

ORDINANCE NO. ORD-23-0001

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3 AN ORDINANCE OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH AMENDING THE LONG BEACH  
5 MUNICIPAL CODE BY ADDING CHAPTERS 18.100, 21.69,  
6 AND 22.35, TO TEMPORARILY SUSPEND CERTAIN  
7 PROVISIONS OF TITLES 18, 21 AND 22 DURING THE  
8 PROCLAIMED LOCAL EMERGENCY CAUSED BY  
9 HOMELESSNESS; DECLARING THE URGENCY THEREOF;  
10 AND DECLARING THAT THIS ORDINANCE SHALL TAKE  
11 EFFECT IMMEDIATELY

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13 WHEREAS, on January 10, 2023, the City Council of the City of Long Beach  
14 has adopted Resolution No. RES-23-0004 proclaiming the existence of a local  
15 emergency caused by conditions and threatened conditions of homelessness within the  
16 City of Long Beach (City), which if not corrected, constitutes and imminent and proximate  
17 threat to the safety of persons and property within the City; and

18 WHEREAS, in order to protect the public safety, health and welfare, it is  
19 imperative for the City to suspend certain provisions of the City of Long Beach Municipal  
20 Code Titles 18, 21 and 22 in relation to the City's building standards code, zoning and  
21 transitional zoning code in an effort to combat the crisis of homelessness and affordable  
22 housing for the reasons stated below; and

23 WHEREAS, currently the City of Long Beach has at any given time  
24 approximately 3,300 people experiencing homelessness citywide; and

25 WHEREAS, according to City's 2022 Point in Time Count, the number of  
26 people experiencing homelessness in the City increased dramatically in recent years, with  
27 an overall rise in homelessness of 77 percent since 2017; and

28 WHEREAS, homelessness has disproportionately impacted Black,

1 Indigenous, and Pacific Islander Long Beach residents who are approximately three times  
2 more likely to experience homelessness than other populations. Black people comprise  
3 only 13 percent of the population of the City but, in the most recent homelessness count,  
4 completed in February 2022, accounted for approximately 36 percent of people  
5 experiencing homelessness; and

6 WHEREAS, more than 40% of people experiencing homelessness have  
7 experienced violence or trauma in their lives, and 6% were fleeing violence when they  
8 became homeless; and

9 WHEREAS, the number of veterans experiencing homelessness has grown  
10 by 48% since 2019; and

11 WHEREAS, people experiencing homelessness suffer disproportionately  
12 from mental and physical health ailments and require assistance from the County Health  
13 and Mental Health Departments to provide the necessary public services. Specifically, it is  
14 estimated that 31 percent of people experiencing homelessness in the City are affected by  
15 a chronic health condition, 29 percent are affected by substance abuse, 37 percent are  
16 affected by a serious mental illness, 36 percent are affected by physical disabilities, 23  
17 percent are affected by developmental disabilities, and 24 percent are affected by traumatic  
18 brain injuries. The number of people experiencing homelessness with severe mental illness  
19 has more than doubled to 1,200 people and those with a substance use disorder has  
20 increased by 70% to 950 people. This strains the City's ability to provide appropriate  
21 shelter, housing, and wrap-around services. The prevalence of extreme need significantly  
22 stresses the City's public services; and

23 WHEREAS, 101 people experiencing homelessness in the City died in 2022  
24 while living on the street. The average age of those who died while homeless was 47 years  
25 old and over 75% of the causes of death were unnatural. This represents a drastic 225%  
26 increase in comparison to the number of people who died in 2017; and

27 WHEREAS, notwithstanding that the State of California has enacted a  
28 Community Assistance, Recovery and Empowerment (CARE) Court to address the crisis

1 of untreated mental illness, the beds and necessary access to acute and subacute care for  
2 such mental illness is still in development and steps must be taken in the interim to provide  
3 increased access to housing and care; and

4 WHEREAS, the homelessness crisis has strained the City’s public safety  
5 resources. Among other things, occurrences of fires related to homelessness have doubled  
6 between 2019 and 2022, and now constitute over one-third of all fires to which the Long  
7 Beach Fire Department responds. In addition, a number of fires have taken significant fire  
8 resources and caused damage to adjacent structures and vehicles; and

9 WHEREAS, shelter and housing is particularly important during these coming  
10 winter months when people experiencing homelessness in the City are likely to face  
11 heightened exposure and dangers from living outdoors, and heightened dangers from the  
12 combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV). It is projected  
13 that the City will face an acute shortage of winter homeless shelters through March 2023,  
14 with fewer than half of the number of shelter sites available in the County of Los Angeles  
15 compared to the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

16 WHEREAS, California Government Code Sections 8698.1 and 8698.2 allow  
17 local jurisdictions to declare a shelter crisis; the City of Long Beach’s most recent shelter  
18 crisis is set to expire March 31, 2023; and

19 WHEREAS, the State of California’s COVID-19 State of Emergency, which  
20 has provided resources to keep many Long Beach residents from falling into  
21 homelessness, ends in February of 2023, thus requiring immediate action in order to create  
22 replacement and additional housing and shelter, and in order to support the necessary  
23 infrastructure and laws required to protect and provide that shelter and housing; and

24 WHEREAS, the County and State’s eviction moratorium, which has protected  
25 many Long Beach residents from falling into homelessness, ends concurrently with the end  
26 of California’s State of Emergency regarding the COVID-19 pandemic on February 1, 2023;  
27 and

28 WHEREAS, the City expanded interim bed access by 535 beds since 2020;

1 there are currently more than 1,300 interim housing beds citywide and the City Council  
2 continues to prioritize the building of interim and permanent supporting housing, yet need  
3 continues to outpace demand; and

4 WHEREAS, the City projects it will soon have a total of 15,346 supportive  
5 and affordable units, of which 1,546 have been recently completed, 319 are currently under  
6 construction, and more than 500 are in pre-development; and

7 WHEREAS, the City has responded to the rapid increase in its homeless  
8 population with unprecedented investments into homelessness solutions, including a more  
9 than \$80 million commitment in the 2022-2023 City budget for the expansion of bridge  
10 housing, an additional Restorative Engagement to Achieve Collective Health (REACH)  
11 team, call takers, library outreach workers, two mobile MSC units, a mental health and  
12 substance use treatment van, a winter shelter partnership, and the hiring of professionals  
13 to address the homelessness crisis and, notwithstanding these efforts, the number of those  
14 experiencing homelessness in the City continues to increase and outstrip the resources  
15 and services that the City has provided; and

16 WHEREAS, the City of Long Beach has designated significant resources to  
17 address homelessness in the City, but the threat to life and property remains at stake  
18 beyond the control of the services, personnel, equipment, and facilities of this City,  
19 requiring the City to protect the public safety, health, and welfare within the City through  
20 this ordinance;

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

23  
24 Section 1. Chapter 18.100 is hereby added to the Long Beach Municipal  
25 Code to read as follows:

26 Chapter 18.100

27 TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 18 DURING A  
28 PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS

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18.100.010 Purpose.

In order to protect the public safety, health and welfare within the City of Long Beach, this Chapter provides a temporary suspension of rules related to Title 18 of the Long Beach Municipal Code for the duration of a proclaimed local emergency caused by a dramatic increase in homelessness, a dramatic increase in the number of deaths of persons experiencing homelessness, an incredible and unprecedented strain on the City’s ability to provide appropriate shelter and housing and public safety concerns due to violence and severe mental and physical health issues.

18.100.020 Suspensions.

A. Suspend provisions of Title 18 that pertain to the construction of fencing, including fencing that deviates from the height and material requirements of the municipal code, to secure buildings, lots, and facilities to prevent trespassing or encampment, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments.

B. Suspend orders to vacate unless the Building Official determines, after inspection, that any building or structure, or portion thereof, is dangerous as defined in Section 18.02.020.

C. Suspend rules within Title 18 that pertain to Accessory Dwelling Units in the limited circumstances of an existing unpermitted unit occupied by tenant(s). Upon receipt of an application, and subject to discretion of the Director of Development Services, allow for the legalization of any existing structure occupied by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other local laws.

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1 18.100.030 Improvements.

2 A. All improvements constructed pursuant this Chapter shall have  
3 their certificate of occupancy issued pursuant to 18.08.020 within five (5) business  
4 days of passing a final inspection and satisfying all outstanding construction  
5 conditions as reviewed and approved by the Department of Development Services.

6 B. Improvements approved under the local emergency  
7 proclamation and during the local emergency period are intended to be permanent  
8 and shall be permanent and will not require new approvals at the expiration of the  
9 emergency. The City intends all improvements approved under this Title during the  
10 local emergency to be constructed immediately. Notwithstanding the approvals  
11 made during the local emergency, Section 21.21.406 titled Expiration shall remain  
12 in full force and effect.

13  
14 18.100.040 Expiration.

15 This Chapter 18.100 shall expire One Hundred Eighty (180) days after its  
16 effective date, unless further extended by the City Council in its discretion by an  
17 amendment to this Chapter.

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19 Section 2. Chapter 21.69 is hereby added to the Long Beach Municipal  
20 Code to read as follows:

21 Chapter 21.69

22 TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 21 DURING A  
23 PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS

24  
25 21.69.010 Purpose.

26 In order to protect the public safety, health and welfare within the City of Long  
27 Beach, this Chapter provides a temporary suspension of rules related to Title 21 of  
28 the Long Beach Municipal Code for the duration of a proclaimed local emergency

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caused by a dramatic increase in homelessness, a dramatic increase in the number of deaths of persons experiencing homelessness, an incredible and unprecedented strain on the City’s ability to provide appropriate shelter and housing and public safety concerns due to violence and severe mental and physical health issues.

21.69.020 Suspensions.

A. Suspend provisions of Title 21 that pertain to construction of emergency shelters, transitional housing, supportive housing, affordable housing, and any other physical improvements to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of project application.

B. Suspend provisions of Title 21 that pertain to the construction of social service facilities, social service facilities with food distribution, personal storage facilities and related uses that facilitate services to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of project application.

C. Suspend provisions of Title 21 that pertain to the construction and operation of safe parking sites, Recreational Vehicle (RV) parking, and other temporary or semi-temporary uses of space for services to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of the project application.

D. Suspend provisions of Title 21 that pertain to the construction

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and operation of mental health care facilities, hospitals, clinics, offices and otherwise, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall occur during a 60-day period from filing.

E. Suspend provisions of Title 21 that pertain to the construction and operation of substance abuse facilities, hospitals, clinics, offices and otherwise, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of project application.

F. Suspend provisions of Title 21 that pertain to the construction of fencing, including fencing that deviates from the height and material requirements of the municipal code, to secure buildings, lots and facilities to prevent trespassing or encampment, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments.

G. Suspend rules within Title 21 that pertain to Accessory Dwelling Units in the limited circumstances of an existing unpermitted unit occupied by tenant(s). Upon receipt of an application, and subject to discretion of the Director of Development Services, allow for the legalization of any existing structure occupied by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other local laws.

21.69.030 Improvements.

Improvements approved under a local emergency proclamation and during the local emergency period are intended to be permanent and shall be permanent and will not require new approvals at the expiration of the emergency. The City



1 intends all improvements approved under this Title during the local emergency to  
2 be constructed immediately. Notwithstanding the approvals made during the local  
3 emergency, Section 21.21.406 titled Expiration shall remain in full force and effect.  
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5 21.69.040 Expiration.

6 This Chapter 21.69 shall expire One Hundred Eighty (180) days after its  
7 effective date, unless further extended by the City Council in its discretion by an  
8 amendment to this Chapter.  
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10 Section 3. Chapter 22.35 is hereby added to the Long Beach Municipal  
11 Code to read as follows:

12 Chapter 22.35  
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14 TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 22 DURING A  
15 PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS  
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17 22.35.010 Purpose.

18 In order to protect the public safety, health and welfare within the City of Long  
19 Beach, this Chapter provides a temporary suspension of rules related to Title 22 of  
20 the Long Beach Municipal Code for the duration of a proclaimed local emergency  
21 caused by a dramatic increase in homelessness, a dramatic increase in the number  
22 of deaths of persons experiencing homelessness, an incredible and unprecedented  
23 strain on the City's ability to provide appropriate shelter and housing and public  
24 safety concerns due to violence and severe mental and physical health issues.  
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26 22.35.020 Suspensions.

27 A. Suspend provisions of Title 22 that pertain to construction of  
28 emergency shelters, transitional housing, supportive housing, affordable housing,

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and any other physical improvements to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of project application.

B. Suspend provisions of Title 22 that pertain to the construction of social service facilities, social service facilities with food distribution, personal storage facilities and related uses that facilitate services to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of project application.

C. Suspend provisions of Title 22 that pertain to the construction and operation of safe parking sites, Recreational Vehicle (RV) parking, and other temporary or semi-temporary uses of space for services to address the City’s proclaimed local emergency caused by homelessness, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall be completed within 60-days from the filing of the project application.

D. Suspend provisions of Title 22 that pertain to the construction and operation of mental health care facilities, hospitals, clinics, offices and otherwise, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these departments. All project reviews shall occur during a 60-day period from filing.

E. Suspend provisions of Title 22 that pertain to the construction and operation of substance abuse facilities, hospitals, clinics, offices and otherwise, in any location, as reviewed and approved by the Directors of Development Services and Health and Human Services, and subject to any conditions imposed by these

1 departments. All project reviews shall be completed within 60-days from the filing of  
2 project application.

3 F. Suspend provisions of Title 22 that pertain to the construction of  
4 fencing, including fencing that deviates from the height and material requirements  
5 of the municipal code, to secure buildings, lots and facilities to prevent trespassing  
6 or encampment, in any location, as reviewed and approved by the Directors of  
7 Development Services and Health and Human Services, and subject to any  
8 conditions imposed by these departments.

9 G. Suspend rules within Title 22 that pertain to Accessory Dwelling Units  
10 in the limited circumstances of an existing unpermitted unit occupied by tenant(s).  
11 Upon receipt of an application, and subject to discretion of the Director of  
12 Development Services, allow for the legalization of any existing structure occupied  
13 by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other  
14 local laws.

15  
16 22.35.030 Expiration.

17 This Chapter 22.35 shall expire One Hundred Eighty (180) days after its  
18 effective date, unless further extended by the City Council in its discretion by an  
19 amendment to this Chapter.

20  
21 Section 4. This ordinance is intended to be consistent with all applicable  
22 state and federal law, and is not intended to regulate in any area preempted by state or  
23 federal law. If any provision of this ordinance is found to be unconstitutional or otherwise  
24 invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining  
25 provisions of this ordinance which can be implemented without the invalid provisions, and  
26 to this end, the provisions of this ordinance are declared to be severable. The City Council  
27 hereby declares it would have adopted this ordinance and each provision hereof  
28 irrespective of whether any one or more provisions are found invalid, unconstitutional or

1 otherwise unenforceable.

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3                   Section 5.     This ordinance is an emergency ordinance duly adopted by the  
4 City Council by a vote of five of its members. The City Clerk shall certify to a roll call and  
5 vote on the question of the emergency of this ordinance and to its passage by the vote of  
6 five members of the City Council of the City of Long Beach, and cause the same to be  
7 posted in three conspicuous places in the City of Long Beach, and it shall thereupon take  
8 effect and shall be operative immediately.

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

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OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802

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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 January 17, 2023, by the following vote:

Ayes:	Councilmembers:	<u>Zendejas, Allen, Duggan,</u> <u>Supernaw, Kerr, Saro, Uranga,</u> <u>Ricks-Oddie.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>Austin.</u>
Recusal(s):	Councilmembers:	<u>None.</u>

Approved: 1/11/2023  
(Date)

[Signature]  
City Clerk

[Signature]  
Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss  
COUNTY OF LOS ANGELES )  
CITY OF LONG BEACH )

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 11<sup>th</sup> day of January 2023, I posted three true and correct copies of Emergency Ordinance No. ORD-23-0001 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.

  
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Subscribed and sworn to before me  
This 11<sup>th</sup> day of January 2023.

  
\_\_\_\_\_  
CITY CLERK

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 19<sup>th</sup> day of January 2023, I posted three true and correct copies of Final Ordinance No. ORD-23-0001 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.

  
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Subscribed and sworn to before me

This 19<sup>th</sup> day of January 2023.

  
\_\_\_\_\_ CITY CLERK