

URGENCY ORDINANCE NO. 1533

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA EXTENDING ORDINANCE NO. 1532 AND EXPANDING TEMPORARY RESTRICTIONS ON THE EVICTION OF TENANTS DUE TO NON-PAYMENT OF RENT

Section 1. Findings and Purposes.

A. Urgency Ordinance No 1532 was adopted to mitigate economic hardship arising from the COVID-19 pandemic and contained an expiration date of May 31, 2020 unless extended by the City Council.

B. The COVID-19 emergency response remains in effect with many businesses closed or open on a limited basis only. Similarly, many residents remain unemployed, furloughed, or are working fewer hours.

C. The City Council desires to extend the expiration date of Ordinance No. 1532 to continue to provide economic relief during the COVID-19 emergency response.

D. The City Council also desires to ensure that late fees or penalties are not charged for deferred rent payments that are made in consistent with the required timeframes outlined in this Urgency Ordinance.

Section 2. Ordinance 1523 extended.

All provisions of Ordinance No. 1532 are hereby extended until July 31, 2020, unless further extended. For clarification and ease of reference, Ordinance No. 1532 and Ordinance No. 1533 are collectively referred to as “this Urgency Ordinance” and all references to “this Urgency Ordinance” and to “this Ordinance” in Ordinance No. 1532 shall be interpreted to include the provisions of Ordinance No. 1533.

Section 3. No Late Fees for Delayed Payments.

With respect to any delayed or partial rent payments made pursuant to this Urgency Ordinance, a tenant may not be deemed in default of rent payment obligations unless the tenant fails to tender the full rent amount rent owed within 90 days of the date upon which this Urgency Ordinance expires. Further, a landlord may not charge or collect a late fee for any delayed payments made pursuant to this Urgency Ordinance.

Section 4. 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 5. **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 6. **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 7. **Termination Date of Ordinance.** This Urgency Ordinance shall remain in effect until July 31, 2020, unless extended.

DATE: May 20, 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. 1533, passed and adopted at a special meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 20th day of May, 2020, by the following roll call vote:

AYES: **WINKLER, PITINO, PEREIRA, WATSON**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata