

OFFICE OF THE CITY ATTORNEY  
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ORDINANCE NO. ORD-15-0016

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 18.30  
ESTABLISHING A PROACTIVE RENTAL HOUSING  
INSPECTION PROGRAM

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

Section 1. The Long Beach Municipal Code is amended by adding  
Chapter 18.30 establishing a Proactive Rental Housing Inspection Program as follows:

Chapter 18.30

PROACTIVE RENTAL HOUSING INSPECTION PROGRAM

18.30.010 Findings and purpose.

A. The Long Beach City Council finds and declares the desire  
to safeguard the stock of decent, safe, and sanitary rental housing in the  
City through a partnership of property owners, tenants, the City, and the  
community.

B. The City Council recognizes that the preservation of existing  
rental housing stock is important. Rental housing provides needed  
housing for many and is a valuable asset that must be preserved and  
maintained. The City has significant interest in ensuring that rental  
housing remains a desirable housing option for its citizens.

C. Even though most rental housing in the City meets building  
and safety code requirements, overtime, housing may deteriorate due to

1 circumstance or intentional or unintentional neglect by property owners,  
2 managers, and tenants. This deterioration may result in substandard  
3 conditions that adversely affect the economic values of neighboring  
4 structures, and that are hazardous to the public health and safety. In  
5 some cases, property owners choose not to make the necessary repairs  
6 because of cost, and tenants do not report the deficiencies.

7 D. California law requires that all rental housing properties  
8 comply with the minimum standards for public health, safety, and welfare.  
9 One (1) effective way to seek compliance with those standards is through  
10 routine periodic inspections of all rental housing properties and education  
11 of property owners and tenants regarding their respective rights and  
12 responsibilities. Accordingly, it is the intent of the Long Beach City  
13 Council to enact the provisions of this Chapter as the basis for  
14 establishing a Proactive Rental Housing Inspection Program aimed at  
15 securing city-wide compliance of rental housing properties with minimum  
16 standards. City-wide compliance will reduce and prevent blight and  
17 ensure that all persons who live in rental housing units are provided  
18 decent, safe, and sanitary housing.

19 E. As such, the City calls for the regulation and continuation of  
20 the self-funding, pro-active inspection programs for residential rental  
21 properties consisting of four (4) or more dwelling units, known as the  
22 Proactive Rental Housing Inspection Program.

23  
24 18.30.020 Definitions.

25 As used in this Chapter, the following terms and phrases are  
26 defined as follows:

27 A. "Director" is the Director of Development Services or an  
28 authorized representative.

1           B.     “Property Owner” is any person who owns one (1) or more  
2 residential rental properties consisting of four (4) or more dwelling units.  
3 The terms “property owner,” “owner,” “landlord,” “person,” and “operator”  
4 may be used interchangeably herein.

5           C.     “Person” is and includes any individual, partnership of any  
6 kind, corporation, limited liability company, association, joint venture or  
7 other organization or entity, however formed, as well as trustees, heirs,  
8 executors, administrators, or assigns, or any combination of such  
9 persons.

10          D.     “Residential Rental Property” is a property or building or  
11 portion of a building on a parcel of land where the parcel of land includes  
12 at least four (4) units that is rented or leased to tenants for residential  
13 purposes. This includes but is not limited to apartment houses, boarding  
14 houses, lodging houses, and rooming houses in the City of Long Beach.

15          E.     “Tenant” is a person who occupies land or property rented  
16 from a property owner by means of a rental agreement.

17  
18       18.30.030    Scope.

19                The provisions of this Chapter shall apply to all owners of one (1) or more  
20 qualifying residential rental properties located within the City of Long Beach.

21  
22       18.30.040    Proactive Rental Housing Inspection Program registration.

23           A.     Each owner or operator, on behalf of the owner, shall  
24 register for the Proactive Rental Housing Inspection Program (“PRHIP”)  
25 on a form provided by the City’s Development Services Department.  
26 Registration of existing residential rental properties which are subject to  
27 this Chapter shall be due within 60 days of November 1 of each year.

28                Registration of residential rental properties which become subject to this

1 Chapter after the first of November of each year shall be due within 60  
2 days of the date that the residential rental property was acquired or  
3 converted into a residential rental property.

4 B. No person shall engage in the business of leasing rental  
5 housing consisting of four (4) or more units, unless:

6 1. Each qualifying residential rental property is  
7 registered with the City;

8 2. The annual PRHIP fee is paid for each residential  
9 rental property when payment is due; and

10 3. The property owner's residential rental business  
11 license fee is current.

12 C. A residential rental property is registered with the City when  
13 the property owner submits the following to the City's Code Enforcement  
14 Division in the Department of Development Services:

15 1. A completed registration form, provided by the City,  
16 that contains the following information:

17 a. A description of the residential rental property,  
18 including but not limited to, the street address and assessor's parcel  
19 number;

20 b. The number and a description of all rental  
21 housing units on the rental property;

22 c. The name and current contact information for  
23 the owner of the rental property;

24 d. The name and current contact information for  
25 the local contact representative as described in Subsection 18.30.110;

26 and

27 e. Any other information as reasonably required  
28 by the Code Enforcement Division.

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2. The annual PRHIP fee is paid.

D. All registrations shall be subject to verification by the Director. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required to register a rental housing unit pursuant to this Section.

18.30.050 Proactive Rental Housing Inspection Program Fees.

A. Each annual registration for the PRHIP shall be accompanied by a non-refundable fee in the amount established by resolution of the City Council. The fee shall be used to defray the costs of the administration and enforcement of this Chapter.

B. The annual PRHIP fee shall be levied for the program year and each applicant shall pay the full fee for the program year upon submission of the application for that year's PRHIP registration. For residential rental properties which become subject to this Chapter after November of each calendar year, program fees shall be prorated on a quarterly basis.

C. A re-inspection fee shall be imposed when an additional inspection is conducted during the program year in accordance with Subsection 18.30.120(D) of this Chapter. The fee shall pay for the costs of the re-inspection.

D. The PRHIP fee required by this Chapter is in addition to and not in lieu of any general business license tax that may be required by Title 5 of this Code.

E. The City Council shall establish the amounts of the foregoing fees and any penalties for delinquent payment of such fees by resolution.

1 18.30.060 Penalty.

2 A. Failure to Pay Annual Fee. In addition to any remedies the  
3 City may elect to pursue pursuant to this Code, for failure to pay the  
4 annual PRHIP fee when due, the Director of Development Services shall  
5 add a penalty of twenty-five percent (25%) of the permit fee 30 days  
6 following the due date.

7 B. Interest. The failure of the owner to pay the PRHIP fee or  
8 late penalty may result in the imposition of a special assessment and/or  
9 lien against the residential rental property on which the violation occurred,  
10 after which the amount so determined shall bear interest at the rate of  
11 twelve percent (12%) per annum until paid, and/or filing of an action with  
12 the Small Claims Court for recovery of the fine and late penalty. The only  
13 issue to be adjudicated by the Small Claims Court shall be whether or not  
14 the fines and possible late fees were paid. In the Small Claims Court  
15 action, the City may also recover its costs, according to proof.

16 C. Failure to Register. If an owner fails to register for the  
17 PRHIP as required by this Chapter, the fee due shall be that amount due  
18 and payable from the first date when the person engaged in the  
19 residential rental business in the City after the effective date of this  
20 Chapter, together with the penalty prescribed in Subsection D.

21 D. Penalties for noncompliance.

22 1. The violation of any provision of this Chapter is  
23 unlawful and constitutes a misdemeanor, punishable by a fine of not more  
24 than one thousand dollars (\$1,000.00) or a jail term of not more than six  
25 (6) months, or both. Each and every day a violation occurs shall be  
26 deemed a separate violation.

27 2. In addition to the remedies set forth herein, the City in  
28 its sole discretion, may also issue Administrative Citations in accordance

1 with Chapter 9.65 of this Code to any person or entity that violates the  
2 provisions of this Chapter.

3  
4 18.30.070 Appeal of late penalty.

5 A. Any recipient of a late penalty may appeal said penalty by  
6 completing a written request for hearing form, obtained as directed on the  
7 citation, and returning it to the Code Enforcement Division, within thirty  
8 (30) calendar days from the date the late penalty is assessed, together  
9 with a deposit in the total amount of the fee and any late charges.

10 B. Failure to file a timely appeal of the late penalty shall be  
11 deemed a waiver of the right to appeal and to seek judicial review.

12 C. The hearing will proceed before the City's Board of  
13 Examiners, Appeals, and Condemnation ("Hearing Board") in accordance  
14 with the procedure set for in Subsection 18.30.080.

15  
16 18.30.080 Hearing procedure.

17 A. No hearing to appeal an administrative citation shall be held  
18 unless and until a request for hearing form has been completed and  
19 submitted, and the deposit has been paid.

20 B. A hearing before the Hearing Board shall be set for a date  
21 not sooner than fifteen (15) calendar days and not more than sixty (60)  
22 calendar days from the date the request for hearing is completed and  
23 submitted in accordance with the provisions of this Chapter. The cited  
24 party requesting the hearing shall be notified in writing of the time and  
25 place set for the hearing at least ten (10) calendar days prior to the date  
26 of the hearing.

27 C. The Hearing Board shall only consider evidence that is  
28 relevant to whether the late payment penalty is proper. Courtroom rules

1 of evidence shall not apply. Relevant hearsay evidence and written  
2 reports may be admitted whether or not the speaker or author is present  
3 to testify, if the Hearing Board determines that such evidence is reliable.  
4 Admission of evidence and the conduct of the hearing shall be controlled  
5 by the Hearing Board in accordance with the fundamentals of due  
6 process. The Hearing Board may set reasonable limits on the length of  
7 the hearing, and shall allow the appellant at least as much time to present  
8 his/her case as is allowed to the City.

9 D. The failure of the appellant to appear at the hearing shall  
10 constitute a forfeiture of the fine and a failure to exhaust administrative  
11 remedies.

12 E. Any documents prepared by the City in connection with the  
13 late payment penalty assessed may be submitted and shall constitute  
14 prima facie evidence of the respective facts contained in those  
15 documents.

16 F. The Hearing Board may continue the hearing or request  
17 additional information from the enforcement officer, his/her designee or  
18 the appellant prior to issuing a written decision.

19  
20 18.30.090 Hearing Board's decision.

21 A. After considering all of the testimony and evidence  
22 submitted at the hearing, the Hearing Board shall issue a written decision  
23 within fifteen (15) business days of the hearing. The decision of the  
24 Hearing Board shall be final.

25 B. If the Hearing Board denies the appeal, then the deposit  
26 shall be retained by the City.

27 C. If the Hearing Board grants the appeal, then the City shall  
28 refund the deposit within thirty (30) business days from the date of the



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final written decision.

D. The appellant and City shall each be served with a copy of the Hearing Board's written decision.

18.30.100 Tenant rights and responsibilities.

After August 1, 2015, prior to the commencement of any tenancy of a rental housing unit, the property owner shall provide the tenant(s) with information concerning tenant rights and responsibilities. The information shall be provided in a form or forms approved by the Director.

18.30.110 Property owner contact representative.

A. All property owners shall designate a contact representative with full authority to act on behalf of the owner for all purposes under this Chapter, including the acceptance of service of all notices from the City. The owner of the rental property may act as the contact representative.

B. A contact representative must establish and maintain a telephone number and a mailing address.

18.30.120 Inspections.

A. Inspection requests.

In accordance with the requirements of this Subsection, the City shall be authorized to periodically conduct an inspection of residential rental properties to assure compliance with all applicable building, housing, and sanitation codes and ordinances. Owners and tenants shall provide access to all common areas of a residential rental property for inspection when requested by the City's Code Enforcement Department and provide notice to tenants of the date of inspection.

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B. Frequency of inspections.

It is the intent of the City that all residential rental properties subject to this Chapter will receive a periodic inspection.

C. Random sampling inspections.

The inspection shall be made of the exterior of the property, all common areas, all exits, and will consist of a random sampling of no less than ten percent (10%) of the rental units and garages where applicable in a residential rental property. If the inspector determines that one (1) or more violations exist on the property, the inspector may conduct an inspection of additional units up to one hundred percent (100%) of the units.

D. Re-inspections.

If during the inspection or any subsequent inspection there are building, housing, sanitation code, other Long Beach Municipal Code violations, or permit violations on the property which prevent the City inspector from issuing a compliance card, one (1) or more re-inspections of the residential rental property may be required before a compliance card is issued.

E. Code enforcement.

When during an inspection a building, housing, sanitation code, or Long Beach Municipal Code ("LBMC") violation is noted, the City inspector shall document the violation, advise the owner or operator of the violation and of the action which must be undertaken and completed in order to remedy the violation. Failure to abate code violations in a timely manner may result in additional enforcement action in accordance with Title 9 and 18 of this Code.

F. Administrative Citation Schedule.

When during an inspection a building, housing, sanitation code, or

1 LBMC violation is noted that poses an imminent threat to the health and  
2 safety of the occupants or surrounding residents, the City inspector will  
3 notify the owner of the violation in accordance with Subsection  
4 18.30.120(E), and will notify the City Prosecutor's office of the violation  
5 within twenty-four (4) (24) hours of the inspection. If the owner fails to  
6 abate the violation within thirty (30) days, the City inspector may issue an  
7 administrative citation every fifteen (15) days for each continuing violation.

8 G. Compliance card.

9 Upon the successful completion of an inspection, subsequent  
10 inspection, or re-inspection of the residential rental property establishing  
11 that the property and its occupancy are in compliance with all applicable  
12 building, housing, and sanitation codes, or LBMC requirements, the City  
13 shall issue a compliance card to the owner. Notwithstanding the  
14 foregoing, a compliance card shall not preclude code enforcement or  
15 investigation on the property if during the rental housing inspection  
16 certification period a code violation on the property is reported to the City  
17 or otherwise observed by the City.

18  
19 18.30.130 Notice.

20 A. The City shall serve written notice of the date and time of  
21 any inspection to be conducted pursuant to this Chapter, by mailing such  
22 notice at least fourteen (14) calendar days prior to the date of the  
23 inspection. Notice shall be mailed to the owner and the local contact  
24 representative at their registered mailing address. In the case of multiple  
25 owners of the same property, notice to any one (1) of the property owners  
26 designated on the registration application is sufficient notice.

27 B. The City shall also mail a copy of the inspection notice to the  
28 rental housing units on the property.

1           18.30.140   Refusal to permit inspections.

2           A.     If an inspection is scheduled and entry is thereafter refused  
3           or cannot be obtained, the inspector shall have recourse to every remedy  
4           provided by law to secure lawful entry and inspect the premises, including  
5           but not limited to securing an inspection warrant pursuant to California  
6           Code of Civil Procedure Sections 1822.50 through 1822.57. The  
7           inspector shall provide notice that a warrant has been issued to both the  
8           owner/operator and the tenant, invitee, or guest at least 24-hours before  
9           the warrant is executed, unless the judge finds that immediate execution  
10          is reasonably necessary under the circumstances shown.

11          B.     Notwithstanding the foregoing, if the inspector has  
12          reasonable cause to believe that the residential rental property is so  
13          hazardous, unsafe, or dangerous as to require immediate inspection to  
14          safeguard the public health and safety, the inspector shall have the right  
15          to immediately enter and inspect the premises and may use any  
16          reasonable means required to effect the entry and make an inspection.

17  
18          18.30.150   Change of ownership.

19          When ownership of a residential rental property changes, either the  
20          prior owner shall notify the Director of this event prior to the recordation of  
21          an instrument of conveyance with the Los Angeles County Recorder's  
22          office or the new owner shall notify the Director within sixty (60) days after  
23          recordation of an instrument of conveyance with the Los Angeles County  
24          Recorder's office. If the Director is not so notified, the existing registration  
25          and any associated compliance card for the residential rental property  
26          shall automatically be null and void. The new owner will not have to pay  
27          the program fees until the following calendar year provided all fees were  
28          paid by the prior owner of the residential rental property.

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18.30.160 Annual review of program.

City staff shall provide data related to PRHIP including but not limited to the number of inspections performed, cases opened, cases resolved, and cases reported to the State Tax Franchise Board, in the required annual Housing Element report for the City Council to review the effectiveness of these regulations, and shall enact modifications, if necessary.

18.30.170 Regulations non exclusive.

The provisions of this Chapter regulating residential rental properties are not intended to be exclusive and compliance with this Chapter shall not excuse noncompliance with any other applicable provision, requirement, or regulation of this Code or any applicable state and/or federal law. Nothing in this Chapter shall limit or preclude inspections conducted by the Fire Department for compliance with Fire Codes.

18.30.180 Alternative non exclusive remedies.

In addition to the remedies and penalties set forth herein, the City in its sole discretion, may also refer any qualifying property to the State Franchise Tax Board Substandard Housing Program to disallow income tax deductions claimed for interest, taxes, amortization, and depreciation related to substandard housing or to issue an Administrative Citation in accordance with Chapter 9.65 of this Code to any person or entity that violates the provisions of this Chapter.

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18.30.190 Conflicts.

If the provisions, requirements, or regulations of this Chapter conflict with or contravene any other provision, requirement, or regulation of this Code, the provisions, requirements, or regulations of this Chapter shall prevail as to all matters and questions arising out of the subject matter of this Chapter.

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

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 23, 2015, by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price,  
Supernaw, Mungo, Andrews, Uranga,  
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Austin.

Rebecca Davis  
City Clerk

Approved: 6/25/15  
(Date)

[Signature]  
Mayor