

ORDINANCE NO. 2021-08U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, REPEALING THE EMERGENCY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS FOR NON-PAYMENT OF RENT DUE TO COVID-19 FINANCIAL HARDSHIPS AND “NO-FAULT” COMMERCIAL EVICTIONS AND DECLARING THE URGENCY THEREOF

WHEREAS, on March 4, 2020, the Governor of the State of California (“Governor”) declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the spread of COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20, which suspended “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions” of certain tenants affected by the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council ratified the City Manager’s proclamation of the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 19, 2020, the Los Angeles County Public Health Officer issued a countywide health order for residents to remain “safer at home”; and

WHEREAS, on March 19, 2020, the Chair of the Los Angeles County Board of Supervisors (“County Board”) issued an Executive Order that imposed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by COVID-19 (“County Eviction Moratorium”); and

WHEREAS, on April 7, 2020, the City Council adopted emergency regulations (“Urgency Ordinance No. 2020-05U”) prohibiting commercial evictions for non-payment of rent and “no-fault” commercial evictions; and

WHEREAS, on September 1, 2020, the County Board amended the County Eviction Moratorium to, in part, establish the County’s eviction protections as the baseline for all incorporated cities within Los Angeles County, including cities with their own local eviction moratoria if those moratoria did not include the same or greater tenant protections as the County Eviction Moratorium; and

WHEREAS, on June 22, 2021, the County Board most recently amended the County Eviction Moratorium to extend the Moratorium until September 30, 2021; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, commercial tenants in Monrovia may have experienced sudden and unexpected income loss; and

WHEREAS, the eviction of commercial tenants could have resulted in the loss of local, family owned businesses, the loss of jobs for employees, and negative impacts to surrounding businesses, commercial centers and neighborhoods; and

WHEREAS, Urgency Ordinance No. 2020-05U requires rent to be paid in full by all commercial tenants financially impacted by COVID-19 within six months following the expiration or termination of the local emergency; and

WHEREAS, the County Eviction Moratorium provides that commercial tenants financially impacted by COVID-19 with 9 or fewer employees will have 12 months to repay unpaid rent from the expiration of the moratorium period, and commercial tenants financially impacted by COVID-19 with 10 to 99 employees will have six months from the expiration of the moratorium period to repay unpaid rent, in equal installments, unless the tenant and landlord agree to an alternate payment arrangement; and

WHEREAS, the County Eviction Moratorium does not protect tenants with 100 or more employees, or tenants that are multi-national or publicly traded corporations; and

WHEREAS, to avoid any potential confusion or conflict in the applicability of eviction regulations for commercial tenants with fewer than 100 employees related to the COVID-19 emergency, it is in the best interests of the City and the general public health, safety, and welfare to repeal Urgency Ordinance No. 2020-05U and instead rely on County protections against evictions for commercial tenants with fewer than 100 employees who have been financially impacted by COVID-19.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council finds that each fact set forth in the preceding recitals is true and correct and incorporated by reference.

Section 2. Repeal of Urgency Ordinance No. 2020-05U. The City Council hereby repeals Urgency Ordinance No. 2020-05U in its entirety.

Section 3. Unprotected Commercial Tenants. A commercial tenant that has been unable to pay rent, late fees, or other fees or charges due to financial impacts related to COVID-19 and is not protected by the County Eviction Moratorium because the commercial tenant has 100 or more employees, or is a multi-national or publicly traded corporation, shall have six months following the effective date of this Urgency Ordinance to repay unpaid rent, late fees, or other fees or charges. A commercial tenant that has been unable to pay rent, late fees, or other fees or charges due to financial impacts related to COVID-19 and is protected by the County Eviction Moratorium shall comply with the terms of the County Eviction Moratorium.

Section 4. Urgency. The City Council finds that commercial tenants with fewer than 100 employees will likely be confused by the conflicting regulations in the City's commercial eviction moratorium compared to the County Eviction Moratorium. The City Council further finds that in order to provide clarity to commercial tenants and decrease the risk of the loss of jobs, local and family-owned businesses, and associated impacts, this Ordinance must be effective immediately. Therefore, the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b)

and that it take effect immediately upon adoption pursuant to Government Code section 36934, and its urgency is hereby declared.

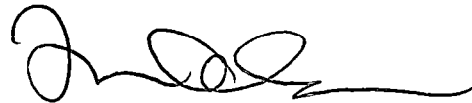
Section 5. Uncodified. This Ordinance shall not be codified.

Section 6. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

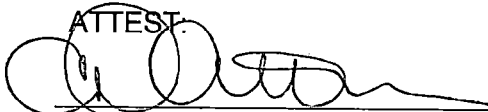
Section 7. Effective Date. Based upon the findings in Section 4 of this Ordinance, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 8. Certification. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law. The City Manager is directed to widely publicize the adoption of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of Monrovia on this 7th day of September, 2021.

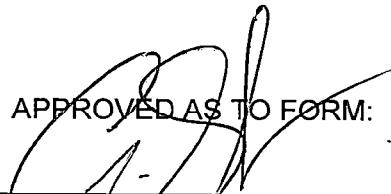


Tom Adams, Mayor
City of Monrovia

ATTEST.


Alice D. Atkins, MMC, City Clerk
City of Monrovia

APPROVED AS TO FORM:



Craig A. Steele, City Attorney
City of Monrovia

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONROVIA)

I, ALICE D. ATKINS, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2021-08U; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 7th day of September, 2021, by the following vote:

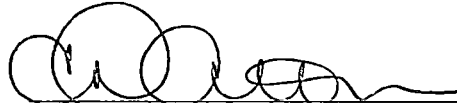
AYES: Councilmembers Blackburn, Shevlin, Spicer, Mayor Pro Tem Crudgington,
Mayor Adams

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Alice D. Atkins, MMC, City Clerk
City of Monrovia