

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

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ORDINANCE NO. ORD-22-0007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING CHAPTER 8.102 TO TERMINATE THE PROHIBITION ON TERMINATION OF CERTAIN LAWFUL RESIDENTIAL TENANCIES, EFFECTIVE AS OF MARCH 17, 2022

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, on December 7, 2021, the City Council approved an Ordinance extending the aforementioned temporary prohibition through February 28, 2022; and

WHEREAS, the City Council will be adopting 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 terminated effective as of the same date that the changes to Section 8.99 of the Code are adopted by the City Council, which is anticipated to be February 15, 2022;

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

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

3 Chapter 8.102

4 TEMPORARY PROHIBITION OF DEMOLITION AND SUBSTANTIAL NO-FAULT
5 NOTICES AND EVICTIONS

6
7 8.102.010 Purpose.

8 On July 6, 2021, the Long Beach City Council directed the City
9 Manager to undertake a study and prepare a report exploring the feasibility
10 of, and costs associated with, establishing a renovation administration
11 program in the City to ensure landlords can invest in renovation work
12 without subjecting tenants to either untenable housing conditions during
13 renovation work or the forced permanent displacement of the tenant due to
14 said renovation work. In advance of the presentation of the report to the
15 Council and potential action taken by the Council as a result thereof, this
16 Chapter will temporarily prohibit no-fault notices and evictions based on
17 certain demolition or substantial remodel permits through March 17, 2022.

18
19 8.102.020 Definitions.

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

22 A. Owner. The term "owner" is any person, acting as principal or
23 through an agent, offering residential real property for rent, and includes a
24 predecessor in interest to the owner.

25 B. Residential rental property. The term "residential rental
26 property" is any dwelling or unit that is intended or used for human
27 habitation and which is offered or is currently being utilized for rental
28 purposes.

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

Through March 17, 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. This Chapter shall not apply to any termination notices issued on or after March 18, 2022.

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.

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1 Section 2. This ordinance shall be and become effective on the thirty-first
2 (31st) day after it is approved by the Mayor. The City Clerk shall certify to the passage of
3 this ordinance by the City Council of the City of Long Beach and shall cause the same to
4 be posted in three (3) conspicuous places in the City of Long Beach.

5 I certify that upon a roll call and vote on adoption of the ordinance, it was
6 adopted by the City Council of the City of Long Beach by the following vote:

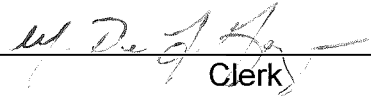
7			
8	Ayes:	Councilmembers:	Zendejas, Allen, Price, Supernaw,
9			Mungo, Saro, Uranga, Austin,
10			Richardson.
11	Noes:	Councilmembers:	None.
12			
13	Absent:	Councilmembers:	None.
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15	Recusal(s):	Councilmembers:	None.

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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 February 15, 2022, by the following vote:

Ayes:	Councilmembers:	Zendejas, Allen, Price, Supernaw,
		Mungo, Saro, Uranga, Austin,
		Richardson.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	None.
Recusal(s):	Councilmember:	None.


Clerk

Approved: 2/22/22
(Date)


Mayor

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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 17th day of February, 2022, I posted three true and correct copies of ORD-22-0007 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 17th day of February 2022.



CITY CLERK