

RENT CONTROL ORDINANCE REGULATION 22-01 IMPLEMENTING REGULATIONS CONCERNING RENTS FOR BERTHS AT FLOATING HOME MARINAS AND CRITERIA FOR ESTABLISHING MARITIME RESIDENTIAL TENANCIES FOR CERTAIN VESSELS AT FLOATING HOME MARINAS

WHEREAS, in September 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, on September 6, 2022, the City Council of the City of Alameda amended Ordinance 3250 by adopting Ordinance 3326 concerning Rents at Floating Home Marinas in the City of Alameda; and

WHEREAS, Section 6-58.155 of the Alameda Municipal Code (all further section references as to the Alameda Municipal Code unless stated otherwise) provides that the Program Director has the authority to promulgate regulations to implement the requirements and fulfill the purposes of Ordinance 3250 as amended.

NOW, THEREFORE, under Section 6-58.155, the Program Director adopts the following implementing regulations concerning Rents at Floating Home Marinas.

1. Purpose. The purpose of this Regulation is to (1) clarify that as to Floating Home Marinas, "other real property" includes berths at Floating Home Marinas and (2) to establish what is meant by a maritime residential tenancy at a Floating Home Marina.
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.
3. Rental Unit Clarified. In Section 6-58.15 the term "Rental Unit" includes a Floating Home, a vessel/boat with a maritime residential tenancy at a Floating Home Marina, and other real property. "Other real property" includes berths at Floating Home Marinas and therefore Rental Unit includes berths at Floating Home Marinas.
4. Base Rent for Rental Units at Floating Home Marinas. For all Rental Units at Floating Home Marinas, Base Rent means the Rent a Tenant paid for the Rental Unit on or before April 14, 2022 but not Rent paid thereafter and shall be the reference point from which the Maximum Allowable Rent shall be adjusted upward or downward in accordance with Ordinance 3250 as amended. For Rental Units at Floating Home Marinas rented after April 14, 2022, the Base Rent is the initial Rent in effect on the date the Tenancy commences.
5. Base Rent Year for Rental Units at Floating Home Marinas. Base Rent Year for Rental Units at Floating Home Marinas means 2021.
6. Rents for Rental Units at Floating Home Marinas. No Landlord shall charge Rent for a Rental Unit at a Floating Home Marina in an amount greater than the Base Rent for such berth plus any increases expressly allowed under Ordinance 3250 as amended.

7. Maritime Residential Tenancies. In addition to Floating Homes being berthed at Floating Home Marinas, other vessels may be berthed at such Marinas. These vessels, unlike Floating Homes, have engines or sails, are not self contained as to electricity and water, i.e., they are connected at the Marina to electricity and water, and must pump out sewage. Some persons, like persons who live on Floating Homes, live permanently on their vessels and are commonly referred to as "live aboards". Under regulations imposed by the Bay Conservation and Development Commission, live aboard berths are capped at 10% of any marina, including Floating Home Marinas. Many vessels housing live aboards have occupied their berths for a substantial and continuous period of time. Continuous does not mean that the vessel has never left the berth. If a person has entered into one or more agreements for the person's vessel to be berthed at the Floating Home Marina, and the vessel has physically occupied the berth for all or some portion of at least 80% of the days of any nine continuous months, the vessel shall be deemed to have a maritime residential tenancy at the Floating Home Marina and have the protection of Ordinance 3250 as amended.

8. Procedure. The Landlord of any Floating Home Marina shall register with the Rent Program the names of all Floating Home owners at the Marina, their berth numbers, their Base Rents and any adjustments that have been made to the Base Rent. The Landlord shall also register with the Rent Program the names and berth numbers of all persons who have entered into one or more agreements for the persons' vessels to be berthed at the Marina and whose vessels have physically occupied such berths for all or some portion of at least 80% of the days of any nine continuous months ("Protected Live aboards"), and their Base Rents and any adjustments that have been made to the Base Rent. In addition, the Landlord shall provide to the Rent Program the names and berth numbers of all other persons who have vessels berthed at the Marina who have not entered into one or more agreements for the persons' vessels to be berthed at the Marina and/or whose vessels have not physically occupied such berths for all or some portion of at least 80% of the days of any nine continuous months ("Non-Protected Live aboards"). The Program Director shall inform the Floating Home Owners and the Protected Live aboards of the information provided and/or determinations made by the Landlord, including the Maximum Allowable Rent and Housing Services, and advise them of the right to contest the information/determination. The Program Director shall also inform the Non-Protected Live aboards of the information provided and/or determinations made by the Landlord, including the Landlord's determination that they do not meet the Protected Live aboard criteria, and advise them of the right to contest the information/ determination. The Program Director shall attempt to resolve the contested issues but if such attempts are not successful, a Hearing Officer shall decide the issue.

Dated: 10/7/2022


Rent Program Director