

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING ARTICLE XV RENT CONTROL, LIMITATIONS ON EVICTIONS, AND RELOCATION PAYMENTS TO CERTAIN DISPLACED TENANTS ORDINANCE [RENT CONTROL ORDINANCE] TO REPHRASE THE DEFINITION OF RENTAL UNITS, CLARIFY ENFORCEMENT OF STATE RENT CONTROL LAQS WITHIN THE CITY, AND TO MAKE A WRITTEN FINDING THAT THE JUST CAUSE PROVISIONS OF THE RENT CONTROL ORDINANCE ARE MORE PROTECTIVE OF TENANTS' RIGHTS THAN THE JUST CAUSE PROVISIONS UNDER STATE LAW

WHEREAS, the City has adopted an Ordinance entitled the City of Alameda Rent Control, Limitations on Evictions, and Relocation Payments to Certain Displaced Tenants Ordinance ("the Rent Control Ordinance"); and

WHEREAS, the Rent Control Ordinance has just cause provisions limiting the grounds on which a tenancy may be terminated; and

WHEREAS, recent amendments to State law (SB 567, amending Civil Code, sections 1946.2) provides that the provisions of CC 1946.2 (the just cause provisions) do not apply to residential real property subject to a local ordinance requiring just cause for eviction if the local ordinance was adopted or amended after September 1, 2019 and is more protective than CC 1946.2 in which case the local ordinance shall apply; and

WHEREAS, the local ordinance is more protective if (1) the just cause provisions are consistent with CC 1946.2; (2) the local ordinance further limits the reasons for termination of a tenancy, provides for higher relocation assistance or provides additional tenant protections that are not otherwise prohibited by any other provision of law; and (3) the local government has made a binding written finding within the local ordinance that the ordinance is more protective than CC 1946.2; and

WHEREAS, the City Council finds and determines (1) the just cause provisions of the Rent Control Ordinance are consistent with the just cause provisions of Civil Code, Section 1946.2, (2) the Rent Control Ordinance sets forth additional limitations on the reasons for terminating tenancy, provides for higher relocation assistance than does Civil Code section 1946.2, and provides additional tenant protections that are not otherwise prohibited by any other provision of law; and (3) the Rent Control Ordinance is more protective of tenant's rights than Civil Code, Section 1946.2; and

WHEREAS, the wording of the definition of “Rental Unit” should be revised to make it clear that the phrase “other than the exemptions set forth in Section 6-58.20” applies to “Dwelling Units” as used in that Section; and

WHEREAS, a new State law (SB 567) provides that the City Attorney may enforce applicable State rent control laws within incorporated cities; and

WHEREAS, this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Sections 15378 (not a project).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA ORDAINS AS FOLLOWS:

Section 1. For purposes of this Ordinance the following definitions apply:

Rental Unit means (a) (i) a Dwelling Unit (other than the Dwelling Units exempted in Section 6-58.20), (ii) other real property, (iii) a Floating Home, (iv) or a vessel/boat with a maritime residential tenancy at a Floating Home Marina, (b) offered or available for Rent in the City of Alameda, and (c) all other Housing Services in connection with the use or occupancy thereof, ~~other than the exemptions set forth in Section 6-58.20.~~

Section 2. Section 6-58.20 is hereby amended as follows:

Section 6-58.20 - Exemptions.

The following are exempt from the provisions of this Article, except as otherwise provided by State Law and as set forth in Section 6-58.142 of this Code.

[no change for the remainder of the section]

Section 3. Section 6-58.142 is hereby added to the Alameda Municipal Code to read as follows:

Section 6-58.142 – Compliance with State law.

Notwithstanding any other provision of this Code, no person shall violate any provision of applicable State law controlling rent levels, including California Civil Code Section 1946.2 and its successor legislation. Consistent with authority granted under State law, the City Attorney may enforce any such applicable State laws.

Section 4. Section 6-58.160 is hereby added to the Alameda Municipal Code to read as follows:

Section 6-58.160. Article More Protective Than State Law

The Alameda City Council finds that this Article is more protective of tenants' rights than the just cause provisions under Civil Code, Section 1946.2.

Section 5. IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 6. CEQA DETERMINATION

The City Council finds and determines that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA"), pursuant to the following: each a separate and independent basis: CEQA Guidelines Sections 15378 (not a project).

Section 7. SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph, and sentence, notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph, or sentence.

Section 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty days from the date of its passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ___ day of ____ 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ___ day of ____ 2024.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda