



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-3

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July 29, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.100.030.A and Section 8.100.040, each relating to a temporary prohibition on evictions due to COVID-19 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

On July 14, 2020 the City Council gave direction to our office to draft and submit to Council an ordinance amending the temporary prohibition on evictions of residential and commercial tenants due to non-payment of rent resulting from adverse impacts associated with COVID-19.

Pursuant to such direction, the ordinance is attached hereto and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

RICHARD F. ANTHONY
Deputy City Attorney

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ORDINANCE NO.

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

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

Section 4. This ordinance shall also be adopted by the City Council as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, 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 hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of July 29, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

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

4

5 Ayes: Councilmembers: _____

6 _____

7 _____

8 Noes: Councilmembers: _____

9 _____

10 Absent: Councilmembers: _____

11 _____

12 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