

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lana Beach, CA 90802-4664

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ORDINANCE NO. ORD-21-0022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.102 TO TEMPORARILY PROHIBIT THE TERMINATION OF LAWFUL RESIDENTIAL TENANCIES BY DEMOLITION AND/OR "SUBSTANTIAL REMODEL" NO-FAULT NOTICES THROUGH DECEMBER 31, 2021; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, the City of Long Beach is experiencing a humanitarian crisis of homelessness and displacement of renters at unprecedented levels, which has been exacerbated by the COVID-19 pandemic; and

WHEREAS, in 2020 the City Council enacted Long Beach Municipal Code Chapter 8.99 which, among other things, prescribed limited circumstances under which a landlord would have a "just cause" to terminate a tenancy and thereafter evict a tenant; and

WHEREAS, Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code allows landlords to terminate tenancies and evict tenants in the event the landlord has (i) been issued a permit by the City for the demolition and/or substantial remodel of the subject unit, and (ii) met certain other requirements enumerated therein; and

WHEREAS, the City Council believes that many residents may be subject to termination of their tenancies pursuant to substantial remodel projects proposed to be undertaken by the landlord which may not actually require the termination of such tenancy, and is interested in exploring the possibility of providing further protection to such tenants; and

1 WHEREAS, in furtherance thereof, the City Council has directed the City  
2 Manager to analyze and study the feasibility of the establishment of a rehabilitation  
3 administration program which would ensure landlords can invest in renovation projects  
4 without subjecting tenants to either untenable housing conditions during such work or  
5 forced permanent displacement of tenants from their units; and

6 WHEREAS, it is in the City's interest to immediately limit the displacement  
7 of families and other vulnerable groups due to a proposed substantial remodel of their  
8 residential unit while the City Council undertakes a study to consider the adoption of a  
9 permanent renovation administration program.

10 NOW THEREFORE, the City Council of the City of Long Beach ordains as  
11 follows:

12 Section 1. Chapter 8.102 is added to the Long Beach Municipal Code to  
13 read as follows:

14 CHAPTER 8.102  
15 TEMPORARY PROHIBITION OF DEMOLITION AND SUBSTANTIAL NO-FAULT  
16 NOTICES AND EVICTIONS

17  
18 8.102.010 Purpose.

19 On July 6, 2021, the Long Beach City Council directed the City  
20 Manager to undertake a study and prepare a report exploring the feasibility  
21 of, and costs associated with, establishing a renovation administration  
22 program in the City to ensure landlords can invest in renovation work  
23 without subjecting tenants to either untenable housing conditions during  
24 renovation work or the forced permanent displacement of the tenant due to  
25 said renovation work. In advance of the presentation of the report to the  
26 Council and potential action taken by the Council as a result thereof, this  
27 Chapter will temporarily prohibit no-fault notices and evictions based on  
28 certain demolition or substantial remodel permits through December 31,

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2021.

8.102.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

A. Owner. The term “owner” is any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.

B. Residential rental property. The term “residential rental property” is any dwelling or unit that is intended or used for human habitation and which is offered or is currently being utilized for rental purposes.

8.102.030 Prohibition on no fault demolition and/or substantial remodel notices and evictions.

Through December 31, 2021, the owner of residential rental property shall not issue a notice to terminate a lawful tenancy, or otherwise move to terminate a lawful tenancy, based upon (i) a permit issued by the City of Long Beach on or after July 6, 2021 and (ii) otherwise on the authority provided by Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code, unless the termination is required to comply with an order issued by a government agency or court requiring that the residential rental real property be vacated; or to comport with due process, federal, or state law, which situation or circumstance shall be stated with particularity in the written notice of termination of tenancy. This Chapter may be asserted as an affirmative defense by a tenant in any unlawful detainer action brought by an Owner against a tenant. Any notice issued in violation of this Chapter shall be null and void.

1 8.102.040 Severability.

2 If any provision of this Chapter is found to be unconstitutional or  
3 otherwise invalid by any court of competent jurisdiction, that invalidity shall  
4 not affect the remaining provisions of this Chapter which can be  
5 implemented without the invalid provisions, and to this end, the provisions of  
6 this Chapter are declared to be severable. The City Council hereby  
7 declares that it would have adopted this Chapter and each provision thereof  
8 irrespective of whether any one or more provisions are found invalid,  
9 unconstitutional or otherwise unenforceable.

10

11 Section 2. The City Clerk shall certify to the passage of this ordinance by  
12 the City Council of the City of Long Beach and shall cause the same to be posted in three  
13 conspicuous places in the City of Long Beach.

14 Section 3. Pursuant to Section 211 of the City Charter, the City Council  
15 hereby finds that the ongoing statewide housing crisis and displacement of low-income  
16 and other vulnerable populations constitutes an emergency requiring immediate action in  
17 order to protect the public health and safety. Therefore, this ordinance is an emergency  
18 ordinance duly adopted by the City Council by a vote of five of its members and shall take  
19 effect on July 13, 2021. The City Clerk shall certify to a separate roll call and vote on the  
20 question of the emergency of this ordinance and to its passage by the vote of five  
21 members of the City Council of the City of Long Beach, and cause the same to be posted  
22 in three conspicuous places in the City of Long Beach.

23 Section 4. This ordinance shall also be adopted by the City Council as a  
24 regular ordinance, to the end that in the event of any defect or invalidity in connection  
25 with the adoption of this ordinance as an emergency ordinance, the same shall,  
26 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by  
27 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City  
28 Council of the City of Long Beach and shall cause the same to be posted in three (3)

1 conspicuous places in the City of Long Beach.

2 I hereby certify that on a separate roll call and vote which was taken by the  
3 City Council of the City of Long Beach upon the question of emergency of this ordinance  
4 at its meeting of July 13, 2021, the ordinance was declared to be an  
5 emergency by the following vote:

6 Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
7 Mungo, Saro, Uranga, Richardson.  
8 \_\_\_\_\_

9 Noes: Councilmembers: None.  
10 \_\_\_\_\_

11 Absent: Councilmembers: Austin.  
12 \_\_\_\_\_

13 Recusal(s): Councilmembers: None.  
14 \_\_\_\_\_

15  
16 I further certify that thereafter, at the same meeting, upon a roll call and  
17 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long  
18 Beach by the following vote:

19 Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
20 Mungo, Saro, Uranga, Richardson.  
21 \_\_\_\_\_

22 Noes: Councilmembers: None.  
23 \_\_\_\_\_

24 Absent: Councilmembers: Austin.  
25 \_\_\_\_\_

26 Recusal(s): Councilmembers: None.  
27 \_\_\_\_\_

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I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of July 20, 2021, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo, Saro, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Austin.

Recusal(s): Councilmembers: None.

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

  
Clerk

Approved: 7/15/21  
(Date)

  
Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 15<sup>th</sup> day of July, 2021, I posted three true and correct copies of Emergency Ordinance No. ORD-21-0022 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
\_\_\_\_\_

Subscribed and sworn to before me  
This 15<sup>th</sup> day of July 2021.

  
\_\_\_\_\_  
CITY CLERK

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 22<sup>nd</sup> day of July, 2021, I posted three true and correct copies of Final Ordinance No. ORD-21-0022 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
\_\_\_\_\_

Subscribed and sworn to before me  
This 22<sup>nd</sup> day of July 2021.

  
\_\_\_\_\_  
CITY CLERK