

# **Tenant Protection Ordinances and No-Fault Eviction Moratorium Due to Substantial Remodel for Certain Residential Tenancies**

## **Answers to Frequently Asked Questions About Ordinance No. O2M23-4811 and O2M23-4812**

### **1. Why were Tenant Protection Ordinances and Eviction Moratorium passed in Alhambra?**

On May 22, 2023, the Urgency Ordinance Imposing a Temporary Moratorium on No Fault, Substantial Remodel Evictions for Certain Residential Tenancies in Alhambra was passed and the Non-Urgency Ordinance Regarding the Same was introduced. The Ordinances were established:

- to prevent landlords from evicting certain tenants for the purposes of remodeling under certain circumstances.
- to give the City time to research additional considerations to strengthen renter protections.

As a result of the Los Angeles County Eviction Moratorium expiring, several residents who are long time renters in Alhambra reported their landlords threatened to evict them to substantially remodel to raise rents. Although the California Tenant Protection Act of 2019 (AB 1482) prohibits evictions without “just cause,” AB 1482 contains exceptions including evicting for substantial remodeling purposes. Alhambra’s residents requested the City Council consider a No Fault, Substantial Remodel Eviction Ordinance.

### **2. When do the Ordinances go into effect?**

Ordinance O2M23-4811 went into effect immediately following the Council’s 5-0 vote on May 22, 2023. Ordinance O2M23-4812 goes into effect 40 days after the second reading of June 26, 2023.

The Ordinances impose a temporary moratorium on substantial remodel evictions for certain residential tenancies. The Ordinances expire on December 31, 2023.

### **3. How does the Temporary Eviction Moratorium Apply?**

The Temporary Eviction Moratorium Ordinances apply to all non-exempt residential rental units, including where a notice to vacate or to quit the rental unit has been served for

substantial remodel prior to the effective date of the Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of the Ordinance.

#### **4. Are there exemptions in the Ordinances?**

It is important to note that many types of tenancies and residential rental properties are exempt from AB 1482's tenant protections and, therefore, also exempt from these Ordinances.

The Ordinances apply to tenancies where:

- A tenant “has continuously and lawfully occupied a residential real property for 12 months”; and
- If “any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months,” then this moratorium shall only apply if either of the following are satisfied:
  - “All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more”; or
  - “One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.”

Exempt residential properties include:

- Units that were built within the past 15 years (Civ. Code § 1946.2(7));
- Single family homes and condominiums unless the owner is one of the following:
  - a real estate investment trust, as defined in Section 856 of the Internal Revenue Code;
  - a corporation; or
  - a limited liability company in which at least one member is a corporation;

And the tenants have been provided notice that the units are not subject to AB 1482’s rent limits and just cause eviction requirements. (Civ. Code § 1946.2(8))

- Affordable housing for persons and families of very low, low, or moderate income, including housing subject to an agreement that provides housing subsidies for affordable housing. (Civ. Code § 1946.2(9))
- Room rentals where the property owner lives in the unit (Civ. Code § 1946.2(e)(4));
- An accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) where the property owner lives on site in one of the units Civ. Code § 1946.2(e)(5)(A)); and
- A duplex where the owner lives in one of the units (Civ. Code § 1946.2(e)(6)); and

- Dormitories (Civ. Code § 1946.2(e)(3)).

In addition, the Temporary Eviction Moratorium on substantial remodel evictions does not apply to:

- Work necessary to either bring the property into compliance with applicable codes and laws affecting health and safety of tenants of the building, or under outstanding notice of code violation(s) affecting the health and safety of tenants of the building. A tenancy shall not be terminated pursuant to this exception unless and until all of the following prerequisites have been met:
  - Building permits (and/or any other applicable permits) have been secured from the City of Alhambra;
  - The tenant has been provided with copies of the permit(s); and
  - The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within 30 days

## **5. Do the Ordinances include other protections?**

The Temporary Eviction Moratorium Ordinances will give City Staff and City Council more time to study permanent local protections. These Temporary Eviction Moratorium Ordinances focus solely on substantial remodel evictions for certain residential tenancies.

## **6. How is Substantial Remodel defined?**

AB 1482 currently defines "substantial remodel" as "the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least thirty days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation." (CA Civil Code § 1946.2.)

## **7. What else is important to know about AB 1482?**

On January 1, 2020, the California Tenant Protection Act of 2019 (AB 1482) established an annual rent increase cap of five percent plus inflation or ten percent, whichever is lower, and prohibits evictions without just cause. However, even when tenants are not "at fault," AB 1482 allows owners to terminate tenancies for a number of reasons, including:

- Intent to occupy the residential real property by the owner;

- Withdrawal of the residential real property from the rental market;
- An order issued by a government agency; or
- Intent to demolish the residential real property.

#### **8. How can I access a copy of the City's Eviction Moratorium Ordinances?**

The Council materials and audio/video recording of the meeting can be found under the May 22, 2023 Regular Meeting Agenda of the City Council at [www.cityofalhambra.org/AgendaCenter](http://www.cityofalhambra.org/AgendaCenter).

#### **9. What if I'm evicted for substantial renovation despite the Ordinances?**

If a landlord initiates an unlawful detainer (eviction) action against a residential tenant in the City of Alhambra who is protected by the Ordinances, the tenant may assert the Ordinance as an affirmative defense in that action.

#### **10. Where can I get additional information or help regarding tenant rights?**

The City contracts with the Housing Rights Center for community education, referrals, and assistance. The Housing Rights Hotline is 1-800-477-5977; or for general information, please visit [housingrightscenter.org](http://housingrightscenter.org).