

ORDINANCE NO. ORD-20-0020

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2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING SUBSECTION
6 8.100.030.A., AND SECTIONS 8.100.040 AND 8.100.050;
7 ALL RELATING TO THE TEMPORARY PROHIBITION OF
8 EVICTIONS DUE TO COVID-19; DECLARING THE
9 URGENCY THEREOF; AND DECLARING THAT THIS
10 ORDINANCE SHALL TAKE EFFECT IMMEDIATELY
11

12 WHEREAS, on March 4, 2020, the Governor proclaimed a State of
13 Emergency to exist in California due to the threat posed by the novel coronavirus and the
14 COVID-19 disease resulting therefrom; and

15 WHEREAS, on March 24, 2020 the City Council adopted Ordinance ORD-
16 20-0010 adding Chapter 8.100 to the Long Beach Municipal Code affording residential and
17 commercial tenants adversely impacted by COVID-19 with certain temporary protections,
18 including eviction prohibition and rent deferment; and

19 WHEREAS, despite sustained efforts, COVID-19 remains a threat, and many
20 residential and commercial tenants and housing providers continue to experience income
21 loss resulting from COVID-19 and/or the governmental response thereto; and

22 WHEREAS, such income loss will impact some tenants' and housing
23 providers' ability to pay rent or mortgages when due, leaving such tenants and housing
24 providers vulnerable to eviction and possible homelessness or foreclosure, respectively;
25 and

26 WHEREAS, such impacted tenants who cannot pay rent in full are
27 encouraged to pay as much rent as possible to reduce the amount owed upon expiration
28 of the temporary prohibition on evictions, and thereafter are encouraged to pay as much

1 deferred rent as possible as soon as possible or otherwise according to a negotiated
2 payment plan during the deferred rent repayment period; and

3 WHEREAS, in the interests of protecting the public health and mitigating the
4 economic impacts of COVID-19, it is essential to avoid displacement of tenants by
5 extending the application of Ordinance 20-0010, subject to certain conditions;

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

8
9 Section 1. Subsection 8.100.030.A of the Long Beach Municipal Code is
10 amended to read as follows:

11 8.100.030 Prohibition on Evictions.

12 A. The owner of residential or commercial real property shall not
13 take action to evict a residential or commercial tenancy if (1) the basis for the
14 eviction is non-payment of rent which became due between March 4, 2020
15 and July 31, 2020, or a foreclosure, arising out of a substantial decrease in
16 household or business income (including, but not limited to, a substantial
17 decrease in household income caused by layoffs or a reduction in the number
18 of compensable hours of work, or a substantial decrease in business income
19 caused by a reduction in opening hours or consumer demand), or substantial
20 out-of-pocket medical expenses; and (2) the decrease in such household or
21 business income or such out-of-pocket medical expenses was caused by the
22 COVID-19 pandemic, or by any local, state or federal government (including
23 school districts) response to COVID-19, and is documented and
24 communicated to the owner in accordance herewith. After May 31, 2020, the
25 following commercial tenancies shall be excluded from the application of this
26 Chapter: (1) tenants and sub-tenants which are multi-national companies,
27 publicly-traded companies or which have more than five hundred (500)
28 employees; (2) tenancies and sub-tenancies managed by the Airport; (3)

1 tenancies and sub-tenancies managed by the Harbor Department; and (4)
2 tenancies and sub-tenancies within the Tidelands area. Any such excluded
3 commercial tenants which previously delayed rent in accordance with this
4 Chapter shall repay the entirety of such rent on or before November 30, 2020
5 (without any associated late charges).

6
7 Section 2. Section 8.100.040 of the Long Beach Municipal Code is
8 amended to read as follows:

9 8.100.040 Pay-or-Quit Notices.

10 Any pay-or-quit notices dated between March 25, 2020 and July 31,
11 2020 shall include the following language (or substantially similar): "The City
12 of Long Beach has declared a state of emergency in response to COVID-19.
13 If you cannot pay your rent due to a loss of income or medical expenses
14 resulting from COVID-19, you need to notify and provide supporting
15 documentation to [provide owner or agent contact information] immediately.
16 You may qualify for protections against eviction and you may have a right to
17 delay your rent payment and to repay such delayed rent over a six-month
18 period".

19
20 Section 3. Section 8.100.050 of the Long Beach Municipal Code is
21 amended to read as follows:

22 8.100.050 Grace Period.

23 Tenants which are protected against eviction under this Chapter shall
24 have until July 31, 2021 to pay all delayed rent (without any associated late
25 charges); provided, however, that all of such delayed and unpaid rent shall
26 become immediately payable should a tenant fail to make a regularly
27 scheduled monthly rental payment after July 31, 2020, and such failure to
28 make a regularly scheduled payment persists after the expiration of a pay-

1 or-quit notice applicable thereto.

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3 Section 4. This ordinance is an emergency ordinance duly adopted by the
4 City Council by a vote of five of its members and shall take effect at 12:00 a.m. on May 26,
5 2020. The City Clerk shall certify to a separate roll call and vote on the question of the
6 emergency of this ordinance and to its passage by the vote of five members of the City
7 Council of the City of Long Beach, and cause the same to be posted in three conspicuous
8 places in the City of Long Beach.

9

10 Section 5. 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 it is approved by the Mayor. The
14 City Clerk shall certify to the passage of this ordinance by the City Council of the City of
15 Long Beach and shall cause the same to be posted in three (3) conspicuous places in the
16 City of Long Beach.

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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 May 26, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price.

Recusal(s): Councilmembers: None.

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, Pearce, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price.

Recusal(s): Councilmembers: None.

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

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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 June 9, 2020, by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

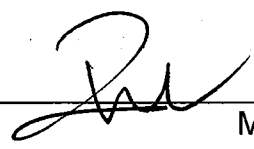
Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.


Clerk

Approved: 5/27
(Date)


Mayor

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 27th day of May, 2020, I posted three true and correct copies of Emergency Ordinance No. ORD-20-0020 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 27th day of May 2020.



CITY CLERK

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 11th day of June, 2020, I posted three true and correct copies of Final Ordinance No. ORD-20-0020 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 11th day of June 2020.



CITY CLERK