

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING
ARTICLE XV OF CHAPTER VI TO ELIMINATE “NO CAUSE” (NOTICE
TO VACATE) AS A GROUNDS FOR EVICTION FROM ORDINANCE
NO. 3148 (CITY OF ALAMEDA RENT REVIEW, RENT
STABILIZATION AND LIMITATIONS ON EVICTIONS ORDINANCE)

WHEREAS, in response to community concern that rents in Alameda were rising at a rate greater than household incomes and that some landlords were terminating tenancies for no cause in order to raise rents, after numerous public hearings, the Alameda City Council on March 1, 2016, adopted an Ordinance (Ordinance No. 3148), which became effective March 31, 2016, that sets forth (a) procedures for the review of rent increases applicable to all rental units, (b) procedures for the stabilization of rent increases above 5% for certain rental units, (c) limitations on the grounds for which landlords may terminate tenancies for tenants in all rental units and (d) a requirement that landlords pay relocation fees when terminating a tenancy for certain reasons, such as a “no cause” tenancy termination; and

WHEREAS, the City Council placed on the November 8, 2016 ballot a measure (designated as Measure L1) asking Alameda voters to confirm Ordinance No. 3148 but which measure, if passed by a majority vote, also provided that the City Council would retain the authority to amend, suspend or repeal Ordinance No. 3148 without a further vote of the people; and

WHEREAS, Alameda voters passed Measure L1 with 55.5% of the voters in favor of the measure; and

WHEREAS, following a citizen-initiative that garnered a sufficient number of signatures, the City Council placed on the November 6, 2018 ballot a measure (designated Measure K) asking Alameda voters to place Ordinance No. 3148, with certain exceptions, in the City’s Charter, including the right of landlords to evict tenants for “no cause” with certain limitations, which if adopted would have required voter approval to eliminate “no cause” as a grounds for eviction in the City of Alameda; and

WHEREAS, Alameda voters rejected Measure K with 60.3% of voters voting against the measure; and

WHEREAS, the present shortage of rental housing units and the prevailing rent levels have a detrimental effect on the health, safety, and welfare of a substantial number of Alameda residents, particularly senior citizens, persons in low- and moderate-income households, and persons on fixed incomes; and

WHEREAS, The stability of housing is important for individuals and families in rental housing and in particular, tenants desire to be free from the fear of eviction for “no

cause"; and

WHEREAS, based on public testimony, the information and reports in its agenda packets, and other information and testimony presented by or to the City Council on May 21, 2019, the City Council finds and determines that to continue to protect the public health, safety, and welfare of Alamedans, including by stabilizing rents, addressing the impacts of displacement and evictions, and ensuring a fair return on real property, the Council seeks to take affirmative action to amend the Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES ORDAIN AS FOLLOWS:

Section 1: REPEAL. Subsection A. of Section 6-58.140 (Evictions and Terminations of Tenancies) of Chapter VI of Article XV of the Alameda Municipal Code is repealed in its entirety, as follows (in redline; otherwise no change):

A. ~~[Reserved]. Notice to Vacate. A Landlord may terminate a tenancy under Civil Code, Section 1946.1 (a termination of tenancy for "no cause") but the following provisions shall apply:~~

~~The Landlord shall not impose on a new Tenant Rent that exceeds more than five (5%) percent of the amount of the Rent in effect at the time the Tenant was served with a Notice to Vacate, and the Landlord shall inform the new Tenant in writing of the amount of the Rent that was in effect at the time the prior Tenant was served with a Notice to Vacate and that the Rent imposed on the new Tenant does not exceed the prior Rent by more than five (5%) percent.~~

~~The Landlord must provide to the Program Administrator a copy of the Notice to Vacate served on the Tenant and the amount of the Rent in effect at the time the Notice to Vacate was served and the amount of the Rent that the new Tenant will be charged.~~

~~Except for Rent Increases as provided in this Article, if it is determined the Landlord imposes Rent on the new Tenant that exceeds that allowable under paragraph 1 of subsection A of this Section 6-58.140, in addition to any other penalties or remedies available to the existing Tenant, the City or the previous Tenant, the Landlord shall reduce the Rent to that allowable under paragraph 1 of subsection A of this Section 6-58.140 and shall reimburse the existing Tenant, plus interest as provided by law, the difference between the amount of the Rent that exceeded the allowable Rent under paragraph 1 of subsection A of this Section 6-58.140 and the Rent in effect when the previous Tenant was served with a Notice to Vacate, retroactive to the date when the excessive Rent was first paid.~~

~~As to any building or buildings with five (5) or more Rental Units, a Landlord may use this subsection A of Section 6-58.140 for no more than ten (10%) percent of all Rental Units in any month, and no more than twenty-five (25%) percent of all~~

~~Rental Units (rounded up to the nearest whole number if 0.5 or more or rounded down to the nearest whole number if 0.4 or less) in any consecutive twelve (12) month period.~~

~~As to any building or buildings with no more than four (4) Rental Units, a Landlord may use this subsection A of Section 6-58-140 for only one (1) rental unit in any consecutive twelve (12) month period.~~

Section 2: Subsection R. of Section 6-58.15 (Definitions) of Chapter VI of Article XV of the Alameda Municipal Code is repealed in its entirety, as follows (in redline; otherwise no change):

R. ~~[Reserved] Notice to Vacate means a notice to vacate a Rental Unit that a Landlord serves on a Tenant under Section 1946.1 of the California Civil Code and Section 1162 of the California Code of Civil Procedure.~~

Section 3: Section 6-58.30 (Documents That the Landlord Must File with the Program Administrator) of Chapter VI of Article XV of the Alameda Municipal Code is amended, as follows (in redline; otherwise no change):

A. [No change];

B. [No change];

C. [No change];

D. Certain notices to terminate a tenancy (Section 6-58.140 ~~A~~, F, G, H, I and J; ~~Section 6-58.155~~);

E. The amount of the Rent for the new Tenant when the ~~current~~ prior tenancy ~~is~~ was terminated for no cause ~~(Section 6-58.140A.2)~~;

F. [No change];

G. [No change];

H. [No change];

I. [No change]; and

J. [No change].

Section 4: Subsection B. of Section 6-58.35 (Offer of a One Year Lease) of Chapter VI

of Article XV of the Alameda Municipal Code is amended, as follows (in redline; otherwise no change):

B. Any current Tenant with a lease at the first time the Landlord serves a notice of Rent Increase following the effective date of the Ordinance codified in this Article unless ~~(1) the current lease is not a fixed term lease and the Landlord has served on the Tenant a Notice to Vacate or (2)~~ the Tenant is in default under the lease and offering a lease to the Tenant may waive any claims the Landlord has regarding the default. If the current lease is not a fixed term lease, the Landlord shall not offer the Tenant a fixed term lease unless the Tenant requests such a lease. The Landlord must offer a Tenant a lease that has terms materially the same as the terms in the current lease as to duration, Housing Services and household composition provided such terms do not conflict with this Article.

Section 5: Subsections ~~A~~ and C. of Section 6-58.150 (Required Payment of a Relocation Fee) of Chapter VI of Article XV of the Alameda Municipal Code is amended, as follows (in redline; otherwise no change):

A. If the Landlord has taken any action to terminate a tenancy on the grounds set forth in subsection ~~A~~, F, G, H, I or J of Section 6-58.140, the Landlord shall pay a relocation fee in an amount of one (1) month's Rent, as averaged over the twelve (12) months preceding the serving of the notice to vacate, for each year, or portion thereof, to a maximum of four (4) months' Rent if the tenant has lived in the Rental Unit for four (4) or more years, plus one thousand ~~five-six~~ hundred sixty five (\$1,~~500~~665.00) dollars. The one thousand ~~five six~~ hundred sixty five (\$1,~~500~~665.00) dollars will be adjusted on January 1 of each year based in the change of the Consumer Price Index from the previous January 1.

B. [No change.]

C. Notwithstanding subsection A of Section 6-58.150, as to any Rental Unit to be vacated under subsection ~~A~~, G or I of Section 6-58.140, a Tenant has the choice to remain in the Rental Unit, starting from the eviction date in the notice to vacate, an additional month for every year, or portion thereof, up to a maximum of four (4) months if the Tenant has lived in the Rental Unit for four (4) or more years, but the Landlord's requirement to pay the relocation fee will be reduced by one (1) month's Rent for every month, or portion thereof, the Tenant remains in the Rental Unit beyond the date on which the Tenant was required to vacate.

D. [No change.]

Section 6: Subsection C. of Section 6-58.155 (Service and Contents of the Written Notices to Terminate a Tenancy) of Chapter VI of Article XV of the Alameda Municipal Code is amended, as follows (in redline; otherwise no change):

C. If the cause for terminating the tenancy is for the grounds in subsection ~~A~~, F, G, H, I or J of Section 6-58.140, the notice shall also inform the Tenant that the Tenant is entitled to a relocation fee in the amount then in effect.

Section 7: 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, Section 15378 (not a project) and Section 15061(b)(3) (no significant environmental impact).

Section 8: 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 9: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final 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 _____, 2019, 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 _____, 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda