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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 8.100.030.A. AND SECTION 8.100.040; EACH RELATING TO THE TEMPORARY PROHIBITION OF EVICTIONS DUE TO COVID-19; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California due to the threat posed by the novel coronavirus and the COVID-19 disease resulting therefrom; and

WHEREAS, on March 24, 2020 the City Council adopted Ordinance ORD-20-0010 adding Chapter 8.100 to the Long Beach Municipal Code affording residential and commercial tenants adversely impacted by COVID-19 with certain temporary protections, including eviction prohibition and rent deferment; and

WHEREAS, on May 26, 2020 the City Council adopted Ordinance ORD-20-0020 amending Chapter 8.100 to the Long Beach Municipal Code by, among other things, extending the rent deferment due date to July 31, 2020; and

WHEREAS, on June 30, 2020, California Governor Newsom issued an executive order extending the suspension of the application of certain State laws, which suspension allows local jurisdictions to extend eviction moratoriums until September 30, 2020; and

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and many residential and commercial tenants and housing providers continue to experience income loss resulting from COVID-19 and/or the governmental response thereto; and

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1           WHEREAS, such income loss will impact some tenants' and housing  
2 providers' ability to pay rent or mortgages when due, leaving such tenants and housing  
3 providers vulnerable to eviction and possible homelessness or foreclosure, respectively;  
4 and

5           WHEREAS, such impacted tenants who cannot pay rent in full are  
6 encouraged to pay as much rent as possible to reduce the amount owed upon expiration  
7 of the temporary prohibition on evictions, and thereafter are encouraged to pay as much  
8 deferred rent as possible as soon as possible or otherwise according to a negotiated  
9 payment plan during the deferred rent repayment period; and

10           WHEREAS, in the interests of protecting the public health and mitigating the  
11 economic impacts of COVID-19, it is essential to avoid displacement of tenants by  
12 extending the application of Ordinance 20-0020, subject to certain conditions;

13           NOW, THEREFORE, The City Council of the City of Long Beach ordains as  
14 follows:

15  
16           Section 1.    Subsection 8.100.030.A of the Long Beach Municipal Code is  
17 amended to read as follows:

18           8.100.030    Prohibition on Evictions.

19           A.    The owner of residential or commercial real property shall not  
20 take action to evict a residential or commercial tenancy if (1) the basis for the  
21 eviction is non-payment of rent which became due between March 4, 2020  
22 and September 30, 2020, or a foreclosure, arising out of a substantial  
23 decrease in household or business income (including, but not limited to, a  
24 substantial decrease in household income caused by layoffs or a reduction  
25 in the number of compensable hours of work, or a substantial decrease in  
26 business income caused by a reduction in opening hours or consumer  
27 demand), or substantial out-of-pocket medical expenses; and (2) the  
28 decrease in such household or business income or such out-of-pocket

1 medical expenses was caused by the COVID-19 pandemic, or by any local,  
2 state or federal government (including school districts) response to COVID-  
3 19, and is documented and communicated to the owner in accordance  
4 herewith. After May 31, 2020, the following commercial tenancies shall be  
5 excluded from the application of this Chapter: (1) tenants and sub-tenants  
6 which are multi-national companies, publicly-traded companies or which  
7 have more than five hundred (500) employees; (2) tenancies and sub-  
8 tenancies managed by the Airport; and (3) tenancies and sub-tenancies  
9 managed by the Harbor Department. Any such excluded commercial tenants  
10 which previously delayed rent in accordance with this Chapter shall repay the  
11 entirety of such rent on or before November 30, 2020 (without any associated  
12 late charges).

13  
14 Section 2. Section 8.100.040 of the Long Beach Municipal Code is  
15 amended to read as follows:

16 8.100.040 Pay-or-Quit Notices.

17 Any pay-or-quit notices dated between March 25, 2020 and  
18 September 30, 2020 shall include the following language (or substantially  
19 similar): "The City of Long Beach has declared a state of emergency in  
20 response to COVID-19. If you cannot pay your rent due to a loss of income  
21 or medical expenses resulting from COVID-19, you need to notify and provide  
22 supporting documentation to [provide owner or agent contact information]  
23 immediately. You may qualify for protections against eviction and you may  
24 have a right to delay your rent payment and to repay such delayed rent over  
25 a six-month period".

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1           Section 3. This ordinance is an emergency ordinance duly adopted by the  
2 City Council by a vote of five of its members and shall take effect at 12:00 a.m. on July 29,  
3 2020. The City Clerk shall certify to a separate roll call and vote on the question of the  
4 emergency of this ordinance and to its passage by the vote of five members of the City  
5 Council of the City of Long Beach, and cause the same to be posted in three conspicuous  
6 places in the City of Long Beach.

7

8           Section 4. This ordinance shall also be adopted by the City Council as a  
9 regular ordinance, to the end that in the event of any defect or invalidity in connection with  
10 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,  
11 be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The  
12 City Clerk shall certify to the passage of this ordinance by the City Council of the City of  
13 Long Beach and shall cause the same to be posted in three (3) conspicuous places in the  
14 City of Long Beach.

15           I hereby certify that on a separate roll call and vote which was taken by the  
16 City Council of the City of Long Beach upon the question of emergency of this ordinance  
17 at its meeting of July 29, 2020, the ordinance was declared to be an emergency by the  
18 following vote:

19

20	Ayes:	Councilmembers:	_____
21			_____
22			_____
23	Noes:	Councilmembers:	_____
24			_____
25	Absent:	Councilmembers:	_____
26			_____
27	Recusal(s):	Councilmembers:	_____
28			_____

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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	_____
		_____
		_____
Noes:	Councilmembers:	_____
		_____
Absent:	Councilmembers:	_____
		_____
Recusal(s):	Councilmembers:	_____
		_____

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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 \_\_\_\_\_, 2020, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor