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C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

M A R C H 3 , 2 0 0 5

A study session of the City Planning Commission convened Thursday, March 3, 2005, at 12:00pm in the City Council Meeting Room, 333 W. Ocean Boulevard, featuring a Planning Commissioner Training Session.

The regular meeting of the City Planning Commission convened Thursday, March 3, 2005, at 1:41pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Winn, Charles Greenberg,
Nick Sramek, Leslie Gentile,
Morton Stuhlberg

ABSENT: EXCUSED: Matthew Jenkins, Mitch Rouse

CHAIRMAN: Morton Stuhlberg

STAFF MEMBERS PRESENT: Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Planning Manager Greg Carpenter led the pledge of allegiance.

M I N U T E S

The minutes of February 5, 2005 were approved on a motion by Commissioner Greenberg, seconded by Commissioner Winn and passed 5-0. Commissioners Jenkins and Rouse were absent.

S W E A R I N G O F W I T N E S S E S

C O N T I N U E D I T E M

1. Case No. 0407-26, Conditional Use Permit, CE 04-157

Applicant: Cingular Wireless c/o AFL
Authorized Agent, Chip Clustka

Subject Site: 1950 Lemon Avenue (Council District 7)
Description: A Conditional Use Permit to construct and maintain a wireless telecommunications facility, consisting of a seventy foot (70') high monopine antenna structure with accessory equipment.

As per staff's recommendation, Commissioner Sramek moved to continue the item to a date uncertain. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

R E G U L A R A G E N D A

2. Proposed Amendment to the Municipal Code

Applicant: Robert E. Shannon, City Attorney
Subject Site: Citywide
Description: Proposed amendment to the Long Beach Municipal Code relating to code enforcement and tenant relocation.

Mike Mais presented the staff report asking that the Commission recommend that the City Council adopt the amendments to the Municipal Code, noting that this would be a tool to assist Code Enforcement in identifying and dealing with substandard buildings. Mr. Mais stated that the amendment would clarify confusing relocation and illegal unit issues, plus allow assessment of penalties for late payments on relocation fees. He added that it would also remove the low income requirement that had previously slowed City efforts to deal with these problems.

In response to a query from Commissioner Winn, Mr. Mais explained that routine maintenance issues would not invoke this ordinance if the situation could be remedied while the tenant was in place.

Susanne Browne, 110 Pine #420, attorney with Legal Aid, stated that her group was in support of the staff recommendation.

Nancy Ahlswede, 333 W. Broadway #101, Executive Director, Apartment Association of California/Southern Cities, said they felt this would be the best possible situation for tenants while maintaining private property rights.

Commissioner Greenberg moved to recommend that the City Council adopt the amendments to the Municipal Code. Commissioner Sramek

seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

3. Case No. 0412-17, Administrative Use Permit, CE 04-254

Applicant: Nasser Labbaf
Subject Site: 1075 E. Pacific Coast Highway
(Council District 6)
Description: Request to establish a coin-operated
Laundromat at a new retail center in the Commercial Highway
(CHW) Zone District.

Nassar Labbaf, 1075 E. Pacific Coast Hwy, applicant, requested that the item be continued to the next meeting.

Hip Lee, 1090 E. Pacific Coast Hwy, owner of building across from the site, stated he was against the request because it would create trash and loitering problems while decreasing the value of his property. Mr. Lee also said he felt there were already too many laundromats in the area.

Commissioner Winn explained to Mr. Lee that the conditions of approval attached to the request would address all of his concerns.

Commissioner Sramek moved to continue the item to the March 17, 2005 meeting. Commissioner Gentile seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

Greg Carpenter stated that the City Council had acted to adopt the Open Space Annual Report, and would be hearing an appeal for the concrete aggregate plan.

Mr. Carpenter also welcomed (*new staff member?*) and noted that the City Manager would soon be making the final decision on the Planning and Building director.

Angela Reynolds presented an update on the progress of the citywide workshops on the General Plan. In response to an observation by Commissioner Sramek on the negative reactions of

some of the newer workshop attendees, Ms. Reynolds said they would be making greater outreach efforts to contact more people in the community.

Mr. Carpenter also discussed projects that needed to be completed in this calendar year, including the official adoption of the Coastal Program document, and a number of General Plan updates.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 2:28pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk

1 tenants vacate the structure to allow for extensive repairs or demolition.

2 B. These code violations often are caused by negligence, deferred
3 maintenance, or the illegal use of certain structures as dwelling units.
4 These code violations typically constitute a violation of the owner's legal
5 responsibility to the tenants. For example, they may be a breach of the
6 owner's implied warranty of habitability, and could constitute constructive
7 eviction of the tenants from their residence.

8 C. The difficulty of finding affordable replacement housing and the
9 burden of incurring moving-related expenses creates a financial hardship
10 for tenants, particularly those who are low income. Financial hardship
11 arises because the tenants generally need a large sum of money to
12 relocate, often including first month's rent, security deposits, moving and
13 storage expenses, and utility deposits. Low income tenants are generally
14 unable to obtain the sums needed to relocate and, as a result, are at an
15 increased risk of becoming homeless.

16 D. Relocation assistance is necessary to ensure that displaced
17 tenants secure safe, sanitary and decent replacement housing in a timely
18 manner. The level of payments provided for in this Chapter are reflective
19 of actual relocation costs likely to be incurred by displaced households.
20 This is consistent with and in furtherance of the Housing Element of the
21 City's General Plan.

22 E. In the past, affected tenants have turned to local, state and
23 national governmental entities for financial assistance in obtaining
24 replacement housing. However, the resources available to such entities
25 to assist displaced tenants have become increasingly scarce.

26 F. It is fair for property owners who fail to properly maintain
27 residential rental properties, or who create illegal residential units, to bear
28 responsibility for the hardship their actions or inaction create for tenants.

1 Relocation of tenants is a necessary element of code enforcement that
2 should be the responsibility of the property owner, and the City should be
3 reimbursed by the responsible owner for all costs which the City incurs in
4 the code enforcement process.

5 G. Delayed payment of relocation assistance often imposes
6 extreme hardship upon tenants who must obtain the large sums
7 necessary to relocate. Delayed payments may also require the City to
8 expend funds to provide tenants with financial assistance for relocation.
9 Any requirement to pay relocation assistance should contain disincentives
10 for delayed payment in the form of appropriate penalties.

11 H. It is the intent of this Chapter to ensure that adequate relocation
12 assistance is available to tenants who face displacement through no fault
13 of their own. It is also the intent to provide assistance in a manner that is
14 as equitable as possible to the tenant, the property owner, and the public
15 at large. The requirement for owners to pay relocation costs under this
16 chapter will facilitate the correction of code violations and will likewise
17 protect the public health, safety, and general welfare of the residents of
18 the City.

19 I. This Chapter is in the public interest for the reasons stated
20 above. Additionally, it furthers the public interest by helping to remove a
21 potential impediment to code enforcement. The City finds that this
22 Chapter also is fair, in that it imposes reasonable costs and penalties on
23 owners who operate contrary to the Code Enforcement Regulations of the
24 City of Long Beach.

25
26 21.65.030 Definitions.

27 For purposes of this Chapter, certain terms, phrases, words and
28 their derivatives shall be construed as specified in this section.

1 A. "City manager" shall mean the city manager of the city of Long
2 Beach, or his or her designee.

3 B. "Code enforcement activity" shall mean activity initiated by the
4 City to determine the condition of a building or structure and which
5 requires the property owner to make necessary repairs, to vacate the
6 building, to demolish the structure or structures, or to take other action to
7 bring the property into compliance with applicable state or local zoning,
8 building, fire, health or housing standards regulations.

9 C. "Comparable replacement dwelling" shall have the same
10 meaning as that specified in California Government Code section 7260, et
11 seq., or any successor statute thereto.

12 D. "Day" shall mean calendar day.

13 E. "Displacement" shall mean the removal of the tenant household
14 from the property due to the issuance of an Order to Vacate pursuant to
15 Municipal Code Section 18.20.140.

16 F. "Housing Services Bureau shall mean the Housing Services
17 Bureau of the City of Long Beach.

18 G. "Notice of Intent to Order Building Vacated" shall mean an
19 official notice issued by the City of Long Beach in accordance with
20 Municipal Code Section 18.20.120.

21 H. "Order to vacate" shall mean an official notice issued by the City
22 of Long Beach in accordance with Municipal Code Section 18.20.140.

23 I. "Property owner" shall mean a person, corporation, or any other
24 entity holding fee title to the subject real property.

25 J. "Relocation" shall mean the required vacating of a residential
26 rental unit or room by a tenant or household to further the City's code
27 enforcement activity.

28 K. "Rental unit" shall mean a dwelling space containing a separate

1 bathroom, kitchen, and living area, including a single family dwelling or
2 unit in a multi-family or multi-purpose dwelling; or, it shall mean a unit in a
3 condominium or cooperative housing project, which is hired, rented, or
4 leased to a tenant or household within the meaning of California Civil
5 Code Section 1940.

6 L. "Room" shall mean an unsubdivided portion of the interior of a
7 building including, but not limited to, illegally converted garage spaces,
8 which are used for the purpose of sleeping, and which are occupied by a
9 tenant for at least thirty consecutive days as determined by the Housing
10 Services Bureau.

11 M. "Substandard building" shall include every building or other
12 structure as defined in Section 18.08.200 of the Long Beach Municipal
13 Code. For the purposes of this chapter, substandard building or structure
14 shall mean only those buildings that contain rental units or rooms as
15 defined herein.

16 N. "Tenant household" shall mean one or more individuals who: (1)
17 have a landlord-tenant relationship with the property owner, by renting or
18 leasing a rental unit or room in a substandard building; and, (2) can
19 demonstrate a landlord-tenant relationship by leases, cancelled rent
20 checks, rent receipts, utility bills, phone bills, or any other evidence of
21 renting or leasing the premises as determined by the Housing Services
22 Bureau.

23 O. "Long Beach Municipal Code" shall mean all ordinances, rules,
24 and regulations of the City of Long Beach regulating maintenance,
25 sanitation, ventilation, light, location, use or occupancy of residential
26 buildings.

27 //

28 //

1 21.65.040 Eligibility.

2 A tenant household shall be eligible for consideration for relocation
3 assistance under this Chapter when tenants in the household are
4 displaced from their rental units or rooms because of the issuance of a
5 "Notice of Intent to Order Building Vacated" or an "Order to Vacate" in
6 accordance with Municipal Code Section 18.20.120 or 18.20.140, or an
7 order of immediate vacation when the structure or premises has been
8 declared "dangerous" in accordance with Section 18.20.210, or their
9 respective successor sections.

10
11 21.65.050 Order to vacate.

12 As part of the City's code enforcement activity, the Building Official
13 will decide whether repairs or other actions to abate substandard buildings
14 can be reasonably accomplished without relocation of the tenant or
15 household.

16 If relocation is necessary to abate a substandard building or
17 condition, the Building Official shall issue and serve an "Order to Vacate"
18 in accordance with Long Beach Municipal Code sections 18.20.140
19 through 18.20.170.

20
21 21.65.060 Notification of tenants and owners.

22 A. When the Building Official issues a Notice of Substandard
23 Building, Notice of Intent to Order Building Vacated or an Order to Vacate
24 in accordance with Sections 18.20.120 or 18.20.140, the Building Official
25 shall notify the Housing Services Bureau of the issuance of the Orders
26 and the Housing Services Bureau shall inform the tenant households in
27 writing of the procedure to apply for relocation assistance, what the tenant
28 household's rights are, and who to contact with questions regarding

1 relocation assistance. The Housing Services Bureau shall also inform the
2 tenant household that the household may request payment of relocation
3 assistance from the City in accordance with Section 21.65.090, if the
4 Owner fails, neglects, or refuses to make the required relocation
5 payments in accordance with this Chapter. Relocation assistance
6 information shall be provided to tenant households in English, Spanish,
7 Korean and Khmer to insure the information is accessible to limited
8 English proficiency persons.

9 B. The Housing Services Bureau shall also inform the property
10 owner that failure to make required relocation payments within ten days of
11 notice may result in the City making payments on behalf of the owner, and
12 that failure to reimburse the city for all payments made and other costs
13 and penalties incurred shall result in a lien being placed on the owner's
14 property.

15 C. The issuance of an Order to Vacate shall not relieve the
16 property owner of any legal obligations, including any obligation to provide
17 any notice imposed by any provisions of federal, state, or local laws or
18 ordinances.

19 D. At the time a Notice of Substandard Building is issued in
20 accordance with Section 18.20.120, the City shall also notify the property
21 owner of the obligation to pay tenant relocation if required repairs are not
22 made within the time specified in the Notice of Substandard Building.

23
24 21.65.070 Issuance of permits.

25 If an Order to Vacate is issued, the City shall not issue any permits
26 or entitlements to the owner or owner's authorized agent for repairs,
27 rehabilitation or demolition until such time as the owner pays all eligible
28 tenant households relocation assistance required pursuant to this Chapter.

1 21.65.080 Payment of Relocation Benefits.

2 A. The relocation benefits required by this Chapter shall be paid by
3 the owner or designated agent to the tenant household in the form of a
4 certified check, cashier's check, or money order, within ten (10) days after
5 the Order to Vacate is issued and served in accordance with Section
6 18.20.160. Proof of said payment shall be made to the Housing Services
7 Bureau. The tenant household shall not be required by the property
8 owner to vacate the premises until relocation payment is made to the
9 tenant and proof thereof is made to the Housing Services Bureau, unless
10 the Building, Fire or Health Official determines that the building or
11 structure is a dangerous building within the meaning of Section 18.08.050
12 or other applicable codes. The property owner shall also be responsible
13 for reimbursing the City for any relocation payments the City makes or
14 costs the City incurs under this Chapter.

15 B. If the Building, Fire or Health Official determines that the unit or
16 room is dangerous and must be vacated in less than ten (10) days, then
17 the Owner shall make required relocation payments to the tenant
18 household in the form of a certified check, cashier's check, or money
19 order, within two (2) business days after the Order to Vacate is issued and
20 served in accordance with Section 18.20.160. Proof of said payment shall
21 be made to the Housing Services Bureau.

22 C. No relocation benefits pursuant to this Chapter shall be payable
23 to any tenant who has caused or substantially contributed to the condition
24 or conditions giving rise to the order to vacate, as determined by the
25 Department of Planning and Building, nor shall relocation benefits be
26 payable to a tenant if any guest or invitee of the tenant has caused or
27 substantially contributed to the condition giving rise to the order to vacate,
28 as determined by the Department of Planning and Building. The Housing

1 Services Bureau shall make the determination whether a tenant, tenant's
2 guest, or invitee, caused or substantially contributed to the condition
3 giving rise to the Order to Vacate. Service of a three (3) day notice, notice
4 to terminate or unlawful detainer complaint shall not in and of itself render
5 a tenant household ineligible for relocation benefits under this Chapter.

6 D. An owner shall not be liable for relocation benefits if the
7 Building Official determines that the building or structure became
8 substandard or dangerous as the result of a fire, flood, earthquake, or
9 other act of God beyond the control of the owner and the owner did not
10 cause or contribute to the condition.

11 E. Delay in payment of relocation assistance by owner.

12 If the owner fails, neglects, or refuses to pay relocation assistance
13 to a displaced tenant, or a tenant subject to displacement, in accordance
14 with this Chapter, the City shall also be entitled to recover from the owner
15 an additional amount equal to the sum of one-half the amount so paid or
16 due, but not to exceed Ten Thousand Dollars (\$10,000.00) cumulative per
17 property, as a penalty for failure to make timely payment to the displaced
18 tenant, plus the City's actual costs, including direct and indirect costs of
19 administering the provisions of assistance to the displaced tenant or
20 tenants.

21
22 21.65.090 Relocation eligibility and assistance by City.

23 A. The City may assist tenants displaced or to be displaced due to
24 code enforcement activity subject to this Chapter by providing information,
25 referral, monitoring, or other advisory assistance. Any tenant household
26 interested in City assistance should contact the Housing Services Bureau
27 for relocation information. Failure by tenant households to contact the
28 Housing Services Bureau shall not relieve property owners from their

1 responsibility to provide relocation assistance.

2 B. Tenant households shall submit requests for relocation
3 assistance to the Housing Services Bureau in order to establish the
4 existence of a landlord-tenant relationship. The Housing Services Bureau
5 shall make a determination as to whether a tenant household is eligible for
6 relocation assistance within three (3) business days of receipt of a
7 completed request for relocation assistance. If the Building Official has
8 determined that the tenant household must vacate its unit or room in less
9 than ten (10) days, the Housing Services Bureau shall make a
10 determination as to whether the tenant household is eligible for relocation
11 assistance within two (2) business days of receiving a completed request
12 for relocation assistance. Once an eligibility determination has been
13 made, the Housing Services Bureau shall immediately provide written
14 notice in English, Spanish, Korean and Khmer to the tenant household,
15 the owner, and the Building Official regarding the eligibility determination
16 and any relocation assistance owed.

17 C. If the owner fails, neglects or refuses to pay relocation
18 assistance to a displaced tenant or a tenant subject to displacement, the
19 City may advance all or a portion of the required payments to the tenant.
20 If the City advances relocation assistance, or a portion thereof, the City
21 shall be entitled to recover from the owner any amount so paid to a tenant
22 pursuant to this section, and the Housing Services Bureau shall notify the
23 owner of the City's advancement of payment.

24 For the City to consider such payments, the tenant household must
25 make a request to the Housing Services Bureau after the owner fails,
26 neglects or refuses to make such required payments.

27 D. Any amount paid by the City on behalf of the owner and any
28 applicable penalties and actual costs including incidental enforcement

1 costs shall become delinquent thirty (30) days after notice by the City and
2 may also be placed as a lien against the property of the owner by
3 recording the lien in the office of the County Recorder for Los Angeles
4 County. Any delinquent payments will accrue interest at the rate of twelve
5 percent (12%) per year until paid.

6 E. The failure of the owner to pay the amounts to the City set forth
7 in this chapter within the time specified constitutes a debt to the City. To
8 enforce that debt, the City Manager or his or her designee may take any
9 and all appropriate legal action, impose a lien as set forth above, or
10 pursue any other legal remedy to collect such money.

11
12 21.65.100 Immediate vacation.

13 If the Building Official determines that the Building is dangerous
14 and immediate vacation is required, immediate City payment of relocation
15 benefits can be made to tenant households as soon as the tenant
16 household is determined eligible by the Housing Services Bureau. The
17 tenant household must sign a request for relocation assistance from the
18 Housing Services Bureau in order to receive immediate relocation
19 payments. Those payments and other related costs shall be a charge
20 against the property owner, and the owner shall reimburse the city for
21 these relocation costs. Additionally, those costs may be collected, if need
22 be, as outlined above in Section 21.65.090. The payment of relocation
23 assistance by the City shall be solely predicated upon the availability of
24 City funds.

25
26 21.65.110 Amount of relocation payments.

27 Each eligible tenant household shall receive monetary relocation
28 assistance in the amount of three thousand three hundred and sixty-six

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1 dollars (\$3,366.00). Each eligible household with a disabled person
2 displaced under this chapter shall also be entitled to reimbursement for
3 structural modifications to the household paid for by the tenant household
4 at the vacated premises up to a maximum value of an additional two
5 thousand five hundred dollars (\$2,500.00). The Housing Services Bureau
6 shall increase both of these amounts on a percentage basis as
7 determined by the change in the Consumer Price Index between January
8 1, 2005 and January 1 of the year in which the application for relocation
9 assistance is filed with the Housing Services Bureau.

10
11 21.65.120 Evictions to avoid payment of relocation assistance.

12 Owners shall not evict tenants to avoid their responsibility to pay
13 relocation assistance to tenants under this Ordinance. Tenants receiving
14 notices to terminate or quit from the property owner or owner's agent
15 within 90 days of a notice of substandard building shall be presumed
16 eligible and entitled to collect relocation assistance pursuant to this
17 Ordinance. However, this presumption may be rebutted upon a showing
18 by the Owner that the tenant has caused or substantially contributed to
19 the condition or conditions giving rise to the order to vacate.

20
21 21.65.130 Move-back option.

22 A displaced tenant household shall have the option of moving back
23 into the rental unit or room from which it was required to move provided
24 that said rental room or unit was a legally permitted rental room or unit at
25 the time of displacement. If this is not possible, the displaced tenant
26 household shall have the option of moving into an equivalent unit or room
27 in the same building, as soon as it is ready for occupancy. If a tenant
28 household wishes to avail itself of this option, it must inform the owner in

1 writing of its current address at all times during the period of
2 displacement.

3 The property owner shall notify a displaced tenant household at
4 least thirty (30) days in advance by first class mail of the availability of the
5 unit or room including monthly rent and date of availability. Said notice
6 shall inform the tenant household that it has ten (10) days to notify
7 property owner of their intent to move back into the property. Within ten
8 (10) days of receipt of notice of availability of the unit or room, a tenant
9 household wishing to move back shall so notify the owner in writing.

10 If a tenant household wishing to move back into the unit or room is
11 required to pay a security deposit, the household must be permitted
12 sufficient time to do so. In no event may that time exceed sixty (60) days.

13
14 21.65.140 Certificate of Occupancy.

15 The City shall not give the owner a Certificate of Occupancy until
16 such time as the owner provides the Housing Services Bureau and
17 Building Official with written proof that he or she has properly notified all
18 displaced tenant households in writing of their right to return to their unit or
19 room, or an equivalent unit or room in the same building if this is not
20 possible, for the same rent they were paying prior to displacement for a
21 minimum of six (6) months.

22 The City shall not issue the owner a certificate of occupancy until
23 such time as the building official has determined that all necessary repairs
24 have been made to the building.

25
26 21.65.150 Appeals.

27 Any property owner or tenant household may contest a decision by
28 the Housing Services Bureau or his or her representative regarding

1 eligibility, relocation payment amounts, or any other determination or
2 claim made under this Chapter. To do so, the party shall file a written
3 request for an appeal with the Director of Community Development within
4 ten (10) days of the decision, determination or claim. The Director or
5 his/her designee shall hold a hearing at his/her earliest opportunity and in
6 no event more than fourteen (14) days after the Director receives notice of
7 the appeal. All notices from the Director shall be sent to both the property
8 owner and all tenant households affected by the appeal. The
9 determination of the Director shall be final.

10
11 21.65.160 Penalty.

12 Any person violating any provision or failing to comply with any of
13 the requirements of this chapter shall be guilty of a misdemeanor or
14 infraction, as determined by the City Prosecutor. In addition to any
15 penalty imposed for a violation of this chapter, any person violating or
16 causing or permitting the violation of this chapter shall reimburse the City
17 for any administrative costs or expenses the City incurs in administering
18 this chapter. Those amounts may include any provisional relocation
19 assistance provided to tenants, such as temporary housing, moving
20 expenses, relocation payments, public health assistance, transportation,
21 storage or other related services.

22 The remedies and penalties provided for in this Section and
23 Chapter shall be in addition to any other available remedies and penalties
24 provided for by the Long Beach Municipal Code or other law.

25
26 21.65.170 Private right of action.

27 Tenant households subject to displacement and/or their legal
28 representatives shall have standing as third party beneficiaries to file an

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action against the Owner for injunctive relief and/or actual damages pursuant to this Chapter.

Nothing herein shall be deemed to interfere with the right of a property owner to file an action against a tenant or nontenant third party for the damage done to the owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

21.65.180 Application to heirs.

The provisions of this Chapter shall apply to all property owners and their heirs, assigns and successors in interest.

21.65.190 Relationship to other laws.

Nothing in this Chapter is intended to prevent displaced households from securing any relocation assistance and/or benefits to which they may be entitled under any other local, state or federal law.

21.65.200 Penalty fund.

Any and all penalties levied and collected by the City pursuant to this Chapter shall be placed in a revolving fund and utilized at the sole discretion of the City to advance relocation assistance to tenants or households displaced as a result of code enforcement activities.

21.65.210 Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

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1 Sec. 2. Section 21.60.210.C of the Long Beach Municipal Code is
2 amended to read as follows:

3 C. Determinations.

4 1. It shall be the responsibility of the housing services
5 bureau to determine if housing units to be demolished or converted to
6 condominiums are affordable to and/or occupied by very low and low
7 income households. In making this determination, the bureau shall
8 average rental/sale levels over a twelve-month occupied period.

9 2. Determinations made by the bureau shall be attached by
10 the applicant to the building demolition permit application or condominium
11 conversion application, and shall become a public record in all
12 proceedings and hearings related to that application. The bureau shall
13 verify the rent value history and insure that there have been no price or
14 other changes made for the purpose of circumventing these regulations.

15
16 Sec. 3. Section 21.60.310.A.1 of the Long Beach Municipal Code is
17 amended to read as follows:

18 1. Unless otherwise provided in this Chapter 21.60, very
19 low or low income households shall not be displaced from housing due to
20 demolition or condominium conversion as provided in this Chapter unless
21 first given prior written notice of the intended displacement, on a form
22 provided or approved by the housing services bureau, at least eighteen
23 (18) months prior to the intended date of displacement.

24
25 Sec. 4. Section 21.60.310.B.1 of the Long Beach Municipal Code is
26 amended to read as follows:

27 1. Very low and low income households displaced due to
28 demolition or condominium conversion as provided in this Chapter shall

1 be entitled to two thousand five hundred dollars (\$2,500) in relocation
2 costs.

3
4 Sec. 5. Section 21.60.310.B.3 of the Long Beach Municipal Code is
5 amended to read as follows:

6 3. The Housing Services Bureau of the Department of
7 Community Development shall increase these amounts on a percentage
8 basis as determined by the change in the Consumer Price Index between
9 January 1, 1991 and January 1 of the year in which the application for
10 demolition, or a condominium conversion final tract map, is filed with the
11 City.

12
13 Sec. 6. Section 21.60.320 of the Long Beach Municipal Code is amended
14 to read as follows:

15 21.60.320 Provision of relocation benefits.

16 Applicants for demolition permits and tract maps for condominium
17 conversion shall be responsible for providing relocation assistance to very
18 low and low income households which are permanently displaced under
19 one of the following circumstances:

20 A. The demolition permit will result in the loss of a unit which is
21 affordable by a very low or low income household, and will result in the
22 permanent displacement of such a household which has been a lawful
23 tenant for at least ninety (90) days prior to the application for demolition.

24 B. The tract map is for the conversion to condominium units of
25 apartment units which are affordable to very low or low income
26 households, and will result in the permanent displacement of such
27 households which were lawful tenants at the time of approval of the
28 tentative tract map, or who rented a unit in such a project after the first

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1 notice of intention to convert was given without being notified of the
2 intended conversion and who continued to rent or lease at the time as
3 specified in the notice given to tenants ten (10) days prior to approval of
4 the final tract map as required by Section 20.32.040.F.

5
6 Sec. 7. Section 21.60.330 of the Long Beach Municipal Code is amended
7 to read as follows:

8 21.60.330 When benefits inapplicable.

9 Relocation benefits are not required to be paid or given when the
10 applicant provides evidence to the satisfaction of the Housing Services
11 Bureau of the Department of Community Development that the tenant
12 moved voluntarily or that the unit has been continuously vacant for at least
13 six (6) months prior to the application, or that the unit has been occupied
14 by a household which is not very low or low income for at least six (6)
15 months prior to the application, or that the unit has never been occupied
16 prior to the application.

17
18 Sec. 8. Section 21.60.340 of the Long Beach Municipal Code is amended
19 to read as follows:

20 21.60.340 Payments and distribution of relocation benefits.

21 A. Each applicant shall pay the applicable relocation fees to the
22 Housing Services Bureau of the Department of Community Development
23 or provide proof of waiver or proof that the relocation fee is not applicable,
24 such proof to be acceptable to the housing services bureau, prior to
25 issuance of the demolition permit or final tract map.

26 B. The Housing Services Bureau of the Department of Community
27 Development shall distribute relocation benefits to eligible very low and
28 low income households as follows:

1 1. To the displaced household, relocation benefits shall be
2 paid to the tenant upon receipt of verification that the tenant has vacated
3 the unit.

4 2. To a licensed household mover or rental company prior
5 to the tenant's vacating the unit and at the request of the tenant, all or a
6 portion of the relocation benefits may be paid upon presentation of an
7 estimate for moving and/or rental of moving equipment.

8 C. In instances where relocation benefits are requested prior to
9 unit vacation, the Housing Services Bureau of the Department of
10 Community Development will ensure that checks are jointly payable to two
11 parties. The two parties to whom the checks shall be payable are as
12 follows:

- 13 1. The household; and
- 14 2. Either the landlord, moving company, or rental company,
15 as applicable.

16 All remaining funds due the displaced tenant shall be disbursed to
17 the tenant only upon verification of unit vacation.

18 D. In cases where lawful possession is being litigated, the Housing
19 Services Bureau of the Department of Community Development will not
20 release the relocation benefits until and unless the litigation is finally
21 resolved through settlement, adjudication or otherwise.

22 E. In cases where the landlord has prematurely paid the eligible
23 tenant or tenants all or part of the relocation benefit, the landlord shall be
24 exempt from paying the commensurate amount to the Housing Services
25 Bureau of the Department of Community Development, provided that the
26 landlord must first provide documentary evidence that such funds were
27 paid to the tenant, tenants or any authorized agent thereof.

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Sec. 9. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2005, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor