

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADDING CHAPTER 5.50 “RESIDENTIAL LANDLORD AND TENANT RELATIONS” TO THE UNION CITY MUNICIPAL CODE

WHEREAS, there is an increasing demand for rental housing in the City of Union City leading to rising rents; and

WHEREAS, according to RealFacts (Third Quarter, 2016), the average rent for market-rate units in apartment buildings of 50 units or more in the City of Union City have increased 60% between 2011 and 2016; and

WHEREAS, according to 2009-2013 Comprehensive Housing Affordability Strategy (CHAS) data, 3,370 extremely-low to moderate income renters in Union City pay more than thirty percent (30%) of their gross income on housing and are at greater risk of displacement; and

WHEREAS, the demand for rental housing in City creates an incentive for some landlords to pressure existing tenants to move so that rents can be quickly raised; and

WHEREAS, the City does not currently regulate the relationship between owner and managers of residential property and tenants; and

WHEREAS, secure and stable shelter is a basic necessity of life; and

WHEREAS, on May 17, 2016, the City Council held a study session to review possible tenant protection measures to address rising rents and displacement; and

WHEREAS, on July 12, 2016, the City Council formed a Rent and Tenant Taskforce (“Taskforce”) to assist with the consideration of possible tenant protection measures; and

WHEREAS, on September 13, 2016, the City Council appointed fifteen (15) members to the Taskforce and the Taskforce convened seven (7) public meetings from October 2016 to January 2017; and

WHEREAS, on January 31, 2017, the City Council considered the Taskforce’s recommendations; and

WHEREAS, on February 14, 2017, the City Council directed staff to develop a just cause eviction and harassment protection ordinance; and

WHEREAS, Article XI, Section 7 of the California Constitution provides that a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council wishes to regulate the relations between residential landlords and tenants in order to increase certainty and fairness within the residential rental market; and

WHEREAS, secure and stable rental housing is important for maintaining and protecting the public health, safety and the general welfare; and

WHEREAS, the City Council desires to prohibit residential landlords from terminating the tenancy of a residential tenant without a good, just, non-arbitrary, non-discriminatory reason and to prohibit residential landlords from engaging in harassing behavior; and

WHEREAS, such protections are consistent with City policies; and

WHEREAS, the amendments to the Municipal Code propose to add Chapter 5.50 as shown in Exhibit A, which exhibit is attached and incorporated herein by reference.

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

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

SECTION 2. CEQA. Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 3. Findings. The City Council makes the following findings in support of approving this Ordinance, based on the whole of the record before it.

1. The City has a substantial government interest in regulating the relations between residential landlords and tenants in order to increase certainty, stability, and fairness within the residential rental market.
2. The amendments are neither overbroad nor vague, and are consistent with the City's efforts to protect the public health, safety and the general welfare.

SECTION 4. Approval. The City Council hereby approves the amendments to the Municipal Code, more particularly, adding Chapter 5.50 as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on _____, 2017, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS

APPROVED:

Carol Dutra-Vernaci, Mayor

ATTEST:

Anna Brown, City Clerk

APPROVED AS TO FORM:

Benjamin T. Reyes II, City Attorney

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