



CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

OFFICE OF THE CITY ATTORNEY

411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802
Writer's Direct Dial: (562) 570-2211
Facsimile: (562) 436-1579
E-Mail: richard.anthony@longbeach.gov

ORD-30

July 13, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.102, relating to termination of tenancies due to demolition and/or substantial remodel, and declaring the urgency thereof, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on July 6, 2021, the attached ordinance is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By *Richard F. Anthony*

RICHARD F. ANTHONY
Deputy City Attorney

RFA:kjm
Attachment
01289603.docx; A21-02066

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

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,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 _____, 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 _____

28 //

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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