

URGENCY ORDINANCE NO. 23-06-U

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD IMPOSING A TEMPORARY MORATORIUM ON NO FAULT-SUBSTANTIAL REMODEL EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES ORDAIN AS FOLLOWS:

WHEREAS, the City of Maywood ("the City") is a general law city, incorporated under the laws of the State of California; and

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries that promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws; and

WHEREAS, the Tenant Protection Act of 2019, Assembly Bill 1481 ("AB 1482"), among other things, prohibits an owner of residential real property from terminating a tenancy without "just cause" ("Eviction Control Provisions");

WHEREAS, AB 1482's Eviction Control Provisions are intended to "help families afford to keep a roof over their heads, and provide California with important new tools to combat our state's broader housing and affordability crisis;" and

WHEREAS, AB 1482's Eviction Control provisions expressly permit a landlord to evict a tenant in order to 'substantially remodel' the rental unit (Civil Code Section 1946.2(b)(2)(D)(i)) (hereinafter "Substantial Remodel Evictions")' and

WHEREAS, AB 1482's Eviction Control Provisions define "substantially remodel" to mean:

"the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days."

WHEREAS, AB 1483, therefore, permits a landlord to evict a tenant to "substantially remodel" the rental unit and then raise rents above AB 1482's rent caps when a new tenancy begins; and

WHEREAS, AB 1482's Eviction Control Provisions expressly authorize local agencies like the City of Maywood to adopt local ordinance that are "more protective" than

D. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. One of the most effective ways to address homelessness is to prevent individuals and families from becoming homeless in the first place. The City has various resources to assist families threatened with homelessness.

E. The City has determined through direct tenant complaints and information available on a regional basis, that tenants throughout the Los Angeles County region have reported experiencing a surge of eviction notices and threats of evictions premised on AB 1482's Substantial Remodel Eviction exception. In response to such threats and notices, other Los Angeles County cities, including the County of Los Angeles, the cities of Los Angeles, Long Beach, Claremont, South Pasadena, Pomona and Alhambra, have adopted urgency ordinances or are actively considering urgency ordinances aimed at protecting tenants from illegitimate Substantial Remodel Evictions and/or increasing the amount of tenant relocation assistance landlords must provide for Substantial Remodel Evictions. The City has also learned that some residential tenants in Maywood are experiencing this type of eviction for the alleged purpose of substantially remodeling their units.

Accordingly, the above facts, including those in the Recitals, constitute a current and immediate threat to the public peace, health and safety of the City, within the meaning of Government Code Section 36937(b). In light of these facts, the City Council finds that an urgency ordinance is necessary and essential to prevent the irreparable injury tenants and the community in general would suffer due to Substantial Remodel Evictions, including without limitation, housing insecurity and homelessness for the displaced tenants. The City Council declares that this urgency ordinance is necessary for the immediate preservation of the public peace, health and safety of the community.

Section 3. Temporary Moratorium on Certain "No Fault" Evictions. A temporary moratorium on no-fault evictions of certain residential tenants is hereby approved, adopted and imposed as follows:

A. **Moratorium.** During the period this moratorium is in effect, a landlord shall not terminate the tenancy of a residential tenant based on an intent to "substantially remodel" the residential real property or individual residential unit, as "substantially remodel" is defined in Section 1946.2(b)(2)(D) of the California Civil Code.

B. **Exceptions.**

1. This moratorium shall not apply to the termination of a tenancy if the tenant does not qualify for the protections of Assembly Bill 1482, as codified in Section 1946.2(a) of the California Civil Code.

2. This moratorium shall not apply to any type of residential real property or residential circumstance that is exempt from AB 1482's just cause eviction requirements as codified in Section 1946.2(e) of the California Civil Code.

3. This moratorium shall not apply to termination of tenancies so the property owner can perform work that meets AB 1482's definition of "substantial remodel"

and is necessary to bring the property into compliance with applicable codes and laws affecting health and safety of tenants of the building, or under an outstanding notice of code violations affecting the health and safety of tenants of the building. A tenancy shall not be terminated pursuant to this exception unless and until all of the following prerequisites have been met:

- a. Building permits and/or any other applicable permits have been secured and issued from the City of Maywood in advance prior to the issuance of any eviction notices;
- b. The tenant has been provided with copies of the permits; and
- c. The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within 30 days.

C. **Affirmative Defense.** If a landlord initiates an unlawful detainer (eviction) action against a residential tenant in the City of Maywood who is protected by this Urgency Ordinance, the tenant may assert this Urgency Ordinance as an affirmative defense in that action.

Section 4. Relationship to AB 1482. The City Council finds and declares that this Urgency Ordinance is more protective than Section 1946.2. Consistent with AB 1482 and as authorized by 1946.2(g), this Urgency Ordinance will temporarily prohibit certain no-fault evictions to allow the City time to study, develop and consider adoption of permanent requirements based on a property owner's intent to substantially remodel or demolish the residential real property.

Section 5. Effective Date and Applicability. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937(b), and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption by a four-fifths vote of the City Council. The provisions of this Urgency Ordinance shall apply to all residential rental units not specified in Section 3 to be exempt, including where a notice to vacate or to quit any rental unit has been served prior to, as of, or after the effective date of this Urgency Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Urgency Ordinance.

Section 6. Term of Urgency Ordinance. This Urgency Ordinance shall be in effect until September 28, 2023, unless further extended.

Section 7. Uncodified. This Ordinance shall not be codified.

Section 8. Inconsistent Provisions. Any provision of the Maywood Municipal Code or appendices that conflicts with the provisions of this Urgency Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 10. California Environmental Quality Act. The City Council finds and determines that this Urgency Ordinance is not subject to the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

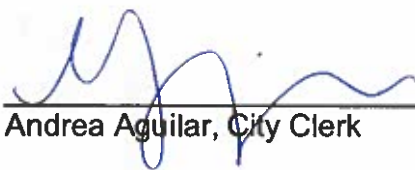
Section 11. Certification and Publication. The City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Maywood at the regular meeting of this 28th day of June, 2023.



Frank Garcia, Mayor

ATTEST:



Andrea Aguilar, City Clerk

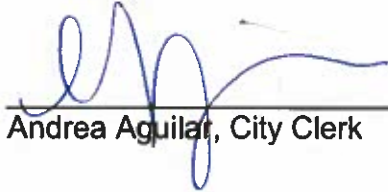
APPROVED AS TO FORM:



Roxanne Diaz, City Attorney

I, Andrea Aguilar, City Clerk of the City of Maywood, do hereby certify that the foregoing Urgency Ordinance was adopted at a regular meeting of the City Council of the City of Maywood held on the 28th day of June, 2023, by the following vote:

AYES: TORRES, DE LA RIVA, MARQUEZ, AGUILUZ, GARCIA
NOES:
ABSTAIN:
ABSENT:



Andrea Aguilar, City Clerk