

# TENANTS

## 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](http://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](http://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

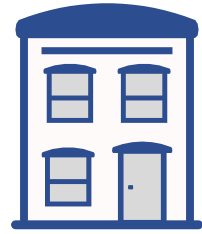
# HOW DOES ALAMEDA REGULATE RENTAL UNITS?

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 LIVE IN 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.

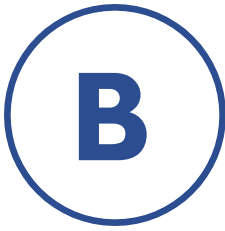
# WHAT FEES CAN BE PASSED ON TO YOU?



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](http://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 is not included in calculations of the Maximum Allowable Rent.



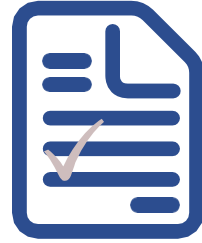
YOUR

RIGHTS &

RESPONSIBILITIES



# RIGHTS FOR 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 information on how to access the documents online. If, however, the tenant does not have internet access or requests hard copies of the documents, the landlord must provide hard copies.

Find all documents online at  
[www.alamedarentprogram.org](http://www.alamedarentprogram.org).

### 2) Register a new tenancy with the Rent Program

# RIGHT TO LIMITATIONS ON RENT INCREASES

## For fully regulated units:



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)** - A tenant's annual rent increase may not exceed the AGA:
  - Calculated at 70% of the percentage change in the Consumer Price Index; always at least 1% and never more than 5%.
  - This cap is effective Sept. 1 through Aug. 31 of the following year.
  - 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.
  - Landlords may choose to “bank” unused portions of the AGA to impose in later years; however, there are numerous restrictions on implementing such an increase. For more information, see Form RP-203.

2. **Landlord Petition** - The ordinance allows landlords to petition for an upward adjustment in rent 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.
  
3. **Capital Improvement Plan** - Landlords are able to 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 seismic retrofits; and new plumbing, electrical, heating, cooling, or ventilation systems. Tenants who are temporarily or permanently displaced by CIP-related work are entitled to relocation assistance.
  
4. **Voluntary Move-Outs** - When a unit is vacated as a result of a tenant voluntarily leaving or as a result of a "for cause" eviction, the landlord does not need to pay relocation assistance to the departing tenant and may set the rent for a new tenant at the landlord's discretion.

# RIGHT TO REQUEST REVIEW

**Tenant Petitions** - Tenants may request a hearing for a downward rent adjustment based on:



- A reduction in housing services, living space, or amenities
- Substantial deterioration of the rental unit
- The landlord's failure to comply with housing, health, and safety codes or the City's rent regulations

Petitions are heard by hearing officers, who issue binding decisions.

**Staff Review** - Tenants may also request that Rent Program staff conduct a review of:

- The calculation of Maximum Allowable Rent
- The base rent and/or housing services that the landlord reported at registration
- Previous or pending rent increase notices

If the review shows a tenant was given an invalid rent increase, staff will direct the landlord to reset the rent and refund any overpayment.

Tenants may file petitions and requests for staff review online at [registry.alamedarentprogram.org](https://registry.alamedarentprogram.org).

## RIGHT TO LIMITATIONS ON TERMINATIONS OF TENANCY



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

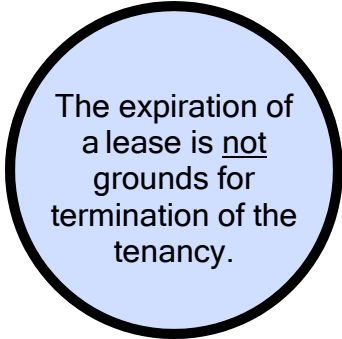
Tenants are owed a relocation assistance payment when they are not at-fault for the termination of tenancy.

Tenants can contact the Rent Program when they receive a termination of tenancy notice to confirm if the notice complies with the requirements of the Rent Ordinance.

# 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



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

## No Fault Grounds

5. Owner move-in
6. Permanent 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

# NO FAULT GROUNDS

## **Owner move-in**

Relocation assistance owed. The property cannot have a comparable vacant unit available. The owner or qualifying family member must move into the unit within 60 days after the tenant vacates and reside in the unit for at least three years.

## **Capital Improvement Plan**

Relocation assistance owed and landlord must receive approval for the plan prior to serving the termination notice on the tenant.

## **Demolition**

Relocation assistance owed and the property must be demolished.

## **Withdrawal of the rental unit from the rental market**

Relocation assistance owed and the unit is removed from the rental market permanently, regardless of a change in ownership. The landlord must provide the tenant with at least 120 days' notice prior to withdrawal. The City's Ellis Act Policy defines requirements and penalties if the unit is rented within five years of withdrawal.

## **Compliance with a governmental order**

Relocation assistance owed and tenant must be offered the same unit at the same rent after compliance with the governmental order.



# RELOCATION ASSISTANCE

## 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, who has a disability, or who has a child younger than 18 receive a larger payment. For current amounts, see [alamedarentprogram.org/FAQs/Permanent-Relocation-Schedule](https://www.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.

## Temporary Relocation

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 compensation to cover the expense of temporary accommodations until the conditions are addressed. Payment amounts are adjusted annually. For current amounts, see [alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule](https://www.alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule).

## EXTENDED STAY OPTION



When a landlord terminates a tenancy based on Withdrawal of the Rental Unit 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

The landlord will provide the tenant with a form that the tenant may use to exercise this right and provide notice to the landlord and Rent Program.

During the extended stay, the tenant continues to pay monthly rent as normal.

# 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** with 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.

# RIGHT TO PROTECTION AGAINST RETALIATION

The Rent Ordinance expressly prohibits landlord retaliation against tenants for asserting their rights under the City's law or state law.

Tenants may submit concerns in writing to the Rent Program if they feel that the landlord is taking action to retaliate, such as, but not limited to:

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

# ILLEGAL HOUSING DISCRIMINATION

City of Alameda Ordinance no. 3251 prohibits unlawful tenant harassment, disruption of housing services, and housing discrimination. When searching for housing, a prospective tenant cannot be discriminated against 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



# RESOURCES

# GOOD HABITS

- 1** **Pay rent on time.**
- 2** **Document payments.** Always pay rent using a method that can be easily documented, such as a check or money order. Do not pay with cash (unless required because you bounced a check within the last three months). Keep receipts, especially for any cash payments.
- 3** **Keep a copy of the rental agreement in a safe place.** Understand the responsibilities as set forth in the rental agreement.
- 4** **Keep copies of all notices and correspondence from the landlord,** including rent increase notices, emails, and text messages.

# OVERVIEW OF FORMS

## RENT FORMS

### **Form RP-100 + Attachment A**

Tenants may submit these forms to petition for a downward rent adjustment.

### **Form RP-100 + Attachment B**

Tenants may submit these forms to contest the base rent or housing services included with base rent, as reported by the landlord, or the determination of the Maximum Allowable Rent.

### **Form RP-100 + Attachment C**

Tenants may submit these forms to request review of a current or past rent increase notice.

### **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 over 10%

## NEW TENANCY FORM

### **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.

All forms are available at the Housing Authority and online at [www.alamedarentprogram.org](http://www.alamedarentprogram.org)



## TERMINATION FORMS

### Form RP-101

Tenants may submit this form to request review of a “no fault” termination of tenancy notice.

### Form RP-102

Tenants may file this form to appeal a decision that a landlord does not owe temporary relocation payments.

### RP-202(C)

Landlords must provide this form to tenants when terminating a tenancy based on withdrawal from the rental market. Tenants may use the attachment to provide notice of the date they intend to vacate the rental unit, and tenants eligible for the extended stay option may use it to exercise that right.

### RP-202(D)

Landlords must provide this form to tenants when terminating a tenancy based on withdrawal from the rental market. If the unit is returned to the rental market within five years, the displaced tenant is entitled to the right of first refusal. Tenants use the attachment to provide their contact information in case this happens.

### Form RP-205

Landlords must provide this disclosure to tenants prior to making an offer of a buyout agreement.

### Form RP-207

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

Forms are available at City Hall, City Hall West, and online at [www.alamedarentprogram.org](http://www.alamedarentprogram.org)

# YOU CAN REACH OUT FOR HELP



## RENT INCREASES & TERMINATIONS

### Rent Program

510-747-7520

[www.alamedarentprogram.org](http://www.alamedarentprogram.org)

Implements the City's Rent Ordinance to ensure rent increases and terminations of tenancy comply with the City's regulations. Tenants may contact staff with any questions about the ordinance and their rights.

## AFFORDABLE HOUSING

### Housing Authority of the City of Alameda

510-747-4300

[www.alamedahsg.org](http://www.alamedahsg.org)

Oversees the rental assistance programs that includes the Housing Choice Voucher (Section 8) Program, a 100% federally funded rental subsidy for low-income households living in privately owned rental units.

## HABITABILITY CONCERNS

### City of Alameda Code Enforcement Division

510-747-6818

[bit.ly/3B9Bumc](http://bit.ly/3B9Bumc)

Responds to complaints received from community members about work that is conducted without permits and/or has health & safety violations. Fill out an online complaint form, or visit the office at City Hall, 2263 Santa Clara Ave., Room 190.

### Housing Safety Program Alameda Fire Dept.

510-337-2133

Provides free services to low- to-moderate income residents over the age of 62, and persons with disabilities of any age. The program installs smoke and carbon monoxide detectors as well as ADA grab bars and interior handrails.

## LEGAL SERVICES

### Legal Assistance for Seniors

510-832-3040

Hotline: 800-222-1753

[www.lashicap.org](http://www.lashicap.org)

Free legal services for tenants age 60 and older, funded by the City of Alameda.

### Alameda Co. Bar Association Referral & Volunteer Service

510-302-222, option 4

[www.acbanet.org/need-a-lawyer](http://www.acbanet.org/need-a-lawyer)

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

### Alameda Co. Superior Court Self-Help Center

510-272-1393

[bit.ly/3mus68v](http://bit.ly/3mus68v)

Provides eviction-defense information and resources.

### Bay Area Legal Aid

888-382-3405

[www.baylegal.org](http://www.baylegal.org)

Free legal representation for low-income tenants.

### Centro Legal de la Raza

510-437-1554

[www.centrolegal.org](http://www.centrolegal.org)

Representation, consultations for low-income tenants.

### East Bay Community Law Center

510-548-4040

[www.ebclc.org](http://www.ebclc.org)

Focuses on defending eviction lawsuits brought against low-income tenants.

### Eviction Defense Center

510-452-4541

[www.evictiondefensecenteroakland.org](http://www.evictiondefensecenteroakland.org)

Serves tenants facing eviction or landlord-tenant issues. Full attorney representation for a fee, on sliding scale.

### Lawyers in the Library

510-747-7713

[bit.ly/3D3ZCY3](http://bit.ly/3D3ZCY3)

Free consultations with volunteer attorneys. Fill out online form to request an appointment.

### Legal Access Alameda

510-302-2222, option 4

[www.vlsc-acba.org](http://www.vlsc-acba.org)

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

## 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](http://www.alamedarentprogram.org/state-law).

## COMMUNITY SERVICES

### 2-1-1 Alameda County

Dial 2-1-1

[211alamedacounty.org](http://211alamedacounty.org)

Links families and individuals to a full range of community resources available to them. Provides comprehensive information on health, housing, and human services in Alameda County.

### Asthma Trigger Assessment

510-383-5181

[www.acphd.org/asthma](http://www.acphd.org/asthma)

Families with children can use this free service to have their homes assessed for asthma triggers.

### Alameda Family Services Family Support Resource Center

510-612-7807

[www.alamedafs.org/support-main](http://www.alamedafs.org/support-main)

Empowers and supports individuals and families by connecting them with resources in the community and bringing resources to a central location for the community to access.

### ECHO (Eden Council for Hope & Opportunity)

510-581-9380

[www.echofairhousing.org](http://www.echofairhousing.org)

ECHO's Tenant/Landlord Counseling Program provides information on rental housing issues and has trained mediators to assist in resolving disputes.

### Family Violence Law Center

Hotline: 800-947-8301

[www.fvvc.org](http://www.fvvc.org)

Serves family violence victims in Alameda County and their children. Provides legal and crisis-intervention services.



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## Questions? Contact the Rent Program



Phone

510-747-7520



Email

[rentprogram@alamedaca.gov](mailto:rentprogram@alamedaca.gov)



Fax

510-865-4028



Mail

950 W. Mall Square, Room 172  
Alameda. CA 94501

THANK YOU FOR BEING AN INFORMED  
**TENANT**

**City of Alameda Rent Program**

950 W. Mall Square, Room 172

Alameda, CA 94501

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[rentprogram@alamedaca.gov](mailto:rentprogram@alamedaca.gov)