



CITY COUNCIL AGENDA REPORT

City of Anaheim CITY MANAGER'S OFFICE

DATE: OCTOBER 29, 2019
FROM: CITY MANAGER'S OFFICE
SUBJECT: PROPOSED ORDINANCES TO TEMPORARILY PROHIBIT NO
FAULT EVICTIONS OF TENTANTS FROM PROPERTIES
BUILT PRIOR TO JANUARY 1, 2005

ATTACHMENT (Y/N): YES ITEM # 18

REQUESTED ACTION:

That the City Council take the following actions:

- 1) By Motion, adopt by at least four-fifths (4/5) vote an urgency ordinance imposing a temporary prohibition on no-fault evictions through December 21, 2019 for residential real property that will be covered by AB 1482 on January 1, 2020; or *alternatively*
- 2) By Motion, introduce an ordinance imposing a temporary prohibition of no-fault evictions through December 21, 2019 for residential real property that will be covered by AB 1482 on January 1, 2020; and
- 3) By Motion, determine that the approved ordinance imposing a prohibition on no-fault evictions for residential real property is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

DISCUSSION:

At the meeting of October 22, 2019, Council Member Moreno requested an agenda item for the October 29 meeting consisting of an urgency and non-urgency ordinance that would temporarily prohibit no-fault evictions for residential real properties that will be covered by the Tenant Protection Act (AB 1482) beginning January 1, 2020. Consistent with the request, two ordinances are attached for the City Council's consideration. Aside from certain findings required to substantiate urgency, the contents of the ordinances are the same; they both temporarily prohibit no-fault evictions for residential real property

that was built prior to January 1, 2005. Both ordinances would expire on December 31, 2019 under their own terms, after which AB 1482's no fault provisions will take effect.

The ordinances are presented as alternatives to one another, leaving Council to decide which one, if any, should be adopted. The primary differences between the two ordinances are the approval process and the period during which they would be in effect. The urgency ordinance requires a 4/5 vote and would take effect immediately upon passage. The non-urgency ordinance would, under its terms, remain in effect indefinitely, requires four votes and must be introduced and adopted at separate meetings. The non-urgency ordinance would take effect thirty days after its adoption. Furthermore, the non-urgency ordinance contains a provision that would apply to tenancies where the tenant remains in possession and the period of notice required under California Civil Code section 1946.1 had not expired as of the earlier of October 29, 2019, or the soonest date thereafter allowed by law.

If one of the ordinances is adopted, the no-fault eviction prohibition would apply, during the term of the ordinance, to all residential real properties in the City built prior to January 1, 2005.

ENVIRONMENTAL DETERMINATION:

The ordinances are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because they will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility they will have a significant effect on the environment, and the ordinances are not a "project", as defined in Section 15378 of the State CEQA Guidelines.

IMPACT ON BUDGET:

There is no budgetary impact.

Respectfully submitted,

Chris Zapata
City Manager

Concurred by,

Rob Fabela
City Attorney

Attachment:

1. Urgency Ordinance
2. Non-Urgency Ordinance