

R-13

REVISED



 COUNCILWOMAN
JEANNINE PEARCE

Date: May 19, 2020

To: Honorable Mayor Robert Garcia and Members of the City Council

From: Councilwoman Jeannine Pearce, District 2
Councilwoman Mary Zendejas, District 1
Councilmember Roberto Uranga, District 7
Councilmember Rex Richardson, District 9

Subject: **Coronavirus Protections for Long Beach Residents at Risk of Homelessness**

RECOMMENDATION:

Direct the City Attorney to prepare an urgency ordinance amending Long Beach's COVID Eviction Moratorium (LBMC 8.100) and the HACLB's Moratorium on Section 8 terminations in the following three ways, to align Long Beach's COVID tenant protections with the County and City of Los Angeles: (1) extend the moratorium date from May 31, 2020 until August 31, 2020; (2) extend the amount of time to repay rent from six months to twelve months; and (3) add provisions to address tenant harassment. These proposed amendments would apply to residential and commercial tenancies. Direct the City Attorney to bring this urgency ordinance back, with these revisions, to the Council for consideration at a special meeting on or before May 26, 2020.

DISCUSSION

The COVID-19 pandemic continues to have devastating impacts on our local economy in Long Beach. Working families are seeing reduced or eliminated paychecks and there is great uncertainty as to how long it will take for Long Beach residents to regain economic stability. The City has a responsibility to continue to act urgently in this fast-moving crisis to prevent thousands of families and small business owners from facing eviction and homelessness. Service workers, gig economy workers, retail workers, small business workers and port workers are just some of the categories of Long Beach working families who will be unable to pay their rent due to the coronavirus pandemic. Preventing evictions is necessary not only to protect renters, but to protect all Long Beach residents from the spread of the coronavirus.

When we adopted our COVID-19 moratorium on evictions and Section 8 terminations, we had hoped this crisis would end by May 31, 2020. We now know that this is not the case. Therefore, we must act swiftly again and amend the timelines in our eviction moratorium and Section 8 termination moratorium to protect our residents. To ensure intent of the moratorium is carried out, we need to first extend the date of our eviction and Section 8 termination moratorium from May 31, 2020, until August 31, 2020. Second, we need to extend the time for tenants to repay back rent owned from six

months to twelve months. The County and City of Los Angeles are extending their moratoriums and they have already adopted ordinances that provide tenants twelve months to pay back rent. This is critical to give tenants sufficient time to pay back rent owed. It is also important for Long Beach to align its repayment timeline with our jurisdictional partners in the region.

Provisions to Address Tenant Harassment During COVID-19

Long Beach tenants have been reporting harassment from their landlords in the form of: illegal rent increases that exceed the state's rent cap; refusal by landlords to accept documents certifying a tenant's inability to pay rent when the documents are in compliance with our local eviction moratorium; illegal 30 and 60 day notices that are in violation of our local just cause ordinance; utility shut-offs; unnecessary and problematic lease addendums; demanding that tenants sign over their federal stimulus checks to pay rent; and loud, unnecessary construction while residents are sheltering in place. This conduct, unfortunately, is happening in our neighboring jurisdictions as well and they are acting to address and stop tenant harassment. The County and City of Los Angeles have already adopted anti-tenant harassment laws to address these issues. Moreover, Santa Monica, West Hollywood, San Jose, San Francisco, Oakland and Berkeley also have anti-tenant harassment ordinances in place.

Long Beach should amend its COVID-19 eviction moratorium ordinance to include the following anti-tenant harassment provisions:

- a. No landlord shall influence or attempt to influence, through fraud, intimidation or coercion, a residential tenant to transfer or pay to the landlord any sum received by the tenant as part of any governmental relief program.
- b. No landlord shall endeavor to evict a tenant in a manner that violates the terms of this ordinance.
- c. If a landlord violates the terms of Long Beach's COVID-19 Moratorium, an aggrieved residential tenant may institute a civil proceeding for injunctive relief, direct money damages, and any other relief the Court deems appropriate, including, at the discretion of the Court, an award of a civil penalty up to \$10,000 per violation depending on the severity of the violation. If the aggrieved residential tenant is older than 65 or disabled, the Court may award an additional civil penalty up to \$5,000 per violation depending on the severity of the violation. The Court may award reasonable attorney's fees and costs to a residential tenant who prevails in any such action. The Court may award reasonable attorney's fees and costs to a landlord who prevails in any such action and obtains a Court determination that the tenant's action was frivolous. The remedies in this paragraph are not exclusive nor preclude any person from seeking any other remedies, penalties or procedures provided by law.

CONCLUSION

Long Beach is a majority renter city where over half the population's renters spend more than 30% of their income on rent. Long Beach renters are disproportionately Latino, African American, Cambodian and Filipino. Moreover, COVID-19 is disproportionately impacting communities of color.

Long Beach should align itself with other jurisdictions working on measures to protect its residents and business owners during this crisis. Importantly, these protections are not just for renters, but to protect all Long Beach residents from the spread of the coronavirus. The time for Long Beach to act is now. The health and safety of all Long Beach residents is at risk if more renters become homeless and living on the streets.

FISCAL IMPACT

No Financial Management review was able to be conducted due to the urgency and time sensitive of this item.

SUGGESTED ACTION

Approve recommendation.

STATEMENT OF URGENCY

Due to the immediate need to amend the eviction moratorium before it expires, we request that the City Attorney draft an urgency ordinance with these revisions for review at a special City Council meeting on or before May 26, 2020.