URGENCY ORDINANCE NO. 1939

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND REPEALING URGENCY ORDINANCE NO. 1937 REGARDING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND COMMERCIAL TENANT EVICTIONS, AND DECLARING THE URGENCY THEREOF

I. Recitals.

A. On March 13, 2020, the City Council adopted Resolution No. 6529 declaring the existence of a local emergency concerning the COVID-19 virus pursuant to Government Code Section 8630; and

B. On March 16, 2020, the Governor issued an executive order, pursuant to his emergency powers under Government Code Sections 8567 and 8571, that suspended any provision of state law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on residential evictions based on nonpayment of rent arising out of a substantial decrease in household income caused by the COVID-19 pandemic; and

C. On March 31, 2020, the City Council adopted Urgency Ordinance No. 1937 to establish a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by the COVID-19; and

D. On April 6, 2020, the California State Judicial Council adopted emergency Rules of Court to address evictions and foreclosures during the statewide COVID-19 emergency, which effectively suspend residential and commercial evictions throughout California for 60 days and prevent any new eviction actions for the duration of the emergency plus a period of 90 days thereafter regardless of the grounds for the eviction;

II. Ordinance.

The City Council of the City of Upland does ordain as follows:

SECTION 1. Repeal. Urgency Ordinance No. 1937 is hereby repealed in its entirety.

SECTION 2. Effective Date. The City Council finds that this Ordinance is necessary to avoid any confusion regarding its previous adoption of Ordinance No. 1937 and there immediately necessary for the preservation of the public peace, health and safety. This Ordinance is therefore adopted as 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 at midnight tonight, April 13, 2020 upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 3. Uncodified. This Urgency Ordinance shall not be codified.

SECTION 4. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Urgency Ordinance for any reason be held invalid or unconstitutional by the 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 adopted this Urgency Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication. The City Clerk shall certify to the adoption of this Urgency Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 13th day of April, 2020.

Debbie Stone

Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Urgency Ordinance was passed, approved, and adopted at a regular meeting of the City Council of the City of Upland held on the 13th day of April, 2020, by the following vote:

AYES: Mayor Stone, Councilmembers Elliott, Felix, Velto, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:

Keri Johnson, City Clerk