



Legislation Details (With Text)

File #: 20-0255 **Version:** 2 **Name:** CA - ORD/temporary prohibition on evictions due to COVID-19

Type: Emergency Ordinance **Status:** Adopted

File created: 3/20/2020 **In control:** Joint Meeting of the City Council and Housing Authority

On agenda: 3/24/2020 **Final action:** 4/14/2020

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.100, to temporarily prohibit evictions due to COVID-19 through May 31, 2020; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-20-0010). (Citywide)

Sponsors: City Attorney

Indexes:

Code sections:

Attachments: 1. 032420-ORD-2sr&att.pdf, 2. 032420-ORD-2 Corresp.Ahlswede.pdf, 3. 032420-ORD-2 Corresp.Gillon.pdf, 4. 032420-ORD-2 Corresp.Kennedy.pdf, 5. 032420-ORD-2 Corresp.Mathison.pdf, 6. 032420-ORD-2 Corresp.Murchison.pdf, 7. 032420-ORD-2 Corresp.Everyone In.pdf, 8. 032420-ORD-2 Corresp.O'Hare.pdf, 9. 032420-ORD-2 Corresp.Petit.pdf, 10. 041420-ORD-44 Corresp.Rodriguez.pdf, 11. 041420-ORD-44 Corresp.Barnes.pdf, 12. 041420-ORD-44att.pdf, 13. ORD-20-0010 (EMERG), 14. ORD-20-0010 (FINAL).pdf

Date	Ver.	Action By	Action	Result
4/14/2020	2	City Council	approve recommendation and adopt	Pass
3/24/2020	1	Joint Meeting of the City Council and Housing Authority	approve recommendation to declare Emergency Ordinance No. ORD- , read, and adopted as read and laid over to the next regular meeting of the City Council for final reading	Pass
3/24/2020	1	Joint Meeting of the City Council and Housing Authority	approve recommendation to declare an emergency to exist	Pass

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.100, to temporarily prohibit evictions due to COVID-19 through May 31, 2020; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-20-0010). (Citywide)

On March 17, 2020 the City Council gave direction to our office to draft and submit to Council an ordinance temporarily prohibiting evictions of residential and commercial tenants due to non-payment of rent resulting from adverse impacts associated with COVID-19.

As you know, the COVID-19 pandemic and local government response thereto is rapidly evolving. The passage of time has allowed for a more thorough analysis of the likely consequences of the direction given by the Council. As a result, there are three substantive issues which our office would like to highlight for your consideration and possible further direction:

1. Although the Council's motion specifically directed that the ordinance require tenants to provide notice of imminent non-payment of rent and documentation of the reasons therefore PRIOR to the date on which rent would otherwise have been due, it seems that such a requirement is likely to result in a significant percentage of tenants being prohibited from taking advantage of protections for which they would otherwise qualify. The ordinance as drafted requires that a tenant give notice and documentation of a COVID-19 related nonpayment on or before the date of expiration of a three-day notice to pay or quit resulting from such non-payment.

2. The Governor declared a State of Emergency on March 4, 2020. Presumably there are tenants who have been impacted by COVID-19 who would qualify for eviction protection starting on that date. The advance notice requirement, however, makes it impossible in practice for such tenants to take advantage of the eviction protection. We have included a provision which allows tenants who received three-day notices to pay or quit between March 4 and March 24 to provide the required COVID-19-related notice and documentation to their landlord at any time prior to final adjudication of their unlawful detainer proceeding.

3. In order to promote tenant awareness of their rights under the proposed ordinance, we have included an obligation that pay-or-quit notices issued between March 25, 2020 and May 31, 2020 must include certain additional notification language. Such noticing requirements place an additional burden on landlords, but are generally consistent with the Tenant Protection Act of 2019 and Section 8.99 of the Long Beach Municipal Code.

Our office will, of course, amend the proposed ordinance on the floor to reflect further direction, if any, by the Council on these issues. It is our intention that by highlighting these issues for Council and the public, any changes to the ordinance made on the floor at the direction of the Council will not require an additional reading of the ordinance, and the proposed ordinance, as possibly amended, will be of immediate force and effect (assuming passage as an urgency ordinance).

Pursuant to your request on March 17, 2020, this ordinance is attached hereto and is submitted for your consideration.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.100, TO TEMPORARILY PROHIBIT EVICTIONS DUE TO COVID-19 THROUGH MAY 31, 2020; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

CHARLES PARKIN
CITY ATTORNEY

BY:

RICHARD F. ANTHONY
DEPUTY CITY ATTORNEY