

## URGENCY ORDINANCE NO. 2020-09

### **AN URGENCY ORDINANCE OF THE CITY OF COSTA MESA ESTABLISHING A TEMPORARY SUSPENSION OF COSTA MESA MUNICIPAL CODE SECTION 13-174 AS TO SHORT-TERM OCCUPANCY MOTELS WHICH ARE RESTRICTED TO ALLOWING STAYS OF NO LONGER THAN 30 CONSECUTIVE DAYS, DUE TO THE IMPACTS OF THE NOVEL CORONAVIRUS DISEASE (COVID-19) DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a public health emergency in Orange County due to COVID-19. On March 12, 2020, the Director of Emergency Services of the City of Costa Mesa declared a local emergency due to COVID-19, which was ratified by the City Council at its March 13, 2020 City Council meeting. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease; and

**WHEREAS**, the city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been canceled. School closures have occurred and may continue. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

**WHEREAS**, on March 19, 2020, the Governor established a statewide Executive Order (N-33-20) closing all non-essential services and businesses and ordering the public to stay at home in order to prevent the spread of COVID-19 throughout the state; and

**WHEREAS**, given the need that people remain housed to the maximum extent possible, and because there are a multitude of travel restrictions in place during this emergency, staff is requesting that the City Council temporarily suspend the City’s code provisions which limit short-term motels to stays of 30 days maximum; and

**WHEREAS**, the COVID-19 pandemic has significantly reduced the volume of visitors traveling to the City, and simultaneously created the potential need for existing motel guests to stay in motels for an extended period of time; and

**WHEREAS**, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to provide

extended shelter at motels desired to be rented by people on a temporary basis until the spread of the virus can be minimized and the emergency restrictions lifted; and

**WHEREAS**, the City Council has the authority to adopt this ordinance under Government Code Section 8630, and also its authority under California Constitution Art XI, section 7, and pursuant to the Governor's Order N-28-20 and N-33-20.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:**

SECTION 1. Temporary Suspension of portions of CMMC Section 13-174. To the extent that Costa Mesa Municipal Code section 13-174 affects existing short-term rental motels, i.e., those which are currently restricted to renting rooms for no more than thirty (30) consecutive days, and only to that extent, such restriction is temporarily suspended for the duration of the declared state of emergency in the City of Costa Mesa relating to the COVID-19 pandemic. Nothing herein shall be deemed to create any vested right for any short-term rental motels to continue renting rooms for more than thirty (30) consecutive days beyond the duration of this declared emergency.

SECTION 2. Emergency Declaration/Effective Date. The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934. The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. Severe travel restrictions have been put into place which may temporarily strand individuals currently staying in the City's motels. In addition, the Governor has issued an order for non-essential workers to stay home to minimize the spread of COVID-19. Therefore, to protect the public health, safety, and welfare, the city must act to temporarily suspend the 30-day maximum consecutive stay period for short-term motels to protect those currently staying in the City's motels and allow them to shelter in place during this emergency.

SECTION 3. Future Governor's Order. If the Governor issues an executive order which prohibits throughout the state restrictions of maximum motel stays relating due to COVID-19 related impacts, then that order shall control, and this ordinance shall no longer be in effect. Otherwise, this ordinance shall remain in full effect until the cessation of the emergency.

SECTION 4. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.


PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of March, 2020.

  
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Katrina Foley, Mayor

ATTEST:

  
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Brenda Green, City Clerk

APPROVED AS TO FORM

  
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Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Urgency Ordinance No. 2020-09 was duly adopted at a special meeting of the City Council of the City of Costa Mesa held on the 24<sup>th</sup> day of March, 2020, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS: CHAVEZ, FOLEY, GENIS, MANSOOR, MARR,  
REYNOLDS, STEPHENS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 25<sup>th</sup> day of March, 2020.

  
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Brenda Green, City Clerk