

URGENCY ORDINANCE NO. 1536

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA EXTENDING ORDINANCE NOS. 1532, 1533, AND 1534, TEMPORARY RESTRICTIONS ON THE EVICTION OF COMMERCIAL TENANTS DUE TO NON-PAYMENT OF RENT BECAUSE OF COVID-19

Section 1. Findings and Purposes.

A. Urgency Ordinance No. 1532, extended by Ordinance Nos. 1533 and 1534, was adopted to mitigate economic hardship arising from the COVID-19 pandemic and will expire on September 30, 2020 unless extended by the City Council.

B. Effective August 19, 2020, the state COVID-19 Tenant Relief Act of 2020 (AB 3088, Code of Civil Procedure [CCP] §§1179.01 – 1179.06) provides eviction protection for residential tenants who are unable to pay rent due to COVID-19 related financial hardship. This state law replaces the residential tenant protections provided by Arcata's Ordinance Nos. 1532, 1533 and 1534.

C. The COVID-19 emergency response remains in effect with many businesses closed or open on a limited basis only.

D. The City Council desires to further extend the expiration date of Ordinance Nos. 1532, 1533 and 1534 to continue to provide economic relief during the COVID-19 emergency response for commercial tenants.

Section 2. Ordinance Nos. 1532, 1533, 1534 extended.

All provisions of Ordinance Nos. 1532, 1533, and 1534 as they relate solely to commercial tenants are hereby extended until February 1, 2021, unless further extended. For clarification and ease of reference, Ordinance Nos. 1532, 1533, 1534, and 1536 are collectively referred to as "this Urgency Ordinance" and all references to "this Urgency Ordinance" in Ordinance Nos. 1532, 1533, and 1534, shall be interpreted to include the provisions of Ordinance No. 1536.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 4. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that the proposed code revisions are technical, minor, and/or have no possibility that they may have a significant effect on the environment.

Section 5. **Effective Date of Ordinance.** Based on the findings set out above and the need for the immediate preservation of public health and safety, this Urgency Ordinance shall have an early effective date pursuant to Government Code section 36937(b), and will take effect immediately upon its adoption.

Section 6. **Termination Date of Ordinance.** This Urgency Ordinance shall remain in effect until February 1, 2021, unless extended.

DATE: September 30, 2020

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Paul Pitino
Vice Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1536, passed and adopted at a special meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 30th day of September, 2020, by the following roll call vote:

AYES: **WINKLER, PITINO, PEREIRA**

NOES: **NONE**

ABSENT: **WATSON**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata