ORDINANCE NO. ORD-20-0028

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 ORD20-0010 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-200020 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

1

2

3

4

5

6

7

8

9

10

11

2 3

4

5

6

7

8

9

13

14

15

18

19

20

21

22

25

26

27

28

111 West Ocean Boulevard, 9th Floor

CA 90802-4664

Beach,

Long

DFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 1

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 deferred rent as possible as soon as possible or otherwise according to a negotiated 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;

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

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

8.100.030 Prohibition on Evictions.

Α. The owner of residential or commercial real property shall not take action to evict a residential or commercial tenancy if (1) the basis for the eviction is non-payment of rent which became due between March 4, 2020 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 in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and (2) the decrease in such household or business income or such out-of-pocket

RFA:bg A20-02140 (07-27-2020) 01165326.docx

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

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

8.100.040 Pay-or-Quit Notices.

Any pay-or-quit notices dated between March 25, 2020 and September 30, 2020 shall include the following language (or substantially similar): "The City of Long Beach has declared a state of emergency in response to COVID-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".

26 || ///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4664

DFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney

27 ///

28 || ///

3

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4664 7

19

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.

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.

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:

| 20 | Ayes: | Councilmembers: | | Zendejas, Pearce, Price, |
|----|-------------------------------|-----------------|---|------------------------------|
| 21 | | | | Supernaw, Mungo, Uranga, |
| 22 | | | | Austin, Richardson, Andrews. |
| 23 | Noes: | Councilmembers: | | None. |
| 24 | | | | |
| 25 | Absent: | Councilmembers: | | None. |
| 26 | | | | |
| 27 | Recusal(s): | Councilmembers: | | None. |
| 28 | | | | |
| | RFA:bg A20-02140 (07-27-2020) | | 4 | |
| | 01165326.docx | | | |

| | 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 | 0 | Councilmomhorou | Zandajan Dagana Dula | | |
| | 5 6 | Ayes: | Councilmembers: | Zendejas, Pearce, Price, Supernaw, Mungo, Uranga, | | |
| | 7 | | | Austin, Richardson, Andrews. | | |
| | 8 | Noes: | Councilmembers: | None. | | |
| | 9 | | | | | |
| | 10 | Absent: | Councilmembers: | None. | | |
| L | 11 | | | | | |
| OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4664 | 12 | Recusal(s): | Councilmembers: | None. | | |
| DFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 11 West Ocean Boulevard, 9th Floc Long Beach, CA 90802-4664 | 13 | | | | | |
| E CITY KIN, G Boule CA 90 | 14 | /// | | | | |
| FICE OF THI HARLES PAF West Ocean Long Beach, | 15 | | | | | |
| JFFICE OF THE CIT CHARLES PARKIN, 1 West Ocean Bould Long Beach, CA 9 | 16 | | | | | |
| 41 C OF | 17 | /// | | | | |
| | 18 | /// | | | | |
| | 19 | /// | | | | |
| | 20 | /// | | | | |
| | 21 | /// | | | | |
| | 22 | | | | | |
| | 23 | | | | | |
| | 24 25 | | | | | |
| | 25 26 | /// /// | | | | |
| | 20 | | | | | |
| | 27 | | | | | |
| | | RFA:bg A20-02140 (07-27-2020) 01165326.docx | | 5 | | |

.

....

1 I further certify that the foregoing ordinance was thereafter adopted on final 2 reading by the City Council of the City of Long Beach at its meeting of 3 August 4 , 2020, by the following vote: 4 5 Councilmembers: Zendejas, Pearce, Price, 6 Ayes: 7 Supernaw, Mungo, Uranga, 8 Austin, Richardson, Andrews. Councilmembers: 9 Noes: None. 10 11 Absent: Councilmembers: None. 411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4664 12 13 Recusal(s): Councilmembers: None. 14 15 16 17 18 19 20 Approved: 2 Date Mayo 21 22 23 24 25 26 27 28 6 RFA:bg A20-02140 (07-27-2020) 01165326.docx

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney