



- 1 G. On March 16, 2020, the Los Angeles County Public Health Officer issued an order  
2 countywide that (1) prohibits gatherings where at least 50 or more people are  
3 expected to attend, (2) puts limits and regulations on gatherings of 10-49 people,  
4 (3) limits restaurants to drive-through/takeout/delivery only, and (4) closes bars  
5 (that don't serve food), gyms, movie theaters, etc.
- 6 H. The Centers for Disease Control and Prevention, the California Department of  
7 Health, and the Los Angeles County Department of Public Health have all issued  
8 recommendations including but not limited to strict adherence to social distancing  
9 guidelines, canceling or postponing group events, working from home, and other  
10 precautions to protect public health and prevent transmission of this communicable  
11 virus. Other counties throughout the state have issued essentially "shelter in place"  
12 directives.
- 13 I. On March 19, 2020, the Los Angeles County Public Health Officer issued a second  
14 countywide order, the Safer at Home for Control of COVID-19 Order, which was  
15 further clarified on March 21, 2020. This public health order prohibits all public  
16 and private group gatherings and events and requires people to stay in their homes  
17 with limited exceptions; and requires closure of all non-essential retail businesses,  
18 shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all  
19 similar gathering places. The purpose of the order is to further restrict and limit  
20 gathering of persons and require closures of non-essential retail businesses in an  
21 effort to stem or slow the spread of the virus.
- 22 J. On March 19, 2020, the Governor of the State of California, also issued Executive  
23 Order N-33-20, an Order of the State Public Health Officer ordering all individuals  
24 living in California to stay home or at their place of residence except as needed to  
25 maintain continuity of operations of outlined federal critical infrastructure sectors.
- 26 K. As of the date of this ordinance and in order to prevent further exposure, many  
27 businesses have imposed work from home policies; meetings, events and social  
28 gatherings are cancelled as people remain at home; customers are not patronizing  
restaurants and stores or hiring domestic help or travelling. With more closure of  
all non-essential businesses and people working from home, less of the workforce  
will be patronizing restaurants, hotels and other retail establishments that employ  
hourly workers, which is expected to lead to hourly cutbacks and employee  
terminations.
- L. As a result of the public health emergency and the precautions recommended by  
health authorities, many tenants in Hermosa Beach have experienced or expect  
soon to experience sudden and unexpected income loss.
- M. The Governor of the State of California has stated that individuals exposed to  
COVID-19 may be temporarily unable to report to work due to illness caused by  
COVID-19 or quarantines related to COVID-19 and individuals directly affected  
by COVID-19 may experience potential loss of income, health care and medical  
coverage, and ability to pay for housing and basic needs, thereby placing increased

1 demands on already strained regional and local health and safety resources,  
2 including shelters and food banks.

3 N. Most, if not all, local schools are closed to prevent further spread of COVID-19.  
4 These school closures will cause children to have to remain at home, leading to  
5 many parents adjusting their work schedules to take time off work, whether paid or  
6 unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to  
7 work due to school closures will economically strain those families who cannot  
8 afford to take off time from work to stay at home

9 O. The situation is unprecedented and evolving rapidly. Further economic impacts are  
10 anticipated, leaving tenants vulnerable to eviction.

11 P. This Ordinance is temporary in nature and only intended to promote stability and  
12 fairness within the residential and commercial rental market in the City during the  
13 COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby  
14 serving the public peace, health, safety, and public welfare and to enable tenants in  
15 the City whose income and ability to work is affected due to COVID-19 to remain  
16 in their homes.

17 Q. In the interest of public health and safety, as affected by the emergency caused by  
18 the spread of COVID-19, it is necessary to exercise authority to adopt this  
19 ordinance related to the protection of life and property, to ensure residents can  
20 remain in their homes and prevent proliferation of homelessness and further spread  
21 of COVID-19. Displacement through eviction and foreclosure creates undue  
22 hardship for tenants through additional relocation costs, stress and anxiety, and the  
23 threat of homelessness due to the lack of alternative housing, and lack of moving  
24 services and supplies as stores and businesses close. During the COVID-19  
25 pandemic outbreak, affected tenants who have lost income due to impact on the  
26 economy or their employment may be at risk of homelessness if they are evicted  
27 for non-payment as they will have little or no income and thus be unable to secure  
28 other housing if evicted.

R. People experiencing homelessness are especially vulnerable to the spread of  
COVID-19 due to an inability to practice social distancing and a lack of access to  
health care. The Governor has ordered the State to take extraordinary measures to  
secure shelter for homeless populations during this emergency to limit exposure to  
and spreading of COVID-19. Widespread evictions of tenants vulnerable to  
eviction due to financial hardship occurring due to COVID-19 would exacerbate  
the challenge of sheltering the homeless during this emergency and increase the  
risk of spread of COVID-19.

S. Promoting stability amongst commercial tenancies is also conducive to public  
health, allowing businesses to follow the advice and directives of public health  
officials to close, and allowing employees to avoid public contact, during times of a  
public health crisis without fear of imminent eviction. The state and county health

1 officials have ordered most commercial businesses to close and restaurants are  
2 limited to take out and deliver only. The rapid, immediate and unexpected loss of  
revenue from closure is devastating to local businesses.

- 3 T. The City desires to prohibit evictions due to non-payment of rent for residential and  
4 commercial tenants where the failure to pay rent results from income loss resulting  
5 from the novel coronavirus (COVID-19).
- 6 U. The day after the Urgency Ordinance No. 20-1406U was adopted, Governor Gavin  
7 Newsom, on March 25, 2020, announced a financial relief package negotiated with  
8 participating financial institutions (“Financial Relief Package”). See  
9 [https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-  
10 financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/](https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/).  
11 By agreement with participating lenders, borrowers economically impacted by  
12 COVID-19 may apply for mortgage payment forbearances for up to 90 days.
- 13 V. Under the Financial Relief Package, for at least 60 days, participating financial  
14 institutions also will not initiate foreclosure sales or evictions, consistent with the  
15 institutions’ applicable guidelines. As of the time of the Governor’s announcement,  
16 participating financial institutions included Citigroup, JPMorgan Chase, U.S. Bank,  
17 Wells Fargo, and roughly 200 state-chartered banks, credit unions, and loan  
18 servicers. A searchable updated list of participating institutions and their contact  
19 information can be viewed by going to the California Department of Business  
20 Oversight website at <https://dbo.ca.gov/covid19-updates-fi/>.
- 21 W. Unlike the Urgency Ordinance No. 20-1406U, the Governor’s Financial Relief  
22 Package provides protection from not only judicial foreclosure, but from  
23 foreclosure sales in general. The package, however, only applies to those  
24 mortgagors owing payments to one of the participating financial institutions, and  
25 may not include all City of Hermosa Beach (“City”) properties.
- 26 X. The City desires to protect mortgagors within its jurisdiction whose lenders have  
27 not yet elected to participate in the Financial Relief Package from judicial  
28 foreclosures, as authorized by Governor Newsom’s Executive Order N-28-20.

22 This Ordinance is adopted pursuant to the City's police powers and powers afforded to the city in  
23 time of national, state, county and local emergency during an unprecedented health pandemic,  
24 such powers being afforded by the State Constitution, State law and the Chapter 2.56 of the  
Hermosa Beach Municipal Code to protect the peace, health, and safety of the public.

25 **SECTION 2. Interim Urgency Ordinance No. 20-1406U is amended in its entirety to read as  
26 follows below.**

27 **SECTION 3. Temporary Moratorium on Evictions for Non-Payment of Rent by Residential  
28 Tenants Impacted by the COVID-19 Crisis.**

1 A. During the period of local emergency declared in response to COVID-19, no landlord  
2 shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is  
3 unable to pay rent due to financial impacts related to COVID-19

4 B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for  
5 the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an  
6 unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for  
7 nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of  
8 this ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in  
9 writing of lost income and inability to pay full rent due to financial impacts related to COVID-19,  
10 and provides documentation or explanation to support the claim. For purposes of this ordinance,  
11 "in writing" includes email communications to a landlord or the landlord's representative with  
12 whom the tenant has previously corresponded by email. Any medical or financial information  
13 provided to the landlord shall be held in confidence, and only used for evaluating the tenant's  
14 claim.

15 C. For purposes of this ordinance "financial impacts related to COVID-19" include, but  
16 are not limited to, tenant lost household income as a result of any of the following: (1) being sick  
17 with COVID-19, or caring for a household or family member who is sick with COVID-19; (2)  
18 lay-off, loss of hours, or other income reduction resulting from business closure or other economic  
19 or employer impacts of COVID-19; (3) compliance with a recommendation from a government  
20 health authority to stay home, self-quarantine, or avoid congregating with others during the state  
21 of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising  
22 from school closures related to COVID-19.

23 D. This ordinance applies to nonpayment eviction notices and unlawful detainer actions  
24 based on such notices, served or filed on or after the date on which a local emergency was  
25 proclaimed.

26 E. This ordinance grants a defense in the event that an unlawful detainer action is  
27 commenced in violation of this ordinance. Violation of this ordinance shall be punishable as set  
28 forth in Chapter 2.56 of the Hermosa Beach Municipal Code.

29 F. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which  
30 the landlord may seek after expiration of the local emergency, and the tenant must repay within  
31 six months of the expiration of the local emergency. A landlord may not charge or collect a late  
32 fee or interest for rent that is delayed for the reasons stated in this ordinance; nor may a landlord  
33 seek rent that is delayed for the reasons stated in this ordinance through the eviction process. A  
34 landlord shall not commence an eviction during the six months after the end of the local  
35 emergency, so long as the tenant pays rent in a timely manner after the period of local emergency  
36 and is repaying the past due rent that accrued during the emergency period. Nonpayment of rent in  
37 accordance with the terms of this ordinance shall not be grounds for eviction of a tenant even after  
38 expiration of the local emergency. To the extent it applies, this ordinance is intended to be more  
restrictive than Civil Code Section 1946.2 by further limiting the reasons for termination of a  
residential tenancy during the six month repayment period. Landlords are strongly encouraged to  
offer payment plans to tenants after the period of local emergency, which may go beyond the six

1 month repayment period upon mutual written agreement of the parties. If mutually agreed upon in  
2 writing between the parties, Tenants may draw down on a security deposit during the repayment  
3 period to pay back rent and such security deposit shall be replenished by the end of the six month  
4 repayment period or longer.

5 G. No other legal remedies available to landlord are affected by this ordinance.

6 **SECTION 4. Temporary Moratorium on Evictions for Non-Payment of Rent by**  
7 **Commercial Tenants Impacted by the COVID-19 Crisis.**

8 A. During the period of local emergency declared in response to COVID-19, no  
9 commercial landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant  
10 demonstrates that the tenant's businesses is subject to the Orders referenced in Section 1 above or  
11 is otherwise limited or closed (voluntarily or by mandate) to prevent or reduce the spread of  
12 COVID-19 and the tenant demonstrates lost income and inability to pay rent as a result of such  
13 limitation or closure or other demonstrated financial impact related to COVID-19.

14 B. A landlord knows of a tenant's lost income and inability to pay rent within the meaning  
15 of this Order if the tenant, within 30 days after the date rent is due, notifies the landlord in writing  
16 of the lost income and inability to pay rent due to a limitation or closure of the tenant's business  
17 related to COVID-19, with appropriate supporting documentation. If a tenant suffers only a partial  
18 loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income  
19 they generated during the period of loss. For purposes of this ordinance, "in writing" includes  
20 email communications to a landlord or the landlord's representative with whom the tenant has  
21 previously corresponded by email. All financial information provided to the landlord shall be kept  
22 in confidence and only used for evaluating the tenant's claim or enforcing this provision.

23 C. This Ordinance grants a defense in the event that an unlawful detainer action is  
24 commenced in violation of this ordinance. Violation of this ordinance shall be punishable as set  
25 forth in Chapter 2.56 of the Hermosa Beach Municipal Code.

26 D. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which  
27 the landlord may seek after expiration of the local emergency and the tenant must pay within six  
28 months of the expiration of the local emergency. A landlord may not charge or collect a late fee or  
interest for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek  
rent that is delayed for the reasons stated in this ordinance, through the eviction process during or  
after the period of local emergency. A landlord shall not commence an eviction during the six  
months after the end of the local emergency for non-payment of rent, so long as the tenant pays  
rent in a timely manner after the period of local emergency and is repaying the past due rent that  
accrued during the emergency period. Nonpayment of rent in accordance with the terms of this  
ordinance shall not be grounds for eviction of a tenant even after expiration of the local  
emergency. Landlords are strongly encouraged to offer payment plans to tenants after the period  
of local emergency, which may go beyond the six month repayment period upon mutual  
agreement of the parties.

E. No other legal remedies available to landlord are affected by this order.

1 **SECTION 5. Temporary Suspension on Residential and Commercial Foreclosures.**

2 A. For mortgagors that are not eligible for financial relief under Governor Newsom's  
3 Financial Relief Package found at: [https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-](https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/)  
4 [announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-](https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/)  
5 [crisis/](https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/), no foreclosure action against a property owner shall be initiated or proceed during the  
6 period of declared local emergency in the City of Hermosa Beach for any mortgagor with a  
7 demonstrated financial impact related to COVID-19. Nothing in this ordinance shall relieve the  
8 mortgagor of liability for any unpaid mortgage payments, which the mortgagee may seek after  
9 expiration of the local emergency and the mortgagor must pay within six months of the expiration  
of the local emergency, unless a different time is agreed to between the parties. A mortgagee may  
not charge or collect a late fee or penalty for payments that are delayed for the reasons stated in  
this ordinance. The respective rights and obligations of the parties in any foreclosure proceeding  
shall be adjudicated in the appropriate court of law with jurisdiction over the matter at the  
conclusion of the local emergency or rescission of this ordinance.

10 B. Violation of this ordinance shall be punishable as set forth in Chapter 2.56 of the  
11 Hermosa Beach Municipal Code.

12 C. No other legal remedies available to parties to any foreclosure proceeding are affected  
13 by this order.

14 D. Mortgagees are strongly encouraged to offer payment plans to mortgagors to avoid  
15 foreclosure after the period of local emergency.

16 **SECTION 6.**

17 In accordance with the Governor of the State of California's Executive Order N-28-20, this  
18 ordinance shall remain in effect until May 31, 2020. In order to prevent inconsistencies, the  
19 Director of Emergency Services may suspend the effectiveness of any provision in this ordinance  
20 in the event that the President of the United States, Congress, Governor of the State of California  
21 or California State Legislature or other body with jurisdiction adopts an order or legislation that  
22 similarly prohibits evictions and foreclosures for failure to pay rent by individuals impacted by the  
23 COVID-19 crisis.

24 **SECTION 7. Severability.**

25 If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be unconstitutional  
26 or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining  
27 provisions of this Ordinance.

28 **SECTION 8. 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. 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

1 implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by  
2 the City of Hermosa Beach, in furtherance of its police power, that will not result in any direct or indirect  
3 physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as  
4 well as CEQA Guidelines section 15064(e) (economic regulations).

5 **SECTION 9. Urgency Declaration; Effective Date.**

6 The City Council finds and declares that the adoption and implementation of this ordinance is necessary for  
7 the immediate preservation and protection of the public peace, health and safety as detailed above and as  
8 the City and public would suffer potentially irreversible displacement of commercial and residential tenants  
9 resulting from evictions and foreclosures for failure to pay rent during the COVID-19 crisis. During this  
10 local emergency, and in the interest of protecting the public health and preventing transmission of COVID-  
11 19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock,  
12 and to prevent housed individuals from falling into homelessness, especially given state and county  
13 directives to stay at home. Promoting stability amongst commercial tenancies is also conducive to public  
14 health, allowing businesses to follow the advice and directives of public health officials to close and  
15 allowing employees to avoid public contact during times of a public health crisis without fear of imminent  
16 eviction or foreclosure. Loss of income as a result of COVID-19 may inhibit City residents and businesses  
17 from fulfilling their financial obligations, including payment of rent and mortgages. Under Government  
18 Code Section 8634 and HBMC Chapter 2.56, this ordinance is necessary to provide for the protection of  
19 life and property for the reasons set out herein. The Council therefore finds and determines that the  
20 immediate preservation of the public peace, health and safety, and protection of life and property, require  
21 that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and  
22 take effect immediately upon adoption by four-fifths of the City Council.

23 **SECTION 10. Certification.**

24 The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the  
25 summary thereof, to be published or posted in the manner required by law.

26 **PASSED, APPROVED AND ADOPTED** this 14th day of April, 2020.

27 

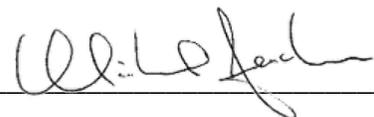
28 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

29 **ATTEST:**

30 

31 City Clerk

32 **APPROVED AS TO FORM:**

33 

34 Michael Jenkins, City Attorney