



Date: August 8, 2019

To: Patrick H. West, City Manager *P.H. West*

From: Linda F. Tatum, Director of Development Services *LT*

For: Mayor and Members of the City Council

Subject: **Tenant Relocation Assistance Ordinance – REVISED Outreach and Implementation Materials**

On June 11, 2019, the City Council adopted the Tenant Relocation Assistance Ordinance (Ordinance), Long Beach Municipal Code (LBMC) Chapter 8.97, which took effect August 1, 2019. Prior to the effective date of the Ordinance, staff released informational materials and forms, which were made available on the Department of Development Services website. The materials indicated the rent increase trigger for relocation benefits as, "a rent increase of 10 percent or more" in four instances, which is correct. The materials also indicated the rent increase trigger as, "a rent increase of more than (or over) 10 percent" in two instances, which is incorrect.

These documents, which are intended to help tenants and landlords understand the Ordinance, have been revised. The Ordinance is the overarching regulatory document that governs the requirements for relocation assistance. The Ordinance and the revised informational materials, listed below, are attached, and are available on the Development Services website: <http://longbeach.gov/lbds/hn/tenant-assistance-policies/>.

1. Tenant Relocation Assistance Ordinance
2. Tenant Relocation Assistance Ordinance Fact Sheet
3. Tenant Relocation Assistance Ordinance Process Chart
4. Tenant Relocation Assistance Ordinance Notice to Tenants

If you have questions regarding this matter, please contact Patrick Ure, Housing and Neighborhood Services Bureau Manager, at (562) 570-6026 or at Patrick.Ure@longbeach.gov.

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ATTACHMENTS: ORDINANCE AND TENANT RELOCATION OUTREACH MATERIALS

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA GARNER, ASSISTANT TO THE CITY MANAGER
PATRICK URE, HOUSING AND NEIGHBORHOOD SERVICES BUREAU MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #19-0502)

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ORDINANCE NO. ORD-19-0014

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 8.97 RELATING
TO TENANT RELOCATION ASSISTANCE

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.97 is added to the Long Beach Municipal Code to
read as follows:

Chapter 8.97

TENANT RELOCATION ASSISTANCE

8.97.010 Purpose.

The purpose of this Chapter is to promote housing stability in the City
by providing for landlord-paid relocation payments and assistance to
residential tenants who are displaced by no fault of their own. Many tenants
are at risk of being displaced from their housing due to, among other things,
large increases in rent that they are unable to pay, or by substantial
rehabilitation of their unit necessitating vacation of the units and bear the full
costs of relocation themselves. This Chapter addresses these impacts by
requiring landlords of rental dwelling units in the City to provide relocation
assistance payments under certain circumstances.

8.97.020 Definitions.

The following terms, when used in this Chapter, shall have the
following respective meanings except where the context clearly indicates a

1 different meaning:

2 A. "Days" mean calendar days.

3 B. "Family member" means a landlord's spouse, children,
4 parents, grandchildren, siblings, father-in-law, mother-in-law, daughter-in-
5 law or son-in-law provided in all cases that landlord is a natural person.

6 C. "Landlord" means any owner, lessor, sublessor, or any other
7 person or entity entitled to receive rent from a tenant for the use and
8 occupancy of a unit, or any agent, representative or successor of any of the
9 foregoing.

10 D. "Property" means the legal lot(s) and improvements thereon
11 owned by a landlord of which a unit is a part.

12 E. "Rehabilitation" means work to be performed in a unit after a
13 tenant vacates which would reasonably render such unit unfit for
14 occupation.

15 F. "Rent" means the amount of fixed periodic compensation paid
16 by a tenant to a landlord, not including fees for ancillary services such as
17 additional storage, parking or pet deposits.

18 G. "Tenant" means any tenant, subtenant, lessee, sublessee, or
19 any other person actually occupying a unit by a written or oral agreement
20 and regardless of whether such unit was created or established in violation
21 of any provision of law.

22 H. "Tenant in good standing" means any tenant that has (1) lived
23 in the subject unit for a period of more than one (1) year, (2) is current in the
24 payment of rent and is not otherwise in violation of the lease as of the date
25 tenant receives notice under Section 8.97.030.B and as of the date
26 relocation payments are due, and (3) has not during his/her tenancy (a)
27 materially damaged the unit or the property without compensating landlord
28 for such damage, (b) substantially interfered with other tenants at the

1 property, (c) committed domestic violence or sexual assault against, or
2 stalked another tenant in the unit and the victim has terminated his/her
3 tenancy, and (d) used the unit or the property for an unlawful purpose.

4 I. "Unit" means any dwelling unit located within a residential
5 housing building in the City of Long Beach which consists of at least four (4)
6 total residential dwelling units.

7
8 8.97.030 Relocation assistance payments.

9 A. Landlord shall make a relocation payment to a tenant in an
10 amount equal to two months of the respective payment standard by number
11 of bedrooms averaged across all Long Beach zip codes in the then-current
12 Payment Standards / Small Area Fair Market Rents published by the
13 Housing Authority of the City of Long Beach as the same may be updated
14 from time to time, provided that in no case shall any relocation payment
15 exceed Four Thousand Five Hundred Dollars (\$4,500). Relocation
16 payments under this Chapter shall be limited to one payment per unit,
17 regardless of the number of landlords or tenants for such unit.

18 B. The relocation payment provided for in subsection (A) above
19 shall be triggered if any of the following circumstances occur:

20 1. Tenant receives a notice or notices of a rent increase
21 for the same unit which totals ten percent (10%) or more in any twelve (12)
22 consecutive month period, and tenant does not thereafter provide landlord
23 with written notice of its intent to stay in the unit at the increased rent within
24 fourteen (14) days after receipt of the subject rent increase notice.

25 2. Tenant receives a notice to terminate tenancy from
26 landlord due to landlord's rehabilitation of tenant's unit.

27 3. Tenant in good standing receives a notice of non-
28 renewal or notice to vacate from landlord.

1 C. If a relocation payment is triggered under Section
2 8.97.030.B.1, then landlord may deduct any past due rent currently owed by
3 tenant from such relocation payment and shall pay one-half of the
4 relocation payment no later than twenty-four (24) days following receipt of
5 notice by tenant and one-half of the relocation payment no later than five (5)
6 days after tenant has vacated the unit. If a relocation payment is triggered
7 under Section 8.97.030.B.2, then landlord may deduct any past due rent
8 currently owed by tenant from such relocation payment and shall pay one-
9 half of the relocation payment no later than ten (10) days following receipt
10 of notice by tenant and one-half of the relocation payment no later than five
11 (5) days after tenant has vacated the unit. If a relocation payment is
12 triggered under Section 8.97.030.B.3, then landlord shall pay one-half of the
13 relocation payment no later than ten (10) days following receipt of notice by
14 tenant and one-half of the relocation payment no later than five (5) days
15 after tenant has vacated the unit. If tenant fails to voluntarily vacate the unit
16 after a partial or full relocation payment, tenant shall reimburse landlord
17 such relocation payment.

18
19 8.97.040 Exemptions.

20 The provisions of this Chapter shall not apply under any of the
21 following circumstances:

22 A. Landlord seeks to recover possession of the unit for the sole
23 purpose of making the unit available for occupancy by (1) landlord, if
24 landlord is a natural person, or (2) a family member of landlord, and such
25 unit is actually thereafter occupied by landlord or a family member.

26 B. Landlord seeks to recover possession of the unit in order to
27 comply with a governmental agency's order to vacate the building housing
28 the unit due to a natural disaster or other act of God.

1 C. The unit is subject to recorded rental affordability restrictions.

2 D. Landlord is a natural person and occupies a unit as landlord's
3 primary residence in the same building as tenant's unit.

4 E. Landlord owns only one (1) residential rental housing building
5 in the City of Long Beach, and that building consists of exactly four (4)
6 units.

7 F. The unit received its certificate of occupancy after February 1,
8 1995.

9 G. Nothing in this Chapter relieves landlord from the obligation to
10 provide relocation assistance pursuant to any other provision of local, state
11 or federal law, provided however that if a landlord is so obligated to make
12 such payments to tenant then such relocation assistance shall operate as a
13 credit against relocation payments required to be made by landlord to
14 tenant under this Chapter.

15
16 8.97.050 Information distribution and reporting requirements.

17 A. Within thirty (30) days after the effective date of this Chapter,
18 Landlords shall provide to all existing tenants a one-page information sheet
19 on a form prepared by City which, among other things, outlines the
20 provisions of this Chapter. Upon execution by tenants of leases after the
21 effective date of this Chapter, Landlords shall provide such information
22 sheet to tenants and shall include the following, as its own section, in each
23 new lease or addendum thereto:

24 "Tenant Relocation Payments. You may be eligible to receive
25 relocation payments upon expiration or other termination of your
26 tenancy under this Lease in accordance with Section 8.97 of the
27 Long Beach Municipal Code."

28 B. Landlords shall notify City prior to causing an entire residential

1 housing building to be vacated and landlords shall annually report all
2 completed relocation payments to City on a form to be provided by City.

3
4 8.97.060 Remedies.

5 A. Any landlord or tenant who fails to comply with the provisions
6 of this Chapter, including without limitation failure to make or reimburse
7 relocation payments, shall be liable in a civil action to the tenant or the
8 landlord to whom such assistance is due for damages in the amount of the
9 unpaid relocation payment, a civil penalty in the amount of one thousand
10 dollars (\$1,000), and/or reasonable attorney's fees and costs as determined
11 by the court. A tenant or landlord may enforce the provisions of this
12 Chapter by means of a civil action.

13 B. Failure of landlord to make a relocation payment as required
14 hereunder shall provide tenant with an affirmative defense in any legal
15 action brought by landlord to recover possession of the unit.

16 C. No landlord shall attempt to secure from tenant any waiver of
17 any provision of this Chapter. Any agreement, whether written or oral,
18 whereby any provision of this Chapter is waived, shall be deemed against
19 public policy and shall be void. Notwithstanding the foregoing, a landlord
20 and tenant may mutually agree upon terms and conditions of an alternate or
21 reduced relocation payment provided that landlord has first provided tenant
22 with written notice of the relocation payment to which tenant would
23 otherwise be provided hereunder.

24
25 8.97.070 Effectiveness.

26 This Chapter shall be effective on and after August 1, 2019.
27
28

1 Section 2. If any section, subsection, sentence, clause or phrase of this
2 ordinance is for any reason held to be invalid or unconstitutional, such decision shall not
3 affect the validity or constitutionality of the remaining portions of this ordinance. The City
4 Council hereby declares that it would have passed this ordinance and each section,
5 subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or
6 more sections, subsections, sentences, clauses or phrases be declared invalid or
7 unconstitutional.

8
9 Section 3. The City Council finds the introduction and adoption of this
10 ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to
11 Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable
12 indirect physical change in the environment) and 15060(c)(3) (the activity is not a project
13 as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations,
14 Title 14, Chapter 3, because it has no potential for resulting in physical change to the
15 environment, directly or indirectly.

16
17 Section 4. Except as expressly modified in this ordinance, all other
18 sections, subsections, sentences, clauses or phrases set forth in the Long Beach
19 Municipal Code shall remain unchanged and shall be in full force and effect.

20
21 Section 5. The City Clerk shall certify to the passage of this ordinance by
22 the City Council and cause it to be posted in three (3) conspicuous places in the City of
23 Long Beach, and it shall take effect on August 1, 2019.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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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 June 11, 2019, by the following vote:

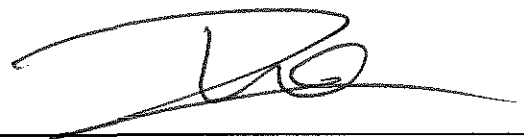
Ayes: Councilmembers: Gonzalez, Pearce, Andrews, Uranga,
Austin, Richardson.

Noes: Councilmembers: Price, Supernaw, Mungo.

Absent: Councilmembers: None.



City Clerk



Mayor

Approved: 6/13/19
(Date)

TENANT RELOCATION ASSISTANCE ORDINANCE

FACT SHEET



This fact sheet and the related process chart are intended to help landlords and tenants understand the Tenant Relocation Assistance Ordinance (Ordinance). The Ordinance is the overarching regulatory document and it should be reviewed carefully.

Effective August 1, 2019, landlords who own multi-family residential rental housing units in buildings consisting of at least four residential housing units are required to pay relocation assistance to tenants in the following cases:

- A tenant receives notice of rent increases totaling 10% or more in any 12 consecutive month period.
- A tenant receives notice to vacate due to landlord rehabilitating tenant's unit.
- A tenant in "good standing" receives notice to vacate for any reason. "Good standing" means that the tenant:
 - Has resided in the unit for one year or more.
 - Is current in payment of rent and not in violation of lease.
 - Has not damaged the unit, interfered with other tenants, or used the property for an unlawful purpose.

Landlords are exempt from relocation assistance requirements in the following cases:

- A landlord owns only one building of exactly four units in the City of Long Beach.
- A landlord occupies a unit in the building as their primary residence.
- A landlord issues a notice to vacate for a landlord or immediate family member of the landlord to occupy the unit.
- A landlord is recovering possession to comply with a government order to vacate due to natural disaster.
- The unit is an income-restricted affordable housing unit.
- The unit was built after February 1, 1995.

Relocation payments are required to be equal to two times the citywide average small-area fair market rents published by the Housing Authority of the City of Long Beach, up to a maximum of \$4,500. The payment standard as of January 1, 2019, is shown below. These standards are updated annually.



If a relocation payment is triggered by a tenant leaving due to receiving a notice of rent increase of 10% or more in a 12 consecutive month period, then the tenant must notify the landlord of their intent to stay in the unit at the increased rent within 14 days. If tenant does not notify landlord that they will remain, tenant must vacate the unit and the landlord must pay the first half of the required relocation assistance within 24 days of the receipt of the initial notice by the tenant, and the remaining half of the relocation assistance within five days of the tenant moving out.

If the relocation payment is required due to rehabilitation of the tenant's unit, or in the case of a tenant in good standing being given a notice of non-renewal or notice to vacate by the landlord, then the landlord must pay the first half of the required relocation assistance within 10 days of the notice and the remaining half within five days of the tenant moving out.

Landlords must notify the City on required forms when a relocation payment is made and when an entire building is vacated.

More information, including the Ordinance, can be found online at: www.longbeach.gov/lbds/hn/tenant-assistance-policies/



This information is available in alternative format by request at (562) 570-3807.
For an electronic version of this document, visit our website at www.longbeach.gov/lbds.



TENANT RELOCATION ASSISTANCE ORDINANCE

PROCESS CHART
(LBMC 8.97)



If you are a tenant or landlord, and the rental unit you live in/own is:

- In an apartment building with four or more total rental units.
- Not subject to recorded rental affordability restrictions.
- In a building built before February 1, 1995.



EXEMPTIONS

Landlords are exempt if any of the following are true:

- They own only one building, and it contains only four units.
- Their primary residence is in the same building.
- They ask the tenant to vacate a unit so that they or an immediate family member may occupy the unit.
- They ask the tenant to vacate the unit due to a government order due to natural disaster.

Then, if any of the following triggering events occur and no exemptions apply (see Exemptions above), the landlord shall provide relocation assistance payments.

TRIGGER

Tenant receives notice of rent increase of 10% or more in any 12 consecutive month period.

Tenant receives notice to vacate due to rehabilitation of unit.

Tenant in good standing receives notice of non-renewal or notice to vacate.

TENANT ACTION

Must notify landlord within 14 days of receiving the notice that they intend to stay and pay the increased rent. If the tenant does not formally submit this notice, landlord must pay relocation, and tenant must move out. Tenant must vacate the unit in accordance with the notice to vacate after receiving the first half of the relocation payment from the landlord.

Tenant must vacate the unit in accordance with the notice to vacate after receiving the first half of the relocation payment from the landlord.

Tenants are in "good standing" if they have lived at the unit for more than one year, are current on rent, and have not violated the lease or used the unit or property for an unlawful purpose. Tenant must vacate the unit in accordance with the notice to vacate after receiving the first half of the relocation payment from the landlord.

LANDLORD ACTION

If landlord does not receive notice from the tenant of their intent to remain in the unit within 14 days of the notice of rent increase, and after deducting any past due rent, landlords must pay half of the relocation payment to the tenant within 24 days of the initial notice, and the remaining half of the relocation payment within five days of the unit being vacated. Landlord must notify the City of relocation payment on required form(s).

After deducting any past due rent, landlord must pay the first half of the relocation payment within 10 days of notifying the tenant, and the remaining half of the relocation payment within five days of the unit being vacated. If the whole building is being vacated due to rehabilitation, landlord must notify the City on required form(s).

After deducting any past due rent, landlord must pay the first half of the relocation payment within 10 days of notifying the tenant, and the remaining half of the relocation payment within five days of the unit being vacated. Landlord must notify the City of relocation payment on required form(s).

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More information, including the Ordinance, can be found online at:
WWW.LONGBEACH.GOV/LBDS/HN/TENANT-ASSISTANCE-POLICIES/

TENANT RELOCATION ASSISTANCE ORDINANCE (LBMC 8.97) NOTICE TO TENANTS

Effective August 1, 2019, landlords shall provide this information sheet to all existing tenants within 30 days. Upon execution by tenants of leases after August 1, 2019, landlords shall include the following, as its own section, in each new lease or addendum thereto.

Tenant Relocation Payments. You may be eligible to receive relocation payments upon expiration or other termination of your tenancy under this Lease in accordance with Section 8.97 of the Long Beach Municipal Code (LBMC).

Pursuant to LBMC 8.97.030.B, landlords who own any multi-family residential rental housing in buildings consisting of at least four residential housing units are required to pay relocation assistance to tenants in the following cases:

- A tenant receives notice of rent increases totaling 10% or more over any 12 consecutive month period.
- A tenant receives notice to vacate due to landlord rehabilitating tenant's unit.
- A tenant in "good standing" receives notice to vacate for any reason. "Good standing" means that the tenant:
 - Has resided in the unit for one year or more.
 - Is current in payment of rent and not in violation of lease.
 - Has not damaged the unit, interfered with other tenants, or used the property for an unlawful purpose.

Landlords are exempt from relocation assistance requirements in the following cases:

- A landlord owns only one building of exactly four units in the City of Long Beach.
- A landlord occupies a unit in the building as their primary residence.
- A landlord issues a notice to vacate for they or an immediate family member to occupy the vacant unit.
- A landlord is recovering possession to comply with a government order to vacate due to natural disaster.
- The unit is an income-restricted affordable housing unit.
- The unit was built after February 1, 1995.

Relocation payments are required to be equal to two times the citywide average small-area fair market rents published annually by the Housing Authority of the City of Long Beach, up to a maximum of \$4,500 (based on bedroom size).

If a relocation payment is triggered by a tenant leaving due to a receiving a notice of rent increase of 10% or more in a 12 consecutive month period, the tenant must notify the landlord of their intent to stay in the unit at the increased rental rate within 14 days. If tenant does not notify landlord that they will remain, tenant must vacate the unit and the landlord must pay one-half of the required relocation assistance within 24 days of the receipt of the initial notice by the tenant, and the remaining half of the relocation assistance within five days after the tenant moves out.

If the relocation payment is required due to landlord terminating tenancy due to landlord's rehabilitation of the tenant's unit, or in the case of a tenant in good standing being given a notice of non-renewal or notice to vacate by the landlord, the landlord must pay the first half of the required relocation assistance within 10 days of the notice and the remaining half within five days of the tenant moves out.

Notice of Availability of Rent Reporting to Credit Bureaus

Tenants and landlords can utilize rent-reporting services to report timely rent payments to credit bureaus. These services can assist tenants who pay rent on time to build credit history and/or improve their credit score.

Notice of Availability of Renter's Insurance

Renter's insurance policies are available for purchase by renters and can help to protect renters and replace personal belongings in the case of theft, fire, and or water damage. A renter's insurance policy may also cover medical expenses for visitors injured while at your rental unit, and in some cases may cover legal costs.

More information, including the Ordinance, can be found online at: www.longbeach.gov/lbds/hn/tenant-assistance-policies/



This information is available in alternative format by request at (562) 570-3807.
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