

CITY OF ALAMEDA ORDINANCE NO. 3321  
New Series

AN UNCODIFIED ORDINANCE CONCERNING RENT CONTROL AND  
LIMITATIONS ON EVICTIONS APPLICABLE TO MARITIME  
RESIDENTIAL TENANCIES INCLUDING FLOATING HOMES

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 is applicable to Rental Units as that term is defined in the Rent Control Ordinance; and

WHEREAS, currently “houseboats”—which are not defined in the Rent Control Ordinance—are excluded from Rent Control Ordinance; and

WHEREAS, within the City are a number of private marinas and some of those marinas rent space to “floating homes” that, under the State’s Floating Home Residency Law, means a floating structure that (a) is designed and built to be used, or is modified to be used, as a stationary waterbourne residential dwelling, (b) has no mode of power on its own, (c) is dependent for utilities upon a continuous utility linkage to a source originating on shore, and (d) has a permanent continuous hookup to a shoreside sewage system; and

WHEREAS, most floating home owners are older residents and many are on fixed income and there are few slips for floating homes in the Bay Area other than the ones in the Alameda marinas, rendering floating home owners an extremely vulnerable population, and easily subject to exploitation; and

WHEREAS, under the Floating Home Residency Law, the State Legislature has declared that because of high cost of moving floating homes, the potential for damage resulting therefrom, the requirements relating to the installation of floating homes, and lack of availability of slips for floating homes, it is necessary that the owners of floating homes be provided with unique protection from actual or constructive eviction; and

WHEREAS, the Floating Home Residency Law provides some protection to owners of floating homes, such as just cause for eviction, but neither provides for rent control nor prohibits a city or county from adopting rent control and related provisions concerning floating homes; and

WHEREAS, recently floating home owners with floating homes in the City of Alameda have been advised that the owner/operator of at least one marina in Alameda intends to increase their monthly rent by as much as 178%; and

WHEREAS, half of the home owners of these floating homes are over the age of 65, many are low income households and/or on fixed incomes, and many do not have the means to pay these increased rents, thereby facing the prospect of losing their homes and becoming unhoused; and

WHEREAS, the State of California and the Bay Area are facing a serious and prolonged housing and homelessness crisis; and

WHEREAS, the State Legislature has declared that “the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California;” and

WHEREAS, the State Legislature has also declared “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives;” and

WHEREAS, the State Legislature has called upon all local governments to take all necessary actions to alleviate the ongoing housing shortage and prevent homelessness; and

WHEREAS, the City of Alameda faces a similar housing shortage and has declared a shelter crisis since 2018; and

WHEREAS, the City has taken significant actions, including the adoption of its Rent Control Ordinance, in response to the State’s call to action; and

WHEREAS, the purpose of the City’s Rent Control Ordinance is to stabilize rents in the City, prevent the displacement of tenants from their homes due to significant rent increases, and to ensure that landlords receive a fair return on their property; and

WHEREAS, if floating home residents are not provided with the same protection as other tenants in the City, there will be an unacceptable disruption to the peace, health, and safety of the City, as vulnerable floating home residents could be permanently displaced; and

WHEREAS, such outcomes would not only endanger the health and safety of the displaced owners of floating homes, but create severe harm to the City as a whole and exacerbate the serious local, regional and state wide homelessness crisis; and

WHEREAS, the State of California, the County of Alameda and the City of Alameda have declared and continue to maintain a state of emergency due to the COVID-19 pandemic; and

WHEREAS, housing displacement limits opportunities to socially distance and increase the risk of COVID-19 transmission; and

WHEREAS, such increased transmission risks directly and adversely impact the health and safety of the entire community; and

WHEREAS, based on the foregoing findings, evidence presented to the City, other evidence of record, evidence presented to the City Council at its meeting on April 28, 2022, the City Council finds and determines that this ordinance is needed for the preservation of public peace, health, or safety, and to avoid a current and direct threat to the safety, health, or welfare of the community; and

WHEREAS, this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines Sections 15378 (not a project) and 15061(b)(3) (no significant environmental impact).

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

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

*Floating Home* means the same as the term is defined in Health and Safety Code, section 18075.55 (d).

*Rental Unit* means a Floating Home, other maritime residential tenancies, or other real property in the City of Alameda offered or available for Rent, and all other Housing Services in connection with the use or occupancy thereof.

*Tenant* means a resident as defined in Civil Code section 800.8.

Section 2.

- A. Notwithstanding any other provision of local law, including but not limited to Section 6-58.20, Alameda Municipal Code, a Rental Unit lawfully docked at a Marina shall be subject to, and a Tenant shall have the protection of, the City's Rent Control Ordinance, and the City's COVID-19 eviction moratorium (Ordinance Nos. 3275, 3293 and 3315 and their successor legislation) except the Rent Control Ordinance's temporary relocation and capital improvement plan provisions shall not be applicable.
- B. The Program Administrator shall be authorized to adopt regulations to implement this Ordinance.
- C. Nothing in this ordinance shall be construed to regulate a Rental Unit that is exempt from rent control under State law.

- D. The enforcement provisions set forth in 6-58.140 shall be fully applicable to any violation of this Ordinance.
  
- E. For Rental Units subject to this Ordinance, no person who imposes rent for a Rental Unit shall increase the rent that was in effect on April 14, 2022. Rent that was in effect on April 14, 2022 shall mean rent that had been paid on or before April 14, 2022 but not rent to be paid thereafter. Any notice of a rent increase served prior to (or after) April 14, 2022, which increase was to take effect on or after April 14, 2022, shall be void and have no force or effect. This subsection shall not be construed to prevent banking rent increases for future implementation.

### Section 3. IMPLIED REPEAL

Any provision of the Alameda Municipal Code or appendices thereto 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 4. 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) and 15061(b)(3) (no significant environmental impact).

### Section 5. 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 6. 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 City Council of the City of Alameda in a regular meeting assembled on the 17<sup>th</sup> day of May 2022, by the following vote:

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 18<sup>th</sup> day of May 2022

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

\_\_\_\_\_  
Yibin Shen, City Attorney  
City of Alameda