

RENT CONTROL ORDINANCE REGULATION 20-07 IMPLEMENTING REGULATIONS CONCERNING HEALTH OR SAFETY CONDITIONS OR SUBSTANDARD CONDITIONS IN A RENTAL UNIT THAT LEAD TO A GOVERNMENTAL AGENCY ISSUING AN ORDER TO VACATE

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), as may be amended from time to time, 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 Ordinance 3250; and

WHEREAS, Section 6-58.85 sets forth conditions under which a Landlord may be required to make Relocation Payments to a Tenant; and

WHEREAS, independently, under California Health and Safety Code, section 17975 and following, a Tenant may also be eligible for relocation payments; and

NOW, THEREFORE, under Section 6-58.155, the Interim Community Development Director, as the City Manager's designee, adopts the following implementing regulations concerning Health or Safety Conditions or Substandard Conditions that lead to a Governmental Agency's issuing an order to vacate a Rental Unit.

1. Purpose. The purpose of this Regulation is to clarify the process to be followed when a Governmental Agency issues an order to vacate a Rental Unit as a result of Health or Safety Conditions or of Substandard Conditions as that term is defined and used in this Regulation.
2. Definitions. Unless otherwise indicated, words or terms that are capitalized in this Regulation have the same definitions as the words and terms in Section 6-58.15. In addition, for purposes of this Regulation, "Governmental Agency" shall mean any City, County, or State, and divisions or departments thereof, including those that are authorized to enforce the Uniform Codes that the City has adopted except that Governmental Agency shall not include the Housing Authority and "Substandard Conditions" shall mean one or more of the conditions identified in California Civil Code section 1941.1.
3. Investigation of Complaints. Any Governmental Agency may investigate complaints of Health or Safety Conditions or of Substandard Conditions in a Rental Unit. Based on that investigation, if the Governmental Agency determines that Health or Safety Conditions or Substandard Conditions exist in a Rental Unit that, in order to protect the immediate health and safety of the Tenant, it was necessary

to issue an order to vacate the Rental Unit, the Governmental Agency shall provide to the Program Administrator a copy of any documentation forming the basis for the order to vacate, along with any documents or information that support the order.

4. Governmental Agency's Determinations.

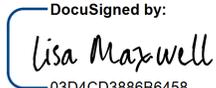
- A. In its discretion, the Governmental Agency that issued the order to vacate may determine whether a fire, flood, earthquake or other natural disaster, and/or other events beyond the control of the Landlord, caused the Rental Unit, or the building in which the Rental Unit is located, to be vacated.
- B. Also in its discretion, the Governmental Agency that issued the order to vacate may determine whether (i) the Landlord caused or materially contributed to the Health or Safety Conditions or the Substandard Conditions that necessitated the order to vacate or (ii) the Tenant, or an occupant of the Rental Unit, or the guest or invitee of any Tenant, caused or materially contributed to the Health or Safety Conditions or the Substandard Conditions that necessitated the order to vacate.
- C. If the Governmental Agency that issued the order to vacate makes any of the determinations under subsections A or B of this Section 4, the Governmental Agency shall in writing notify the Program Administrator of such determination(s).

5. Program Administrator's Notice to Landlords and Tenants.

- A. When a Governmental Agency has informed the Program Administrator that it has issued an order to vacate, the Program Administrator shall inform the Landlord and the Tenant in writing whether the Governmental Agency has made a determination under subsection A or B of Section 4 or has made no determination under either of those subsections.
- B. If the Governmental Agency has determined that (i) the event that caused the Health or Safety Conditions or the Substandard Conditions that necessitated the order to vacate was beyond the control of the Landlord, (ii) the Landlord has not caused or materially contributed to the Health or Safety Conditions or the Substandard Conditions that necessitated the order to vacate, or (iii) the Tenant, an occupant of the Rental Unit or a guest or invitee of the Tenant, caused or contributed to the Health or Safety Conditions or the Substandard Conditions that necessitated the order to vacate, the Program Administrator shall provide notice to the Landlord and the Tenant that the Landlord is not required to make Relocation Payments to the Tenant. The notice shall also inform the Landlord and the Tenant of appeal rights as provided in subsection D of this Section 5.

- C. If the Governmental Agency has made no determination concerning paragraphs (i), (ii) or (iii) in subsection B of this Section 5, the Program Administrator shall provide notice to the Landlord and the Tenant that the Landlord is required to make Relocation Payments to the Tenant. The notice shall also inform the Landlord and the Tenant of appeal rights as provided in subsection D of this Section 5.
- D. Within 10 calendar days of the Program Administrator's notice under subsections B or C of this Section 5, a Landlord or Tenant may file with the Program Administrator an appeal as to whether Relocation Payments must be made. A Hearing Officer shall hear and decide the appeal on an expedited basis pursuant to procedures set forth in City Attorney Regulation Number 19-01.
6. Notification Concerning Re-Occupation. The Governmental Agency that issued the order to vacate shall notify in writing the Landlord, the Tenant and the Program Administrator when the Rental Unit may be re-occupied.
7. Relocation Payments Under State Law. Nothing in this Regulation affects the requirements of a Governmental Agency to inform Landlords and Tenants of their obligations and rights under the California Health and Safety Code as to relocation payments arising out of Substandard Conditions.

Dated: February 7, 2021

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Lisa Maxwell  
Interim Community Development Director