order. In response, the City is considering a temporary ban on certain evictions of residential and commercial tenants during the pandemic.

**Financial Impact:**

Not applicable.

**Recommended Action:**

Adopt Ordinance No. 4210, "An Emergency Ordinance of the City of Huntington Beach, Adding Chapter 3.58 to the Huntington Beach Municipal Code Establishing a Temporary Ban on Certain Tenant Evictions for Non-Payment of Rent as a Result of COVID-19 Related Financial Strain."

**Alternative Action(s):**

Do not adopt Ordinance No. 4210.

**Analysis:**

On March 16, 2020, Governor Newsom issued Executive Order N 28-20, finding in part, that despite sustained efforts, COVID-19 remains a threat to the State's public health and economy. In particular, the Executive Order authorized local governments to halt evictions for renters and homeowners to ensure housing security as the State, counties and cities have enforced Stay At Home policies and instituted extreme social distancing measures designed to prevent any gathering of any number of

individuals, including in non-essential California businesses.

These extreme social distancing requirements have resulted in private-sector business closures. This is reflected by the fact that a total of around 3.3 million Americans applied for unemployment benefits last week, which was the highest one-week increase ever recorded. Locally, numerous Californians are now out of work, on unpaid leave, have experienced a substantial reduction in work hours, have been laid off, or are otherwise suddenly without requisite financial means to maintain their households and pay rents and mortgages because of COVID-19 and related governmental actions.

Executive Order N 28-20 states that local jurisdictions are no longer preempted by State Law from imposing certain temporary regulatory laws that restrict the ability of Landlords to effectuate certain tenant evictions. The City's proposed Ordinance No. 4210 also proposes similar measures. However, there are differences between the Governor's Executive Order and the City's proposed Ordinance:

- **Timeline:** The Governor's Executive Order is currently in effect through the May 31, while the City's Emergency Ordinance proposes to be in effect for 120 days.
- **Application:** The Governor's Executive Order applies to residential tenants, while the City's Emergency Ordinance applies to both commercial and residential tenants.
- **Penalties:** The Governor's Executive Order is silent on penalties, while the City's Emergency Ordinance provides that those violating the regulation are subject to the City's administrative citation penalties.

Given the overall situation, the proposed Emergency Ordinance has been developed for City Council consideration, pursuant to Huntington Beach Charter Section 501, as an emergency measure for the immediate preservation of the public peace, health, and safety, by eliminating any uncertainty regarding evictions during the COVID-19 virus pandemic. If approved, the Emergency Ordinance will remain in effect for no longer than 120 days from the date of adoption.

**Environmental Status:**

Not applicable.

**Strategic Plan Goal:**

Non-Applicable - Administrative Item

**Attachment(s):**

1. Ordinance No. 4210