



Legislation Text

File #: 16-091, **Version:** 1

Staff Report for Second Reading and Adoption of Ordinance No. 2016-002 Amending Title 4, Chapter 32 of the San Leandro Municipal Code Relating to the Rent Review Ordinance

RECOMMENDATIONS

Staff and the City Attorney's Office recommend that the City Council review and determine whether to waive a full reading, conduct a second reading and adopt an Ordinance Amending title 4, Chapter 32 of the San Leandro Municipal Code Relating to the Rent Review Ordinance.

The City Council conducted a first reading and introduction of the amendments to the Rent Review Ordinance at its February 1, 2016 regular meeting, accepting all of staff's recommendations with the following change: 1) the eligibility threshold for a rent review hearing is an increase in rent of greater than 7%. If adopted, the Ordinance would become effective in thirty days.

BACKGROUND AND SUMMARY

On December 7, 2015, following staff presentation, public comment, and deliberation, the City Council conducted a first reading and introduction of an Ordinance Amending Title 4, Chapter 32 of the San Leandro Municipal Code Relating to the Rent Review Ordinance (the "Ordinance"). On December 21, 2015, the City Council approved a motion to table further discussion on the proposed Rent Review Program amendments rather than conduct a second reading of the Ordinance presented on December 7, 2015.

On February 1, 2016, staff presented amendments to the Ordinance, which were similar to the amendments that staff presented on December 7, 2015. As noted above, the City Council voted to approve the staff recommendations, but made the following amendment: Decrease the staff recommended percentage rent review threshold from 8% to 7%.

Key amendments and edits to the Ordinance, as presented by staff and including the above amendment by City Council on February 1, include the following:

- **Establish two rent review thresholds: 1) greater than 7% rent increase and 2) more than one rent increase within a twelve month period.**
- **Assess Ratio Utility Billing System (RUBS) charges, upon initial conversion, as a rent increase and therefore considered as a factor toward eligibility for review by the Board.**
- **Include duplexes as eligible residential properties for rent review.**
- **Clarify that landlords must re-notice tenants with proper rent increase notices if they provided improper rent increase notices.**

- **Require tenants to submit to the City their rent review hearing request forms within 21 calendar days of receiving their rent increase notice.**
- **Require landlords to submit their response forms within 10 calendar days from their receipt of their tenants' rent review hearing request forms; otherwise, the proposed rent increase would be null and void.**
- **Increase the number of days to 60 days to schedule a Rent Review Board hearing.**
- **Formalize that a rent increase must be paid on its effective date.**
- **Incorporate the Retaliatory Eviction provision in its own section.**
- **Require tenants and landlords to return for a second and final Continuance hearing. Refer unresolved cases to the City Manager instead of the City Council.**
- **Require landlords to provide tenants notice of availability of rent review in the predominant three languages (English, Spanish and Chinese) spoken within the City.**

The City Council conducted a full reading and introduction of the Ordinance with the above changes. Those changes are reflected in Exhibit A to the Ordinance. Upon an affirmative vote of the City Council, the ordinance with the changes, will be adopted, and effective thirty days from February 16, 2016.

ATTACHMENT

Attachment to Ordinance

- **Exhibit A - Proposed Amended Rent Review Ordinance**

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