

Title

A Proposed City of Alameda Charter Amendment to Establish Rent Control, a Rent Control Board, and Regulate Termination of Tenancies

Summary

This measure would replace the City's existing ordinance relating to the review of rent increases applicable to all residential rental units and the termination of tenancies by landlords in the City.

The measure would create an elected, five-member Rent Control Board with its own administrative and legal staff funded by annual fees paid by landlords. The Board would have the power to establish rents, issue rules and regulations, conduct investigations and hearings, impose a rental housing fee on landlords, and impose penalties for noncompliance. Certain units are exempt from the measure, including for example, hotels, college dormitories and certain small second units.

The measure would establish a maximum allowable rent based on rents in effect on May 5, 2015, or if no rent was in effect on that date, the rent in effect on the first day a rental unit is leased, on all residential rental units in the City. The maximum allowable rent would increase on an annual basis by 65% of the percentage increase in the Consumer Price Index for the 12-month period ending as of March of that year. The measure would permit tenants and landlords to petition the Board for an upward or downward adjustment of the maximum allowable rent for individual rental units.

Under the measure, a landlord would only be allowed to terminate a tenancy if: (1) the tenant fails to pay rent; (2) the tenant breaches the lease; (3) the tenant damages the rental unit or creates a nuisance; (4) the tenant refuses the landlord reasonable access to the rental unit; (5) the property is to be used as the primary residence of the landlord or the landlord's spouse, children, parents or grandparents; (6) substantial repairs must be made to the property; or (7) the unit is withdrawn from the rental market. If a rental unit is placed back on the market, the former tenant would have the right to move back into the unit at the previous rent.

The measure would require a landlord who terminates a tenancy for substantial repairs, for an owner move-in, or to withdraw the unit from the market, to make relocation payments of: (1) \$7,300 to a tenant who has lived in the unit for less than 3 years; (2) \$9,650 to a tenant who has lived in the unit for more than 3 years; (3) \$15,500 to a tenant who has lived in the unit for less than 3 years and is 62 or older, disabled, or has at least one child under the age of 18; and (4) \$18,300 to a tenant who has lived in the unit for more than 3 years and is 62 or older, disabled, or has at least one child under the age of 18.

The measure would allow judicial review of Board decisions and authorize civil lawsuits against landlords for attorneys' fees, damages, and penalties equal to three times the amount of the unlawful rent.