

URGENCY ORDINANCE NO. 2020-\_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY OF ANTIOCH EFFECTING THE EXPIRATION OF A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL AND COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19)**

**WHEREAS**, on March 31, 2020, the City Council of the City of Antioch approved an Ordinance No. 2181-C-S, an Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential and Commercial Tenants Where the Failure to Pay Rent Results from Income Loss Resulting From the Novel Coronavirus Disease 2019 (COVID-19);

**WHEREAS**, Ordinance No. 2181-C-S prohibits landlords from seeking to evict or instituting unlawful detainer proceedings against residential or commercial tenants who demonstrate a substantial decrease in household or business income;

**WHEREAS**, Ordinance No. 2181-C-S also provides tenants with a 90-day “grace period” for each month of rent that accumulates in arrears as a result of their inability to pay due to the reduction in their household or business income;

**WHEREAS**, in enacting Ordinance No. 2181-C-S, the City Council found, among other things, that the potential for displacement of residential and commercial tenants following evictions during the COVID-19 pandemic would adversely affect the public health and safety and contribute toward increased homelessness;

**WHEREAS**, the City Council’s enactment of Ordinance No. 2181-C-S was a lawful exercise of its police and emergency powers in accordance with Article XI, § 7 of the California Constitution and California Government Code § 36937;

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, imposing a moratorium on residential evictions involving those affected by the COVID-19 pandemic and suspending any state law that could be construed to preempt or otherwise restrict a city’s exercise of its police power to impose a moratorium on residential or commercial evictions during the COVID-19 pandemic;

**WHEREAS**, on March 27, 2020, and again on May 29, 2020, the Governor through Executive Orders N-37-20 and N-66-20 extended his residential-eviction moratorium and suspension of any state law that could be interpreted to preempt or otherwise restrict the municipal police power concerning evictions through July 28, 2020;

**WHEREAS**, on April 6, 2020, the Judicial Council of the State of California enacted an Emergency Rule prohibiting superior courts from issuing summonses in any unlawful detainer actions, except in cases involving public health and safety, until 90 days after

## ATTACHMENT A

Governor's declaration of emergency concerning the COVID-19 pandemic has been lifted;

**WHEREAS**, the Governor's declaration of emergency concerning the COVID-19 pandemic, issued on March 4, 2020, remains in effect as of the date of this ordinance;

**WHEREAS**, on April 22, 2020, the Board of Supervisors of the County of Contra Costa enacted an urgency ordinance, Ordinance No. 2020-014 ("County Urgency Ordinance"), imposing a countywide prohibition on residential and commercial evictions and certain rent increases in light of the COVID-19 pandemic;

**WHEREAS**, the provisions of the County Urgency Ordinance apply in incorporated cities located within Contra Costa County except to the extent cities have adopted their own ordinances, in which case any more restrictive city provisions are to be enforced;

**WHEREAS**, the County Urgency Ordinance includes a provision conferring a "grace period" of 120 days following its expiration for tenants to repay unpaid rent that accumulates in arrears due to their inability to pay;

**WHEREAS**, on May 26, 2020, the Board of Supervisors of Contra Costa County extended the County Urgency Ordinance through July 15, 2020;

**WHEREAS**, the City Council finds that the Governor's Executive Orders, Judicial Council Emergency Rule, and County Urgency Ordinance, as described above, extend the same or substantially similar protections and seek to promote the same goals as Ordinance No. 2181-C-S;

**WHEREAS**, the City Council finds that in light of the existence and extension of the Governor's Executive Orders, the Judicial Council Emergency Rule, and the County Urgency Ordinance, which equally and amply apply to and protect all residences and businesses within the City of Antioch, continuing the provisions of Ordinance No 2181-C-S is not necessary;

**WHEREAS**, the City Council finds that residences and businesses that continue to suffer from the economic impacts of the COVID-19 pandemic will continue to have protections from eviction and adequate "grace periods" to repay unpaid rent that accrues in arrears under the Governor's Executive Orders, Judicial Council Emergency Rule, and the County Urgency Ordinance; and

**WHEREAS**, the City Council finds that recognizing the expiration of Ordinance No. 2181-C-S will provide clarity and certainty to landlords, businesses, and residents as to the applicable laws, regulations, and standards that govern evictions during the continuing COVID-19 public-health emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1. Expiration of Ordinance No. 2181-C-S.**

The City Council of the City of Antioch hereby recognizes the expiration of Ordinance No. 2181-C-S, an Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential and Commercial Tenants Where the Failure to Pay Rent Results from Income Loss Resulting From the Novel Coronavirus Disease 2019 (COVID-19).

**Section 2. Compliance with the California Environmental Quality Act.**

The City Council hereby finds approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under Section 15061(b)(3) of the CEQA Guidelines.

**Section 3. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

**Section 4. Effective Date and Publication.**

This Urgency Ordinance shall become effective immediately upon its adoption by not less than a four-fifths vote of the Antioch City Council pursuant to California Government Code Section 36937. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law.

THE FOREGOING URGENCY ORDINANCE was INTRODUCED, ADOPTED AND ORDERED published at a regular meeting of the City Council held on June 23, 2020 and passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTACHMENT A**

**Sean Wright, Mayor of the City of Antioch**

**ATTEST:**

**Arne Simonsen, City Clerk of the City of Antioch**