



Legislation Details (With Text)

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On agenda: 12/21/2021 **Final action:**

Title: Consideration of Introducing Ordinance No. 21-0008 Amending Urgency Ordinance No. 20-0012-U, as Subsequently Amended, to Rescind Residential Eviction Regulations (City Attorney Barrow).
INTRODUCE ORDINANCE NO. 21-0008

Sponsors:

Indexes:

Code sections:

Attachments: 1. Urgency Ordinance No. 20-0012-U, 2. Draft Ordinance No. 21-0008

Date	Ver.	Action By	Action	Result
12/21/2021	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Quinn Barrow, City Attorney
Alexandria Latragna, Policy & Management Analyst

SUBJECT:
Consideration of Introducing Ordinance No. 21-0008 Amending Urgency Ordinance No. 20-0012-U, as Subsequently Amended, to Rescind Residential Eviction Regulations (City Attorney Barrow).
INTRODUCE ORDINANCE NO. 21-0008

RECOMMENDATION:
Staff recommends that the City Council introduce Ordinance No. 21-0008 amending Urgency Ordinance No. 20-0012-U, as subsequently amended, to rescind certain regulations pertaining to residential tenants.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND:
On March 13, 2020, the City Council adopted Resolution No. 20-0039, proclaiming the existence of a local emergency due to the COVID-19 outbreak. On March 17, 2020, the City Council adopted Urgency Ordinance No. 20-0012-U to provide temporary eviction protections to commercial and

residential tenants in the City during the COVID-19 pandemic local emergency. The Council subsequently adopted Urgency Ordinance Nos. 20-0016-U and 20-0018-U to amend Urgency Ordinance No. 20-0012-U pertaining to commercial tenants but neither Ordinance changed provisions relating to residential tenants. (The Ordinances are referred to hereinafter and in the draft ordinance as the “2020 Eviction Ordinance.”)

Ordinance No. 20-0012-U prohibited a landlord from evicting residential (and commercial) tenants in either of the following situations:

1. for nonpayment of rent if the tenant demonstrated that the tenant is unable to pay rent due to financial impacts related to COVID-19; or
2. for a no-fault eviction unless immediately necessary for the health and safety because of the existence of a hazardous condition affecting other tenants, neighbors, or the landlord, unrelated to COVID-19.

Significantly, the 2020 Eviction Ordinance did not relieve tenants of the obligation to pay any rent; it simply deferred payment of all unpaid rent until six months after the expiration of the local emergency.

On November 16, 2021, City Council directed staff to prepare an ordinance to rescind such regulations pertaining to residential tenants.

DISCUSSION:

If adopted, Ordinance No. 21-0008 would rescind protections provided to residential tenants during the COVID-19 pandemic, such as the option to defer payment of rent because of financial impacts related to COVID-19. In essence, the draft ordinance would require residential tenants to start paying monthly rent on March 1, 2022 and each month thereafter, and repay all rent that was deferred after March 17, 2020, on or before September 1, 2022.

Mirroring Ordinance No. 20-0012-U, the draft ordinance provides that a landlord may not take any steps to evict a residential tenant for nonpayment of rent that became (or becomes) due prior to February 22, 2022, but will require payment of monthly rent starting in March, and accelerates the repayment deadline to on or before September 1, 2022, in the event that the local emergency does not expire prior to February 22, 2022. Per Ordinance No. 20-0012-U, a tenant must pay deferred rent “within six months of the expiration of the local emergency.” Under the draft ordinance, a landlord may take steps to evict a residential tenant if the landlord does not receive monthly rent for the month of March 2022 and subsequent months, or if the tenant does not pay all deferred rent on or before September 1, 2022.

If adopted, the above regulations regarding payment of rent and payment of deferred rent will be the only City regulations preventing landlords from proceeding with evictions of residential tenants who were unable to pay rent due to the pandemic, provided the landlords follow the eviction and unlawful detainer process required by Los Angeles County and California.

Please note that, for ease of reference, the Ordinance restates-without any substantive changes-the 2020 Eviction Ordinance’s protections provided to commercial tenants. The 2020 Eviction Ordinance’s provisions related to commercial tenants remain unchanged by the draft ordinance.

ATTACHMENTS:

1. Urgency Ordinance No. 20-0012-U
2. Draft Ordinance No. 21-0008