

**RENT CONTROL ORDINANCE REGULATION 26-02 CONCERNING
CIRCUMSTANCES WHEN CITY COUNCIL MAY REVIEW A DECISION OF
THE HEARING OFFICER**

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, [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 Program Administrator has the authority to promulgate regulations to implement the requirements and fulfill the purposes of the Rent Ordinance; and

Whereas, Section 6-58-75 provides broad authority for an independent hearing officer to hear and decide petitions, appeals and similar matters that are in dispute under the Rent Ordinance; and

Whereas, Subsection J of Section 6-58.75 provides that the Hearing Officer’s decision is final and binding unless judicial review is sought within 60 days of the date of the decision; provided, however, in a narrow set of circumstances, as provided in Rent Control Regulations, the City Council, either on its own motion or at the request of the City Attorney, may within 60 days of the Hearing Officer’s decision affirm, reverse or modify the Hearing Officer’s decision; and

Whereas, Regulations need to be adopted to set forth the “narrow set of circumstances” as identified in subsection J of Section 6-58.75.

NOW, THEREFORE, under Section 6-58.155, the Program Administrator adopts the following implementing regulations concerning the circumstances when the City may review a decision of the Hearing Officer.

Section 1. The purpose of this Regulation is to identify the narrow set of circumstances that will enable the City Council to review, and then affirm, reverse, or modify a decision of a Hearing Officer.

Section 2. Such circumstances include a decision in which a Hearing Officer determines (i) one or more Rental Units is exempt from some or all of the provisions of the Rent Ordinance, whether on grounds of preemption or otherwise, (ii) provisions of federal, state or local law, or Rent Regulations render provisions of the Rent Ordinance, whether on their face or as applied, unconstitutional, and (iii) materially interferes with the Program Administrator’s authority to interpret State law, the Rent Ordinance, and Rent Regulations.

Section 3. Within 60 days of a Hearing Officer's decision, City Council, whether on its own motion or at the request of the City Attorney, may affirm, reverse, or modify a Hearing Officer's decision. The City Clerk shall notify the Hearing Officer and any party that participated in the hearing of the time, date and place when the City Council will review the Hearing Officer's decision and shall provide an opportunity for the Hearing Officer and such party to submit written materials and be heard. The City Council's decision shall be final unless judicial review is sought within 60 days of the City Council's decision.

Dated: April 24, 2026



Bill Chapin, Program Administrator