

ORDINANCE NO. O2M19-4671

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALHAMBRA ADOPTING THE TENANT PROTECTION ACT OF 2019 RELATING TO THE PROHIBITION OF NO-FAULT TERMINATIONS OF TENANCY AND EVICTIONS AND LIMITING RENT INCREASES FOR RESIDENTIAL REAL PROPERTY THROUGH DECEMBER 31, 2019

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the City and its residents; and,

WHEREAS, Assembly Bill 1482, the Tenant Protection Act of 2019 ("AB 1482") was passed by the California Legislature in September 2019, and was approved by the Governor and chaptered by the Secretary of State on October 8, 2019. AB 1482 added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code, effective beginning January 1, 2020, which, among other things and with certain exceptions, would (1) prohibit owners of residential property with a certificate of occupancy issued through December 31, 2004--units built in the last 15 years are exempt--from terminating a tenancy without "just cause" when the tenant has continuously and lawfully occupied the residential property for 12 months, (2) require, for "no-fault" terminations, that the owner either assist certain tenants to relocate by providing one month's rent to the tenant or waive the payment of rent for the final month of the tenancy, and (3) until January 1, 2030, prohibit owners of certain residential rental property from increasing rents each year more than five percent plus the percentage change in the cost of living or 10 percent, whichever is lower; and,

WHEREAS, AB 1482 was passed to address one of the causes of California's affordable housing shortage by providing additional tenant protections. The Act becomes effective on January 1, 2020; and,

WHEREAS, in advance of the implementation of AB 1482, the City has become aware of an increase in no-fault terminations, eviction notices, and threats of eviction; and,

WHEREAS, at the City Council meeting of November 5, testimony was provided by residents relating to rent increases and eviction notices received and serious concerns relating to the impact of those notices and rent increases prior to the effectiveness of AB 1482; and,

WHEREAS, the City of Alhambra has a large population of renters. Pursuant to 2018 data from the California Department of Finance, the rental percentage of all housing stock in the city is 59.7% and 44.2% of all housing stock are multi-family homes; and,

WHEREAS, the City of Alhambra, along with the region and State is also experiencing a housing shortage, which contributes to displacement of residents; and,

WHEREAS, some property owners have acted to evict long-term tenants without cause, to raise rents before AB 1482 becomes effective. Therefore, it is imperative that the City implement temporary strategies to address these actions; and,

WHEREAS, the City Council of the City of Alhambra desires to provide protections to renters of "residential real property" (as defined in AB 1482) from no-fault terminations and evictions without just cause and excessive rent increases from the effective date of this ordinance through December 31, 2019, in advance of AB 1482's effective date, by the adoption of the terms and provisions of AB 1482; and,

WHEREAS, it is the intent of the City Council that this uncodified ordinance should apply for the limited time commencing as of the effective date of this ordinance and remaining in effect until January 1, 2020, at which time AB 1482 shall become operative; and,

WHEREAS, staff discussions, testimony, and documentary evidence presented in a public forum support the basis of the findings and actions set forth in this ordinance; and

WHEREAS, California Government Code Section 36934 and 36937 and Alhambra Charter section 48 authorize the City Council to adopt an urgency ordinance by a 4/5 vote of the City Council, which ordinance may be adopted upon introduction and shall take effect immediately to preserve the public health, safety and welfare; and,

WHEREAS, this ordinance is needed to protect the public health, safety and welfare for the reasons state during public testimony on November 5, 2019 and on November 12, 2019; more particularly, the passage of AB 1482 has resulted in some excessive rent increases and no-fault evictions within the City, and many tenants may not be able to afford the rent increases and/or relocate to alternate housing within the region due to the shortage of housing in general and affordable housing in particular within the region.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantive part of this Ordinance.

SECTION 2. The provisions of AB 1482, the Tenant Protection Act of 2019, are hereby adopted in full, and shall apply to "residential real property" or "residential circumstances" (as those terms are defined in AB 1482) within the City of Alhambra. Notwithstanding anything contained in AB 1482 to the contrary, this ordinance and all of its terms shall become operative as of the effective date of this ordinance, meaning that any section or reference in AB 1482 that specifies that a term or provision thereof shall become operative on January 1, 2020 shall, instead, be read to mean and become operative on the effective date of this ordinance. Any failure to comply with this ordinance does not constitute a criminal offense.

SECTION 3. As applied to notices of termination issued prior to the effective date of this ordinance, this ordinance shall apply to tenancies where an owner has issued a notice of termination of tenancy to a tenant and where, as of the effective date of this ordinance, said tenant remains in possession and/or any eviction lawsuit has not reached a final judgment or issuance of a final order, after all appeals have been exhausted. This ordinance may be asserted as an affirmative defense in an unlawful detainer action.

SECTION 4. This ordinance shall remain in effect until January 1, 2020 at which time AB 1482 will become effective and thereafter govern the subject matter of this ordinance, and, as of that date, is repealed; provided, however, that this ordinance shall be applicable to facts,

conditions, conduct or transactions existing before its repeal unless such matters that pre-date the implementation of AB 1482 are already governed by AB 1482.

SECTION 5. Severability. If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions, and to this end, the provisions of this chapter are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

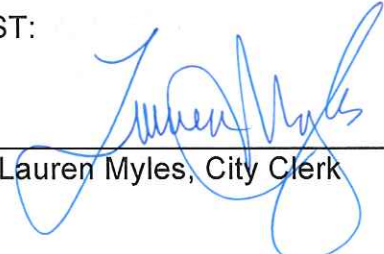
SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary in the manner required by law.

SECTION 8. This Ordinance is an urgency ordinance and shall take effect immediately upon adoption by a 4/5 vote of the City Council.

Signed and approved this 12th day of November, 2019.


Adele Andrade-Stadler, Mayor

ATTEST:



Lauren Myles, City Clerk

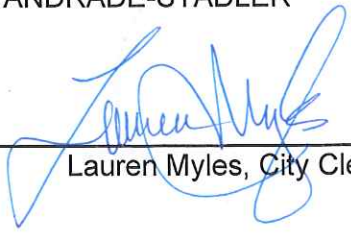
APPROVED AS TO FORM:



JOSEPH M. MONTES, City Attorney

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Alhambra at its meeting held on 12th day of November, 2019 by the following vote to wit:

AYES: LEE, MAZA, MALONEY, MEJIA, ANDRADE-STADLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Lauren Myles, City Clerk