

Chapter 4-45 Rental Registry

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4-45-100 Purpose.

A significant portion of San Leandro residents live in rental housing. The purpose of this Ordinance is to establish a program for the collection of important data regarding the rental market in San Leandro.

4-45-110 Definitions.

For the purpose of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

"City" means the City of San Leandro.

"Community Development Director" or "Director" means the Director of the Community Development Department of the City of San Leandro, or designated representative.

"City council" means the City Council of the City of San Leandro.

"Landlord" means any person, partnership, corporation, or other business entity offering for rent or lease any rental unit in the City. "Landlord" shall include the agent or representative of the landlord, provided that such agent or representative shall have full authority to answer for the landlord and act on the landlord's behalf.

"Program Administrator" means the Community Development Director, or such other person designated by the City Manager to carry out the duties and responsibilities of the Program Administrator.

"Program fee" means the fee established by the City Council, and payable by landlords, to reimburse the cover the City's costs of administering this chapter.

"Rent" means the amount of fixed periodic compensation paid by a tenant to a landlord, as defined by the rental agreement between the tenant and landlord, for the possession and use of residential property. Rent shall not include ancillary services, including, but not limited to, pet deposits, storage, additional parking or utility pass-throughs.

"Rental unit" means any unit in any real property, regardless of zoning status, including the land appurtenant thereto, that is rented or available for rent for residential use or occupancy (regardless of whether the unit is also used for other purposes), together with all housing services connected with use or occupancy of such property, such as common areas and recreational facilities held out for use by the tenant. A rental unit includes a single-family home.

"Tenant" means any person having the legal responsibility for the payment of rent for residential property in the City as identified under a valid lease or rental agreement with a landlord.

4-45-120 Rent Registry.

- A. No later than January 31 of each year, each landlord shall file with the program administrator an annual registration statement for each of the landlord's rental units, on a form prescribed by the program administrator.
- B. The registration statement shall include, but not be limited to:
 - a. Site address and Assessor Parcel Number (APN)
 - b. Date purchased by current owner
 - c. Year built
 - d. Type of rental housing (single family, duplex, triplex, etc)
 - e. Total number of rental units
 - f. Total number of rental units exempt from this Ordinance
 - g. Owner type (individual, corporation)
 - h. the name(s), business address(es), and business telephone number(s) of each person or legal entity possessing an ownership interest in the rental unit and the nature of such interest;
 - i. the name(s), business address(es), and business telephone number(s) of the person responsible for managing the rental unit;
 - j. the rent for the rental unit effective on January 1 of the current year;
 - k. the rent for the rental unit effective on January 1 of the previous year; and
 - l. a listing of all other charges, including utilities not included in rent, paid by tenant, and the approximate amount of each such charge if such amount was established by the landlord;
 - m. and all other information required by the program administrator.

4-45-130 Exemptions.

The following rental units are exempt from the provisions of this Chapter:

- A. Rental units, regardless of ownership, for which rents are subsidized or regulated by federal law or by regulatory agreements between a landlord and (i) the City, (ii) the County of Alameda or (iii) any agency of the State of California or the Federal Government;
- B. Rental units owned by any public agency;
- C. Rental units that are rented or leased to transient guests for thirty (30) consecutive days or less;

- D. Rooms in hotels, motels, inns, tourist homes, short term rentals, rooming or boarding houses, provided that such rooms are not occupied by the same occupant or occupants for more than thirty (30) consecutive days;
- E. Rooms in any hospital or in a facility for assisted living, skilled nursery, convalescence or extended care;
- F. Rooms in a convent, monastery, fraternity or sorority house, or in a building owned, occupied or managed by a bona fide education institution for occupancy by students;
- G. Rooms in a building or in a rental unit where the primary use is providing short-term treatment, assistance or therapy for alcohol, drug or other substance abuse and the room is provided incident to the recovery program and where the occupant has been informed in writing of the temporary or transitional nature of the arrangement at the inception of the occupancy;
- H. Rooms in a building or in a rental unit that provide a structured living environment that has the primary purpose of helping formerly homeless persons obtain the skills necessary for independent living in permanent housing and where occupancy is limited to a specific period of time and where the occupant has been informed in writing of the temporary nature of the arrangement at the inception of the occupancy;
- I. Mobile homes or mobile home lots (which are subject to the registration requirements of Municipal Code section 4-39-240);
- J. Rooms in a facility that require, as part of the person's occupancy and use of the room and the facility, some or all of the following: intake, case management, counseling, and an occupancy agreement;
- K. Rental units in which the landlord owns the rental unit, occupies the rental unit as the landlord's primary residence and shares kitchen or bath facilities with one or more tenants; or
- L. Any part of a rental unit in which a tenant has allowed or permitted a person to use or occupy such part of the rental unit but that person does not meet the definition of tenant as defined in this chapter.

If all of the rental units on the same parcel are exempt units, the landlord shall not be required to submit an annual registration statement. However, the program administrator may require landlords with exempt units to submit a declaration identifying the specific reason the rental unit is exempt pursuant to this section, and providing any supporting documentation. Such declaration shall be on a form provided by the program administrator, and shall be submitted within thirty (30) days of notification by the program administrator.

4-45-140 Violations.

- A. Any violation of this section shall be punishable pursuant to Chapter 1-12 of this Code. Without limiting the foregoing, if a complete document required by this Chapter is not submitted to the Program Administrator by the relevant deadline, each and every day that the completed document remains outstanding shall be considered a new violation.
- B. Any rental unit business conducted or maintained contrary to this Chapter shall constitute a public nuisance.

- C. The remedies provided in this Article are not exclusive, and nothing in this Article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

4-45-150 Program Fee.

- A. All or any portion of the City's reasonable costs to administer this chapter may be collected by the imposition of a program fee. The amount of the program fee shall be determined by resolution of the City Council adopted from time to time. The program fee shall not exceed the amount necessary to reimburse the City for the reasonable cost of administering the rent registry program established by this chapter.
- B. Landlords shall pay the program fee to the City annually at the time of submission of the registration required by Section 4-45-120. Any landlord responsible for paying the program fee who fails to pay the program fee within thirty (30) calendar days of its due date shall, in addition to the program fee, pay additional late charges, penalties of assessments as determined by resolution of the City Council.

4-45-160 Annual Report.

The Program Administrator shall annually prepare a report to the Council assessing the effectiveness of the Programs under this Article and recommending changes as appropriate.

4-45-170 Regulations.

The Program Administrator may administratively adopt implementing regulations that are consistent with the provisions and intent of this chapter. Such regulations are binding upon all landlords and tenants.