

ORDINANCE NO. 20-1420U

AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH  
AMENDING THE TEMPORARY MORATORIUM ON COMMERCIAL  
EVICTIONS DURING THE COVID-19 PANDEMIC AND SETTING FORTH  
THE FACTS CONSTITUTING SUCH URGENCY

The City Council of the City of Hermosa Beach does ordain as follows:

SECTION 1. Findings.

- A. The findings set forth in Ordinance No. 20-1407U, 20-1409U, 20-0414U, and 20-1417U are still applicable and incorporated herein by reference.
- B. The City of Hermosa Beach is experiencing an extreme economic downturn as a result of the restrictions on business operations and physical distancing measures imposed by State and County directives to curb the spread of COVID-19.
- C. Existing law prohibits the eviction of commercial tenants for non-payment of rent if the tenant notifies and demonstrates to a landlord that he or she is unable to pay rent due to financial impacts of COVID-19.
- D. Commercial tenants remain subject to eviction for reasons other than non-payment of rent due to COVID-19 financial distress, including a landlord's desire to demolish or substantially remodel commercial real property.
- E. When commercial landlords evict tenants too far in advance of commencing demolition or substantial remodeling, it leaves commercial properties vacant for an indeterminate period of time, which results in potential blight and vandalism. Eviction of operating businesses too far in advance of demolition or remodel also exacerbates the economic devastation caused by COVID-19, by closing business that contribute to the local economy and provide much needed local jobs.
- F. To prevent these problems and keep employees of commercial tenants employed for as long as possible, the City Council finds that commercial landlords should not be able to evict tenants before obtaining all necessary approvals and permits to perform the work.
- G. This Ordinance is adopted pursuant to the City's police powers and powers afforded to the City in the time of a national, state, county and local emergency during a dire economic downturn during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and HBMC Chapter 2.56 to protect the peace, health, and safety of the public. The Hermosa Beach City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of health, life and property.

SECTION 2. Section 2 of Ordinance No. 20-1417U (The Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis) is amended by renumbering Subsection “E” as Subsection “F” and adding a new Subsection E to read as follows. Subsection A, B, C and D of Section 2 remain unchanged.

E. During the moratorium period declared in response to COVID-19, no commercial landlord shall terminate a tenancy to demolish or substantially remodel the commercial real property unless and until the landlord secures all permits necessary to perform the work. For purposes of this Subsection, “substantially remodel” means to make a modification of the property that requires a permit from the City. This ordinance shall apply to tenancy termination notices, notices to quit and other eviction notices, and the unlawful detainer actions based on such notices, served or filed on or before the effective date of this ordinance; but, where the time to vacate the property has not passed.

F. No other legal remedies available to a commercial landlord are affected by this ordinance.

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

SECTION 4. Urgency Declaration; Effective Date.

The City Council finds and declares that the adoption and implementation of this ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would potentially suffer the irreversible loss of commercial tenants due to premature evictions by landlords during the City’s severe economic downturn caused by the COVID-19 crisis. During this ongoing local emergency, and in the interest of protecting life and property, it is essential to avoid the premature eviction of commercial tenants to stabilize the local economy. Preventing premature evictions among commercial tenancies is also conducive to the public health, allowing businesses to continue to operate so as to avoid blight, vacant storefronts, attractive nuisances, and a potential increase in vandalism and other crimes. Under Government Code Section 8634 and HBMC Chapter 2.56, this ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-

fifths of the City Council

SECTION 5. Certification.

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

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of November 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney