

EMERGENCY ORDER NO. 02 (COVID-19)

ADDITIONAL EMERGENCY ORDERS OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS AUTHORIZED PURSUANT TO CITY COUNCIL RESOLUTION NO. 017-2020, PROCLAIMING A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)

WHEREAS, on March 16, 2020, the City Council of the City of Hawaiian Gardens proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response and authorized its City Manager, acting in his capacity as Director of Emergency Services, to furnish information, and to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, in order to prevent further exposure and to comply with the numerous State and County orders and recommendations, including without limitation Executive Order N-33-20, many businesses, including without limitation, the Gardens Casino, retail stores, restaurants, bars, wineries, gyms, hospitality, movie theaters, live theaters, and other service-oriented industries, throughout the State have closed; other businesses have offered work from home policies, to the extent feasible or available; meetings, events and social gatherings have been or are being cancelled as people are required to remain at home; and personal and business travel has been substantially halted. Accordingly, as a result of Executive Order N-33-20 and the social distancing efforts and orders, businesses that employ hourly workers are expected to lead to hourly cutbacks and employee terminations; and

WHEREAS, as a result of the public health emergency, and the numerous State and County orders and recommendations, including without limitation, Executive Order N-33-20, many tenants and homeowners in Hawaiian Gardens have experienced or expect soon to experience sudden and unexpected income loss, and may further be unable to report to work due to child care obligations resulting from school closures or illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs; and

WHEREAS, as a result of the foregoing, and to help address the further economic impacts that are anticipated, leaving tenants vulnerable to eviction and homeowners vulnerable to foreclosure, on March 20, 2020, the Director of Emergency Services for the City of Hawaiian Gardens issued Emergency Order No. 01, which, *inter alia*, imposed a temporary moratorium on residential and commercial evictions and residential foreclosures; and

WHEREAS, in an effort to promote effective social distancing while the community is ordered to stay at home, through Emergency Order No. 01, the City also temporarily suspended the issuance of citations and enforcement of parking violations for street sweeping, and the imposition of late payment penalties for any City-issued fine

or charge; and

WHEREAS, the community is encouraged to continue to move vehicles when possible so that street sweeping and cleaning activities can continue; and

WHEREAS, this Order is intended to provide further detail as to the previously ordered street sweeping suspension and residential and commercial eviction moratoria; and

WHEREAS, this Order is issued pursuant to the City Council's declaration of a local emergency, as set forth in Resolution 017-2020, and the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and the Chapter 2.40 of the Hawaiian Gardens Municipal Code to protect the peace, health, and safety of the public. The Director of Emergency Services finds that this Order is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency in issuing this Order immediately based on the facts described herein. Under Government Code Section 8634, this Order is necessary to provide for the protection of life and property.

NOW, THEREFORE, I, Ernie Hernandez, the Director of Emergency Services for the City of Hawaiian Gardens, in accordance with the authority vested in me by state and local law, orders, decrees, resolutions, regulations, and policies, including without limitation, City Council Resolution No. 017-2020, Hawaiian Gardens Municipal Code Chapter 2.40, and Government Code section 8634, do hereby issue the following orders to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

Section 1. Section 4 of Emergency Order No. 01 is withdrawn and superseded by the following text:

Effective immediately and continuing for a period of sixty (60) days, the City hereby suspends: (A) the imposition of late payment penalties for any City-issued fine or charge; and (B) the issuance of parking citations related to street sweeping.

Section 2. Section 5(F) of Emergency Order No. 01 is withdrawn and superseded by the following text:

Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency, and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed or the reasons stated in this Order through the eviction process. A landlord shall not commence an eviction during the six months

after the end of the local emergency, so long as the tenant pays rent in a timely manner after the period of local emergency and is repaying the past due rent that accrued during the emergency period. Nonpayment of rent in accordance with the terms of this Order shall not be grounds for eviction of a tenant even after expiration of the local emergency. To the extent it applies, this Order is intended to be more restrictive than Civil Code Section 1946.2 by further limiting the reasons for termination of a residential tenancy during the six month repayment period. Landlords are strongly encouraged to offer payment plans to tenants after the period of local emergency, which may go beyond the six month repayment period upon mutual agreement of the parties.

Section 3. Section 6(D) of Emergency Order No. 01 is withdrawn and superseded by the following text:

Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed for the reasons stated in this Order through the eviction process. A landlord shall not commence an eviction during the six months after the end of the local emergency for non-payment of rent, so long as the tenant pays rent in a timely manner after the period of local emergency and is repaying the past due rent that accrued during the emergency period. Nonpayment of rent in accordance with the terms of this Order shall not be grounds for eviction of a tenant even after expiration of the local emergency. Landlords are strongly encouraged to offer payment plans to tenants after the period of local emergency, which may go beyond the six month repayment period upon mutual agreement of the parties.

Section 4. The above superseded sections are retroactive to March 20, 2020, the date that the City adopted Emergency Order No. 1.

Section 5. The Director of Emergency Services finds and declares that adoption and implementation of this Order is necessary for the immediate preservation and protection of the public peace, health and safety, as detailed above, and is necessary to comply with Executive Order N-28-20. Further, the City and public would suffer potentially irreversible displacement of commercial and residential tenants resulting from evictions and foreclosure for failure to pay rent or mortgage payments during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness. Promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction. Loss of income as a result of COVID-19 may inhibit City residents

and businesses from fulfilling their financial obligations, including payment of rent and mortgages. Under Government Code Section 8634 and Hawaiian Gardens Municipal Code Chapter 2.40, this Order is necessary to provide for the protection of life and property for the reasons set out herein. The Director of Emergency Services therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Order be immediately enacted, pursuant to Government Code section 8634.

Section 6. Neither this Order or Emergency Order No. 1 are intended to, and do not, create any rights or benefits, substantives or procedural, enforceable at law or in equity against the City, officers, employees, agents, or representatives.

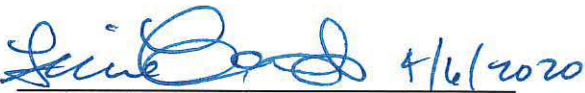
Section 7. This Order shall become effective immediately, and widespread publicity and notice shall be given to this Order.

ADOPTED this 2nd day of April, 2020.



Ernie Hernandez
City Manager
Director of Emergency Services

ATTEST:



LUCIE COLOMBO
CITY CLERK

APPROVED AS TO FORM:



MEGAN K. GARIBALDI
CITY ATTORNEY