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

8.102.020 Definitions.

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

A. 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.

B. 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 February 28, 2022, 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.

Section 3. Pursuant to Section 211 of the City Charter, the City Council hereby finds that the ongoing statewide housing crisis and displacement of low-income and other vulnerable populations constitutes an emergency requiring immediate action in order to protect the public health and safety. Therefore, this ordinance is an emergency ordinance duly adopted by the City Council by a vote of five of its members and shall take
effect on December 7, 2021. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted 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) conspicuous places in the City of Long Beach.

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

<table>
<thead>
<tr>
<th>Ayes:</th>
<th>Councilmembers:</th>
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<tr>
<td></td>
<td>Zendejas, Allen, Price, Supernaw,</td>
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<td>Mungo, Saro, Uranga, Austin,</td>
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<td>Richardson.</td>
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<th>Noes:</th>
<th>Councilmembers:</th>
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<th>Absent:</th>
<th>Councilmembers:</th>
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<td>None.</td>
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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: 

Approved: 12/5/2021 (Date)
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 8th 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.

Subscribed and sworn to before me
This 8th day of December 2021.

[Signature]
CITY CLERK