



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-2

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May 26, 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 Sections 8.100.040 and 8.100.050, all 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 May 19, 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

1 8.100.030 Prohibition on Evictions.

2 A. The owner of residential or commercial real property shall not
3 take action to evict a residential or commercial tenancy if (1) the basis for the
4 eviction is non-payment of rent which became due between March 4, 2020
5 and ~~May~~July 31, 2020, or a foreclosure, arising out of a substantial decrease
6 in household or business income (including, but not limited to, a substantial
7 decrease in household income caused by layoffs or a reduction in the number
8 of compensable hours of work, or a substantial decrease in business income
9 caused by a reduction in opening hours or consumer demand), or substantial
10 out-of-pocket medical expenses; and (2) the decrease in such household or
11 business income or such out-of-pocket medical expenses was caused by the
12 COVID-19 pandemic, or by any local, state or federal government (including
13 school districts) response to COVID-19, and is documented and
14 communicated to the owner in accordance herewith. After May 31, 2020, the
15 following commercial tenancies shall be excluded from the application of this
16 Chapter: (1) tenants and sub-tenants which are multi-national companies,
17 publicly-traded companies or which have more than five hundred (500)
18 employees; (2) tenancies and sub-tenancies managed by the Airport; (3)
19 tenancies and sub-tenancies managed by the Harbor Department; and (4)
20 tenancies and sub-tenancies within the Tidelands area. Any such excluded
21 commercial tenants which previously delayed rent in accordance with this
22 Chapter shall repay the entirety of such rent on or before November 30, 2020
23 (without any associated late charges).

24
25 8.100.040 Pay-or-Quit Notices.

26 Any pay-or-quit notices dated between March 25, 2020 and ~~May~~July
27 31, 2020 shall include the following language (or substantially similar): “The
28 City of Long Beach has declared a state of emergency in response to COVID-

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19. If you cannot pay your rent due to a loss of income or medical expenses resulting from COVID-19, you need to notify and provide supporting documentation to [provide owner or agent contact information] immediately. You may qualify for protections against eviction and you may have a right to delay your rent payment and to repay such delayed rent over a six-month period”.

8.100.050 Grace Period.

Tenants which are protected against eviction under this Chapter shall have until ~~November 30, 2020~~July 31, 2021 to pay all delayed rent (without any associated late charges); provided, however, that all of such delayed and unpaid rent shall become immediately payable should a tenant fail to make a regularly scheduled monthly rental payment after ~~May~~July 31, 2020, and such failure to make a regularly scheduled payment persists after the expiration of a pay-or-quit notice applicable thereto.

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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 SECTIONS 8.100.040 AND 8.100.050; ALL 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, 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

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

WHEREAS, such impacted tenants who cannot pay rent in full are encouraged to pay as much rent as possible to reduce the amount owed upon expiration of the temporary prohibition on evictions, and thereafter are encouraged to pay as much

1 deferred rent as possible as soon as possible or otherwise according to a negotiated
2 payment plan during the deferred rent repayment period; and

3 WHEREAS, in the interests of protecting the public health and mitigating the
4 economic impacts of COVID-19, it is essential to avoid displacement of tenants by
5 extending the application of Ordinance 20-0010, subject to certain conditions;

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

8
9 Section 1. Subsection 8.100.030.A of the Long Beach Municipal Code is
10 amended to read as follows:

11 8.100.030 Prohibition on Evictions.

12 A. The owner of residential or commercial real property shall not
13 take action to evict a residential or commercial tenancy if (1) the basis for the
14 eviction is non-payment of rent which became due between March 4, 2020
15 and July 31, 2020, or a foreclosure, arising out of a substantial decrease in
16 household or business income (including, but not limited to, a substantial
17 decrease in household income caused by layoffs or a reduction in the number
18 of compensable hours of work, or a substantial decrease in business income
19 caused by a reduction in opening hours or consumer demand), or substantial
20 out-of-pocket medical expenses; and (2) the decrease in such household or
21 business income or such out-of-pocket medical expenses was caused by the
22 COVID-19 pandemic, or by any local, state or federal government (including
23 school districts) response to COVID-19, and is documented and
24 communicated to the owner in accordance herewith. After May 31, 2020, the
25 following commercial tenancies shall be excluded from the application of this
26 Chapter: (1) tenants and sub-tenants which are multi-national companies,
27 publicly-traded companies or which have more than five hundred (500)
28 employees; (2) tenancies and sub-tenancies managed by the Airport; (3)

1 tenancies and sub-tenancies managed by the Harbor Department; and (4)
2 tenancies and sub-tenancies within the Tidelands area. Any such excluded
3 commercial tenants which previously delayed rent in accordance with this
4 Chapter shall repay the entirety of such rent on or before November 30, 2020
5 (without any associated late charges).

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7 Section 2. Section 8.100.040 of the Long Beach Municipal Code is
8 amended to read as follows:

9 8.100.040 Pay-or-Quit Notices.

10 Any pay-or-quit notices dated between March 25, 2020 and July 31,
11 2020 shall include the following language (or substantially similar): "The City
12 of Long Beach has declared a state of emergency in response to COVID-19.
13 If you cannot pay your rent due to a loss of income or medical expenses
14 resulting from COVID-19, you need to notify and provide supporting
15 documentation to [provide owner or agent contact information] immediately.
16 You may qualify for protections against eviction and you may have a right to
17 delay your rent payment and to repay such delayed rent over a six-month
18 period".

19

20 Section 3. Section 8.100.050 of the Long Beach Municipal Code is
21 amended to read as follows:

22 8.100.050 Grace Period.

23 Tenants which are protected against eviction under this Chapter shall
24 have until July 31, 2021 to pay all delayed rent (without any associated late
25 charges); provided, however, that all of such delayed and unpaid rent shall
26 become immediately payable should a tenant fail to make a regularly
27 scheduled monthly rental payment after July 31, 2020, and such failure to
28 make a regularly scheduled payment persists after the expiration of a pay-

1 or-quit notice applicable thereto.

2

3 Section 4. This ordinance is an emergency ordinance duly adopted by the
4 City Council by a vote of five of its members and shall take effect at 12:00 a.m. on May 26,
5 2020. The City Clerk shall certify to a separate roll call and vote on the question of the
6 emergency of this ordinance and to its passage by the vote of five members of the City
7 Council of the City of Long Beach, and cause the same to be posted in three conspicuous
8 places in the City of Long Beach.

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10 Section 5. This ordinance shall also be adopted by the City Council as a
11 regular ordinance, to the end that in the event of any defect or invalidity in connection with
12 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
13 be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The
14 City Clerk shall certify to the passage of this ordinance by the City Council of the City of
15 Long Beach and shall cause the same to be posted in three (3) conspicuous places in the
16 City of Long Beach.

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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 May 26, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

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