

Date: February 11, 2020

NB-16

To: Honorable Mayor and Members of the City Council

From: Councilwoman Mary Zendejas, District 1 *MZ*
Councilwoman Jeannine Pearce, District 2 *JP*
Councilman Al Austin, District 8 *AP*

Subject: Tenant Protections: Substantial Remodel Loophole

RECOMMENDATION:

Request the City Attorney to draft an urgency ordinance for review at the February 18, 2020 City Council meeting, to address the Substantial Remodel loophole in the Tenant Protection Act. Additionally, temporarily prohibition on no fault notices for substantial remodel until February 18, 2020.

DISCUSSION

The CA Tenant Protection Act of 2019 (AB 1482), which went into effect on January 1, 2020, sets an annual rent cap of 5% plus inflation and provides just cause protection for tenants. This City Council acted swiftly last Fall to adopt an eviction moratorium to address a gap in this legislation, which was resulting in the displacement of LB residents.

The City Council requests to act swiftly again, to close another loophole that is resulting in the displacement of Long Beach residents. Since January 1, 2020, many Long Beach residents, in TPA protected units, have received Notices to Vacate for Substantial Remodel work, but the owners have not pulled permits and the Notices to Vacate do not include any information about the scope and type of work to be performed on the unit.

The Tenant Protection Act (TPA) defines Substantial Remodel as follows:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.” (CA Civil Code § 1946.2)

This definition is resulting in an unintended loophole to the TPA’s protections because it does not explicitly require owners to: (1) obtain all necessary permits from all applicable government agencies before serving a Notice to Vacate for Substantial Remodel; and (2) include information in the Notice to Vacate about the type and scope of work to be performed, why it cannot be completed with the tenant in place, and why it cannot be completed within 30 days. Importantly, the City of Inglewood, County of Los Angeles and City of Los Angeles have all adopted local ordinances that include such requirements to prevent abuses. The City of Long Beach is

committed to protecting its residents and a simple, local fix with the two requirements above can address these issues.

FISCAL IMPACT

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

STATEMENT OF URGENCY

Due to the immediate need and urgent nature of this item, we request that the City Attorney draft an urgency ordinance for review at the February 18, 2020 City Council meeting.



City of Long Beach Memorandum
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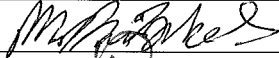

REQUEST TO ADD AGENDA ITEM

Date: February 7, 2020
To: Monique De La Garza, City Clerk
From: Councilwoman Mary Zendejas
Subject: Request to Add Agenda Item to Council Agenda of February 11, 2020

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Request the City Attorney to draft an urgency ordinance for review at the February 18, 2020 City Council meeting, to address the Substantial Remodel loophole in the Tenant Protection Act. Additionally, temporarily prohibition on no fault notices for substantial remodel until February 18, 2020.

Council District	Authorizing Councilmember	Signed by
CD1	Mary Zendejas	
CD2	Jeannine Pearce	
8	Al Austin	