

ORDINANCE NO. ORD-20-0010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.100, TO TEMPORARILY PROHIBIT EVICTIONS DUE TO COVID-19 THROUGH MAY 31, 2020; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and many residential and commercial tenants and housing providers have experienced, or will soon experience, sudden income loss resulting from COVID-19 and/or governmental response thereto; and

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

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

WHEREAS, in the interests of protecting the public health and mitigating the economic impacts of COVID-19, it is essential to avoid displacement of tenants by temporarily prohibiting the eviction of tenants impacted by COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-

1 20 which, among other things, suspended the application of certain state laws which might
2 limit a municipality's ability to exercise its police powers in connection with temporary
3 eviction moratoriums;

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

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7 Section 1. Chapter 8.100 is added to the Long Beach Municipal Code to
8 read as follows:

9 Chapter 8.100

10 TEMPORARY PROHIBITION OF EVICTIONS DUE TO COVID-19

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12 8.100.010 Purpose.

13 In order to protect the public health and mitigate the economic impacts
14 of the novel coronavirus and the COVID-19 disease resulting therefrom, this
15 Chapter shall temporarily prohibit certain evictions as more particularly
16 described herein.

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18 8.100.020 Definitions.

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

21 A. COVID-19. The term "COVID-19" shall mean the novel
22 coronavirus SARS-CoV-2 and disease resulting therefrom.

23 B. Owner. The term "owner" shall mean any person or entity,
24 acting as principal or as an agent, renting residential or commercial real
25 property.

26 C. Pay-or-quit notice. The term "pay-or-quit notice" shall mean the
27 notice to be delivered to a tenant resulting from non-payment of rent as
28 required by, and in accordance with, California law, including without

1 limitation Section 1161 et seq of the Code of Civil Procedure.

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3 8.100.030 Prohibition on Evictions.

4 A. The owner of residential or commercial real property shall not
5 take action to evict a residential or commercial tenancy if (1) the basis for the
6 eviction is non-payment of rent which became due between March 4, 2020
7 and May 31, 2020, or a foreclosure, arising out of a substantial decrease in
8 household or business income (including, but not limited to, a substantial
9 decrease in household income caused by layoffs or a reduction in the number
10 of compensable hours of work, or a substantial decrease in business income
11 caused by a reduction in opening hours or consumer demand), or substantial
12 out-of-pocket medical expenses; and (2) the decrease in such household or
13 business income or such out-of-pocket medical expenses was caused by the
14 COVID-19 pandemic, or by any local, state or federal government (including
15 school districts) response to COVID-19, and is documented and
16 communicated to the owner in accordance herewith.

17 B. In order to take advantage of the protections included in
18 subsection 8.100.030.A., a tenant must do each of the following before the
19 expiration of the pay-or-quit notice: (1) notify the owner that the tenant may
20 not be able to make its rental payment (or portion thereof); and (2) provide
21 documentation supporting and/or evidencing such substantial decrease in
22 household or business income or out-of-pocket medical expenses.
23 Notwithstanding the foregoing, a tenant which received a pay-or-quit notice
24 served on or after March 4, 2020 but before March 25, 2020 shall provide the
25 notification and documentation required by this subsection (B) prior to the
26 final adjudication of the subject eviction proceedings.

27 C. Nothing in this Chapter shall relieve a tenant of the obligation
28 to pay rent, nor restrict an owner's ability to recover rent due; provided,

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however, an owner may not recover late fees which would have otherwise been applicable to rental payments validly delayed and repaid in accordance with this Chapter.

8.100.040 Pay-or-Quit Notices.

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

8.100.050 Grace Period.

Tenants which are protected against eviction under this Chapter shall have until November 30, 2020 to pay all delayed rent (without any associated late charges); provided, however, that all of such delayed and unpaid rent shall become immediately payable should a tenant fail to make a regularly scheduled monthly rental payment after May 31, 2020, and such failure to make a regularly scheduled payment persists after the expiration of a pay-or-quit notice applicable thereto.

8.100.060 Affirmative Defense.

This Chapter may be asserted as an affirmative defense in an unlawful detainer action.

1 8.100.070 Application.

2 This Chapter shall apply retroactively to March 4, 2020, except to the
3 extent a tenant has surrendered possession of its premises or an eviction
4 lawsuit has been finally adjudicated, prior to March 25, 2020.

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6 8.100.080 Severability.

7 If any provision of this Chapter is found to be unconstitutional or
8 otherwise invalid by any court of competent jurisdiction, that invalidity shall
9 not affect the remaining provisions of this Chapter which can be implemented
10 without the invalid provisions, and to this end, the provisions of this article are
11 declared to be severable. The City Council hereby declares that it would
12 have adopted this Chapter and each provision hereof irrespective of whether
13 any one or more provisions are found invalid, unconstitutional or otherwise
14 unenforceable.

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16 Section 2. This ordinance is an emergency ordinance duly adopted by the
17 City Council by a vote of five of its members and shall take effect at 12:00 a.m. on March
18 25, 2020. The City Clerk shall certify to a separate roll call and vote on the question of the
19 emergency of this ordinance and to its passage by the vote of five members of the City
20 Council of the City of Long Beach, and cause the same to be posted in three conspicuous
21 places in the City of Long Beach.

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23 Section 3. This ordinance shall also be adopted by the City Council as a
24 regular ordinance, to the end that in the event of any defect or invalidity in connection with
25 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
26 be and become effective on the thirty-first (31st) day after it is approved by the Mayor. The
27 City Clerk shall certify to the passage of this ordinance by the City Council of the City of
28 Long Beach and shall cause the same to be posted in three (3) conspicuous places in the

1 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 March 24, 2020, the ordinance was declared to be an emergency by the following vote:

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

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Noes: Councilmembers: None.

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Absent: Councilmembers: None.

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Recusal(s): Councilmembers: None.

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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:

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19

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

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Noes: Councilmembers: None.

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Absent: Councilmembers: None.

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Recusal(s): Councilmembers: None.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona 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 _____, 2020, by the following vote:


Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____


Clerk


Mayor

Approved: 3/25
(Date)

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 24th day of March, 2020, I posted three true and correct copies of Emergency Ordinance No. ORD-20-0010 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 24th day of March 2020.


_____ CITY CLERK