1 ORDINANCE NO. ORD-21-0022 2 3 AN ORDINANCE OF THE CITY COUNCIL OF THE 4 CITY OF LONG BEACH AMENDING THE LONG BEACH 5 MUNICIPAL CODE BY ADDING CHAPTER 8.102 TO 6 PROHIBIT TEMPORARILY THE TERMINATION OF 7 LAWFUL RESIDENTIAL TENANCIES BY DEMOLITION 8 AND/OR "SUBSTANTIAL REMODEL" NO-FAULT NOTICES 9 THROUGH DECEMBER 31, 2021; DECLARING THE 10 URGENCY THEREOF; AND DECLARING THAT THIS 11 ORDINANCE SHALL TAKE EFFECT IMMEDIATELY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664 12 13 WHEREAS, the City of Long Beach is experiencing a humanitarian crisis of 14 homelessness and displacement of renters at unprecedented levels, which has been 15 exacerbated by the COVID-19 pandemic; and 16 WHEREAS, in 2020 the City Council enacted Long Beach Municipal Code 17 Chapter 8.99 which, among other things, prescribed limited circumstances under which a 18 landlord would have a "just cause" to terminate a tenancy and thereafter evict a tenant; 19 and 20 WHEREAS, Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code 21 allows landlords to terminate tenancies and evict tenants in the event the landlord has (i) 22 been issued a permit by the City for the demolition and/or substantial remodel of the 23 subject unit, and (ii) met certain other requirements enumerated therein; and 24 WHEREAS, the City Council believes that many residents may be subject 25 to termination of their tenancies pursuant to substantial remodel projects proposed to be 26 undertaken by the landlord which may not actually require the termination of such 27 tenancy, and is interested in exploring the possibility of providing further protection to 28 such tenants; and

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1 WHEREAS, in furtherance thereof, the City Council has directed the City 2 Manager to analyze and study the feasibility of the establishment of a rehabilitation 3 administration program which would ensure landlords can invest in renovation projects 4 without subjecting tenants to either untenantable housing conditions during such work or 5 forced permanent displacement of tenants from their units; and 6 WHEREAS, it is in the City's interest to immediately limit the displacement 7 of families and other vulnerable groups due to a proposed substantial remodel of their 8 residential unit while the City Council undertakes a study to consider the adoption of a 9 permanent renovation administration program. 10 NOW THEREFORE, the City Council of the City of Long Beach ordains as 11 follows: 12 Section 1. Chapter 8.102 is added to the Long Beach Municipal Code to 13 read as follows: 14 **CHAPTER 8.102** 15 TEMPORARY PROHIBITION OF DEMOLITION AND SUBSTANTIAL NO-FAULT 16 NOTICES AND EVICTIONS 17 18 8.102.010 Purpose. 19 On July 6, 2021, the Long Beach City Council directed the City 20 Manager to undertake a study and prepare a report exploring the feasibility 21 of, and costs associated with, establishing a renovation administration 22 program in the City to ensure landlords can invest in renovation work 23 without subjecting tenants to either untenantable housing conditions during 24 renovation work or the forced permanent displacement of the tenant due to 25 said renovation work. In advance of the presentation of the report to the 26 Council and potential action taken by the Council as a result thereof, this 27 Chapter will temporarily prohibit no-fault notices and evictions based on 28 certain demolition or substantial remodel permits through December 31,

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8.102.020 Definitions.

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

Α. Owner. The term "owner" is any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.

Β. Residential rental property. The term "residential rental property" is any dwelling or unit that is intended or used for human habitation and which is offered or is currently being utilized for rental purposes.

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

Through December 31, 2021, the owner of residential rental property shall not issue a notice to terminate a lawful tenancy, or otherwise move to terminate a lawful tenancy, based upon (i) a permit issued by the City of Long Beach on or after July 6, 2021 and (ii) otherwise on the authority provided by Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code, unless the termination is required to comply with an order issued by a government agency or court requiring that the residential rental real property be vacated; or to comport with due process, federal, or state law, which situation or circumstance shall be stated with particularity in the written notice of termination of tenancy. This Chapter may be asserted as an affirmative defense by a tenant in any unlawful detainer action brought by an Owner against a tenant. Any notice issued in violation of this Chapter shall be null and void.

8.102.040 Severability.

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

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

14 Section 3. Pursuant to Section 211 of the City Charter, the City Council 15 hereby finds that the ongoing statewide housing crisis and displacement of low-income 16 and other vulnerable populations constitutes an emergency requiring immediate action in 17 order to protect the public health and safety. Therefore, this ordinance is an emergency 18 ordinance duly adopted by the City Council by a vote of five of its members and shall take 19 effect on July 13, 2021. The City Clerk shall certify to a separate roll call and vote on the 20 question of the emergency of this ordinance and to its passage by the vote of five 21 members of the City Council of the City of Long Beach, and cause the same to be posted 22 in three conspicuous places in the City of Long Beach.

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

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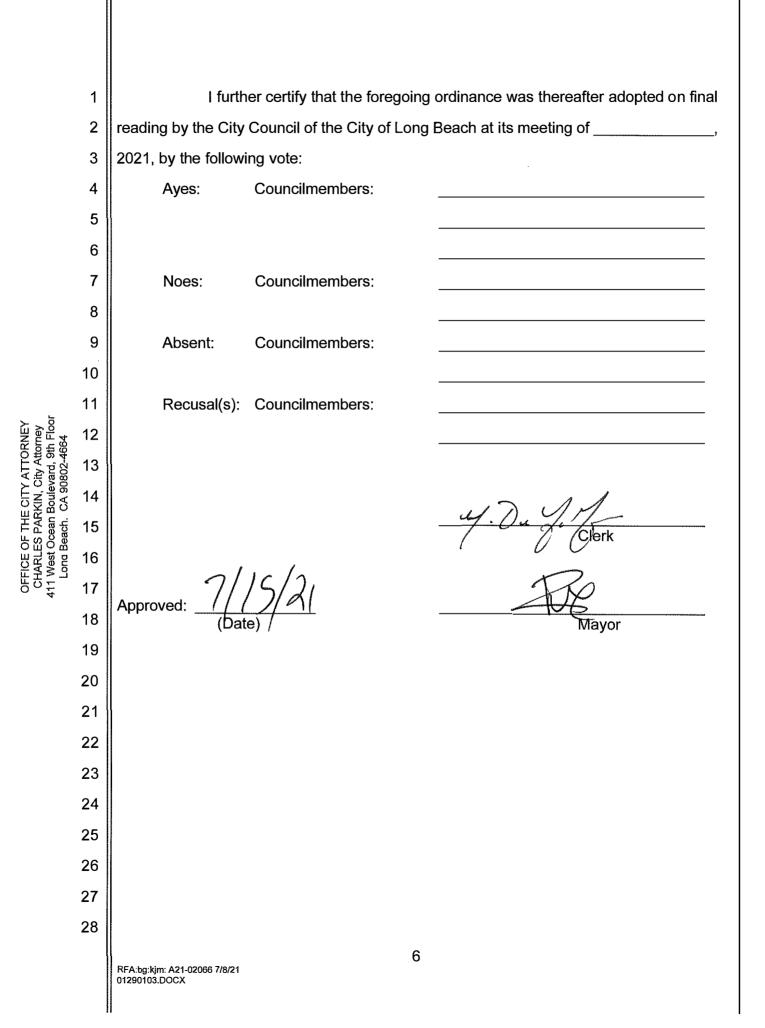
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1 conspicuous places in the City of Long Beach. 2 I hereby certify that on a separate roll call and vote which was taken by the 3 City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of _____ July 13 4 _____, 2021, the ordinance was declared to be an 5 emergency by the following vote: Zendejas, Allen, Price, Supernaw, Councilmembers: 6 Ayes: Mungo, Saro, Uranga, Richardson. 7 8 None. **Councilmembers:** 9 Noes: 10 Austin. 11 Absent: Councilmembers: OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Lond Beach. CA 90802-4664 12 None. 13 Recusal(s): Councilmembers: 14 15 16 I further certify that thereafter, at the same meeting, upon a roll call and 17 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long 18 Beach by the following vote: Zendejas, Allen, Price, Supernaw, 19 Councilmembers: Ayes: Mungo, Saro, Uranga, Richardson. 20 21 Councilmembers: None. 22 Noes: 23 Austin. 24 Councilmembers: Absent: 25 None. 26 Recusal(s): Councilmembers: 27 28 // 5 RFA:bg:kjm: A21-02066 7/8/21 01290103.DOCX



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 15th day of July, 2021, I posted three true and correct copies of Emergency Ordinance No. ORD-21-0022 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.

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Subscribed and sworn to before me This 15th day of July 2021.

M. Du J.M. CITY & FRK