

ORDINANCE NO. 865-C.S.

**AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 861-C.S. TO EXTEND A
TEMPORARY MORATORIUM ON COMMERCIAL TENANT EVICTIONS FOR NON-
PAYMENT OF RENT FOR TENANTS IMPACTED BY THE COVID-19 PANDEMIC IN THE
CITY OF PACIFICA**

THE CITY COUNCIL OF THE CITY OF PACIFICA HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. Authority. This urgency ordinance (“Ordinance”) is adopted pursuant to the provisions set forth in Government Code Sections 36934 and 36937(b) and pursuant to other applicable law.

SECTION 2. Findings.

The City Council hereby finds as follows:

1. On January 25, 2021, the City Council adopted Ordinance No. 861-C.S., which extended a moratorium on commercial evictions, pursuant to the Governor’s Executive Order N-28-20 and successor orders thereto, which authorized cities to regulate commercial evictions.
2. Ordinance No. 861-C.S. specifies an expiration date of the earlier of the following dates: (1) the deadline specified in Executive Order N-80-20, or a successor Executive Order thereto authorizing local regulation of commercial evictions; or (2) 180 days from the adoption of the Ordinance.
3. In March of 2021, Governor Newsom signed Executive Order N-03-2021 into law, which resulted in Ordinance No. 861-C.S. having an expiration date of June 30, 2021 by operation of law.
4. On Friday, June 11, 2021, Governor Newsom signed into law Executive Order N-08-21, which authorizes cities to continue regulating commercial evictions through September 30, 2021.
5. Because the Governor suspended the preemptive effect of state laws that would otherwise serve to proscribe cities from regulating commercial evictions through September 30, Ordinance No. 861-C.S. now has an expiration date of July 23, 2021, which is 180 days from January 25, 2021.

6. Pursuant to Article XI, Section 7 of the California Constitution, the City of Pacifica (“City”) may make and enforce all regulations and ordinances using its police powers, and pursuant to the Governor’s Executive Order N-28-20 and successor orders thereto such as N-08-21, the City continues to possess the authority to regulate commercial evictions.
7. As result of the local emergency, as well as the prior issuance of various shelter in place directives, there has been abrupt and severe negative impacts on the local economy and abrupt and severe negative financial impacts to Pacifica businesses, including, but not limited to, reductions in income due to lower customer demand, forced closures, reductions in available workforce, and increased expenses.
8. These abrupt and severe negative impacts stemming from COVID-19 have directly affected, and will continue to affect, the ability of Pacifica businesses to make rent payments, leaving them vulnerable to evictions, which will irreparably harm many local small businesses, the communities that they serve, and the residents they employ, and will jeopardize the public peace, health, safety, comfort, convenience, prosperity, and welfare.
9. It is in the public interest to have businesses continue to operate during the local emergency and after health order directives are lifted.
10. The economic effects of the COVID-19 pandemic continue linger, and businesses are still in the process of recuperating and returning operations to normal.
11. Without an extension of the expiration date set forth in Section 5 of Ordinance No. 861-C.S., Pacifica businesses experiencing lingering impacts of the COVID-19 pandemic would be vulnerable to evictions after July 23, 2021.
12. Because of Executive Order N-08-21, cities now have the authority to regulate commercial evictions though September 30, 2021.
13. Without commercial eviction protections, Pacifica residents will be unable to obtain critical and necessary goods and services, and the ongoing existence of Pacifica businesses are essential to the protection of the public peace and the health, safety, life, property, and general welfare of Pacifica residents.
14. The prospect of evictions on commercial tenants, as well as the initiation of commercial evictions during the period of the local emergency, will deprive Pacifica residents of critical and necessary goods and services.

15. In light of the fact that Ordinance No. 861-C.S. is imminently set to expire on July 23, 2021, an amendment to the expiration date is immediately necessary to assure that commercial tenants in Pacifica continue to have protections for the full duration authorized by Executive actions such as Executive Order N-08-21.
16. There exists a current and immediate threat to the public peace, health, safety, and welfare of Pacifica residents requiring immediate extension of a moratorium on evictions for certain commercial tenants in the City of Pacifica.
17. This extension of the City's temporary urgency Ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of City residents.

SECTION 3. Declaration of Urgency.

Based on the foregoing findings, all of which are deemed true and correct, pursuant to Government Code section 36937 (b), the City Council hereby declares that this Ordinance is urgently needed for the immediate preservation of the public peace, health, safety, or welfare. This Ordinance shall take effect immediately upon adoption.

SECTION 4. Amendment of Ordinance No. 861-C.S.

Section 5 (Term) of Ordinance No. 861-C.S. shall be amended to read as follows in its entirety:

The term of this temporary moratorium shall expire on the date of expiration of Paragraph 61 of Executive Order N-08-21, or the expiration date of any successor Executive Order thereto, unless this Ordinance is first repealed by the City Council.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Effective Date. This Ordinance is an urgency Ordinance enacted under California Government Code sections 36934 and 36937(b). This urgency Ordinance is immediately effective upon adoption by a four-fifths (4/5) vote of the City Council.

SECTION 7. Environmental Determination. The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Ordinance may have significant effects on the environment.

SECTION 8. Publication. The City Clerk is directed to cause this Ordinance to be published in the manner required by law.

This Ordinance was introduced and duly adopted by the City Council of the City of Pacifica at the regular meeting held this 28th day of June, 2021 by a four-fifths vote of the City Council as follows:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.

CITY OF PACIFICA



Sue Beckmeyer, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature -- OrdinanceNo865-CS_Urgency-ExtensionEvictionMoratorium_COVID-Approved

Final Audit Report

2021-07-19

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