

URGENCY ORDINANCE NO. 23-0005-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING URGENCY ORDINANCE NO. 20-0012-U, AS SUBSEQUENTLY AMENDED, TO RESCIND REGULATIONS PERTAINING TO COMMERCIAL TENANTS

RECITALS

- A. On March 17, 2020, the City Council adopted Urgency Ordinance No. 20-0012-U to provide temporary regulations pertaining to commercial and residential evictions for the duration of the COVID-19 pandemic emergency.
- B. Subsequently, the City Council adopted Urgency Ordinance Nos. 20-0016-U and 20-0018-U to amend Urgency Ordinance No. 20-0012-U pertaining to commercial tenants. Hereinafter, Urgency Ordinance No. 20-0012-U, as amended, is referred to as the "2020 Eviction Ordinance."
- C. On January 18, 2022, the City Council adopted Ordinance No. 21-0008 amending the 2020 Eviction Ordinance.
- D. On December 20, 2022, the City Council voted to end the City's local emergency on February 28, 2023, and directed staff to prepare an ordinance further amending the 2020 Eviction Ordinance to rescind certain regulations pertaining to commercial tenants.

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

SECTION 1. Sub-section 2.B of the 2020 Eviction Ordinance is hereby amended to rescind certain regulations pertaining to commercial tenants as follows:

"B. Commercial Tenants.

- 1. No landlord shall endeavor to evict a commercial tenant for nonpayment of rent that became due during the period from March 17, 2020, to February 7, 2023, if (1) the tenant complied with all provisions of this Ordinance and the 2020 Eviction Ordinance that applied to the tenant during the period between March 17, 2020 to February 7, 2023, and (2) the tenant is complying with the tenant's rent repayment obligations under sub-section 2.B.2 of this Ordinance.
- 2. Nothing in this Ordinance shall relieve the commercial tenant of liability for the unpaid rent that became due during the period from March 17, 2020 to February 7, 2023, which the tenant must pay on or before September 1, 2023. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

SECTION 2. Section 5 of the 2020 Eviction Ordinance is hereby amended to extend the duration of the 2020 Eviction Ordinance, as subsequently amended, through December 31, 2023.

SECTION 3. Section 2 of Ordinance No. 21-0008 is hereby amended to extend the duration of Ordinance No. 21-0008 through December 31, 2023.

SECTION 4. Urgency. On March 13, 2020, the City Council adopted Resolution No. 20-0039, proclaiming the existence of a local emergency due to the COVID-19 outbreak. Over 34 months ago, the City Council adopted Urgency Ordinance No. 20-0012-U to provide temporary eviction protections to commercial and residential tenants who encountered financial difficulties due to the COVID-19 pandemic. The City Council finds that the temporary eviction protections for commercial tenants are no longer necessary, and that owners and landlords of commercial properties are experiencing financial difficulties due to non-payment of rent. The City Council further finds that, unless this Ordinance is effective and its regulations are immediately put in place, the public health, safety and welfare will be at risk. Therefore, the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code section 36934, and its urgency is hereby declared.

SECTION 5. Duration. This Ordinance shall remain in effect until December 31, 2023.

SECTION 6. Uncodified. This Ordinance shall not be codified.

SECTION 7. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

SECTION 8. Effective Date. Based upon the findings in Section 4 of this Ordinance, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 9. Certification. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law.

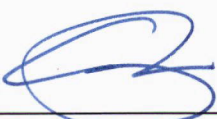
ADOPTED on February 7, 2023.

AYES: Franklin, Howorth, Lesser, Montgomery, and Mayor Napolitano.
NOES: None.
ABSENT: None.
ABSTAIN: None.



STEVE NAPOLITANO
Mayor

ATTEST:



LIZA TAMURA
City Clerk