

RENT CONTROL ORDINANCE REGULATION 19-01

IMPLEMENTING REGULATIONS FOR RENTAL UNITS THAT ARE NOT EXEMPT  
UNDER STATE LAW CONCERNING RENT INCREASES THAT ARE IN EFFECT  
AFTER SEPTEMBER 1, 2019 BUT THAT EXCEED 2.8% OF THE BASE RENT

Whereas, on July 16, 2019, the City Council of the City of Alameda adopted an uncodified ordinance (Ordinance 3246) that in part provided that no Landlord shall charge Rent for any Rental Unit not exempt from rent control under State Law in an amount greater than the Base Rent plus the Annual General Adjustment and that the Annual General Adjustment for September 1, 2019 would be 2.8%; and

Whereas, Ordinance 3246 became effective August 15, 2019; and

Whereas, on September 3, 2019, the City Council of the City of Alameda adopted on an urgency basis Ordinance 3249 (beginning at Section 6-58.10 and following of the Alameda Municipal Code), restating previous Ordinances. Including Ordinance 3246, concerning rent control, limitations on evictions and relocation payments to certain tenants; and

Whereas, Section 6-58.155, Alameda Municipal Code (all further section references are to the Alameda Municipal Code unless stated otherwise) provides that the City Manager or the Manager's designee has the authority to promulgate regulations to implement the requirements and fulfill the purposes of the Ordinance; and

Whereas, Section 6-58.60 provides (as did Ordinance 3246) that no Landlord shall charge Rent for any Rental Unit not exempt under State Law in an amount greater than the Base Rent plus the Annual General Adjustment and that the Annual General Adjustment for September 1, 2019 shall be 2.8%; and

Whereas, some Landlords may not be aware of this new provision and may have served, or may serve, notices of rent increases to Tenants in Rental Units not exempt under State Law which notices provide a rent increase will go into effect after September 1, 2019 that exceeds 2.8% of the Base Rent; and

Whereas, a Tenant who has received a notice of a rent increase may request the Rent Program to review the notice and advise the Landlord and the Tenant whether the notice is in compliance with Ordinance 3249; and

Whereas, because rent increases that exceed 2.8% to take effect after September 1, 2019 for Rental Units not exempt under State Law are not in compliance with, and are in violation of, Ordinance 3249, the City could issue to the Landlord who served such a notice an administrative or criminal citation, or could pursue a civil action against the Landlord, including substantial civil penalties; and

Whereas, in context of new legislation concerning rent control, the City's policy has been to educate and inform the Landlord and Tenant community rather than immediately taking punitive action.

NOW, THEREFORE, under Section 6-58.155, the Community Development Director adopts the following implementing regulations concerning Rental Units not exempt under State Law where the rent increase is to take effect after September 1, 2019 but the rent increase exceeds 2.8%.

1. Definitions. Unless otherwise indicated, words or terms that are capitalized have the same definitions as the words and terms in Section 6-58.15.
2. Purpose. The purpose of this Regulation is to inform the Landlord and the Tenant community how the Rent Program will respond to notices of rent increases where the rent increase applies to a Rental Unit not exempt under State Law, takes effect after September 1, 2019, and exceeds 2.8% of the Base Rent.
3. Notices of Rent Increases Served Prior to December 1, 2019. Prior to December 1, 2019, any notice of a Rent increase that was lawfully served on a Tenant in a Rental Unit not exempt under State Law which rent increase is to take effect after September 1, 2019, but before January 1, 2020, and exceeds 2.8% of the Base Rent, the Landlord may rescind that portion of the rent increase that exceeds 2.8% of the Base Rent by providing written notice to the Tenant and the Rent Program. If a Landlord has collected Rent pursuant to a notice of a Rent increase described in the previous sentence, the Landlord must within five business days either reimburse the Tenant for the full amount of the Rent collected above the 2.8% or provide written notice to the Tenant and the Rent Program that the Landlord will credit the full amount of the Rent collected above the 2.8% to the Tenant's future Rent, beginning with the next month's Rent.
4. Notices of Rent Increases Served on or After December 1, 2019. On or after December 1, 2019, as to any notice of a Rent increase that is served on a Tenant in a Rental Unit not exempt under State Law which Rent increase is to take effect on or after January 1, 2020 and that exceeds 2.8% of the Base Rent, the Landlord shall immediately inform the Tenant and the Rent Program in writing that the Rent increase is rescinded in its entirety. If a Landlord has collected Rent pursuant to a Rent increase described in the previous sentence, the Landlord must also either reimburse the Tenant for the full amount of the Rent collected above the Base Rent or provide written notice to the Tenant and the Rent Program that the Landlord will credit the full amount of the Rent collected above the Base Rent to the Tenant's future Rent, beginning with the next month's Rent. Once the Landlord has rescinded the Rent increase and reimbursed or provided a Rent credit (if either is applicable) to the Tenant, a Landlord may re-notice a Rent increase that complies with Ordinance 3249. Thereafter, no Landlord shall increase the Rent of such Rental Unit for twelve months, beginning the effective date of the re-noticed Rent increase.

Dated: November 19, 2019

  
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Debbie Potter  
Director of Community Development