

RENT REGULATION 20-06_
IMPLEMENTING REGULATIONS CONCERNING RENT ADJUSTMENTS FOR ADDING
AND REMOVING TENANTS IN RENTAL UNITS NOT EXEMPT FROM RENT
CONTROL UNDER STATE LAW

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), 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 Ordinance; and

Whereas, Ordinance 3250 sets forth the limitations on the frequency of rent increases and, as to Rental Units that are not exempt from rent control under State Law, establishes Base Rent and adjustments thereto; and

Whereas, from time to time an existing Tenant may request a Landlord to allow a new Tenant to move into the Rental Unit and, if such request were granted, it is fair and reasonable, under certain circumstances, for the Landlord to impose additional Rent; and

Whereas, the purpose of this Regulation is to establish the circumstances that the Rent for a Rental Unit that is not exempt from rent control under State Law may be increased or decreased depending on whether a new tenant is added or a tenant vacates.

NOW, THEREFORE, under Section 6-58.155, the Community Development Director adopts the following implementing regulations concerning Rent adjustments for adding and removing Tenants in Rental Units that are not exempt from rent control under State Law.

Section 1. 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.

Section 2. Notwithstanding subsection A of Section 6-58.50, a Landlord may not increase the Rent when a new Tenant moves into the Rental Unit with an existing Tenant or Tenant(s) if the new Tenant or Tenant(s) are any of the following persons:

- (a) a Tenant's spouse or registered domestic partner;
- (b) a Tenant's parent, grandparent, child, or grandchild, regardless of whether that child or grandchild is related to the Tenant by blood, birth, adoption, marriage, or registered domestic partnership;
- (c) the foster child or foster grandchild of the Tenant or of any of the individuals described in (a) or (b) of this Section;
- (d) any other person that federal or state fair housing laws may now or in the future protect; or
- (e) a person necessary to reasonably accommodate the needs of a Tenant or of any of the individuals described in (a), (b), (c), or (d) of this Section, so long as the number of occupants does not exceed the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by California Health and Safety Code, section 17922.

Section 3. A Landlord may not unilaterally increase the Rent, even when additional tenants are added without the Landlord's approval, except in a manner consistent with the City's Rent Control Ordinance and/or other applicable law. The foregoing is not intended to bar a Landlord and Tenant from mutually agreeing to a new tenancy with a new Rent level or seeking other judicial remedies as authorized by law.

Section 4. A Landlord shall notify the Program Administrator in writing of any new tenancies. The Landlord shall provide to the Program Administrator the name(s) of the additional Tenant(s), the amount of the Rent before, the new Rent level, and the effective date of the new Rent level.

Section 5. A new occupant of the Rental Unit does not become an additional Tenant until such person has maintained residence in the Rental Unit for at least 30 consecutive days. Persons who stay with an existing Tenant(s) for less than 30 consecutive days shall be considered guests. This Regulation does not authorize a Landlord to increase the Rent for guests.

Section 6. In considering whether to approve an additional Tenant, to the extent the Landlord has the legal right to do so, the Landlord may apply commonly accepted standards for screening Tenants including rental history, ability to pay the Rent, creditworthiness, and employment.

Section 7. The Landlord, the current Tenant(s), and the additional Tenant may enter into a revised Rental Agreement to include the additional Tenant as a Tenant of record. If there is not a revised Rental Agreement, the original Tenant(s) shall be deemed responsible for payment of all Rent due to the Landlord, including the increased Rent for the additional Tenant(s). If (a) there is a revised Rental Agreement, (b) any Tenant thereafter vacates the Rental Unit, and (c) such Tenant is replaced, the Landlord shall not increase the Rent, except in a manner consistent with the City's Rent Control Ordinance and/or other applicable law, provided that the number of Tenants does not exceed the number of Tenants that existed at the time the revised Rental Agreement was fully executed, and provided further, that when all Tenants on the Revised Rental Agreement have vacated the Rental Unit, the Landlord may establish a new Base Rent for the Rental Unit.

Dated: October 21, 2021

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Lisa Maxwell
Community Development Director