

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 8.102 TO EXTEND THE PROHIBITION ON TERMINATION OF CERTAIN LAWFUL RESIDENTIAL TENANCIES THROUGH FEBRUARY 28, 2022; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on July 13, 2021, the City Council approved an Ordinance establishing a temporary prohibition on substantial remodel lease termination notices and evictions, which such prohibition lasts through December 31, 2021; and

WHEREAS, the City Council will be considering changes to Section 8.99 of the Long Beach Municipal Code governing just cause lease terminations and evictions, including substantial remodel lease terminations and evictions; and

WHEREAS, the aforementioned temporary prohibition should be extended so that it does not expire prior to final action by the City Council with respect to possible changes to Section 8.99;

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

Section 1. Chapter 8.102 of the Long Beach Municipal Code is hereby amended to read as follows:

8.102.010 Purpose.

On July 6, 2021, the Long Beach City Council directed the City Manager to undertake a study and prepare a report exploring the feasibility

OFFICE OF THE CITY ATTORNEY
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1 of, and costs associated with, establishing a renovation administration
2 program in the City to ensure landlords can invest in renovation work
3 without subjecting tenants to either untenable housing conditions during
4 renovation work or the forced permanent displacement of the tenant due to
5 said renovation work. In advance of the presentation of the report to the
6 Council and potential action taken by the Council as a result thereof, this
7 Chapter will temporarily prohibit no-fault notices and evictions based on
8 certain demolition or substantial remodel permits through February 28,
9 2022.

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11 8.102.020 Definitions.

12 The following words and phrases, whenever used in this
13 Chapter, shall be construed as defined in this Section:

14 A. Owner. The term “owner” is any person, acting as principal or
15 through an agent, offering residential real property for rent, and includes a
16 predecessor in interest to the owner.

17 B. Residential rental property. The term “residential rental
18 property” is any dwelling or unit that is intended or used for human
19 habitation and which is offered or is currently being utilized for rental
20 purposes.

21
22 8.102.030 Prohibition on no fault demolition and/or substantial remodel
23 notices and evictions.

24 Through February 28, 2022, the owner of residential rental property
25 shall not issue a notice to terminate a lawful tenancy, or otherwise move to
26 terminate a lawful tenancy, based upon: (i) a permit issued by the City of
27 Long Beach on or after July 6, 2021; and (ii) otherwise on the authority
28 provided by Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code,

1 unless the termination is required to comply with an order issued by a
2 government agency or court requiring that the residential rental real property
3 be vacated; or to comport with due process, federal, or state law, which
4 situation or circumstance shall be stated with particularity in the written
5 notice of termination of tenancy. This Chapter may be asserted as an
6 affirmative defense by a tenant in any unlawful detainer action brought by
7 an Owner against a tenant. Any notice issued in violation of this Chapter
8 shall be null and void.

9

10 8.102.040 Severability.

11 If any provision of this Chapter is found to be unconstitutional or
12 otherwise invalid by any court of competent jurisdiction, that invalidity shall
13 not affect the remaining provisions of this Chapter which can be
14 implemented without the invalid provisions, and to this end, the provisions of
15 this Chapter are declared to be severable. The City Council hereby
16 declares that it would have adopted this Chapter and each provision thereof
17 irrespective of whether any one or more provisions are found invalid,
18 unconstitutional or otherwise unenforceable.

19

20 Section 2. The City Clerk shall certify to the passage of this ordinance by
21 the City Council of the City of Long Beach and shall cause the same to be posted in three
22 conspicuous places in the City of Long Beach.

23

24 Section 3. Pursuant to Section 211 of the City Charter, the City Council
25 hereby finds that the ongoing statewide housing crisis and displacement of low-income
26 and other vulnerable populations constitutes an emergency requiring immediate action in
27 order to protect the public health and safety. Therefore, this ordinance is an emergency
28 ordinance duly adopted by the City Council by a vote of five of its members and shall take

1 effect on December 7, 2021. The City Clerk shall certify to a separate roll call and vote
2 on the question of the emergency of this ordinance and to its passage by the vote of five
3 members of the City Council of the City of Long Beach, and cause the same to be posted
4 in three conspicuous places in the City of Long Beach.

5

6 Section 4. This ordinance shall also be adopted by the City Council as a
7 regular ordinance, to the end that in the event of any defect or invalidity in connection
8 with the adoption of this ordinance as an emergency ordinance, the same shall,
9 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
10 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
11 Council of the City of Long Beach and shall cause the same to be posted in three (3)
12 conspicuous places in the City of Long Beach.

13

14 I hereby certify that on a separate roll call and vote which was taken by the
15 City Council of the City of Long Beach upon the question of emergency of this ordinance
16 at its meeting of _____, 2021, the ordinance was declared to be an
17 emergency by the following vote:

18 Ayes: Councilmembers: _____

19 _____

20 _____

21 Noes: Councilmembers: _____

22 _____

23 Absent: Councilmembers: _____

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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: _____

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 _____, 2021, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor