

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802-4664

ORDINANCE NO. ORD-21-0039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 8.102 TO EXTEND THE PROHIBITION ON TERMINATION OF CERTAIN LAWFUL RESIDENTIAL TENANCIES THROUGH FEBRUARY 28, 2022; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on July 13, 2021, the City Council approved an Ordinance establishing a temporary prohibition on substantial remodel lease termination notices and evictions, which such prohibition lasts through December 31, 2021; and

WHEREAS, the City Council will be considering changes to Section 8.99 of the Long Beach Municipal Code governing just cause lease terminations and evictions, including substantial remodel lease terminations and evictions; and

WHEREAS, the aforementioned temporary prohibition should be extended so that it does not expire prior to final action by the City Council with respect to possible changes to Section 8.99;

NOW THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.102 of the Long Beach Municipal Code is hereby amended to read as follows:

8.102.010 Purpose.

On July 6, 2021, the Long Beach City Council directed the City Manager to undertake a study and prepare a report exploring the feasibility

1 of, and costs associated with, establishing a renovation administration  
2 program in the City to ensure landlords can invest in renovation work  
3 without subjecting tenants to either untenable housing conditions during  
4 renovation work or the forced permanent displacement of the tenant due to  
5 said renovation work. In advance of the presentation of the report to the  
6 Council and potential action taken by the Council as a result thereof, this  
7 Chapter will temporarily prohibit no-fault notices and evictions based on  
8 certain demolition or substantial remodel permits through February 28,  
9 2022.

10  
11 8.102.020 Definitions.

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

14 A. Owner. The term “owner” is any person, acting as principal or  
15 through an agent, offering residential real property for rent, and includes a  
16 predecessor in interest to the owner.

17 B. Residential rental property. The term “residential rental  
18 property” is any dwelling or unit that is intended or used for human  
19 habitation and which is offered or is currently being utilized for rental  
20 purposes.

21  
22 8.102.030 Prohibition on no fault demolition and/or substantial remodel  
23 notices and evictions.

24 Through February 28, 2022, the owner of residential rental property  
25 shall not issue a notice to terminate a lawful tenancy, or otherwise move to  
26 terminate a lawful tenancy, based upon: (i) a permit issued by the City of  
27 Long Beach on or after July 6, 2021; and (ii) otherwise on the authority  
28 provided by Section 8.99.020(b)(2)(D) of the Long Beach Municipal Code,

1 unless the termination is required to comply with an order issued by a  
2 government agency or court requiring that the residential rental real property  
3 be vacated; or to comport with due process, federal, or state law, which  
4 situation or circumstance shall be stated with particularity in the written  
5 notice of termination of tenancy. This Chapter may be asserted as an  
6 affirmative defense by a tenant in any unlawful detainer action brought by  
7 an Owner against a tenant. Any notice issued in violation of this Chapter  
8 shall be null and void.

9  
10 8.102.040 Severability.

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

19  
20 Section 2. The City Clerk shall certify to the passage of this ordinance by  
21 the City Council of the City of Long Beach and shall cause the same to be posted in three  
22 conspicuous places in the City of Long Beach.

23  
24 Section 3. Pursuant to Section 211 of the City Charter, the City Council  
25 hereby finds that the ongoing statewide housing crisis and displacement of low-income  
26 and other vulnerable populations constitutes an emergency requiring immediate action in  
27 order to protect the public health and safety. Therefore, this ordinance is an emergency  
28 ordinance duly adopted by the City Council by a vote of five of its members and shall take

1 effect on December 7, 2021. The City Clerk shall certify to a separate roll call and vote  
2 on the question of the emergency of this ordinance and to its passage by the vote of five  
3 members of the City Council of the City of Long Beach, and cause the same to be posted  
4 in three conspicuous places in the City of Long Beach.

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

13  
14 I hereby certify that on a separate roll call and vote which was taken by the  
15 City Council of the City of Long Beach upon the question of emergency of this ordinance  
16 at its meeting of \_\_\_\_\_ December 7 \_\_\_\_\_, 2021, the ordinance was declared to be an  
17 emergency by the following vote:

18	Ayes:	Councilmembers:	Zendejas, Allen, Price, Supernaw,
19			_____
20			Mungo, Saro, Uranga, Austin,
21			_____
22			Richardson.
23			_____
24	Noes:	Councilmembers:	None.
			_____
			_____
25	Absent:	Councilmembers:	None.
26			_____
27			_____
28			_____

25 ///  
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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	Zendejas, Allen, Price, Supernaw, Mungo, Saro, Uranga, Austin, Richardson.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	None.

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2021, by the following vote:

Ayes:	Councilmembers:	_____
Noes:	Councilmembers:	_____
Absent:	Councilmembers:	_____

  
Clerk

Approved: 12/8/2021  
(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 8<sup>th</sup> day of December, 2021, I posted three true and correct copies of Emergency Ordinance No. ORD-21-0039 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 8<sup>th</sup> day of December 2021.

M. De La Cruz  
CITY CLERK