ORDINANCE NO. ORD-19-0014

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 8.97 RELATING
TO TENANT RELOCATION ASSISTANCE

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

Section 1. Chapter 8.97 is added to the Long Beach Municipal Code to read as follows:

Chapter 8.97
TENANT RELOCATION ASSISTANCE

8.97.010 Purpose.

The purpose of this Chapter is to promote housing stability in the City by providing for landlord-paid relocation payments and assistance to residential tenants who are displaced by no fault of their own. Many tenants are at risk of being displaced from their housing due to, among other things, large increases in rent that they are unable to pay, or by substantial rehabilitation of their unit necessitating vacation of the units and bear the full costs of relocation themselves. This Chapter addresses these impacts by requiring landlords of rental dwelling units in the City to provide relocation assistance payments under certain circumstances.

8.97.020 Definitions.

The following terms, when used in this Chapter, shall have the following respective meanings except where the context clearly indicates a
different meaning:

A. "Days" mean calendar days.

B. "Family member" means a landlord's spouse, children, parents, grandchildren, siblings, father-in-law, mother-in-law, daughter-in-law or son-in-law provided in all cases that landlord is a natural person.

C. "Landlord" means any owner, lessor, sublessor, or any other person or entity entitled to receive rent from a tenant for the use and occupancy of a unit, or any agent, representative or successor of any of the foregoing.

D. "Property" means the legal lot(s) and improvements thereon owned by a landlord of which a unit is a part.

E. "Rehabilitation" means work to be performed in a unit after a tenant vacates which would reasonably render such unit unfit for occupation.

F. "Rent" means the amount of fixed periodic compensation paid by a tenant to a landlord, not including fees for ancillary services such as additional storage, parking or pet deposits.

G. "Tenant" means any tenant, subtenant, lessee, sublessee, or any other person actually occupying a unit by a written or oral agreement and regardless of whether such unit was created or established in violation of any provision of law.

H. "Tenant in good standing" means any tenant that has (1) lived in the subject unit for a period of more than one (1) year, (2) is current in the payment of rent and is not otherwise in violation of the lease as of the date tenant receives notice under Section 8.97.030.B and as of the date relocation payments are due, and (3) has not during his/her tenancy (a) materially damaged the unit or the property without compensating landlord for such damage, (b) substantially interfered with other tenants at the
property, (c) committed domestic violence or sexual assault against, or stalked another tenant in the unit and the victim has terminated his/her tenancy, and (d) used the unit or the property for an unlawful purpose.

I. "Unit" means any dwelling unit located within a residential housing building in the City of Long Beach which consists of at least four (4) total residential dwelling units.

8.97.030 Relocation assistance payments.

A. Landlord shall make a relocation payment to a tenant in an amount equal to two months of the respective payment standard by number of bedrooms averaged across all Long Beach zip codes in the then-current Payment Standards / Small Area Fair Market Rents published by the Housing Authority of the City of Long Beach as the same may be updated from time to time, provided that in no case shall any relocation payment exceed Four Thousand Five Hundred Dollars ($4,500). Relocation payments under this Chapter shall be limited to one payment per unit, regardless of the number of landlords or tenants for such unit.

B. The relocation payment provided for in subsection (A) above shall be triggered if any of the following circumstances occur:

1. Tenant receives a notice or notices of a rent increase for the same unit which totals ten percent (10%) or more in any twelve (12) consecutive month period, and tenant does not thereafter provide landlord with written notice of its intent to stay in the unit at the increased rent within fourteen (14) days after receipt of the subject rent increase notice.

2. Tenant receives a notice to terminate tenancy from landlord due to landlord's rehabilitation of tenant's unit.

3. Tenant in good standing receives a notice of non-renewal or notice to vacate from landlord.
C. If a relocation payment is triggered under Section 8.97.030.B.1, then landlord may deduct any past due rent currently owed by tenant from such relocation payment and shall pay one-half of the relocation payment no later than twenty-four (24) days following receipt of notice by tenant and one-half of the relocation payment no later than five (5) days after tenant has vacated the unit. If a relocation payment is triggered under Section 8.97.030.B.2, then landlord may deduct any past due rent currently owed by tenant from such relocation payment and shall pay one-half of the relocation payment no later than ten (10) days following receipt of notice by tenant and one-half of the relocation payment no later than five (5) days after tenant has vacated the unit. If a relocation payment is triggered under Section 8.97.030.B.3, then landlord shall pay one-half of the relocation payment no later than ten (10) days following receipt of notice by tenant and one-half of the relocation payment no later than five (5) days after tenant has vacated the unit. If tenant fails to voluntarily vacate the unit after a partial or full relocation payment, tenant shall reimburse landlord such relocation payment.

8.97.040 Exemptions.

The provisions of this Chapter shall not apply under any of the following circumstances:

A. Landlord seeks to recover possession of the unit for the sole purpose of making the unit available for occupancy by (1) landlord, if landlord is a natural person, or (2) a family member of landlord, and such unit is actually thereafter occupied by landlord or a family member.

B. Landlord seeks to recover possession of the unit in order to comply with a governmental agency's order to vacate the building housing the unit due to a natural disaster or other act of God.
C. The unit is subject to recorded rental affordability restrictions.

D. Landlord is a natural person and occupies a unit as landlord's primary residence in the same building as tenant's unit.

E. Landlord owns only one (1) residential rental housing building in the City of Long Beach, and that building consists of exactly four (4) units.

F. The unit received its certificate of occupancy after February 1, 1995.

G. Nothing in this Chapter relieves landlord from the obligation to provide relocation assistance pursuant to any other provision of local, state or federal law, provided however that if a landlord is so obligated to make such payments to tenant then such relocation assistance shall operate as a credit against relocation payments required to be made by landlord to tenant under this Chapter.

8.97.050 Information distribution and reporting requirements.

A. Within thirty (30) days after the effective date of this Chapter, Landlords shall provide to all existing tenants a one-page information sheet on a form prepared by City which, among other things, outlines the provisions of this Chapter. Upon execution by tenants of leases after the effective date of this Chapter, Landlords shall provide such information sheet to tenants and shall include the following, as its own section, in each new lease or addendum thereto:

"Tenant Relocation Payments. You may be eligible to receive relocation payments upon expiration or other termination of your tenancy under this Lease in accordance with Section 8.97 of the Long Beach Municipal Code."

B. Landlords shall notify City prior to causing an entire residential
housing building to be vacated and landlords shall annually report all
completed relocation payments to City on a form to be provided by City.

8.97.060 Remedies.

A. Any landlord or tenant who fails to comply with the provisions
of this Chapter, including without limitation failure to make or reimburse
relocation payments, shall be liable in a civil action to the tenant or the
landlord to whom such assistance is due for damages in the amount of the
unpaid relocation payment, a civil penalty in the amount of one thousand
dollars ($1,000), and/or reasonable attorney's fees and costs as determined
by the court. A tenant or landlord may enforce the provisions of this
Chapter by means of a civil action.

B. Failure of landlord to make a relocation payment as required
hereunder shall provide tenant with an affirmative defense in any legal
action brought by landlord to recover possession of the unit.

C. No landlord shall attempt to secure from tenant any waiver of
any provision of this Chapter. Any agreement, whether written or oral,
whereby any provision of this Chapter is waived, shall be deemed against
public policy and shall be void. Notwithstanding the foregoing, a landlord
and tenant may mutually agree upon terms and conditions of an alternate or
reduced relocation payment provided that landlord has first provided tenant
with written notice of the relocation payment to which tenant would
otherwise be provided hereunder.

8.97.070 Effectiveness.

This Chapter shall be effective on and after August 1, 2019.
Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 4. Except as expressly modified in this ordinance, all other sections, subsections, sentences, clauses or phrases set forth in the Long Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on August 1, 2019.
I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 11, 2019, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Andrews, Uranga, Austin, Richardson.

Noes: Councilmembers: Price, Supernaw, Mungo.

Absent: Councilmembers: None.

Approved: 6/13/19
(Date)

Mayor

City Clerk
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 12th day of June 2019, I posted three true and correct copies of Ordinance No. ORD-19-0014 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me this 12th day of June 2019.

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CITY CLERK