

CITY OF ALAMEDA ORDINANCE NO. 3315

New Series

AMENDING, IN PART, UNCODIFIED ORDINANCE NO. 3275
CONCERNING A TEMPORARY MORATORIUM ON RENT
INCREASES FOR FULLY REGULATED RESIDENTIAL RENTAL
UNITS AND ALAMEDA MUNICIPAL CODE ARTICLE XV
CONCERNING VARIOUS CLEAN-UP AMENDMENTS

WHEREAS, in response to community concern that rents in Alameda were rising at a rate greater than household income, the City Council had adopted a number of rent control ordinances, beginning with Ordinance No. 3148, the most recent of which was adopted on September 17, 2019 (Ordinance No. 3250); and

WHEREAS, Ordinance No. 3250 in part provides that (a) for rental units subject to local rent control, e.g., multi-family units for which a certificate of occupancy was issued prior to February 1, 1995, landlords shall not increase rents by more than the Annual General Adjustment (AGA), (b) the AGA means 70% of the percentage change in the Consumer Price Index for the 12-month period ending April of each year, (c) the AGA between September 1, 2019 and August 31, 2020 is 2.8%, (d) the AGA between September 1, 2020 and August 31, 2021 is 1%, and (e) that untaken rent increases could be banked consistent with provisions contained therein and any applicable implementing regulations; and

WHEREAS, on April 21, 2020, City Council adopted an urgency ordinance (Ordinance No. 3275) that, in part, placed a temporary moratorium on rent increases for fully regulated rental units until January 1, 2021; and

WHEREAS, the City Council had found that: (1) many Alameda tenants had suffered or would suffer significant financial impacts resulting from the COVID-19 pandemic; (2) accordingly, any rent increases during the remainder of 2020 and for the first six months of 2021 therefore threaten the public health, safety and welfare of Alameda tenants in that such rent increases could displace households at a time when households are being directed to shelter in place; and

WHEREAS, in December 2020, the City Council adopted an uncodified urgency ordinance (Ordinance No. 3293), which extended the moratorium on rent increases until the later of 60 days after the rescission of the declaration of the Local Emergency or June 30, 2021, and regularly met after June 30, 2021 to determine when and whether to lift the local emergency; and

WHEREAS, most recently, on December 21, 2021, while the City Council had discussed the prospect of continuing the declaration of a local emergency in response to the COVID-19 pandemic, a number of landlords had expressed concerns about such a continuance of the temporary rent moratorium, citing rising costs related to the operation of rental units. In response, the Council directed staff to research and return to present options focused on providing some relief to landlords; and

WHEREAS, by the staff reports, testimony, and documentary evidence presented at the March 1, 2022 City Council meetings, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based, including how other local jurisdictions has dealt with rent increases during the COVID-19 pandemic; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act: Section 15378 (not a project); and Section 15061(b)(3) (no significant environmental impact).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA does ordain as follows:

SECTION 1: RECITALS.

The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

SECTION 2: Ordinance No. 3275.

- a. Section 2, Paragraph 7 of Ordinance No. 3275 is amended and fully restated to read as follows:

“7. For fully regulated residential rental units, beginning from the effective date of this Ordinance, a landlord may resume giving notice of and taking rent increases, consistent with applicable law, including Ordinance No. 3250 and applicable implementing regulations, consisting only of the Annual General Adjustment (codified at Alameda Municipal Code Section 6- 58.75). Notwithstanding any other provision of local law, a landlord may not give notice of or increase rent using any banked rent increases until 60 days after the rescission of the declaration of the current Local Emergency.

- b. Section 5 of Ordinance No. 3275 is amended and fully restated to read as follows:

“The Program Administrator may adopt administrative regulations to effectuate and implement this Ordinance.”

SECTION 3: Alameda Municipal Code Article XV.

Article XV (RENT CONTROL, LIMITATIONS ON EVICTIONS AND RELOCATION PAYMENTS TO CERTAIN DISPLACED TENANTS ORDINANCE) of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, the following Sections are hereby amended as follows:

6-58.20 – Exemptions.

The following are exempt from the provisions of this Article:

- A. Dwelling Units, regardless of ownership, for which the Rents are subsidized or regulated by federal law or by regulatory agreements between a Landlord and: (i) the City, (ii) the Housing Authority or (iii) any agency of the State of California or the Federal Government; provided, however, if the Dwelling Unit is in the Housing Choice Voucher Section 8 Program and is not owned by a public entity or a bonafide not for profit organization dedicated to the provision of affordable housing, as further defined by Regulations, the Dwelling Unit is exempt only as to the rent control provisions of this Article. If a Dwelling Unit no longer qualifies for the full or partial exemption under this subsection A, for example, the Landlord withdraws from a subsidy program or a regulatory agreement expires and/or is not renewed, the Dwelling Unit will immediately be subject to all provisions of this Article. In order to qualify for this exemption, any regulatory agreement must ensure that 1) all units covered by the regulatory agreement, excluding managers' units, pay an affordable rent, as defined by Health and Safety Code Section 50053 or its successor legislation; and 2) all units covered by the regulatory agreement, excluding managers' units, only accept persons and families of low or moderate income, as defined by Health and Safety Code Section 50053 or its successor legislation.

6-58.155 – Implementing Polices and Regulations.

The Program Administrator shall have the authority to promulgate regulations to implement the requirements and fulfill the purposes of this Article. No person shall fail to comply with such regulations.

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

SECTION 5: EFFECTIVE DATE.

This Ordinance becomes effective on or after May 1, 2022.

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 15th day of March 2022, by the following vote to wit:

AYES: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of March 2022.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda