

LANDLORDS

A Pocket Guide to the Alameda Rent Program



Updated September 2022

CITY OF ALAMEDA

ABOUT THIS GUIDE

The Alameda Rent Program was created to implement the City's Rent Ordinance through education, community engagement and collaboration to promote equity and stability in the rental market.

In addition to City policies, tenants have certain rights under state law. **This pocket guide does not address your rights and responsibilities under state law.**

For information and resources on state law, please visit www.alamedarentprogram.org/state-law.

Disclaimer: This pocket guide is for informational purposes only and is not intended to provide legal advice.

For more information, please visit www.alamedarentprogram.org or contact the Rent Program at (510) 747-7520. Staff can provide information about the City's policies and procedures. We are not attorneys and do not provide legal advice, but can make referrals as needed.

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THE

BASICS

HOW DOES ALAMEDA REGULATE RENTAL UNITS?

Rent Ordinance No. 3250 is legislation established in the City of Alameda, effective September 2019. It applies to approximately 15,000 rental units. There have also been previous ordinances, which have regulated rental units since 2016.

The Rent Ordinance prevents landlords from terminating a tenancy except for certain allowable grounds and requires a relocation payment in cases where the termination is not the fault of the tenant.

The Rent Ordinance also imposes a limit on annual rent increases for most rental units in the City. Known as the Annual General Adjustment (AGA), this cap is calculated at 70% of the percentage change in the Consumer Price Index. Landlords must also register all rental units with the Rent Program, and tenants in units subject to the AGA receive an annual notice of the maximum rent that their landlord may charge.

DO YOU OWN A UNIT SUBJECT TO RENT CONTROL?



State law exempts certain units from rent control. These “partially regulated” units are not subject to the annual cap (AGA) on rent increases, but they are subject to other regulations, including limits on terminations of tenancy.

Fully regulated units subject to rent control:

- Multi-unit properties (2+ units on a parcel) built before Feb. 1995

Partially regulated units:

- Single-family homes (and any permitted accessory dwelling units on the same lot)
- Condominiums and townhouses
- Multi-unit properties built after Feb. 1995
- Privately owned units in the Housing Choice Voucher (Section 8) program

Other properties are fully exempt from the Rent Ordinance, including short-term accommodations rented for 30 days or less, commercial units, mobile homes, care facilities, and more

ANNUAL PROGRAM FEE



There is an annual program fee charged to landlords who own units covered under the Rent Ordinance. Payment of this fee is the responsibility of the landlord.

For current fee amounts, please visit www.alamedarentprogram.org/FAQs#Fee.

Landlords are allowed to pass half the program fee on to the tenant. This must be done in 12 equal monthly installments. The fee pass-through is separate from the rent and not included in calculations of the Maximum Allowable Rent.

You will receive notice when annual fees are due. Payments may be made online at registry.alamedarentprogram.org.



YOUR

RIGHTS &

RESPONSIBILITIES

NEW TENANTS



Landlords are required to:

1) Provide these documents to a prospective tenant:

- Written notice that the rental unit is subject to the Rent Ordinance
- A copy of the Rent Ordinance
- A copy of the current City regulations relating to Rent Ordinance
- A copy of the informational brochure that explains the Rent Ordinance

Landlords may satisfy this requirement by providing tenants with Form RP-208, which explains how to access the documents online. If, however, the tenant does not have internet access or requests hard copies, the landlord must provide hard copies.

Find all documents online at
www.alamedarentprogram.org.

2) Register a new tenancy with the Rent Program

RENT REGISTRY



Landlords must register all rental units with the Rent Program.

The Alameda Rent Registry launched in January 2020. By now, all rental units should have been registered. If you have an unregistered property, please contact the Rent Program immediately.

Each spring, landlords will receive a notification reminding them to verify that the information saved in the Rent Registry is still correct, request any new exemptions, and/or certify that any vacant units will remain vacant for the entire fiscal year. Once complete, they may pay the annual fee by credit card through their Rent Registry account.

To create or access a Rent Registry account, go to registry.alamedarentprogram.org.

ONGOING REGISTRATION REQUIREMENTS

For fully regulated units:

Landlords must notify the Rent Program within 30 days of a change in tenancy or a change in ownership.

In order to process a change in ownership, the landlord must provide, at a minimum:

- A mailing address for the new owner
- For each tenant-occupied unit:
 - The rent at close of escrow
 - The date of last rent increase

For partially regulated units:

Landlords must notify the Rent Program within 30 days of a new tenancy in a unit that was not previously on the rental market.

Changes in tenancy or ownership may be reported at registry.alamedarentprogram.org

LIMITATIONS ON RENT INCREASES

For fully regulated units:



The Annual General Adjustment (AGA) limits rent to a certain percentage increase each year.

For all rental units:



Only one rent increase may be imposed in any 12-month period.



Tenants who move out within 90 days of receiving a rent increase of more than 10% are entitled to a relocation payment.

For fully regulated units, rent may only be increased as follows:

1. Annual General Adjustment (AGA)

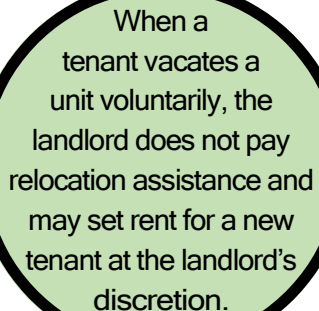
- Calculated at 70% of the change in the Consumer Price Index; always at least 1% and never more than 5%. A tenant's annual rent increase may not exceed this cap.
- A new AGA limit goes into effect on Sept. 1 each year.
- Landlords and tenants will receive a notice from the Rent Program each fall providing the Maximum Allowable Rent (MAR) for their unit and a deadline by which to file an appeal.

2. Capital Improvement Plans

- Landlords may recover the cost of certain long-term improvements by passing them on to tenants over long periods of time.
- Eligible projects include roof replacements; foundation upgrades; and new plumbing, electrical, heating, cooling, or ventilation systems.
- Tenants who are temporarily or permanently displaced by the work are entitled to relocation assistance. See pg. 15-17 for details.

3. Landlord Petitions

- Landlords may petition for an upward adjustment in rent. See pg. 12 for details.



When a tenant vacates a unit voluntarily, the landlord does not pay relocation assistance and may set rent for a new tenant at the landlord's discretion.

BANKING RENT INCREASES

If a landlord decides to increase rent by less than the Annual General Adjustment (AGA), or not increase rent at all, the tenant's rent will fall below the Maximum Allowable Rent (MAR). The landlord may impose these "banked" rent increases in later years, bringing the monthly rent more in line with the MAR, with the following limitations:

- No more than 8% may be banked at any given time
- No increase may exceed 3% plus the AGA for that year
- Banked increases may not be imposed in consecutive years
- Banked increases may not be imposed more than 3 times per tenancy
- Banked increases are not transferrable to a new owner if the property is sold
- Banked increases expire at the end of a tenancy
- A notice of rent increase that imposes a banked increase:
 - Must include Form RP-203
 - Must be filed with Rent Program

RIGHT TO A FAIR RETURN

Landlord Petitions

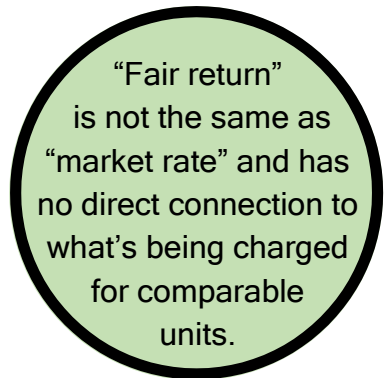
Landlords may request a hearing for an upward rent adjustment if they can show one is necessary to receive a fair return on their property. Petitions are heard by hearing officers, who issue binding decisions.

When filing a petition, landlords are asked to submit documentation based on one of the most common standards for determining a fair return: maintenance of net operating income. This allows the hearing officer to examine the landlord's revenue and expenses before and after Alameda implemented rent regulations, and whether the net income has kept pace with inflation.

Landlords may file petitions online at registry.alamedarentprogram.org.



Hearing officers are hired by the City Attorney's Office and have expertise in landlord-tenant law.



"Fair return" is not the same as "market rate" and has no direct connection to what's being charged for comparable units.

RIGHT TO REQUEST REVIEW

Staff Review

Landlords or tenants may request that Rent Program staff conduct a review of the calculation of Maximum Allowable Rent. Requests may be filed online at registry.alamedarentprogram.org.

In addition, tenants may also request a review of the base rent and/or housing services that the landlord reported at registration, as well as any previous or pending rent increase notices.

Tenant Petitions

Tenants also have the right to request a hearing for a downward rent adjustment if they can show there has been a reduction in housing services, living space, or amenities; substantial deterioration of the rental unit; or the landlord has failed to comply with housing, health, and safety codes or the City's rent regulations. Petitions are heard by hearing officers, who issue binding decisions.



LIMITATIONS ON TERMINATIONS OF TENANCY



Terminations of tenancy are limited to nine allowable grounds defined under the Rent Ordinance.

Tenants are owed a relocation payment when they are not at fault for the termination of tenancy.

NO-FAULT TERMINATION PROCEDURES

No-fault terminations of tenancy follow a five-step process:

1. Identify the allowable grounds
2. Serve notice on the tenant
3. File the notice and other documentation with the Rent Program
4. Make the required relocation payment to the tenant
5. Adhere to unit restrictions concerning rent or occupancy

1. Identify Allowable Grounds

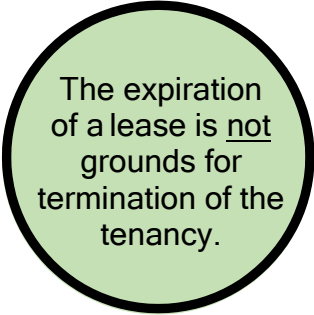
For-Cause Grounds

1. Nonpayment of Rent
2. Breach of the Lease
3. Failure to Give Access
4. Creating a Nuisance, as defined by state law

Terminations of tenancy based on for-cause grounds must comply with state law, but landlords are not required to file with the Rent Program or make relocation payments.

No-Fault Grounds

5. Owner Move-In
6. Withdrawal of the Rental Unit from the Rental Market
7. Demolition of the Rental Unit
8. Capital Improvement Plan
9. Compliance with a Governmental Order




The expiration of a lease is not grounds for termination of the tenancy.

For Owner Move-In, the property cannot have a comparable vacant unit available. Owner Move-In may not be used as grounds more than once every 24 months. For a Capital Improvement Plan, the landlord must receive approval for the plan prior to serving notice on the tenant.

2. Serve Notice on Tenant

The written notice of termination of tenancy served on the tenant must include:

1. The grounds for termination of tenancy (must be one of the allowable grounds)
2. The exact amount of the relocation payment owed to the tenant
3. For Owner Move-In, the notice must state the name of the person who will move in and, if a qualifying relative, the relationship of that person to the owner.



Notices must also comply with state law

3. File with the Rent Program

The landlord must file the notice with the Rent Program within three calendar days of service to the tenant, along with Form RP-201. Information may also be submitted online at registry.alamedarentprogram.org.

For Owner Move-In, the landlord also must submit documentation demonstrating that the landlord has at least a 50% ownership interest in the property and is a “natural person” (as opposed to a corporation or real estate investment trust, for example).

4. Make Relocation Payments

Permanent relocation payment amounts are based on the number of bedrooms in the rental unit and are adjusted annually. Tenant households that include someone age 62 or older, someone who has a disability, or someone who has a child younger than 18 receive a larger payment. For current amounts, see alamedarentprogram.org/FAQs/Permanent-Relocation-Schedule.

The first half is owed once the tenant informs the landlord, in writing, of the date that the tenant intends to vacate the unit. The second half is owed once the tenant vacates the unit.

5. Adhere to Unit Restrictions

Owner Move-In - The owner or qualifying relative must move in within 60 days after the tenant vacates and reside in the unit for at least three years.

Compliance with a Governmental Order - Tenant must be offered the same unit at the same rent after compliance with order.

Demolition - The property must be demolished.

Withdrawal of the Rental Unit from the Rental Market - The unit is removed from the rental market permanently, regardless of a change in ownership. The City's Ellis Act Policy defines requirements and penalties if the unit is rented within five years of withdrawal.

Capital Improvement Plan Landlord must complete the capital improvements.

WITHDRAWAL FROM THE RENTAL MARKET

A termination of tenancy based on a Withdrawal of the Rental Unit from the Rental Market follows a different set of procedures and requirements in accordance with the City's Ellis Act Policy. It imposes significant restrictions and limitations on the right of a landlord, and any subsequent owner, to rent the unit in the future. See Form RP-202 instructions for more information.

For physical structures that have multiple rental units, or for multiple detached structures located on the same parcel of land, generally all rental units must be withdrawn from the rental market.

Landlords must serve tenants with a specific set of forms no less than 120 days prior to the date the rental unit is to be withdrawn from the rental market.



Certain tenant households have the option to stay in the unit for up to one year. This option is available to tenants who:

- Have lived in the rental unit for at least one year, and
- Are age 62 or older or have a disability

BUYOUT AGREEMENTS



A buyout agreement (sometimes called "cash for keys") is a written agreement between a landlord and tenant, by which the tenant agrees to vacate, usually in return for money. It is up to the landlord and tenant to come to an agreement on a payment amount, move-out date, and other details.

Tenants who receive an offer of a buyout agreement have the right to:

- **Reject** the offer
- **Revise** the agreement before signing
- **Consult** an attorney for legal advice
- **Ask** the Rent Program for more information
- **Rescind** the buyout agreement within 30 days after signing

Landlords are required to file a signed buyout agreement with the Rent Program within three calendar days.

TEMPORARY RELOCATION PAYMENTS

If a governmental agency issues an order requiring the tenant to vacate or verifies that a tenant vacated due to health and safety conditions, the landlord is required to provide temporary relocation payments. Payment is also required when a landlord takes action to temporarily terminate a tenancy. Payment is generally not required when displacement is caused by a natural disaster or actions that are the fault of the tenant or the tenant's guests. See Form RP-207 for details.

Payment calculations are adjusted annually. For current amounts, see [alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule](https://www.alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule).

RETALIATION PROHIBITED

The Rent Ordinance expressly prohibits landlord retaliation against tenants for asserting their rights under the City's laws or state law, such as:

- **Terminating** the tenancy
- **Increasing** the rent
- **Reducing** the tenant's housing services
- **Neglecting** repairs and maintenance requests

FAIR HOUSING

City of Alameda Ordinance no. 3251 prohibits unlawful tenant harassment, disruption of housing services, and housing discrimination. Landlords may not discriminate against a prospective tenant on the basis of:

- Source of income, including the Housing Choice Voucher (Section 8) program
- Immigration status
- Citizenship
- National origin
- Race
- Color
- Religion
- Sex
- Sexual orientation
- Gender identity
- Physical/mental disability
- Marital status
- Other characteristics protected by law

BUYING AND SELLING RENTAL PROPERTY



Disclosures

An owner must disclose to any buyer and/or buyer's agent that a unit is subject to the Rent Ordinance, including any unit restriction caused by a termination of tenancy for no cause or no fault, such as withdrawing the unit from the rental market.

Financial responsibility

A new owner may be held financially responsible for a prior owner's violation(s) of the Ordinance. Potential purchasers should obtain the rental history of the unit and should contact the Rent Program concerning restrictions on renting the property.



RESOURCES

OVERVIEW OF FORMS

RENT FORMS

Form RP-200

Landlords may submit this form to contest the determination of the Maximum Allowable Rent for a unit or petition for an upward rent adjustment. For the latter, landlords must also submit **RP-200 Attachment A**.

Form RP-203

Landlords must attach this addendum to a rent increase notice if they are imposing a “banked” rent increase.

Form RP-209

Landlords must attach this addendum to a notice of a rent increase above 10%

OTHER FORMS

Form RP-208

Landlords may use this form to provide prospective tenants with a link to online resources rather than hard copies of the materials required by the Rent Ordinance; however, the tenant must agree to this in writing by signing the form.

Form RP-214

Landlords may submit this form to apply for a Capital Improvement Plan, and must submit this form when a tenant will be temporarily or permanently displaced because of the work associated with capital improvements.

Forms are available at City Hall, City Hall West, and online at www.alamedarentprogram.org

TERMINATION FORMS

Form RP-201

Landlords must submit this form after serving a tenant with a termination of tenancy based on Owner Move-In and most other “no fault” grounds.

Form RP-202(A), (B), (C), and (D)

Landlords must serve tenants with these forms and file a copy with the Rent Program when terminating a tenancy based on Withdrawal of the Rental Unit from the Rental Market.

RP-202(E)

Landlords must submit a signed and notarized copy of this memorandum when terminating a tenancy based on Withdrawal of the Rental Unit from the Rental Market.

Form RP-205

Landlords must provide this disclosure to tenants prior to making an offer of a buyout agreement and file a copy with the Rent Program.

Form RP-206

Landlords may provide this notice to tenants who are owed permanent relocation payments.

Form RP-207

Landlords must provide this notice to tenants who are owed temporary relocation payments.

Form RP-210 / RP-211

Landlords must use these forms to verify compliance with unit restrictions following a termination of tenancy based on Owner Move-In or Withdrawal from the Rental Market.

Forms are available at City Hall, City Hall West, and online at www.alamedarentprogram.org

INFORMATION & SERVICES

LOCAL REGULATIONS

Rent Program

510-747-7520

www.alamedarentprogram.org

Implements the City's Rent Ordinance. Landlords may contact staff with any questions about the law and their rights.

STATE LAW

For resources on California laws that govern landlord-tenant relationships, including the state Department of Real Estate's *California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities*, visit www.alamedarentprogram.org/state-law.

MEDIATION

ECHO (Eden Council for Hope & Opportunity)

510-581-9380

www.echofairhousing.org

ECHO's Tenant/Landlord Counseling Program provides information on rental housing

issues and has trained mediators to assist in resolving disputes.

LEGAL SERVICES

Alameda County Bar Association Lawyer Referral Service

510-302-222, option 4

www.acbanet.org/need-a-lawyer

Offers attorney referrals and is regulated and certified by the California State Bar.

Legal Access Alameda

510-302-222, option 4

legalaccessalameda.org

Alameda County Bar Association volunteer attorneys provide pro bono services to low-income individuals.

Lawyers in the Library

www.alamedafree.org/Adult-Services/Lawyers-in-the-Library

A program of Legal Access Alameda, volunteer attorneys provide free consultations and referrals. Fill out online form to request an appointment.

THANK YOU FOR BEING AN INFORMED
LANDLORD

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