



Legislation Text

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AN URGENCY ORDINANCE of the City of San Leandro City Council Amending Ordinance No. 2020-003 to Change the Termination Date of the Moratorium on Evictions Due to Nonpayment of Rent for Commercial Tenants Where the Failure to Pay Rent is from Income Loss Resulting from the Novel Coronavirus (COVID-19)

The City Council of the City of San Leandro does **FIND** as follows:

WHEREAS, a severe outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”); and

WHEREAS, on March 1, 2020, the Health Officer of Alameda County declared a public health emergency throughout the County of Alameda due to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency throughout California related to COVID-19; and

WHEREAS, on March 16, 2020, due to an escalating increase in the number of cases in Alameda County, under San Leandro Municipal Code section 3-4-124, the Director of Emergency Services proclaimed a local emergency and a state of emergency related to COVID-19; and

WHEREAS, on March 16, 2020, at its regular meeting the San Leandro City Council ratified the Director of Emergency Services’ proclamation of a local emergency and a state of emergency related to COVID-19; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom issued Executive Order N-28-20 suspending any provision of state law that would preempt or otherwise restrict a local government’s exercise of its police powers to impose substantive limitations on residential or commercial evictions related to COVID-19; and

WHEREAS, the City Council adopted Ordinance No. 2020-003 as an urgency ordinance on March 23, 2020 to establish a moratorium on residential and commercial evictions due to nonpayment of rent for tenants where the failure to pay rent is from income loss resulting from COVID-19; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 that extended the portions of Executive Order N-28-20 concerning commercial evictions only until September 30, 2021; and

WHEREAS, the suspension of any provision of state law that would preempt or otherwise restrict the City’s exercise of its police power to impose substantive limitations on commercial evictions due to specified financial burdens caused by COVID-19 will expire on September 30, 2021; and

WHEREAS, the City Council desires to align the City's commercial eviction moratorium with the expiration of the Governor's Executive Order N-28-20 authorizing local jurisdictions to enact commercial eviction moratoriums, and finds that it is in the public interest to align with the timelines of the Governor's order, as amended from time to time, for consistency, certainty, and efficiency; and

WHEREAS, San Leandro Municipal Code section 1-1-345(b) authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting; and

WHEREAS, this Ordinance is intended to promote consistency and certainty for commercial tenants and property owners in San Leandro by aligning the City's ordinance with the expiration of the protections authorized by Executive Order N-28-20; and

WHEREAS, the City Council finds and determines that regulating the relations between commercial landlords and tenants is essential to preventing the spread of COVID-19 in the City and thereby serves the public peace, health, welfare and safety; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, welfare, and safety as failure to adopt this urgency ordinance could result in the avoidable displacement due to confusion regarding the expiration of the protections for commercial tenants authorized by Executive Order N-28-20.

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

SECTION 1. Findings The City Council of the City of San Leandro finds that all Recitals are true and correct and incorporated herein by reference.

SECTION 2. Urgency Findings

The City Council of the City of San Leandro hereby finds that there is a current and immediate threat to the public health, safety and welfare and a need for immediate preservation of the public peace, health, welfare and safety that warrants this urgency ordinance, which is based upon the facts stated in the recitals above, and in the staff report dated September 7, 2021, as well as any oral and written testimony at the September 7, 2021 City Council meeting. This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health, welfare, and safety.

SECTION 3. Amendment to Commercial Eviction Moratorium

The City Council hereby amends Section 5 of Ordinance No. 2020-003 to read as follows (with additions underlined and deletions in ~~strikethrough~~):

"SECTION 5. Effective Date

This Urgency Ordinance shall become effective immediately upon its adoption pursuant to City of San Leandro Municipal Code section 1-1-345(b) and shall remain in effect as follows:

1. As to the portions concerning commercial tenants, until September 30, 2021 or the expiration of portions of Executive Order N-28-20 concerning commercial evictions, whichever is later; and
2. As to all other provisions of the Urgency Ordinance, until May 31, 2020 or the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later."

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. Effective Date

This Urgency Ordinance amending Ordinance No. 2020-003 shall become effective immediately upon its adoption pursuant to City of San Leandro Municipal Code section 1-1-345(b).