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ORDINANCE NO. ORD-21-0035

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF LONG BEACH AMENDING LONG BEACH  
MUNICIPAL CODE SUBSECTIONS 18.15.110.A.2.e,  
18.16.110.A.2.e, 18.17.130.B.5, AND 18.18.120.E, ALL  
RELATING TO EXEMPTIONS TO THE PAYMENT OF  
IMPACT FEES FOR MODERATE INCOME HOUSING  
PROJECTS

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

Section 1. Subsection 18.15.110.A.2.e of the Long Beach Municipal  
Code relating to Police Facility Impact Fees is amended to read as follows:

e. Property rented, leased, sold, conveyed or  
otherwise transferred, at a rental price or purchase price which does not  
exceed the "affordable housing cost" as defined in Section 50052.5 of the  
California Health and Safety Code when provided to a "lower income  
household" as defined in Section 50079.5 of the California Health and  
Safety Code or "very low-income household" as defined in Section 50105 of  
the California Health and Safety Code or "moderate income household" as  
defined in Section 50093 of the Health and Safety Code. This exemption  
shall require the applicant to execute an agreement to guarantee that the  
units shall be maintained for very low, lower or moderate income  
households, as applicable, whether as units for rent or for sale or transfer,  
for the lesser of a period of fifty-five (55) years or the actual life or existence  
of the structure, including any addition, renovation or remodeling thereto.  
The agreement shall be in the form of a deed restriction or other legally

1 binding and enforceable document acceptable to the City Attorney and shall  
2 bind the owner and any successor-in-interest to the real property being  
3 developed. The agreement shall subordinate, if required, to any State or  
4 federal program providing affordable housing to very low, lower and  
5 moderate -income households. The agreement shall be recorded with the  
6 Los Angeles County Recorder prior to the issuance of a Certificate of  
7 Occupancy. The City's Housing and Neighborhood Services Bureau shall  
8 be notified of pending transfers or purchases and give its approval of the  
9 purchaser's qualifying income status and purchase price, prior to the close  
10 of escrow. The City's Housing and Neighborhood Services Bureau shall be  
11 notified of pending rentals and give its approval of proposed tenant's  
12 qualifying income status and rental rate, prior to the tenant's occupancy.  
13 Applicant or any successor-in-interest shall be required to provide annually,  
14 or as requested, the names of all tenants or purchasers, current rents, and  
15 income certification to ensure compliance. Voluntary removal of the housing  
16 restriction or violation of the restriction shall be enforced by the City's  
17 Housing and Neighborhood Services Bureau and shall require the applicant  
18 or any successor-in-interest to pay the then applicable Police Facilities  
19 Impact Fee at the time of voluntary conversion or as imposed at the time of  
20 violation on the unit in violation, plus any attorneys' fees and costs of  
21 enforcement, if applicable.

22  
23 Section 2. Subsection 18.16.110.A.2.e of the Long Beach Municipal  
24 Code relating to Fire Facilities Impact Fees is amended to read as follows:

25 e. Property rented, leased, sold, conveyed or  
26 otherwise transferred, at a rental price or purchase price which does not  
27 exceed the "affordable housing cost" as defined in Section 50052.5 of the  
28 California Health and Safety Code when provided to a "lower income

1 household" as defined in Section 50079.5 of the California Health and  
2 Safety Code or "very low-income household" as defined in Section 50105 of  
3 the California Health and Safety Code or "moderate income household" as  
4 defined in Section 50093 of the Health and Safety Code. This exemption  
5 shall require the applicant to execute an agreement to guarantee that the  
6 units shall be maintained for very low, lower or moderate -income  
7 households, as applicable, whether as units for rent or for sale or transfer,  
8 for the lesser of a period of fifty-five (55) years or the actual life or existence  
9 of the structure, including any addition, renovation or remodeling thereto.  
10 The agreement shall be in the form of a deed restriction or other legally  
11 binding and enforceable document acceptable to the City Attorney and shall  
12 bind the owner and any successor-in-interest to the real property being  
13 developed. The agreement shall subordinate, if required, to any State or  
14 federal program providing affordable housing to very low, lower and  
15 moderate -income households. The agreement shall be recorded with the  
16 Los Angeles County Recorder prior to the issuance of a Certificate of  
17 Occupancy. The City's Housing and Neighborhood Services Bureau shall  
18 be notified of pending transfers or purchases and give its approval of the  
19 purchaser's qualifying income status and purchase price, prior to the close  
20 of escrow. The City's Housing and Neighborhood Services Bureau shall be  
21 notified of pending rentals and give its approval of proposed tenant's  
22 qualifying income status and rental rate, prior to the tenant's occupancy.  
23 Applicant or any successor-in-interest shall be required to provide annually,  
24 or as requested, the names of all tenants or purchasers, current rents, and  
25 income certification to ensure compliance. Voluntary removal of the housing  
26 restriction or violation of the restriction shall be enforced by the City's  
27 Housing and Neighborhood Services Bureau and shall require the applicant  
28 or any successor-in-interest to pay the then applicable Fire Facilities Impact

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Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable.

Section 3. Subsection 18.17.130.B.5 of the Long Beach Municipal Code relating to Transportation Improvement Fees is amended to read as follows:

5. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code or "moderate income household" as defined in Section 50093 of the Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for very low, lower or moderate -income households, as applicable, whether as units for rent or for sale or transfer, for the lesser of a period of fifty-five (55) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to very low, lower and moderate - income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Neighborhood Services Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's

1 qualifying income status and purchase price, prior to the close of escrow.  
2 The City's Housing and Neighborhood Services Bureau shall be notified of  
3 pending rentals and give its approval of proposed tenant's qualifying income  
4 status and rental rate, prior to the tenant's occupancy. Applicant or any  
5 successor-in-interest shall be required to provide annually, or as requested,  
6 the names of all tenants or purchasers, current rents, and income  
7 certification to ensure compliance. Voluntary removal of the housing  
8 restriction or violation of the restriction shall be enforced by the City's  
9 Housing and Neighborhood Services Bureau and shall require the applicant  
10 or any successor-in-interest to pay the then applicable Transportation  
11 Improvement Fee at the time of voluntary conversion or as imposed at the  
12 time of violation on the unit in violation, plus any attorneys' fees and costs of  
13 enforcement, if applicable.

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15 Section 4. Subsection 18.18.120.E of the Long Beach Municipal Code  
16 relating to Park Fees is amended to read as follows:

17 E. Property rented, leased, sold, conveyed or otherwise  
18 transferred, at a rental price or purchase price which does not exceed the  
19 "affordable housing cost" as defined in Section 50052.5 of the California  
20 Health and Safety Code when provided to a "lower income household" as  
21 defined in Section 50079.5 of the California Health and Safety Code or "very  
22 low-income household" as defined in Section 50105 of the California Health  
23 and Safety Code or "moderate income household" as defined in Section  
24 50093 of the Health and Safety Code. This exemption shall require the  
25 applicant to execute an agreement to guarantee that the units shall be  
26 maintained for very low, lower or moderate -income households, as  
27 applicable, whether as units for rent or for sale or transfer, for the lesser of a  
28 period of fifty-five (55) years or the actual life or existence of the structure,

1 including any addition, renovation or remodeling thereto. The agreement  
2 shall be in the form of a deed restriction or other legally binding and  
3 enforceable document acceptable to the City Attorney and shall bind the  
4 owner and any successor-in-interest to the real property being developed.  
5 The agreement shall subordinate, if required, to any State or federal  
6 program providing affordable housing to very low, lower and moderate -  
7 income households. The agreement shall be recorded with the Los Angeles  
8 County Recorder prior to the issuance of a Certificate of Occupancy. The  
9 City's Housing and Neighborhood Services Bureau shall be notified of  
10 pending transfers or purchases and give its approval of the purchaser's  
11 qualifying income status and purchase price, prior to the close of escrow.  
12 The City's Housing and Neighborhood Services Bureau shall be notified of  
13 pending rentals and give its approval of proposed tenant's qualifying income  
14 status and rental rate, prior to the tenant's occupancy. Applicant or any  
15 successor-in-interest shall be required to provide annually, or as requested,  
16 the names of all tenants or purchasers, current rents, and income  
17 certification to ensure compliance. Voluntary removal of the housing  
18 restriction or violation of the restriction shall be enforced by the City's  
19 Housing and Neighborhood Services Bureau and shall require the applicant  
20 or any successor-in-interest to pay the then applicable Park Fee at the time  
21 of voluntary conversion or as imposed at the time of violation on the unit in  
22 violation, plus any attorneys' fees and costs of enforcement, if applicable.

23  
24 Section 5. The City Clerk shall certify to the passage of this ordinance by  
25 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
26 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
27 Mayor.

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

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of October 5, 2021, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
Saro, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo.

Recusal(s): Councilmembers: None.

  
\_\_\_\_\_  
City/Clerk

Approved: 10/5/2021  
(Date)

  
\_\_\_\_\_  
Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 6<sup>th</sup> day of October, 2021, I posted three true and correct copies of ORD-21-0035 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Tamela Austin

Subscribed and sworn to before me  
This 6<sup>th</sup> day of October 2021.

M. De J. Jay  
CITY CLERK