



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-56

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Erin Weesner-McKinley
Theodore B. Zinger

December 8, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 8.101.030, relating to tenant harassment 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

Pursuant to your request on November 17, 2020, this ordinance has been prepared 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 SECTION 8.101.030, RELATING TO TENANT HARASSMENT; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 8.101.030 of the Long Beach Municipal Code is amended to read as follows:

8.101.030 Prohibition of tenant harassment.

No owner shall:

A. Interrupt, terminate, or fail to provide housing services required by a rental agreement or by Federal, State, County, or local housing, health, or safety laws, or threaten to do so, or violate or threaten to violate California Civil Code Section 789.3.

B. Acting in bad faith, (i) fail to timely perform repairs and maintenance required by a rental agreement or by Federal, State, County or local housing, health or safety laws; (ii) fail to exercise due diligence in completing such repairs once undertaken; (iii) fail to follow appropriate industry repair, containment, or remediation protocols designed to minimize exposure to noise, dust, lead, paint, mold, asbestos, or other building materials with potentially harmful health impacts; or (iv) conduct elective renovation or construction of a rental housing unit for the purpose of harassing a tenant.

1 C. Abuse the right of access into a rental housing unit as
2 established by California Civil Code Section 1954 or other applicable law.
3 Such abuse includes, without limitation, entries for inspections that are not
4 related to necessary repairs or services; entries excessive in number;
5 entries or demands for entry at times outside normal business hours;
6 entries contrary to a tenant's reasonable request to change the date or time
7 of entry; photographing or otherwise recording portions of a rental housing
8 unit that are beyond the scope of a lawful entry or inspection; and
9 misrepresenting the reasons for accessing a rental housing unit.

10 D. Influence or attempt to influence a tenant to vacate a rental
11 housing unit through fraud, misrepresentation, intimidation or coercion,
12 which shall include threatening to report a tenant to the United States
13 Department of Homeland Security.

14 E. Threaten a tenant, by word or gesture, with physical harm, or
15 abuse tenant with words, either orally or in writing, which are inherently
16 likely to provoke an immediate violent reaction.

17 F. Violate any law which prohibits discrimination based on race,
18 gender, sexual preference, sexual orientation, ethnic background,
19 nationality, religion, age, parenthood, marriage, pregnancy, disability,
20 human immunodeficiency virus (HIV) / acquired immune deficiency
21 syndrome (AIDS), occupancy by a minor child, or source of income.

22 G. Take action to terminate any tenancy, including service of any
23 notice to quit or other eviction notice, or bring any action to recover
24 possession of a rental housing unit, based upon facts which owner has no
25 reasonable cause to believe to be true or upon a legal theory which is
26 untenable under the facts known to owner.

27 H. Provide false written or verbal information regarding any
28 Federal, State, County or local tenant protections, including

1 mischaracterizing the nature or effect of a notice to quit or other eviction
2 notice. False information includes, without limitation, requesting or
3 demanding a tenant (i) sign a new lease not in the tenant's primary
4 language if (a) lease negotiations were conducted in the tenant's primary
5 language, (b) the existing lease is in the tenant's primary language, or (c)
6 owner is otherwise aware that the new lease is not in tenant's primary
7 language; or (ii) enter into a rent repayment plan to take advantage of
8 tenant protection laws that do not require such plans.

9 I. Acting in bad faith, (i) rRefuse to acknowledge or accept
10 receipt of a tenant's lawful rent payment as set forth in a rental agreement,
11 by usual practice of the parties, or in a notice to pay rent or quit; (ii) refuse
12 to cash or process a rent check or other form of acceptable rent payment
13 for over thirty (30) days after it is tendered; or (iii) fail to maintain a current
14 address for delivery of rent payments.

15 J. Acting in bad faith, (i) Vviolate a tenant's right to privacy,
16 including without limitation, by requesting information regarding residence
17 or citizenship status, protected class status, or social security number,
18 except for, in the case of social security number, for purposes of obtaining
19 information for the qualifications for a tenancy; (ii) release such information
20 except as required or authorized by law; or (iii) request or demand an
21 unreasonable amount of information from tenant in response to a request
22 for reasonable accommodation.

23 K. Acting in bad faith, Ccommunicate with a tenant in a language
24 other than the tenant's primary language for the purpose of intimidating,
25 confusing, deceiving or annoying the tenant.

26 L. Interfere with the right of tenants to organize as tenants and
27 engage in concerted activities with other tenants for the purpose of mutual
28 aid and protection; deny property access to tenant organizers, advocates,

1 or representatives working with or on behalf of tenants living at a property;
2 prevent tenant or tenant organization meetings in an appropriate space
3 accessible to tenants under the terms of their rental agreement(s); or
4 discourage distribution or posting in common areas of literature informing
5 tenants of their rights.

6 M. Commit other repeated acts or omissions of such significance
7 as to substantially interfere with or disturb the comfort, repose, peace or
8 quiet of any person lawfully entitled to occupancy of a rental housing unit
9 and that cause, are likely to cause, or are intended to cause any person
10 lawfully entitled to occupancy of a rental housing unit to vacate such rental
11 housing unit or to surrender or waive any rights in relation to such
12 occupancy.

13
14 Section 2. This ordinance is an emergency ordinance duly adopted by
15 the City Council by a vote of five of its members and shall take effect at 12:00 a.m. on
16 _____, 2020. The City Clerk shall certify to a separate roll call and vote on the
17 question of the emergency of this ordinance and to its passage by the vote of five
18 members of the City Council of the City of Long Beach, and cause the same to be posted
19 in three conspicuous places in the City of Long Beach.

20 Section 3. This ordinance shall also be adopted by the City Council as a
21 regular ordinance, to the end that in the event of any defect or invalidity in connection
22 with the adoption of this ordinance as an emergency ordinance, the same shall,
23 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
24 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
25 Council of the City of Long Beach and shall cause the same to be posted in three (3)
26 conspicuous places in the 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 _____, 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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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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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

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14 E. Threaten a tenant, by word or gesture, with physical harm, or
15 abuse tenant with words, either orally or in writing, which are inherently
16 likely to provoke an immediate violent reaction.

17 F. Violate any law which prohibits discrimination based on race,
18 gender, sexual preference, sexual orientation, ethnic background,
19 nationality, religion, age, parenthood, marriage, pregnancy, disability,
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21 syndrome (AIDS), occupancy by a minor child, or source of income.

22 G. Take action to terminate any tenancy, including service of any
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1 or representatives working with or on behalf of tenants living at a property;
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9 and that cause, are likely to cause, or are intended to cause any person
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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

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