



SPECIAL AGENDA

EL SEGUNDO CITY COUNCIL

COUNCIL CHAMBER – 350 MAIN STREET

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet, are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the **Public Communications** portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a **Written Request** to the City Clerk or City Manager's Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL FRIDAY, DECEMBER 6, 2019 – 8:30 AM OPEN AND CLOSED SESSIONS

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) *Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of \$250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.*

A. STAFF PRESENTATIONS

1. Consideration of an Urgency Ordinance and other options to address rental housing evictions resulting from state Assembly Bill 1482 (statewide rent control law that limits rent increases and restricts and regulates evictions)

CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City's Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City's Labor Negotiators.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(d)(1): -1- matters

1. D.R. HORTON CA2, INC., v. CITY OF EL SEGUNDO, Los Angeles Superior Court CASE NO: 19STCP04857.

ADJOURNMENT

POSTED:

DATE: 12.4.19

TIME: 7:00 pm

NAME: Tracy Weaver

AN ORDINANCE OF THE CITY OF EL SEGUNDO TEMPORARILY PROHIBITING EVICTIONS WITHOUT JUST CAUSE THROUGH DECEMBER 31, 2019 FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005 AND DECLARING THE URGENCY THEREOF

The City Council of the City of El Segundo does hereby ordain as follows:

Section 1. Purpose.

A. Assembly Bill 1482 (“AB 1482”), the Tenant Protections Act of 2019, was signed by the Governor and on October 8, 2019 and becomes effective on January 1, 2020. The bill limits “rent-gouging” in California by placing an upper limit on annual rent increases (5% plus an inflation adjustment). To prevent landlords from engaging in rent-gouging by evicting tenants, the bill also requires that a landlord have and state a just cause, as specified, in order to evict tenants who have occupied the premises for at least one year. Both the rent cap and the just cause provisions are subject to several enumerated exemptions.

B. AB 1482 can have the unintended effect of incentivizing landlords to evict long-term tenants without cause in order to raise rents before AB 1482 becomes effective. Tenants have reported receiving notices of termination of tenancy without just cause, as defined herein, and threats of eviction without just cause since AB 1482 was signed into law. Therefore, it is imperative that the City implement temporary strategies to maintain housing stability, protect affordable housing, keep tenants housed, and prevent rent gouging.

C. This Ordinance will temporarily prohibit evictions without just cause through December 31, 2019 for those residential real properties that will be covered by AB 1482 beginning on January 1, 2020.

Section 2. Definitions.

As used in this Ordinance:

“Just cause” means:

1. Default payment in rent.
2. A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of a lease after being issued a written notice to correct the violation.
3. Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
4. Committing waste as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.
5. Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the California Penal Code, on or off the residential real property against the owner of the residential real property.
6. Assigning or subletting the premises in violation of the tenant's lease, as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

7. The tenant's refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of the California Civil Code, and Sections 13113.7 and 17926.1 of the California Health and Safety Code.
8. Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
9. The employee, agent, or licensee's failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.
10. When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the California Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the owner, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the California Code of Civil Procedure.

“Owner” means any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.

“Residential real property” means any dwelling or unit that is intended, or used, for human habitation for which a certificate of occupancy was issued prior to January 1, 2005.

Section 3. Prohibition on Evictions.

A. Through December 31, 2019, the owner of residential rental property shall not terminate a lawful tenancy without just cause, unless the termination is required to comply with an order issued by a government agency or court necessitating vacating the residential real property or to comport with federal, or state law, which shall be stated in the written notice of termination of tenancy. This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this Ordinance shall render any notice of termination of tenancy void. This Ordinance may be asserted as an affirmative defense in an unlawful detainer action. An owner's failure to comply with this Ordinance does not constitute a criminal offense. This section does not in any way adversely affect or abrogate the rights of tenants otherwise provided in California law or otherwise.

B. This Ordinance shall apply to tenancies where the tenant remains in possession and the period of notice required under California Civil Code section 1946.1 has not expired.

Section 4. Exemptions.

This Ordinance shall not apply to any of the following residential real property or residential circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.
2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.
3. Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

4. Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

5. A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

6. Housing that has been issued a certificate of occupancy after January 1, 2005.

7. Residential real property that is alienable separate from the title to any other dwelling unit, provided that the owner is not any of the following:

- a. A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.
- b. A corporation.
- c. A limited liability company in which at least one member is a corporation.

8. Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

Section 5. Severability.

If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of El Segundo hereby declares that it would have adopted this uncodified Ordinance despite any partial invalidity of its provisions.

Section 6. CEQA.

The City Council finds that adoption and implementation of this Ordinance is not a "project" for purposes of the California Environmental Quality Act ("CEQA"), as that term is defined by CEQA guidelines ("Guidelines") sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by the City of El Segundo in furtherance of its police power that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

Section 7. Urgency Declaration, Effective Date.

The City Council finds and declares that the adoption of this Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from the termination of tenancies without just cause during the period before AB 1482 becomes effective, including destabilizing housing, displacement of long-time tenants, loss of affordable housing, and increased homelessness. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

Section 8. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this 6th day of December 2019.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

Drew Boyles, Mayor

Attest:

Tracy Weaver, City Clerk

Approved as to Form:

Mark D. Hensley, City Attorney