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April 12, 2005

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HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION

Recommendation to declare Ordinance amending Long Beach Municipal Code by adding Chapter 21.65, and amending portions of Chapter 21.60, relating to Tenant Relocation and Code Enforcement, read the first time and laid over to the next regular meeting of the City Council for final reading; and

Adopt Resolution to submit amendments to the California Coastal Commission as a Local Coastal Program amendment. (Citywide)

BACKGROUND

Pursuant to a request from the City Council, the City Attorney's office has been working to substantially revise portions of Title 21.60 of the Municipal Code relating to the requirement that a property owner pay tenant relocation costs when tenants are displaced due to code enforcement activity. Most recently, we have been working with staff of the Departments of Planning and Building and Community Development to re-draft the existing ordinance to develop a new ordinance that clarifies existing law and enhances the City's code enforcement abilities. Significant input has been received from the Legal Aid Foundation of Los Angeles and the Apartment Association, California Southern Cities, both of which are supportive of the proposed Code revisions.

The new ordinance, which will be codified as Chapter 21.65, is meant to be a "stand alone" ordinance that will establish criteria for the payment of tenant relocation benefits when properties have become so substandard that tenants must be relocated in order to rehabilitate the dwelling unit. At present, the tenant relocation provisions are coupled in the Municipal Code with provisions relating to condominium conversions and the demolition of structures. In practice, this has created confusion and a difficulty in administering the ordinance. The new

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ordinance would segregate the issue of "tenant relocation" due to code enforcement activities from those of demolition and condominium conversions.

The primary goals of the new ordinance are to: 1) reduce severe Building and Safety Code violations that have the tendency to threaten the health, safety and welfare of tenant occupants; 2) clearly set forth the criteria by which tenants are entitled to tenant relocation payments where a property owner has allowed his/her property to become substandard and a public nuisance; 3) establish clear penalties, costs, and relocation benefit amounts; 4) establish criteria whereby tenants residing in illegal structures (e.g., converted garages) are entitled to relocation payments; and 5) clear up many of the uncertainties and ambiguities that exist in the current ordinance, thereby making the ordinance easier to administer.

In many respects the proposed ordinance is a significant departure from the current ordinance. The following are some of the issues that the new ordinance would address:

The application of the new ordinance would not be limited to low income individuals, as is the present case. It would apply in all instances where the property owner has allowed the property to become substandard, regardless of the economic status of the tenant. The rationale for this change is twofold: 1) if a property owner has allowed his/her property to become severely substandard, the property owner should pay relocation benefits regardless of the income status of the tenant; and 2) by removing the "low income requirement," a tremendous administrative burden will be lifted from staff because they will no longer be required to attempt to obtain financial information from tenants (which has proved difficult to obtain and thereafter verify).

The new ordinance will now also specifically be applicable to tenants that are living in non-traditional (or illegal) units such as illegally converted garages or motel rooms. The rationale for this change is that it would serve to deter a property owner from illegally converting and renting garage space or motel rooms on a monthly basis if the property owner knows that he/she will be responsible for the payment of relocation fees. Currently, there are no real administrative penalties for property owners involved in this illegal activity. Further, the adoption of these provisions would eliminate the administrative burden staff currently has in attempting to determine whether or not a lawful tenancy exists.

The new ordinance would also impose penalties (up to \$10,000.00) in the event the property owner does not timely pay required relocation assistance. The additional penalties will act as an incentive to the owner to pay relocation assistance in a timely fashion. Any and all penalties collected would be placed in a relocation fund that could be used in those situations where the City determines there is a necessity for the City to make relocation payments.

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In addition, the new ordinance provides for the possibility of criminal penalties in the event of a violation (misdemeanor or infraction at the discretion of the City Prosecutor), notice to tenants (in five languages) of the right to relocation assistance, and a presumption that a tenant is entitled to the payment of benefits if the property owner attempts to evict the tenant within 90 days of the property owner receiving a Notice of Substandard Building.

It should be noted that benefits are not payable if the substandard conditions are caused by the tenant rather than the landlord, or if some type of natural disaster were to occur that rendered the living unit substandard.

This matter was heard by the Planning Commission on March 3, 2005 at which time the Planning Commission voted 5-0 to recommend that the City Council adopt the proposed ordinance changes (see attachment).

The proposed ordinance amendments would be viewed as amendments to the City's Local Coastal Program and, therefore, a resolution has been prepared referring the proposed amendments to the Coastal Commission for its review, consideration and certification.

ENVIRONMENTAL REVIEW

A Categorical Exemption was approved in connection with the adoption of this Ordinance on March 25, 2005.

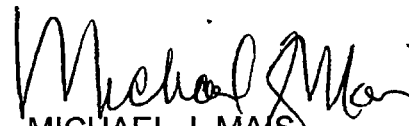
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By


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Attachment: Planning Commission Minutes of March 3, 2005