

ORDINANCE NO.

ORD-22 REVISED

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING
CHAPTER 8.102 TO TERMINATE THE PROHIBITION ON
TERMINATION OF CERTAIN LAWFUL RESIDENTIAL
TENANCIES, EFFECTIVE AS OF MARCH 17, 2022

WHEREAS, on July 13, 2021, the City Council approved an Ordinance
establishing a temporary prohibition on substantial remodel lease termination notices and
evictions, which such prohibition lasts through December 31, 2021; and

WHEREAS, on December 7, 2021, the City Council approved an Ordinance
extending the aforementioned temporary prohibition through February 28, 2022; and

WHEREAS, the City Council will be adopting changes to Section 8.99 of the
Long Beach Municipal Code governing just cause lease terminations and evictions,
including substantial remodel lease terminations and evictions; and

WHEREAS, the aforementioned temporary prohibition should be terminated
effective as of the same date that the changes to Section 8.99 of the Code are adopted
by the City Council, which is anticipated to be February 15, 2022;

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

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

1 Section 1. Chapter 8.102 of the Long Beach Municipal Code is hereby
2 amended and restated to read as follows:

3 Chapter 8.102
4 TEMPORARY PROHIBITION OF DEMOLITION AND SUBSTANTIAL NO-FAULT
5 NOTICES AND EVICTIONS
6

7 8.102.010 Purpose.

8 On July 6, 2021, the Long Beach City Council directed the City
9 Manager to undertake a study and prepare a report exploring the feasibility
10 of, and costs associated with, establishing a renovation administration
11 program in the City to ensure landlords can invest in renovation work
12 without subjecting tenants to either untenable housing conditions during
13 renovation work or the forced permanent displacement of the tenant due to
14 said renovation work. In advance of the presentation of the report to the
15 Council and potential action taken by the Council as a result thereof, this
16 Chapter will temporarily prohibit no-fault notices and evictions based on
17 certain demolition or substantial remodel permits through March 17, 2022.

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19 8.102.020 Definitions.

20 The following words and phrases, whenever used in this
21 Chapter, shall be construed as defined in this Section:

22 A. Owner. The term "owner" is any person, acting as principal or
23 through an agent, offering residential real property for rent, and includes a
24 predecessor in interest to the owner.

25 B. Residential rental property. The term "residential rental
26 property" is any dwelling or unit that is intended or used for human
27 habitation and which is offered or is currently being utilized for rental
28 purposes.

1 8.102.030 Prohibition on no fault demolition and/or substantial remodel
2 notices and evictions.

3 Through March 17, 2022, the owner of residential rental property
4 shall not issue a notice to terminate a lawful tenancy, or otherwise move to
5 terminate a lawful tenancy, based upon: (i) a permit issued by the City of
6 Long Beach on or after July 6, 2021; and (ii) otherwise on the authority
7 provided by Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code,
8 unless the termination is required to comply with an order issued by a
9 government agency or court requiring that the residential rental real property
10 be vacated; or to comport with due process, federal, or state law, which
11 situation or circumstance shall be stated with particularity in the written
12 notice of termination of tenancy. This Chapter may be asserted as an
13 affirmative defense by a tenant in any unlawful detainer action brought by
14 an Owner against a tenant. Any notice issued in violation of this Chapter
15 shall be null and void. This Chapter shall not apply to any termination
16 notices issued on or after March 18, 2022.

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18 8.102.040 Severability.

19 If any provision of this Chapter is found to be unconstitutional or
20 otherwise invalid by any court of competent jurisdiction, that invalidity shall
21 not affect the remaining provisions of this Chapter which can be
22 implemented without the invalid provisions, and to this end, the provisions of
23 this Chapter are declared to be severable. The City Council hereby
24 declares that it would have adopted this Chapter and each provision thereof
25 irrespective of whether any one or more provisions are found invalid,
26 unconstitutional or otherwise unenforceable.

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Section 2. This ordinance shall be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach.

I certify that 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 _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmember: _____

Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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