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
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 qualifying income status and purchase price, prior to the close of escrow. The City’s Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant’s qualifying income status and rental rate, prior to the tenant’s occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to ensure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City’s Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Police Facilities Impact 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 2. Subsection 18.16.110.A.2.e of the Long Beach Municipal Code relating to Fire Facilities 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 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 qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to ensure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Fire Facilities Impact
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
qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to ensure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Transportation Improvement 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 4. Subsection 18.18.120.E.5 of the Long Beach Municipal Code relating to Park 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 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 qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to ensure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Park 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 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 the thirty-first (31st) day after it is approved by the Mayor.

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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: Councillors: Zendejas, Allen, Price, Supernaw, Saro, Uranga, Austin, Richardson.

Noes: Councillors: None.

Absent: Councillors: Mungo.

Recusal(s): Councillors: None.

Approved: 10/2/2021 (Date)
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 6th 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.

Subscribed and sworn to before me
This 6th day of October 2021.