

RENT CONTROL ORDINANCE REGULATION 20-09

IMPLEMENTING REGULATIONS CONCERNING DWELLING UNITS THAT ARE SINGLE ROOM OCCUPANCIES, AND CLARIFYING PROGRAM FEES FOR SINGLE ROOM OCCUPANCIES, OTHER RENTAL UNITS NOT SUBJECT TO RENT CONTROL UNDER STATE LAW, AND SHARED PRIMARY RESIDENCES

Whereas, on September 17, 2019, the City Council of the City of Alameda adopted Ordinance 3250 (beginning at Section 6-58.10 of the Alameda Municipal Code, “the Rent Ordinance”), 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 Rent Ordinance; and

Whereas, under the Rent Ordinance, a “Dwelling Unit” means a room or group of rooms, designed and intended for occupancy and/or use by one more persons, that includes in the room or group of rooms sleeping quarters and one or more of the following: the existence of capability for cooking facilities, e.g., refrigerator, stove, oven, microwave oven, etc.; and/or bath facilities, e.g. toilet, sink, shower, tub, etc., but the Rent Ordinance is silent as to whether such facilities must be within the room or group of rooms or whether such facilities simply need to be available by the occupants (e.g., shared facilities between and among multiple occupants in multiple units in a single building); and

Whereas, Landlords who rent rooms in rooming or boarding houses are subject to the rent control and just cause provisions of the Rent Ordinance if the room or group of rooms is a Dwelling Unit and is occupied by the same occupant or occupants for more than 30 consecutive days; and

Whereas, in this context, there is need to clarify the meaning of “cooking facilities” and “bath facilities”; and

Whereas, there is a need to clarify what Program Fee a Landlord is required to pay for certain Rental Units and for shared Primary Residences; and

Whereas, given the relative small number of Dwelling Units that will be considered Single Room Occupancies (as defined in this Regulation) compared to other Dwelling Units in the City, there is justification to impose a Rent Program fee on landlords with tenants in multiple Single Room Occupancies where the tenants share kitchen and bath facilities different than for landlords with a tenant in a Single Room Occupancy who does not share such facilities.

NOW, THEREFORE, under Section 6-58.155, the Interim Community Development Director adopts the following implementing Regulations.

Section 1. Terms that are capitalized shall have the same definition as in Ordinance No. 3250 unless otherwise noted. For purposes of this Regulation, a Single Room Occupancy (“SRO”) that has cooking facilities and bath facilities as defined in this Regulation shall have the same meaning as Dwelling Unit; provided, however, an SRO shall not include a Rental Unit that is exempt from rent control under State Law or a Dwelling Unit in which the Landlord owns the Rental Unit, occupies the Rental Unit as the Landlord’s Primary Residence, and shares kitchen or bath facilities with one or more Tenants.

Section 2. An SRO will be deemed to have “cooking facilities” if cooking facilities (a) exist or are permitted either in the room/rooms occupied by a Tenant or elsewhere in the building in which the SRO is located and (b) are available to a Tenant, even if other Tenants share such facilities.

Section 3. An SRO will be deemed to have “bath facilities” if bath facilities (a) exist in the room/rooms occupied by a Tenant or elsewhere in the building in which the SRO is located and (b) are available to a Tenant, even if other Tenants share such facilities.

Section 4. A Landlord will be charged a fully regulated unit Program Fee for each SRO in the building that has either kitchen facilities or bath facilities in the room/rooms occupied by a Tenant. For all other SROs in the building that share both kitchen and bath facilities, the Landlord will be charged a “Fully Regulated” Program Fee for the SROs collectively, i.e., a single Program Fee for all units in a building where the tenants share kitchen and bath facilities. The Fully Regulated Program Fee is set from time to time by the City Council.

Section 5. A Landlord of a Rental Unit that is not subject to rent control under State Law, e.g., a Single Dwelling Unit, a Condominium or Stock Cooperative, is subject only to the just cause provisions of the Ordinance and will be charged only a “Partially Regulated Unit” Program Fee for the Rental Unit, as such Fee is set from time to time by the City Council.

Section 6. A Landlord who owns a Rental Unit, occupies the Rental Unit as the Landlord’s Primary Residence, and shares either kitchen or bath facilities in the Rental Unit with one or more Tenants is exempt from both the rent control and the just cause provisions of the Rent Ordinance and as such will not be charged a Program Fee. Typically, but not always, the Rental Unit described in this Section 6 will be a Single Dwelling Unit.

Dated: November 5, 2020

Lois Butler, Interim Community Development Director