

ORD-17

ORDINANCE NO.

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2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY ADDING CHAPTER 8.102 TO
6 TEMPORARILY PROHIBIT THE TERMINATION OF
7 LAWFUL RESIDENTIAL TENANCIES BY DEMOLITION
8 AND/OR "SUBSTANTIAL REMODEL" NO-FAULT NOTICES
9 THROUGH DECEMBER 31, 2021; DECLARING THE
10 URGENCY THEREOF; AND DECLARING THAT THIS
11 ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

12
13 WHEREAS, the City of Long Beach is experiencing a humanitarian crisis of
14 homelessness and displacement of renters at unprecedented levels, which has been
15 exacerbated by the COVID-19 pandemic; and

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

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

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

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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.

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8.102.040 Severability.

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

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

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

Section 4. This ordinance shall also be adopted by the City Council as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The City Clerk shall certify to the passage of this ordinance by the City 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 _____, 2021, the ordinance was declared to be an
5 emergency by the following vote:

6 Ayes: Councilmembers: _____

7 _____

8 _____

9 Noes: Councilmembers: _____

10 _____

11 Absent: Councilmembers: _____

12 _____

13 Recusal(s): Councilmembers: _____

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: _____

20 _____

21 _____

22 Noes: Councilmembers: _____

23 _____

24 Absent: Councilmembers: _____

25 _____

26 Recusal(s): Councilmembers: _____

27 _____

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OFFICE OF THE CITY ATTORNEY
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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 _____, 2021, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor