

ORDINANCE NO. 2022-**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY ADDING CHAPTER 8.34 (“JUST CAUSE FOR EVICTION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT**

WHEREAS, effective January 1, 2020, the Tenant Protection Action of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482: (1) limits rent increases over the course of any 12-month period to 5% plus the “percentage change in the cost of living” (as defined), or 10%, whichever is lower (the “Rent Stabilization Provisions”); and (2) prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined) (the “Eviction Control Provisions”); and

WHEREAS, AB 1482’s Rent Stabilization Provisions and Eviction Control Provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s Rent Stabilization Provisions do not apply to “a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property” (Civ. Code § 1947.12(b)); and

WHEREAS, AB 1482’s Eviction Control Provisions expressly permit a landlord to evict a tenant in order to “substantially remodel” the rental unit (Civ. Code § 1946.2(b)(2)(D)(i)); and

WHEREAS, AB 1482’s Eviction Control Provisions define “substantially remodel” to mean:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days”

(Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482's Eviction Control Provisions specify that "[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation" (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482 permits a landlord to evict a tenant to "substantially remodel" the rental unit and then raise rents above AB 1482's rent caps when a new tenancy begins; however, AB 1482 does not require a landlord to provide a tenant with corroboration that the work performed in the tenant's unit meets AB 1482's definition of "substantially remodel"; and

WHEREAS, AB 1482's Eviction Control Provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are "more protective" than AB 1482's Eviction Control Provisions, in which case, the "more protective" local ordinance will apply to non-exempt residential real property (Civ. Code § 1946.2(g)(1)(B)); and

WHEREAS, like many cities in Los Angeles County, the City of Claremont is experiencing a housing affordability crisis and a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters; and

WHEREAS, after the adoption of AB 1482 in October of 2019, the Los Angeles County region saw an increase in the amount of no-fault eviction notices and/or threats of eviction based on the "substantial remodel" exception; and

WHEREAS, in Claremont specifically, numerous tenants of residential real property have recently reported that their landlords are threatening to evict them for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, grading permits, and the like) for remodeling work in those units; and

WHEREAS, the City is concerned that, without "more protective" local eviction control provisions, some landlords will exploit the "substantial remodel" exception to evict tenants and raise rent in a manner that is not consistent with AB 1482; and

WHEREAS, pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, as set forth in more detail in the declaration of the facts constituting the urgency in Section 3 below, the threatened displacement of renters at unprecedented levels poses numerous threats to the public peace, health, or safety; and

WHEREAS, protecting renters from no-fault, "substantial remodel" evictions while the City Council considers the adoption of a permanent ordinance will prevent further homelessness and displacement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this ordinance.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Declaration of Facts Constituting Urgency

The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937, subdivision (b). The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety as those terms are used in Government Code Section 36937, subdivision (b) in at least the following respects:

- A. Independent of the COVID-19 crisis, the City of Claremont is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.
- B. When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, households with a burdensome housing cost are more likely to become homeless. In Claremont, approximately 52.4% of renter-households use more than 30% of their incomes to cover housing costs, and of those renter-households, approximately 44.2% spend 35 percent or more of their income on housing costs. (2014–2019 ACS 5-Year Estimates.)
- C. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. In the 2020 Greater Los Angeles Homeless Street Count, 17 unsheltered individuals were counted in Claremont. That number increased to 26 individuals in 2022.

D. The Greater Los Angeles Homeless Street Counts do not include individuals who live with relatives or friends, in nearby hotels, or in other transitional housing. The Claremont Unified School District reported that, as of July 2021, there were 125 children that fit into the latter category (although the School District includes some neighborhoods outside Claremont).

E. One of the most effective ways to address the homeless crisis is to prevent individuals and families from becoming homeless in the first place. To that end, the City has programs to assist families threatened with homelessness. For example, the City's Department of Human Services is responsible for overseeing the City Senior and Family Emergency Fund. This fund helps Claremont families and seniors through initial crises. Once resolved, Human Services Department staff works with the recipients to connect with agencies to assist them in obtaining ongoing financial support.

F. Starting in April of 2020, Claremont's residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council's temporary emergency measures which effectively provided for a moratorium on all evictions; (2) the State of California's eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)); and (3) the County of Los Angeles' Tenant Protections Resolution. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.

G. The City has determined, both through direct residential tenant complaints and through information available on a regional basis, that tenants throughout the Los Angeles County region have reported experiencing a surge of no-fault eviction notices and threats of eviction. In response to such threats and notices, other Los Angeles County cities, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona, have adopted urgency ordinances or are actively considering urgency ordinances.

H. Starting in or around the summer of 2022, numerous residential tenants in Claremont reported that their landlords were threatening to evict them after the County of Los Angeles's tenant protections expire for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, electrical permits, plumbing permits, and the like) for remodeling work in those units. This raises questions about the legitimacy of the landlords' reliance on the AB 1482's "substantial remodel" exception.

I. As noted above, the County of Los Angeles's tenant protections are currently due to expire December 31, 2022, and if desired, the County could

terminate them earlier. Adoption of a permanent tenant protection ordinance requires two readings and will not take effect until 30 days after its second reading. (Gov. Code §§ 36934, 36937.) As a result, absent an urgency ordinance that may be passed immediately, there could be a window of time when Claremont's residential tenants do not have heightened protection from unsubstantiated "substantial remodel" no-fault evictions. More concerning, this window of time could encourage landlords to proceed with "substantial remodel" no-fault evictions simply to take advantage of a period when "substantial remodel" no-fault evictions do not require documentation. In other words, adopting a permanent tenant protection ordinance without an urgency tenant protection ordinance could have the unintended consequence of temporarily encouraging more evictions.

The above-identified facts constitute a current and immediate threat to the public peace, health, and safety of the City, within the meaning of Government Code section 36937, subdivision (b). In light of these facts, the City Council finds that an urgency ordinance is necessary and essential to prevent the irreparable injury tenants would suffer due to evictions based on unsubstantiated "substantial remodels" and/or demolitions. The City Council declares that this urgency ordinance is necessary for immediate preservation of the public peace, health, and safety of the community.

SECTION 4. Temporary Code Amendment

For the term of this Urgency Ordinance, Chapter 8.34 ("Just Cause for Eviction")¹ is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

Chapter 8.34 Just Cause for Eviction

8.34.000 No Evictions Without Just Cause

Notwithstanding any other law, if a tenant has continuously and lawfully occupied a residential real property for 12 months, the owner of the residential real property shall not terminate the tenancy without just cause, which shall be stated in the written notice to terminate tenancy, as described in Sections 8.34.030 and 8.34.040, below. If any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this subdivision shall only apply if either of the following are satisfied:

- (1) All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more; or
- (2) One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

¹ This chapter parallels AB 1482's Eviction Control Provisions, specifically Section 1946.2 of the Civil Code. Places where this chapter differ from AB 1482 are in purple font.

8.34.010 Definition of “Just Cause”

For purposes of this chapter, “just cause” includes either of the following:

(1) At-fault just cause, which is any of the following:

(A) Default in the payment of rent.

(B) 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 the lease after being issued a written notice to correct the violation.

(C) 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.

(D) Committing waste as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

(E) The tenant had a written lease that terminated on or after January 1, 2020 — or January 1, 2022, if the lease is for a tenancy in a mobilehome — and after a written request or demand from the owner, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this section or any other provision of law.

(F) 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, that is directed at any owner or agent of the owner of the residential real property.

(G) 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.

(H) 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.

(I) Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

(J) The employee, agent, or licensee’s failure to vacate after being terminated as an employee, agent, or a licensee, as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.

(K) When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in California Civil Code section 1946 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 landlord, 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.

(2) No-fault just cause, which includes any of the following:

(A)

(i) Intent to occupy the residential real property by the owner or the owner's spouse, domestic partner, children, grandchildren, parents, or grandparents.

(ii) For leases entered into on or after July 1, 2020 — or July 1, 2022, if the lease is for a tenancy in a mobilehome — clause (i) shall apply only if the tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the residential real property. Addition of a provision allowing the owner to terminate the lease as described in this clause to a new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1).

(B) Withdrawal of the residential real property from the rental market.

(C)

(i) The owner complying with any of the following:

(I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.

(II) An order issued by a government agency or court to vacate the residential real property.

(III) A local ordinance that necessitates vacating the residential real property.

(IV) Intent to demolish or to substantially remodel the residential real property.

(ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in paragraph (3) of subdivision (d).

(D) Intent to demolish or to substantially remodel the residential real property in accordance with the requirements in Section 8.34.020 below.

8.34.020 Heightened Requirements for Evictions Based on Intent to Demolish or Substantially Remodel the Residential Real Property

(1) For the purposes of this chapter, work on residential real property does not qualify as a “substantially remodel” unless it meets all of the following requirements:

(A) The work consists of the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws;

(B) The work cannot be reasonably accomplished in a safe manner with the tenant in place and requires the tenant to vacate the residential real property for at least thirty (30) days; and

(C) Such work costs not less than the product of eight (8) times the amount of the monthly rent times for the rental unit on which the work is being performed. For purposes of this section, the monthly rent shall be the average of the preceding twelve (12) month period.

(2) Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

(3) No “no-fault just cause” eviction for “substantial remodel” or demolition of residential real property shall be effective unless and until all of the following prerequisites have been met:

(A) Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont;

(B) The tenant has been provided with copies of the building and/or demolition permit(s); and

(C) The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within 30 days.

(4) An owner’s failure to strictly comply with this section shall render the notice of termination void.

8.34.030 Notice to Terminate a Tenancy for At-Fault Just Cause

Before an owner of residential real property issues a notice to terminate a tenancy for “at-fault just cause” based on a curable lease violation, the owner shall first give notice of the violation to the tenant with an opportunity to cure the violation pursuant to paragraph (3) of Section 1161 of the California Code of Civil Procedure. If the violation is not cured within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may thereafter be served to terminate the tenancy.

8.34.040 Notice to Terminate Tenancy for No-Fault Just Cause; Relocation Assistance

(1) For a tenancy for which “just cause” is required to terminate the tenancy (as defined in Section 8.34.010), if an owner of residential real property issues a termination notice based on a “no-fault just cause” (as defined in paragraph (2) of Section 8.34.010), the owner shall, regardless of the tenant’s income, at the owner’s option, do one of the following:

(A) Assist the tenant to relocate by providing a direct payment to the tenant as described in Paragraph (2) below; or

(B) Waive in writing the payment of rent for the final **three months** of the tenancy, prior to the rent becoming due.

(2) If an owner issues a notice to terminate a tenancy for “no-fault just cause,” the owner shall notify the tenant of the tenant’s right to relocation assistance or a rent waiver pursuant to Paragraph (1), above. If the owner elects to waive the rent for the **final three months** of the tenancy as described in subparagraph (B) of Paragraph (1), the notice shall state the amount of rent waived and that no rent is due for the **final three months** of the tenancy.

(3)

(A) The amount of relocation assistance or rent waiver shall be equal to **three months** of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy. Any relocation assistance shall be provided within 15 calendar days of service of the notice.

(B) If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided pursuant to this subdivision shall be recoverable as damages in an action to recover possession.

(C) The relocation assistance or rent waiver required by this subdivision shall be credited against any other relocation assistance required by any other law.

(4) An owner's failure to strictly comply with this section shall render the notice of termination void.

8.34.050 Exceptions

This chapter shall not apply to the following types of residential real properties 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 California 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 California State Department of Social Services.

(3) Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

(4) Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

(5) Single-family owner-occupied residences, including both of the following:

(A) 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; and

(B) A mobilehome.

(6) 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.

(7) Housing that has been issued a certificate of occupancy within the previous 15 years, unless the housing is a mobilehome.

(8) Residential real property, including a mobilehome, that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

(A) The owner is not any of the following:

(i) A real estate investment trust, as defined in Section 856 of the U.S. Internal Revenue Code.

(ii) A corporation.

(iii) A limited liability company in which at least one member is a corporation.

(iv) Management of a mobilehome park, as defined in Section 798.2.

(B) The tenants have been provided written notice that the residential property is exempt from this chapter in accordance with subparagraph (B) of paragraph (8) of subsection (e) of Section 1946.2 of the Civil Code.

(9) 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 California 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 California Health and Safety Code or comparable federal statutes.

(10) A homeowner of a mobilehome, as defined in Section 798.9 of the Civil Code.

(11) Any other residential real property or residential circumstance that is not subject to AB 1482.

8.34.060 Notice of Tenant Protections

(1) If the City of Claremont has not adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant in accordance with subsection (f) of Section 1946.2 of the Civil Code, provided however, the statement required by paragraph (3) of subsection (f) of Section 1946.2 shall be modified as follows:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Chapter 8.34 of the Claremont Municipal Code.”

(2) If the City of Claremont has adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant as follows:

(A)

(i) Except as provided in clause (ii), for any tenancy commenced or renewed on or after July 1, 2020, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(ii) For a tenancy in a mobilehome commenced or renewed on or after July 1, 2022, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(B)

(i) Except as provided in clause (ii), for a tenancy existing prior to July 1, 2020, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(ii) For a tenancy in a mobilehome existing prior to July 1, 2022, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(C) The notification or lease provision shall be in no less than 12-point type, and shall include the following:

“The City of Claremont’s Municipal Code and California law limit the amount your rent can be increased. See Chapter _____ of the Claremont Municipal Code and Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code and California law also provide that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Chapter 8.34 of the Claremont Municipal Code and Section 1946.2 of the Civil Code for more information.”

(3) The provision of the notice shall be subject to Section 1632 of the Civil Code.

8.34.070 Relationship to AB 1482

The City Council of the City of Claremont finds and declares that this chapter is more protective than Section 1946.2 of the Civil Code. This chapter is consistent with AB 1482 and, as authorized by subsection (g) of Section 1946.2, this chapter provides for higher relocation assistance amounts and additional tenant protections for “no-fault just cause” evictions based on a property owner’s intent to “substantially remodel” or demolish the residential real property.

It is the City’s intent that its residential tenants be afforded the strongest protections available under the law. If any other governmental entity (including without limitation, the United States Government, the State of California, and the County of Los Angeles) adopts stronger tenant protections that apply to residential tenants in the City of Claremont, then the stronger tenant protections shall prevail, and the City shall not enforce conflicting tenant protections in this chapter.

8.34.090 No Waiver of Rights Under this Chapter

Any waiver of the rights under this chapter shall be void as contrary to public policy.

8.34.090 Additional Definitions

(1) “AB 1482” means the Tenant Protection Action of 2019, Assembly Bill 1482 (2019-2020), which is generally codified in Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code, as amended from time to time or replaced with a successor statute.

(2) “Owner” and “residential real property” have the same meaning as those terms are defined in Section 1954.51 of the California Civil Code.

(3) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

8.34.100 Expiration of Temporary Urgency Ordinance

Unless repealed or extended, this chapter shall remain in effect until **July 1, 2023**, and as of that date is repealed.

SECTION 5. Effective Date.

This Ordinance is declared to be an Urgency Ordinance by authority conferred on the City Council of the City of Claremont by Government Code Sections 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council. The provisions of this Urgency Ordinance shall apply to all residential rental units not specified in Section 4 to be exempt, including where a notice to vacate or to quit any such rental unit has been served prior to, as of, or after the effective date of this Urgency Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Urgency Ordinance.

SECTION 6. Term of Urgency Ordinance.

This Urgency Ordinance shall be in effect until the earlier of: (1) the date a permanent ordinance addressing “just cause” evictions adopted by the City Council of the City of Claremont goes into effect; (2) the date this Urgency Ordinance is rescinded or terminated by the City Council of the City of Claremont; or (3) July 1, 2023.

SECTION 7. Expiration or Termination

If the term of the Urgency Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 8. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Urgency Ordinance are declared to be severable.

SECTION 9. Posting of Ordinance.

The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Urgency Ordinance be published or posted as required by law. In accordance with Government Code Section 8634, this ordinance and any amendments, extensions, and rescissions thereof shall be given widespread publicity and notice.

PASSED, APPROVED AND ADOPTED this 11th day of October, 2022.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney