

RENT REGULATION 20-06
IMPLEMENTING REGULATIONS CONCERNING RENT ADJUSTMENTS FOR ADDING
AND REMOVING TENANTS IN RENTAL UNITS NOT EXEMPT FROM RENT
CONTROL UNDER STATE LAW

Whereas, on September 17, 2019, the City Council of the City of Alameda adopted Ordinance 3250 (beginning at Section 6-58.10 and following of the Alameda Municipal Code), restating and revising previous Ordinances 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, Ordinance 3250 sets forth the limitations on the frequency of rent increases and, as to Rental Units that are not exempt from rent control under State Law, establishes Base Rent and adjustments thereto; and

Whereas, from time to time an existing Tenant may request a Landlord to allow a new Tenant to move into the Rental Unit and, if such request were granted, it is fair and reasonable, under certain circumstances, for the Landlord to impose additional Rent; and

Whereas, the purpose of this Regulation is to establish the circumstances that the Rent for a Rental Unit that is not exempt from rent control under State Law may be increased or decreased depending on whether a new tenant is added or a tenant vacates.

NOW, THEREFORE, under Section 6-58.155, the Interim Community Development Director, as the City Manager's designee, adopts the following implementing regulations concerning Rent adjustments for adding and removing Tenants in Rental Units that are not exempt from rent control under State Law.

Section 1. Definitions. Unless otherwise indicated, words or terms that are capitalized in this Regulation have the same definitions as in Section 6-58.15.

Section 2. Notwithstanding subsection A of Section 6-58.50, a Landlord may increase the Rent when a new Tenant moves into the Rental Unit with an existing Tenant or

Tenants as provided in this Regulation; provided, however, a Landlord shall not increase the Rent if any of the following persons move into the Rental Unit:

- (a) a Tenant's spouse or registered domestic partner;
- (b) a Tenant's parent, grandparent, child, or grandchild, regardless of whether that child or grandchild is related to the Tenant by blood, birth, adoption, marriage, or registered domestic partnership;
- (c) the foster child or foster grandchild of the Tenant or of any of the individuals described in (a) or (b) of this Section;
- (d) any other person that federal or state fair housing laws may now or in the future protect;
- (e) a person necessary to reasonably accommodate the needs of a Tenant or of any of the individuals described in (a), (b), (c), or (d) of this Section, so long as the number of occupants does not exceed the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by California Health and Safety Code, section 17922.

Section 3. The Landlord may increase the Rent by an amount not to exceed ten percent (10%) for each additional Tenant if the additional Tenant increases the number of Tenants that existed at time the request has been made to add a Tenant except when the Landlord had actual or constructive knowledge of the additional Tenant for more than 60 days and failed to initiate a Rent Increase as provided in this Regulation. A change in ownership or the sale or transfer of the Rental Unit does not create a new 60-day period to assess a Rent Increase for an additional Tenant.

Section 4. A Landlord shall notify the Tenants in writing of the Rent Increase under this Regulation as provided in California Civil Code section 827. In addition, the Landlord shall notify the Program Administrator in writing if the Landlord has increased the Rent under this Regulation. The Landlord shall provide to the Program Administrator the name(s) of the additional Tenant(s), the amount of the Rent before the Rent increase, the amount of the Rent after the increase, and the effective date of the Rent Increase. The effective date shall be no sooner than the next rent due date following the month the Landlord has provided notice to the Program Administrator of the Rent Increase. Unless an additional Tenant is added, the Landlord shall not thereafter increase the Rent for that Rental Unit earlier than 12 months from that effective date.

Section 5. A new occupant of the Rental Unit does not become an additional Tenant until such person has maintained residence in the Rental Unit for at least 30 consecutive days. Persons who stay with an existing Tenant(s) for less than 30 consecutive days shall be considered guests. This Regulation does not authorize a Landlord to increase the Rent for guests.

Section 6. If the Landlord has increased the Rent for an additional Tenant and thereafter any Tenant vacates the Rental Unit, the Landlord shall reduce the Rent as follows:

In order to obtain a Rent decrease, a Tenant must provide written notice to the Landlord stating the name of the vacating Tenant and the move-out date. The Landlord shall

reduce the Rent based on the amount of the prior increase plus any Annual General Adjustments. The reduction shall be effective upon the rent due date for the following month as long as the Tenant has provided at least 30 days written notice to the Landlord. There shall be no prorated, partial month reductions. The reduction shall be based on the extent to which the remaining number of Tenants exceeds the number of Tenants at the time the additional Tenant was added. For example, if there were two Tenants and the Landlord increased the Rent 20% because two additional Tenants moved in, the Landlord shall decrease the Rent by 10% when any one of the Tenants vacates. A Landlord shall notify the Program Administrator if the Rent has been decreased as provided in this Section 6.

Section 7. Other than those persons set forth in Section 2 of this Regulation, the Landlord has the right to approve or disapprove a prospective Tenant provided the approval is not unreasonably withheld, and such approval is in accordance with applicable law governing the maximum number of occupants permissible in the Rental Unit.

Section 8. In considering whether to approve an additional Tenant, the Landlord may apply commonly accepted standards for screening Tenants including rental history, ability to pay the Rent, creditworthiness, and employment.

Section 9. The Landlord, the current Tenant(s), and the additional Tenant may enter into a revised Rental Agreement to include the additional Tenant as a Tenant of record. If there is not a revised Rental Agreement, the original Tenant(s) shall be deemed responsible for payment of all Rent due to the Landlord, including the increased Rent for the additional Tenant(s). If (a) there is a revised Rental Agreement, (b) any Tenant thereafter vacates the Rental Unit, and (c) such Tenant is replaced (as provided in Sections 7 and 8 of this Regulation), the Landlord shall not increase the Rent, provided the number of Tenants does not exceed the number of Tenants that existed at the time the revised Rental Agreement was fully executed, and provided further, when all Tenants on the Revised Rental Agreement have vacated the Rental Unit, the Landlord may establish a new Base Rent for the Rental Unit.

Section 10. If an additional Tenant has been added but no revised Rental Agreement has been executed, when a Tenant who resided in the Rental Unit before such additional Tenant was added vacates the Rental Unit, such Tenant may be replaced without an increase in Rent, provided the number of Tenants does not exceed the number of Tenants that existed at the time the additional Tenant was added, and provided, further, when all Tenants who have signed a Rental Agreement or a Revised Rental Agreement have vacated the Rental Unit, the Landlord may establish a new Base Rent for the Rental Unit.

Dated: October 30, 2020

Lois Butler, Interim Community Development Director