

## **URGENCY ORDINANCE NO. 1544**

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA EXTENDING ORDINANCE NO. 1542 TEMPORARY RESTRICTIONS ON THE EVICTION OF COMMERCIAL TENANTS DUE TO NON-PAYMENT OF RENT BECAUSE OF COVID-19**

#### **Section 1. Findings and Purposes.**

A. On March 26, 2020, the City Council adopted Urgency Ordinance No. 1532, subsequently extended by the adoption of Ordinance Nos. 1533 and 1534, to mitigate economic hardship arising from the COVID-19 pandemic by providing tenant relief from eviction.

B. Effective August 19, 2020, the state COVID-19 Tenant Relief Act was adopted to provide eviction protection for residential tenants who are unable to pay rent due to COVID-19 related financial hardship until February 1, 2021 (AB 3088, Code of Civil Procedure [CCP] §§1179.01 – 1179.06). This state law preempted and replaced the residential tenant protections provided by Arcata's Ordinance Nos. 1532, 1533 and 1534.

C. On September 30, 2020, the City Council adopted Urgency Ordinance No. 1536 to extend protections for commercial tenants until February 1, 2021, consistent with the COVID-19 Tenant Relief Act of 2020, subsequently extended until March 1, 2021 by the adoption of Ordinance No. 1542.

D. On January 29, 2021, the state extended the residential protections of the COVID-19 Tenant Relief Act until July 1, 2021(SB 91).

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

F. The City Council desires to further extend the expiration date of Ordinance No. 1542 consistent with residential protections provided by state law to continue to provide economic relief during the COVID-19 emergency response for commercial tenants.

#### **Section 2. Ordinance No. 1542 extended.**

All provisions of Ordinance No. 1542 are hereby extended until June 30, 2021, unless further extended. For clarification and ease of reference, this Ordinance No. 1544, and prior Ordinance Nos. 1532, 1533, 1534, 1536, and 1542 are collectively referred to as "this Urgency Ordinance" and all references to "this Urgency Ordinance" in Ordinance Nos. 1532, 1533, 1534, 1536, and 1542 shall be interpreted to include the provisions of Ordinance No. 1544.

**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 on March 1, 2021.

**Section 6. Termination Date of Ordinance.** This Urgency Ordinance shall remain in effect until June 30, 2021, unless extended.

**DATE:** February 17, 2021

**ATTEST:**

/s/ Bridget Dory  
City Clerk, City of Arcata

**APPROVED:**

/s/ Sofia Pereira  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No.1544, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 17<sup>th</sup> day of February, 2021, by the following roll call vote:

**AYES: PEREIRA, WATSON, ATKINS-SALAZAR, GOLDSTEIN, SCHAEFER**

**NOES: NONE**

**ABSENT: NONE**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata