

## RENT ORDINANCE REGULATION 20-01

### IMPLEMENTING REGULATIONS CONCERNING THE RENT REGISTRY APPLICABLE TO RENTAL UNITS NOT EXEMPT FROM RENT CONTROL UNDER STATE LAW ("FULLY REGULATED UNITS")

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, subsection A of Section 6-58.55 provides that a Landlord shall as provided in Regulations complete and submit to the Program Administrator a registration statement for each Rental Unit and, as to those Rental Units that are not exempt from rent control under State Law, a Landlord must complete and submit a new registration statement to the Program Administrator within 30 calendar days from the inception of a new tenancy and upon a change of ownership of the Rental Unit; and

Whereas, subsection B of Section 6-58.55 provides that for all Rental Units, other than those exempt from rent control under State Law, the Program Administrator shall (a) initially determine the Maximum Allowable Rent for each Rental Unit, (b) annually provide to Landlords and Tenants the Maximum Allowable Rent or, if necessary (due to banking, for example,) the Certified Rent, for each Rental Unit, and (c) create a process for a Landlord or Tenant to appeal any initial determination of the Maximum Allowable Rent as provided in California Civil Code, section 1947.8.

Now, therefore, the following Regulation is adopted to implement provisions of the Ordinance concerning the Rent Registry for those Rental Units that are not exempt from rent control under State Law ("fully regulated units").

#### **1. When a Registration Statement Must be Filed**

- A. Initial registration.** Landlords shall file with the Program Administrator through the online rent registry a registration statement for each Rental Unit.
  
- B. Change in Tenancy.** When there has been a change in Tenancy, within 30 calendar days from the date the Landlord and the Tenant sign the written Rental Agreement or the date the Tenant first occupies the Rental Unit, whichever is earlier, a Landlord must register the new Tenancy with the Program Administrator through the online rent registry system.

C. Transfer of Ownership. When there has been a transfer of ownership of the Rental Unit, within 30 calendar days of such transfer (for example, within 30 calendar days of the sale of the Rental Unit, close of escrow, distribution of property housing the Rental Unit through probate or other court proceedings, etc.) a Landlord must register the change in ownership with the Program Administrator through the online rent registry system. A transfer of the Rental Unit between a Landlord and spouse, or from the Landlord to a family trust, will not require a Landlord to file a new registration statement.

**2. Fee Exemption Requests.** No later than 30 calendar days before the deadline for paying the Program Fee, a Landlord may submit a request for an exemption from the Program Fee by submitting documentation to substantiate the grounds for the exemption. The Program Administrator shall grant an exemption from paying the Program Fee only when the request is timely and complete documentation is provided to substantiate the exemption; the Landlord shall have the burden of proof as to any requested exemption. The Program Administrator shall determine whether to grant or deny the exemption and provide a written notice of the determination to the Landlord. If the Program Administrator denies the exemption, the Program Administrator shall inform the Landlord that the Landlord has 20 days from the date of the notice to file a petition to contest the determination. If the Landlord does not file a timely petition, the Landlord's right to contest the determination is waived. If the Program Administrator grants the exemption and thereafter the Landlord places the Dwelling Unit into the rental market, the Landlord shall, within 30 calendar days of establishing a new Tenancy at the Dwelling Unit, file with the Program Administrator a registration statement as provided in subsection B of Section 1 of this Regulation.

**3. Notice to Tenants Following the Initial Registration or the Registration of a New Tenancy**  
In the first year of registration and for each new Tenancy that the Landlord registers with the Program Administrator thereafter, the Program Administrator shall notify the Tenant, in writing, (a) of the Base Rent and Housing Services included with Rent as reported by the Landlord in the registration statement and (b) the Maximum Allowable Rent based on the registration statement. The Program Administrator shall at the same time inform the Tenant that within 20 calendar days from the date of the notice the Tenant may file a petition contesting the information reported by the Landlord in the registration statement and/or contesting the Program Administrator's determination of the Maximum Allowable Rent. If a Tenant fails to submit a timely petition, the Tenant's right to file such petition is waived.

**4. Annual Notice to Tenants Concerning the Annual General Adjustment and the Maximum Allowable Rent**

The Program Administrator shall annually notify Tenants of the Annual General Adjustment and the Maximum Allowable Rent or the Certified Rent for their Rental Units.

**5. Notice to Landlords Following Registration of a Tenancy**

After the Program Administrator determines that the Landlord's registration statement as to a Tenancy and Rental Unit is complete and that the information in the registration statement otherwise indicates that the Landlord is in compliance with the Rent Ordinance and Regulations, the Program Administrator shall notify the Landlord, in writing, (a) of the Program Administrator's determination of the Maximum Allowable Rent that the Landlord may charge and (b) that the Landlord has 20 calendar days from the date of the notice to file a petition challenging the Program Administrator's determination of the Maximum Allowable Rent. If a Landlord fails to file a timely petition, the Landlord's right to file a petition is waived.

**6. Annual Notice to Landlords Concerning the Annual General Adjustment and the Maximum Allowable Rent**

The Program Administrator shall notify Landlords annually of the Annual General Adjustment and the Maximum Allowable Rent or the Certified Rent for their Rental Units.

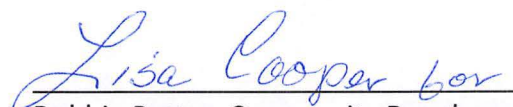
**7. Landlord's Failure to Meet Registration Deadline.**

If a Landlord fails to submit timely a registration statement as provided in this Regulation, a Landlord shall not notice or impose an Annual General Adjustment nor pass through any fees or costs otherwise allowed under the Ordinance or Council Resolution until the requirements of this Regulation have been satisfied. Once the Landlord has satisfied the requirements of this Regulation, any Annual General Adjustment or any allowable pass through fees or costs shall be prospective only. If a Landlord has imposed a Rent Increase or passed through any fees or costs, the Landlord must (a) rescind the Annual General Adjustment and, as determined by the Program Administrator, reimburse or provide a Rent credit to the Tenant for any Rent the Tenant has paid that included the Annual General Adjustment and (b) as determined by the Program Administrator, reimburse or provide a rent credit to a Tenant for any pass through of fees or costs the Tenant paid.

**8. Procedures Concerning Petitions Challenging the Base Rent, Housing Services Included with Rent and the Maximum Allowable Rent.**

The Program Administrator shall consider petitions filed under Sections 3 or 5 of this Regulation and issue a decision concerning such petitions. As to any Program Administrator's decision concerning such petitions or if the Program Administrator makes a determination under any other section of this Regulation, a Landlord or a Tenant may file a petition with the Program Administrator within 20 calendar days of the decision/determination, contesting the Program Administrator's decision/determination. A Hearing Officer will hear any such timely filed petitions as provided by City Attorney Administrative Regulation Number 19-001.

Dated: 4-13-20

  
Lisa Cooper for

Debbie Potter, Community Development Director