

ORDINANCE NO. 22-O- 2861

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING  
ORDINANCE NO. 20-O-2818 IN CONNECTION WITH EMERGENCY  
REGULATIONS RELATED TO RESIDENTIAL TENANT EVICTIONS  
AND PROTECTIONS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

WHEREAS, on March 15, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Section 2-4-107 of the Beverly Hills Municipal Code to ensure the availability of mutual aid and an effective City response to the novel coronavirus ("COVID-19") and that state of emergency was ratified by the City Council on March 16, 2020; and

WHEREAS, as a result of the COVID-19 pandemic, many tenants in Beverly Hills experienced economic impacts, leaving tenants vulnerable to eviction; and

WHEREAS, during the local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it has been essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, in the interest of public peace, health and safety, as affected by the emergency caused by the spread of COVID-19, it has been necessary for the City Council to exercise its authority to issue regulations related to the protection of the public peace, health or safety; and

WHEREAS, pursuant to Ordinance No. 20-O-2805, as superseded from time to time, and the City's current Ordinance No. 20-O-2818 ("Ordinance"), the City Council imposed a temporary moratorium during the period of local emergency on (1) evictions for non-payment of rent by residential tenants substantially impacted by the COVID-19 crisis; (2) no-fault evictions, unless necessary for the health and safety of tenants, neighbors, or the landlord, other than based on illness of the tenant or any other occupant of the residential rental unit; and (3) the annual rent increases authorized by Sections 4-5-303(C) and 4-6-3 of the Beverly Hills Municipal Code with respect to any rent increase scheduled to take effect on or after March 15, 2020; provided that nothing in the Ordinance shall alter the date of annual rent increases in future years; and

WHEREAS, the Ordinance provides that nothing in the Ordinance relieves a tenant of liability for the unpaid rent, which the landlord may seek after the expiration of the local emergency, and which the tenant must pay in full within one year of the expiration of the local emergency; and

WHEREAS, the City Council requested the Rent Stabilization Commission to make recommendations to the City Council regarding possible amendments to the Ordinance related to the residential moratoriums and pursuant to motions made on August 4, 2021 and September 13, 2021, as memorialized its Resolution RSC 9, adopted on October 6, 2021, the Commission recommended that the City Council end the moratoriums on September 30, 2021 and require tenants to pay back rent in full within one year of the end of the moratoriums; and

WHEREAS, the City Council has determined to end the temporary moratoriums prior to the end of the local emergency due to the availability of COVID-19 vaccines and the decline in the COVID-19 positivity rates, death rates and hospitalizations.

Section 1. The City Council of the City of Beverly Hills does adopt the recitals and the following amendments to the Ordinance:

A. Section 1 of Ordinance No. 20-O-2818 is hereby amended to read as follows:

“1. A temporary moratorium on eviction for non-payment of rent by residential tenants substantially impacted by the COVID-19 crisis is imposed as follows:

a. During the period March 15, 2020 through May 31, 2022, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to substantial financial impacts related to COVID-19, or (2) for a no-fault eviction, unless necessary for the health and safety of tenants, neighbors, or the landlord, other than based on illness of the tenant or any other occupant of the residential rental unit. A landlord who receives notice that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure Section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord receives notice of a tenant's inability to pay rent within the meaning of this Ordinance if the tenant, within seven (7) days after the date that rent is due, notifies the landlord in writing, of lost income or extraordinary expenses related to COVID-19 and inability to pay full rent due to substantial financial impacts related to COVID-19, and within thirty (30) days after the date the rent is due, provides written documentation to the landlord to support the claim, using the form provided by the City. A copy of both the seven-day notice and the documentation to support the claim shall also be provided by email (or if email is not feasible by mail along with notification by telephone) to the City's Rent Stabilization office. For purposes of this Ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative if that is the method of written communication that has been used previously, or correspondence by regular mail, if that is the method of written communication that has been used previously and the parties have not agreed to use email or text messaging. Any medical or financial information provided to the landlord shall be held in confidence, and shall be used only for evaluating the tenant's claim.

b. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the tenant must pay in full by May 31, 2023. After May 31, 2023, unless if the rent is paid in full, a landlord may charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance; or a landlord may seek rent that is delayed for the reasons stated in this Ordinance through the eviction or other appropriate legal process. No fee for the late payment of such unpaid rent shall be charged by a landlord during the period March 15, 2020 through May 31, 2023. If a landlord makes an accommodation with respect to rent forbearance from a tenant pursuant to subsection l. a, and the tenant is in conformance with the tenant's obligations under that subsection, then the landlord shall not make a negative report to a credit bureau so long as the tenant remains in compliance with those obligations.

c. For purposes of this Section 1, "financial impacts related to COVID-19" include, but are not limited to, lost household income or extraordinary expenses as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other substantial income reduction resulting from business closure or other economic or employer impacts of COVID-19 including for tenants who are salaried employees or self-employed; (3) compliance with a recommendation from a government

health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses related to COVID-19; or (5) child care needs arising from school closures related to COVID-19.

d. For purposes of this Ordinance, "no-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to, eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161b, use by landlord or relatives as specified in Beverly Hills Municipal Code Chapters 5 and 6, demolition or condominium conversion, major remodeling, and the Ellis Act, which is called withdrawal of residential rental structure from the rental market in the Beverly Hills Municipal Code.

e. During the period March 15, 2020 through May 31, 2022, any notice served by a landlord on a tenant under Section 4-5-513 or Section 4-6-6 L of the Beverly Hills Municipal Code is hereby tolled.

f. This Ordinance applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed on March 15, 2020.

g. For purposes of this Section 1, "substantial" shall be defined as a material decrease of monthly income, the incurring of extraordinary expenses related to COVID-19, or any other circumstance which causes an unusual and significant financial impact on the tenant.

h. Because some tenants may not be aware of this Ordinance's provisions, the Deputy Director of the Rent Stabilization may extend the seven (7) day deadline for notifying the landlord for up to thirty (30) days.

2. If a landlord disagrees with the residential tenant's assertion regarding: (1) whether a substantial financial impact exists; (2) whether the substantial financial impact is related to COVID-19; or (3) the amount of rent that the tenant will pay, then the landlord shall notify the tenant of the disagreement in writing within ten (10) days of receipt of the written documentation from the tenant. The residential tenant may file a written appeal to the City, on a form provided by the City, within ten (10) days of receipt of the landlord's written determination and shall provide a copy of the appeal to the landlord. Appeals will be heard by the Standing Committee of the City Council appointed to hear disruptive tenant hearings or other Members of the City Council as designated by the Mayor, to make a final determination of the dispute, until fifteen (15) days after the Rent Stabilization Commission is appointed and sworn into office, in which case the Rent Stabilization Commission shall make a final determination of the dispute. If the Rent Stabilization Commission cannot render a decision by a majority vote, then the Standing Committee or other Members of the City Council, as designated by the Mayor, will make a final determination of the dispute. Final Decisions of the Subcommittee, Council Members designated by the Mayor, or the Rent Stabilization Commission are subject to judicial review filed pursuant to Section 1094.6 of the California Code of Civil Procedure. The hearing procedures shall be established by the City Attorney."

B. Section 4 of Ordinance No. 20-O-2818 is hereby amended to read as follows:

"Section 4. During the period March 15, 2020 through May 31, 2022 a temporary moratorium is hereby imposed on the annual rent increases authorized by Sections 4-5-303 (C) and 4-6-3 of the Beverly Hills Municipal Code. Nothing in this Ordinance shall alter the date of annual rent increases in future years; provided, however, that notwithstanding the provisions of Sections 4-5-303 (C) and 4-6-3, for an allowable rent increase, that for any reason, was not imposed or was imposed at a rate of less than 3.10% for the period July 1, 2019 through June 30, 2020, the maximum allowable rent

increase allowed pursuant to Section 4-5-303 (C) and 4-6-3 from June 1, 2022 through June 30, 2023 is 3.10%. Provided, further, if the rent increase was imposed at a rate of less than 3.10%, then the maximum allowable rent increase from June 1, 2022 through June 30, 2023 shall be reduced by the percent increase that was imposed.”

Section 2.      Uncodified.    This Ordinance shall not be codified.

Section 3.      Severability.    If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

Section 4.      Publication.    The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen(15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5.      Effective Date.    This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

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Section 6. Duration. This Ordinance shall remain in effect until it is superseded by another Ordinance adopted by the City Council.

Adopted: May 10, 2022  
Effective: June 10, 2022



LILI BOSSE  
Mayor of the City of  
Beverly Hills, California

ATTEST:



(SEAL)

HUMA AHMED  
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:



GEORGE CHAVEZ  
City Manager