

RENT ORDINANCE REGULATION 20-04

IMPLEMENTING REGULATIONS CONCERNING THE RENT  
REGISTRATION STATEMENT, PAYMENT OF RENT PROGRAM FEES,  
AND EXEMPTION PROCEDURES APPLICABLE TO RENTAL UNITS  
EXEMPT FROM RENT CONTROL UNDER STATE LAW (“PARTIALLY  
REGULATED UNITS”)

Whereas, on September 17, 2019, the City Council of the City of Alameda adopted Ordinance 3250 (“the Rent Ordinance”, 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, subsection A of Section 6-58.55, Alameda Municipal Code (all further section references are to the Alameda Municipal Code) provides that a Landlord shall as provided in Regulations complete and submit to the Program Administrator a registration statement for each Rental Unit, including Rental Units that are exempt from rent control under State Law (“partially regulated units”); and

Whereas, subsection A of Section 6-58.145 provides that a Landlord shall pay a Program Fee for each Rental Unit, including partially regulated units, unless the Rental Unit is exempt from paying such Fee; and

Whereas, the City Council has adopted a resolution establishing various Program Fees, depending on the classification of the Rental Unit, for example, Landlords pay a different Program Fee for “fully regulated” units than for a “partially regulated” unit; and

Whereas, Section 6.58.20, provides that certain Dwelling Units are exempt from the entire Rent Ordinance, including exempt from paying the Program Fees, including an exemption for projects where all of the Dwelling Units in the project are covered by a regulatory agreement that provides (a) that tenants pay affordable rent (as defined in the Health and Safety Code) and (b) Landlords accept only persons or families of low or moderate income (as defined in the Health and Safety Code); and

Whereas, Section 6-58.155 provides that the Rent Program Administrator has the authority to promulgate regulations to implement the requirements and fulfill the purposes of the Rent Ordinance.

Now, therefore, the following Regulation is adopted to implement provisions of the Rent Ordinance concerning rent registration, payment of Program Fees, and exemption procedures for partially regulated units.

## **1. Initial Registration Statement**

A. Landlords shall file with the Program Administrator an Initial Registration Statement for each Rental Unit. For units rented to Tenants as of Sept. 1, 2019, the deadline for initial registration was May 25, 2020. For all other Rental Units, i.e., units rented to Tenants after Sept. 1, 2019, the Initial Registration Statement must be submitted within 30 calendar days of the start date of the first tenancy in the unit. An Initial Registration Statement may be submitted through the online Rent Registry or by submitting Form RP-223 for the rental property. Required information to be submitted with the Initial Registration Statement includes:

1. Alameda County Assessor Parcel Number (“APN”)
2. Primary property address
3. Property purchase date
4. Owner name, business name (if different), mailing address, phone number, email address, and owner type (i.e. individual, corporation, etc.)
5. Property manager name, business name (if different), mailing address, phone number, and email address
6. For each Rental Unit:
  1. Unit address
  2. Number of bedrooms
  3. Occupant type (Tenant or rent-subsidized Tenant)
  4. Start date of tenancy
  5. Current Rent
  6. Date of most recent rent increase

**2. Transfer of Ownership.** Landlords of partially regulated units are not required to notify the Rent Program of a transfer of ownership. To streamline administrative processes related to annual Program Fee billing and program communications, Landlords are strongly encouraged to notify the Rent Program within 30 days of the close of escrow that any partially regulated unit has been transferred to new ownership.

**3. Annual Program Fee Payment.** In addition to complying with registration requirements, Landlords are required to pay an Annual Program Fee for each Rental Unit by no later than August 31 of each year. Fee amounts will be determined in accordance with City Council resolutions and announced by May 31 of each year. A Landlord may pay the annual Program Fee by credit card or e-check via the online Rent Registry immediately after submitting an online registration statement, or by check upon receiving an invoice that will be mailed after July 1.

**4. Exemption Requests.**

A. No later than 30 calendar days before the deadline for paying the Program Fee, a Landlord may submit a request that a partially regulated unit should be exempt from the Program Fee, for the reasons in paragraphs 1 through 6 below. A fee exemption request may be submitted through the online Rent Registry or by submitting Form RP-221(D). Submissions must include documentation to substantiate the grounds for the exemption. If the Program Administrator grants a fee exemption based on the Dwelling Unit being vacant, the owner may be required to provide annual verification as to whether the unit is still vacant and will remain vacant.

1. The unit serves as the Landlord's primary residence.
2. The unit occupant does not pay rent.
3. The unit is a commercial unit, such as office condominiums, commercial storage units, or units subject to Section 30-15 (Work Live Studios).
4. The unit is rented or leased to transient guest(s) for no more than 30 consecutive days.
5. The unit is occupied by a property manager and there is a written agreement with the Landlord under which the

property manager does not pay the full amount of rent that would otherwise be paid for a comparable Rental Unit on the property.

6. The unit is vacant and will remain vacant for the entire fiscal year, i.e., from July 1 of the current year to June 30 of the following calendar year.
- B. No later than 30 calendar days before the deadline for paying a Program Fee, a Landlord may submit a request that all dwelling units should be exempt from all provisions of the Rent Ordinance, including the Program Fee requirement, for the reasons in paragraphs 1 and 2 below. A request for an exemption may be submitted through the online Rent Registry or by submitting either (a) Form RP-221(D) for each Dwelling Unit to be exempted or (b) Form RP-222. The Program Administrator may request additional information to substantiate the grounds for the exemption.
1. All Dwelling Units on the property meet one or more of the criteria of Section 6-58.20. Dwelling units qualify for an exemption under subsection A of Section 6-58.20 only if (a) all Dwelling Units in a development project are below market rate Rental Units and (b) all Dwelling Units in the development project are covered by a regulatory agreement that provides (i) that Tenants pay affordable rent (as defined in the Health and Safety Code) and (ii) Landlords accept only persons or families of low or moderate income (as defined in the Health and Safety Code).
  2. All units on the property do not meet the definition of Rental Unit under Section 6-58.15 (e.g. a unit serves as the Landlord's primary residence).
- C. The Program Administrator shall grant an exemption only when the request is timely, complete documentation is provided to substantiate the exemption, and substantial evidence supports the granting of the exemption. The Landlord shall have the burden of proof as to any requested exemption.
- D. The Program Administrator shall determine whether to grant or deny an exemption and provide a written notice to the Landlord of the Program Administrator's determination. If the Program Administrator

denies the exemption, the Program Administrator shall inform the Landlord that the Landlord has 20 calendar days from the date of the notice to file a petition to contest the determination. If a Landlord files a timely petition, a Hearing Officer will hear the matter as provided by City Attorney Administrative Regulation Number 21-01. If the Landlord does not file such petition timely, the Landlord's right to contest the determination is waived.

- E. 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 Section 1 of this Regulation.

**5. Landlord's Failure to Meet Registration and Fee Payment Deadlines.**

- A. A Landlord who fails to pay timely the Program Fee shall pay, in addition to the Program Fee, a late penalty of 10% for each month (including any partial month) up to a maximum of 60%.
- B. A Landlord's failure to submit a required registration statement or pay all applicable Program Fees is a violation of the Rent Ordinance and may subject the Landlord to the penalties and remedies for violations of the Rent Ordinance

First Adopted: April 13, 2020

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Bill Chapin  
Rent Program Director