

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH
ADDING CHAPTER 8.69 TO TITLE 8 (HEALTH AND
SAFETY) OF THE HERMOSA BEACH MUNICIPAL CODE TO
REGULATE EVICTIONS BASED ON INTENT TO DEMOLISH
OR SUBSTANTIALLY REMODEL RESIDENTIAL RENTAL
PROPERTY

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Findings.

- A. The Tenant Protection Act of 2019, Civil Code Section 1946.2, permits landlords to evict tenants based on the intent to demolish or substantially remodel their residential real property. History has shown that some unscrupulous landlords have abused this no-fault, just cause ground for eviction by using it as a pretext to evict tenants. Some renters have alerted the City to this problem and after vacating their homes, saw work being done to the property that did not necessitate their eviction.
- B. To ensure that landlords' intent is genuine and that tenants are not evicted earlier than necessary, the City Council finds that it is in the interest of the public welfare to require residential landlords to obtain all necessary approvals and permits to perform the proposed work before evicting tenants.
- C. Pursuant to Civil Code Section 1946.2, the City finds that this Ordinance is more protective than Civil Code Section 1946.2 by requiring property owners to obtain necessary permits prior to terminating a lawful residential tenancy. The City Council also finds that this Ordinance is consistent with and furthers the intent of Civil Code Section 1946.2.

Section 2. Chapter 8.69, entitled "Evictions Based on the Intent to Demolish or Substantially Remodel Residential Property" is hereby added to Title 8 (Health and Safety) of the Hermosa Beach Municipal Code to read as follows:

**CHAPTER 8.69 EVICTIONS BASED ON INTENT TO DEMOLISH OR
SUBSTANTIALLY REMODEL RESIDENTIAL PROPERTY**

- 8.69.010** **Definitions.**
- 8.69.020** **Requirements.**
- 8.69.030** **Applicability.**
- 8.69.040** **Remedies.**

8.69.010 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this section.

“Residential real property” means any dwelling or unit that is intended for human habitation.

“Substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a government agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

“Tenancy” means the right to lawfully occupy residential real property and includes a lease or sublease.

8.69.020 Requirements.

Before an owner of residential real property may terminate a lawful tenancy to demolish or substantially remodel residential real property pursuant to the Tenant Protection Act of 2019 (California Civil Code Section 1946.2) the owner shall first secure all permits necessary to demolish or substantially remodel the residential real property.

To the extent applicable, the owner must provide relocation assistance in accordance with the California Civil Code Section 1946.2 for a no-fault just cause eviction.

These requirements are in addition to and do not supersede any other obligation the owner may have under applicable local, state, and federal law. No other legal remedies available to owners are affected by this Chapter.

8.69.030 Applicability.

This Chapter shall apply to tenancy termination notices, notices to quit and other eviction notices, and the unlawful detainer actions based on such notices, served or filed on or before July 1, 2021; but, where the time to vacate the property has not passed.

This Chapter shall not apply to the residential real properties or circumstances described in California Civil Code Section 1946.2(e).

8.69.040 Remedies.

This Chapter may be asserted as an affirmative defense in an unlawful detainer proceeding. An owner's failure to comply with this Chapter does not constitute a criminal offense.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Hermosa Beach hereby declares that it would have adopted this ordinance despite any partial invalidity of its provisions.

Section 4. CEQA. The City Council finds this ordinance is exempt from the California Environmental Quality Act ("CEQA") as provided in Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3). The ordinance is enacted pursuant to the City's police powers to establish just cause grounds to evict residential tenants. Therefore, it can be seen with certainty that adopting this ordinance would not have a significant adverse effect on the environment under CEQA Guideline 15061(b)(3).

Section 5. Effective Date. Pursuant to California Government Code section 36937, this ordinance shall take effect thirty (30) days after its final passage.

Section 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____ day of ____ 2021.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

Justin Massey, Mayor

ATTEST:

APPROVED AS TO FORM:

Eduardo Sarmiento, City Clerk

Michael Jenkins, City Attorney