

ORDINANCE NO. 1138

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA ADOPTING THE TENANT PROTECTION ACT OF 2019 RELATING TO THE PROHIBITION OF NO-FAULT TERMINATIONS OF TENANCY AND EVICTIONS AND LIMITING RENT INCREASES FOR RESIDENTIAL REAL PROPERTY THROUGH DECEMBER 31, 2019

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and resolutions for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, Assembly Bill ("AB") 1482, the Tenant Protection Act of 2019 was passed by the California Legislature in September 2019, and was approved by the Governor and chaptered by the Secretary of State on October 8, 2019. AB 1482 adds Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code, effective January 1, 2020, which, among other things and with certain exceptions, would (1) prohibit owners of residential property with a certificate of occupancy issued through December 31, 2004, from terminating a tenancy without "just cause" when the tenant has continuously and lawfully occupied the residential property for 12 months, (2) require, for "no fault" terminations, that the owner either assist certain tenants to relocate by providing one month's rent to the tenant or waive the payment of rent for the final month of the tenancy, and (3) until January 1, 2030, prohibit owners of certain residential rental property from increasing rents each year more than five percent plus the percentage change in the cost of living, or 10 percent, whichever is lower; and

WHEREAS, in advance of the implementation of AB 1482, the City believes there is an increase in no-fault terminations, eviction notices, threats of eviction, and substantial rent increases within the City; and

WHEREAS, the City Council finds that the service of no-fault eviction notices during the period after February 22, 2019, when AB 1482 was introduced in the Legislature, and prior to AB 1482's effective date of January 1, 2020, has been severely and irreparably undermining the intent of the Legislature and Governor in enacting AB 1482, to protect tenants from arbitrary evictions during the State's housing crisis. This overwhelming public policy interest necessitates emergency action to preserve the effectiveness of AB 1482; and

WHEREAS, the City Council finds that an urgency measure is necessary and essential to prevent the irreparable injury tenants would suffer due to the service of no-fault eviction notices prior to the January 1, 2020, effective date of AB 1482; and

WHEREAS, the protections of AB 1482 do not take effect until January 1, 2020; and

WHEREAS, the City Council of the City of Pico Rivera desires to provide protections to renters of "residential real property" (as defined in AB 1482) from no-fault terminations and evictions without just cause and excessive rent increases from the effective date of this ordinance through December 31, 2019, in advance of AB 1482's effective date, by adoption of the terms and provisions of AB 1482; and

WHEREAS, it is the intent of the City Council that this uncodified ordinance should apply for the limited time commencing as of the effective date of this ordinance and remaining in effect until January 1, 2020, at which time AB 1482 shall become operative; and

WHEREAS, the City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code sections 36934 and 36937; and

WHEREAS, Government Code section 36937 authorizes the City Council to adopt an urgency ordinance by a 4/5 vote of the City Council, which ordinance may be adopted upon introduction and shall take effect immediately to preserve the public health, safety and welfare; and

WHEREAS, the above issues constitute a current and immediate threat to the public peace, health, and safety of the City, within the meaning of Government Code section 36937; and

WHEREAS, for reasons set forth above, this ordinance is declared by the City Council to be necessary for immediate preservation of the public peace, health, and safety, and the recitals above taken together constitute the City Council's reasons for such necessity and urgency.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pico Rivera as follows:

SECTION 1: Emergency Finding. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this urgency ordinance. The City Council further finds that there is a necessity to expedite and to pass this ordinance by the powers granted the City Council under Article XI, Section 7, of the California Constitution and Government Code section 36937, given that evictions of residents and exorbitant rent increases, directly threatens the public peace, health, and safety of the City. The City further finds that the protections set forth in this urgency ordinance are more protective than those required under AB 1482, in that the protections set forth under this Ordinance are consistent with the protections under AB 1482, but further expand these protections to take effect immediately and

remain in place until the January 1, 2020 application of the just cause eviction protections set forth state law pursuant to AB 1482.

SECTION 2: The provisions of AB 1482, the Tenant Protection Act of 2019, are hereby adopted in full, and shall apply to "residential real property" or "residential circumstances" (as those terms are defined in AB 1482) within the City of Pico Rivera. Notwithstanding anything contained in AB 1482 to the contrary, this Ordinance and all of its terms shall become operative as of the effective date of this Ordinance, meaning that any section or reference in AB 1482 that specifies that a term or provision thereof shall become operative on January 1, 2020 shall, instead, be read to mean and become operative on the effective date of this ordinance.

SECTION 3: As applied to notices of termination issued prior to the effective date of this Ordinance, this Ordinance shall apply to tenancies where an owner has issued a notice of termination of tenancy to a tenant and where, as of the effective date of this Ordinance, said tenant remains in possession of dwelling unit and/or any eviction lawsuit has not reached a final judgment or issuance of a final order, after all appeals have been exhausted. This Ordinance may be asserted as an affirmative defense in an unlawful detainer action.

SECTION 4: This Ordinance shall remain in effect until January 1, 2020, at which time AB 1482 will thereafter govern the subject matter of this Ordinance, and, as of that date, this Ordinance shall be automatically repealed and be of no further force or effect.

SECTION 5: CEQA. The City Council hereby finds and determines that this ordinance is not subject to the requirements of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guideline section 15183 ("Action Consistent with General Plan and Zoning"); section 15378 ("No Project"), and section 15061(b)(3) ("No Significant Environmental Impact").

SECTION 6: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof, be declared invalid or unconstitutional.


SECTION 7: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner required by law.

SECTION 8: This Ordinance is an urgency ordinance and shall take effect immediately upon a 4/5 vote of the City Council.

APPROVED AND ADOPTED this 10th day of December, 2019.


Brent A. Tercero, Mayor

ATTEST:


Anna M. Jerome, City Clerk

APPROVED AS TO FORM:


Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
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COUNTY OF LOS ANGELES)

I, Anna M. Jerome, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance, Ordinance No. 1138 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, December 10, 2019, with the following vote:

AYES: Camacho, Elias, Salcido, Tercero
NOES: None
ABSENT: None
ABSTAIN: None