



# GARDENA CITY COUNCIL

## Special Meeting Notice and Agenda

Council Chamber at City Hall  
1700 W. 162<sup>nd</sup> Street, Gardena, California  
Website: [www.cityofgardena.org](http://www.cityofgardena.org)

**TASHA CERDA**, Mayor  
**ART KASKANIAN**, Mayor Pro Tem  
**MARK E. HENDERSON**, Council Member  
**DAN MEDINA**, Council Member  
**RODNEY G. TANAKA**, Council Member

**MINA SEMENZA**, City Clerk  
**J. INGRID TSUKIYAMA**, City Treasurer  
**CLINT OSORIO**, City Manager  
**CARMEN VASQUEZ**, City Attorney  
**LISA KRANITZ**, Assistant City Attorney  
**PETER L. WALLIN**, Deputy City Attorney

**Thursday, March 26, 2020**  
**Closed Session – 2:00 p.m.**  
**Open Session – 2:30 p.m.**

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In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some, or all, of the Gardena City Council Members may attend this meeting telephonically.

1. You are strongly encouraged to observe the City Council meeting live on SPECTRUM CHANNEL 22 AND ONLINE AT [youtube.com/Cityofgardena](https://youtube.com/Cityofgardena).
2. If you wish to make a comment on a specific agenda item, please submit your comment via email to the Deputy City Clerk at [bromero@cityofgardena.org](mailto:bromero@cityofgardena.org). Comments will be accepted continuously during the meeting. Please limit to 200 words or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.
3. The City of Gardena, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office by phone (310) 217-9565 or email [bromero@cityofgardena.org](mailto:bromero@cityofgardena.org) at least 6 hours prior to the scheduled special meeting to ensure assistance is provided. Assistive listening devices are available.

**The City of Gardena thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.**

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**PUBLIC COMMENT:** The City Council will hear from the public *only on the items that have been described on this agenda (GC §54954.3).*

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**STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY  
AT ALL PUBLIC MEETINGS**

- Treat everyone **courteously**;
- Listen to others **respectfully**;
- Exercise **self-control**;
- Give **open-minded** consideration to all viewpoints;
- Focus on the issues and **avoid personalizing debate**; and
- **Embrace respectful disagreement** and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions.

***Thank you for your attendance and cooperation.***

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**1. ROLL CALL**

**2. CLOSED SESSION**

**A. THREAT TO PUBLIC SERVICES OR FACILITIES**

Government Code Section 54957

Consultation with Gardena Director of Emergency Services and City Manager, Clint Osorio, Chief of Police, Michael Saffell and City Attorney, Carmen Vasquez.

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Government Code Section 54957.6

Agency Designated Representative:

Clint Osorio, City Manager

Employee Organizations:

Gardena Police Officers Association (GPOA)

Matt Hassholdt, Association President

Gardena Management Employees Organization (GMEO)

Vicky L. Barker, Attorney

Gardena Municipal Employees Association (GMEA)

Fred G. Quiel, Attorney

Confidential / Unrepresented Employees

**3. PUBLIC COMMENT**

*Public comment is permitted only on the items that have been described on this agenda (GC §54954.3).*

#### 4. SPECIAL MEETING ITEMS

##### A. ELECTED & ADMINISTRATIVE OFFICES

- (1) URGENCY ORDINANCE NO. 1819, An Urgency Ordinance of the City Council of Gardena Relating to a Temporary Moratorium on the Eviction of Residential or Commercial Tenants Unable to Pay Rent Because of COVID-19, Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption  
**Staff Recommendation: Adopt Ordinance No. 1819**

#### 5. ADJOURNMENT

The Gardena City Council will adjourn to a Regular City Council Meeting, at 7:00 p.m., on Tuesday, April 14, 2020.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the City Hall lobby not less than 24 hours prior to the meeting. A copy of said Agenda is on file in the Office of the City Clerk.

Dated this 25<sup>th</sup> day of March, 2020

/s/ MINA SEMENZA  
MINA SEMENZA, City Clerk



**City of Gardena  
City Council Meeting**

**AGENDA REPORT SUMMARY**

Agenda Item No. 4. A. (1)  
Department: ELECTED and ADMINISTRATIVE OFFICES  
Meeting Date: 03/26/2020  
Urgency Ordinance No. 1819

TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA TITLE: URGENCY ORDINANCE NO. 1819, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF GARDENA RELATING TO A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19, DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

**COUNCIL ACTION REQUIRED:**

**Action Taken**

- Adopt Urgency Ordinance No. 1819.  
An Urgency Ordinance requires four (4) Affirmative votes for adoption.

**STAFF SUMMARY:**

Staff respectfully recommends that the City Council approve Urgency Ordinance No. 1819.

On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19") and on March 19, 2020, the Governor established a statewide "Stay at Home" Executive Order thereby closing all non-essential services and businesses in order to prevent the spread of COVID-19.

Because of directives from federal, state and local health officials, schools have been closed, and residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease. Restaurant and retail business has significantly declined and parents have missed work to care for school-age children, resulting in workers being impacted by lost wages and layoffs. In Gardena countless businesses across the city have temporarily closed, suspended or severely restricted operations. As a result, workers are experiencing loss of wages due to business closures, loss of working hours, layoffs, or out-of-pocket medical costs caused by COVID-19. All of these factors will undoubtedly impact tenants – both residential and commercial - and their ability to pay rent, leaving them vulnerable to eviction.

Urgency Ordinance No. 1819 would prohibit a landlord from initiating proceedings or otherwise take steps to evict a residential or commercial tenant for nonpayment of rent if the tenant demonstrates that the inability to pay rent is due to COVID-19.

In order to take advantage of the protections provided in the ordinance, both residential and commercial tenants would be required to, within 30 days after the rent is due: (1) notify the landlord "in writing" of the substantial COVID-19-Related Financial Impacts, (2) provide documentation "in writing" establishing such substantial COVID-19-Related Financial Impacts and (3) pay the portion of rent that the tenant is able to pay. Nothing in the proposed urgency ordinance is intended to waive a tenant's obligation to pay back rent owed once this ordinance is no longer effective. The ordinance provides that a tenant will have up to 120 days after the expiration of this ordinance to pay its landlord unpaid rent.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

- 1) Agenda Staff Report
- 2) Urgency Ordinance No. 1819

Submitted by:

Clint Osorio, City Manager

Date: 3/25/20

**CITY COUNCIL MEETING  
AGENDA STAFF REPORT**

Agenda Item No.	4. A. (1)
Department:	Elected & Administrative Offices
Meeting Date:	March 26, 2020
Urgency Ordinance No. :	1819

**AGENDA TITLES:**     **URGENCY ORDINANCE NO. 1819 OF THE CITY COUNCIL OF GARDENA RELATING TO A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19, DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**RECOMMENDATION:**

Staff respectfully recommends that the City Council take the following actions:

1. Introduce and adopt Urgency Ordinance No.1819 that would take effect immediately, to establish a temporary moratorium on the eviction of residential or commercial tenants who are unable to pay rent due to the impacts of the novel coronavirus disease (COVID-19).

**BACKGROUND**

On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19"). On March 19, 2020, the Gardena City Council ratified the Director of Emergency Services' March 16, 2020 proclamation declaring the existence of a local emergency due to COVID-19 in order to seek federal and state resources and to provide emergency authority to the City Manager. Furthermore, on March 19, 2020, the Governor established a statewide "Stay at Home" Executive Order thereby closing all non-essential services and businesses in order to prevent the spread of COVID-19 throughout the state.

Because of directives from federal, state and local health officials, most events have been cancelled, schools have been closed, and residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease. Restaurant and retail business has significantly declined and parents have missed work to care for homebound school-age children, resulting in workers being impacted by lost wages and layoffs. In Gardena countless businesses across the city have temporarily closed, suspended or severely restricted operations. As a result, workers are experiencing loss of wages due to business closures, loss of working hours, layoffs, or out-of-pocket medical costs caused by COVID-19. All of these factors will undoubtedly impact tenants – both residential and commercial - and their ability to pay rent, leaving them vulnerable to eviction.

**ANALYSIS:**

Providing tenants with a short-term protection from eviction due to the inability to pay rent will help stabilize the rental housing market by reducing displacement. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. To that end, prohibiting evictions on a temporary basis is important until the spread of the virus can be minimized and the emergency restrictions lifted.

If approved, the proposed urgency ordinance would prohibit a landlord from initiating proceedings or otherwise take steps to evict a tenant for nonpayment of rent from any residential dwelling (including single family and multi- family homes, mobile homes or other structures lawfully used as a residential dwelling) if the tenant demonstrates that the inability to pay rent is due to COVID-19. The ordinance would also apply to commercial tenants, such as a business or commercial enterprise renting or leasing a structure used for business purposes.

In order to take advantage of the protections provided in the ordinance, both residential and commercial tenants would be required to, within 30 days after the rent is due: (1) notify the landlord "in writing" of the substantial COVID-19-Related Financial Impacts, (2) provide documentation "in writing" establishing such substantial COVID-19-Related Financial Impacts and (3) pay the portion of rent that the tenant is able to pay. Nothing in the proposed urgency ordinance is intended to waive a tenant's obligation to pay back rent owed once this ordinance is no longer effective.

The ordinance provides that a tenant will have up to one-hundred and twenty (120) days after the expiration of this ordinance to pay its landlord unpaid rent. The Moratorium on residential and commercial eviction would remain in effect until the expiration of the of the Governor's Executive Order N-28-20, including any extensions.

#### **PUBLIC NOTICE:**

This interim Ordinance adopted as an urgency measure was noticed pursuant to the requirements of the Brown Act by timely placing this item on the March 26, 2020 special agenda.

#### **ENVIRONMENTAL DETERMINATION:**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed ordinance will have a significant effect on the environment.

#### **ALTERNATIVES CONSIDERED:**

The City Council could forego adoption of the urgency ordinance. Such action would allow evictions to continue to occur under normal procedures.

#### **FISCAL REVIEW:**

The adoption of this urgency ordinance will not have any fiscal impact on the City's budget.

#### **CONCLUSION**

Staff respectfully recommends that Council introduce and adopt Ordinance No.1819. A 4/5ths vote of the Council is required to enact this ordinance as an emergency ordinance.

Submitted by:   
Clint D. Osorio, City Manager

Date: 3/25/20

Attachments: 1. Urgency Ordinance No. 1819

## URGENCY ORDINANCE NO. 1819

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, RELATING TO A TEMPORARY MORATORIUM ON EVICTING TENANTS DUE TO CAUSES RELATED TO THE COVID-19 STATE OF EMERGENCY AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

WHEREAS, On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continue spread and the effects of COVID-19; and

WHEREAS, On March 16, 2020, the Los Angeles County Health Officer issued an order, to prohibit all indoor and outdoor, public and private events and gatherings within a confined space, to require social distancing measures and temporary closure of certain businesses; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued the Safer at Home Order for Control of COVID-19 to further restrict and limit the gathering of persons and to require the closure of shopping centers, children's playgrounds, and non-essential retail businesses in an effort to slow the spread of COVID-19 within the greater Los Angeles community; and

WHEREAS, On March 16, 2020 the Governor issued a directive effective through May 31, 2020, which suspends "any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions including, but not limited to, any such provision of Civil Code section 1940 et seq. or 1954.25 et seq. provided it meets the following requirements:

i. The basis for the eviction is nonpayment of rent, or a foreclosure if the basis of the eviction is a substantial decrease in household or business income or substantial out-of-pocket medical expenses; and

ii. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented."

iii. The tenant still has the duty to pay rent, and the landlord still has the ability to recover rent due; and

WHEREAS, The City is seriously impacted by the health crisis of this global pandemic. School closures have occurred and may continue. Businesses have been ordered closed. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

WHEREAS, Residential and commercial tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages or other income caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction. The loss of income to businesses impacted by closures or other restrictive measures may impact those businesses ability to pay rent when due, leaving those business vulnerable to eviction and permanent closure.

WHEREAS, Providing residential and commercial tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population, stabilize the rental housing market by reducing displacement and avoid the permanent closure of affected businesses.

WHEREAS, During this state of emergency, and in the interests of protecting the public health and safety and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

WHEREAS, Nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

WHEREAS, for the foregoing reasons the Gardena City Council determines it is necessary to temporarily protect residential and commercial tenants from evictions due to causes related to the COVID-19 pandemic through May 31, 2020

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

**Section 1. TEMPORARY PROHIBITION ON COVID-19 RELATED EVICTIONS**

SECTION 1. Purpose. Illness and quarantines caused by the COVID-19 pandemic and the emergency measures imposed to deal with the national, state and local emergency, will seriously impact the ability of residential and commercial tenants to meet their rent payment obligations during the crisis. This emergency temporary moratorium on evictions is imposed by the City to avoid the eviction of residents and permanent closure of businesses resulting from the current crisis.



SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

- A. Term. This Section 1 remains in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions (the "Term").
- B. Scope. This ordinance applies to all residential and commercial tenants within the city.
- C. Evictions. No landlord shall seek to evict a residential or commercial tenant if both of the following are true:
  - 1. Decreased Income, or Increased Medical Expenses. The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in operating hours or consumer demand), or substantial out-of-pocket medical expenses (collectively, the "COVID-19-Related Financial Impacts"); and
  - 2. Cause is COVID-19. The decrease in household or business income or the out-of-pocket medical expenses described in subsection (1), above, was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and the income loss and the increased expenses are documented.
- D. Tenant to Notify Landlord. To qualify, the tenant must, within 30 days after the rent is due: (1) notify the landlord "in writing" of the substantial COVID-19-Related Financial Impacts (2) provide documentation "in writing" establishing such substantial COVID-19-Related Financial Impacts and (3) pay the portion of rent that the tenant is able to pay.
- E. When Landlord Shall Not Evict. The landlord shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action

based on a notice to pay rent or quit, or otherwise seek to evict for nonpayment of rent during the period during the Term if either: (1) rent is overdue for a period of 30 days or less and the tenant notified the landlord as required in subsection (1), of subsection (D), above; or (2) rent is overdue for a period of 31 days or more and the tenant complied with both requirements of subsection (D), above.

- F. Definition of "In Writing." For purposes of this Ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text.
- G. Repayment of Rent Required. Nothing in this ordinance shall relieve the tenant of liability for any unpaid rent. The landlord may seek the unpaid rent after the expiration of the Term, and the tenant must pay it as soon as possible, but in no event later than 120 days from the expiration of the Term. A landlord may not during the period the local emergency is in effect, seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

SECTION 3. Emergency Declaration/Effective Date. The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934. The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 4. Future Governor's Order. If the Governor issues an executive order which prohibits residential and commercial evictions throughout the state relating due to COVID-19 related impacts, then that order shall control, and this ordinance shall no longer be in effect. Otherwise, this ordinance shall remain in full effect, and landlords shall meet the requirements of both this Ordinance and the Governor's order.

SECTION 5. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 6. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

SECTION 7. CEQA. This action is exempt from CEQA under the common-sense exception of CEQA Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant impact.

Passed, approved, and adopted by a vote of not less than four-fifths of the City Council this \_\_\_ day of March, 2020.

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TASHA CERDA, Mayor

ATTEST:

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MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



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CARMEN VASQUEZ, City Attorney