

1 ORDINANCE NO. ORD-21-0035
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3 AN ORDINANCE OF THE CITY COUNCIL OF
4 THE CITY OF LONG BEACH AMENDING LONG BEACH
5 MUNICIPAL CODE SUBSECTIONS 18.15.110.A.2.e,
6 18.16.110.A.2.e, 18.17.130.B.5, AND 18.18.120.E, ALL
7 RELATING TO EXEMPTIONS TO THE PAYMENT OF
8 IMPACT FEES FOR MODERATE INCOME HOUSING
9 PROJECTS
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11 The City Council of the City of Long Beach ordains as follows:

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

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

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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

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

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

7 5. Property rented, leased, sold, conveyed or otherwise
8 transferred, at a rental price or purchase price which does not exceed the
9 "affordable housing cost" as defined in Section 50052.5 of the California
10 Health and Safety Code when provided to a "lower income household" as
11 defined in Section 50079.5 of the California Health and Safety Code or "very
12 low-income household" as defined in Section 50105 of the California Health
13 and Safety Code or "moderate income household" as defined in Section
14 50093 of the Health and Safety Code. This exemption shall require the
15 applicant to execute an agreement to guarantee that the units shall be
16 maintained for very low, lower or moderate -income households, as
17 applicable, whether as units for rent or for sale or transfer, for the lesser of a
18 period of fifty-five (55) years or the actual life or existence of the structure,
19 including any addition, renovation or remodeling thereto. The agreement
20 shall be in the form of a deed restriction or other legally binding and
21 enforceable document acceptable to the City Attorney and shall bind the
22 owner and any successor-in-interest to the real property being developed.
23 The agreement shall subordinate, if required, to any State or federal
24 program providing affordable housing to very low, lower and moderate -
25 income households. The agreement shall be recorded with the Los Angeles
26 County Recorder prior to the issuance of a Certificate of Occupancy. The
27 City's Housing and Neighborhood Services Bureau shall be notified of
28 pending transfers or purchases and give its approval of the purchaser's

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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 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,

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 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.

Tamela Austin

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

M. De J. Jay
CITY CLERK