

CITY OF RANCHO CORDOVA

URGENCY ORDINANCE NO. XX-2019

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, ADDING CHAPTER 23.930 "TENANT PROTECTION," TO TITLE 23 "ZONING CODE" PROHIBITING THE EVICTION OF TENANTS WITHOUT "JUST CAUSE"

WHEREAS, the Sacramento region, including the City of Rancho Cordova (the "City") is experiencing an urgent need to provide safe, affordable housing, and to prevent homelessness and displacement of renters; and

WHEREAS, the California legislature passed the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482"), an act adding and repealing Sections 1946.2, 1947.12, and 1947.13 of the California Civil Code, effective on January 1, 2020, which prohibits the eviction of tenants without "just cause" and prohibits owners of residential rental property from increasing rents each year more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower; and

WHEREAS, in advance of the implementation of AB 1482, no-fault eviction notices and threats of eviction could surge; and

WHEREAS, the City desires to temporarily protect renters from no-fault evictions, in advance of the effective date of AB 1482, in order to prevent further homelessness and displacement; and

WHEREAS, no-fault evicting can make it more difficult for an evicted tenant to secure new housing; and

WHEREAS, the City Council finds that the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this Urgency Ordinance, prohibiting the eviction of tenants without just cause in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of potential homeless citizens in the City; (b) preserve and safeguard the minors, children and students in the community from the deleterious impacts of homelessness; and (c) preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts of tenant evictions will likely burden the City's law enforcement resources; and

WHEREAS, this Urgency Ordinance is consistent with the City of Rancho Cordova General Plan, and exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Action Consistent with the General Plan and Zoning) Section 15378; and Section 105061(b)(3)(No Significant Environmental Impact).

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and made a part of this Urgency Ordinance

SECTION 2. Rancho Cordova Municipal Code Title 23, "Zoning Code," Chapter 23.930, "Tenant Protection," is hereby added to the Municipal Code and shall read as follows:

Chapter 23.930 TENANT PROTECTION

SECTION 23.930.010. PURPOSE.

On October 8, 2019, Assembly Bill 1482 (“AB 1482”), the Tenant Protection Act of 2019, was passed to address a key cause of California’s affordable housing crisis by preventing rent gouging and arbitrary evictions. AB 1482 becomes effective on January 1, 2020.

The City of Rancho Cordova is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.

Rapidly escalating real estate values provide an incentive to landlords to evict long-term, lower-income tenants, without cause, and to raise rents before AB 1482 becomes effective. Tenants have already reported experiencing a surge of no-fault eviction notices and threats of eviction. Therefore, it is imperative that the City implement temporary strategies to ensure that residents are not unnecessarily evicted.

This chapter will temporarily prohibit no-fault evictions through December 31, 2019, for residential real property that will be covered by AB 1482 beginning on January 1, 2020.

SECTION 23.930.20. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section.

Owner. The term “owner” is any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.

Residential real property. The term “residential real property” is any dwelling or unit that is intended or used for human habitation.

SEC. 23.930.30. PROHIBITION ON EVICTIONS.

A. Effective the date of the adoption of this Urgency Ordinance through December 31, 2019, the owner of residential rental property shall not terminate a lawful tenancy without at-fault just cause, unless the termination is required to comply with an order issued by a government agency or court necessitating vacating the residential real property or to comport with due process, federal, or state law, which shall be stated in the written notice of termination of tenancy. This prohibition shall also apply to an owner’s action that constitutes constructive eviction under California law. An owner’s failure to comply with this article shall render any notice of termination of tenancy void. This article may be asserted as an affirmative defense in an unlawful detainer action. An owner’s failure to comply with this article does not constitute a criminal offense. A

B. At-fault just cause means the following:

1. Default in the payment of rent. A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of a lease after being issued a written notice to correct the violation.

2. Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

3. Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the California Penal Code, on or off the residential real property against the owner of the residential real property.

4. Assigning or subletting the premises in violation of the tenant's lease, as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

5. The tenant's refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of the California Civil Code, and Sections 13113.7 and 17926.1 of the California Health and Safety Code.

6. Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

7. The employee, agent, or licensee's failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.

8. When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the California Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the owner, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the California Code of Civil Procedure.

C. This Urgency Ordinance shall not apply to any of the following residential real property or residential circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.

2. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

3. Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

4. Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

5. A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

6. Residential real property that is alienable separate from the title to any other dwelling unit, provided that the owner is not any of the following:

(a) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

(b) A corporation.

(c) A limited liability company in which at least one member is a corporation.

7. Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

SECTION 23.930.40 APPLICATION.

This Urgency Ordinance shall apply to tenancies on which a notice of eviction is issued after November 18, 2019.

SECTION 23.930.50 SEVERABILITY.

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

SECTION 3. Effective Immediately The City Council of the City of Rancho Cordova desires to adopt this Urgency Ordinance prohibiting the eviction of tenants without just cause. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately pursuant to Government Code Section 36937(b). The Council will consider establishing another moratorium due to changed circumstances, however, adopting this Urgency Ordinance will assist the City defend itself against challenges to the new moratorium. If this Urgency Ordinance is not adopted, and the new moratorium is successfully challenged, the City's residents would be subjected to the negative impacts identified in the recitals of this Urgency Ordinance.

Pursuant to Government Code section 36937(b), this Urgency Ordinance requires four-fifths (4/5) vote of the City Council.

ADOPTED, THIS 18th day of November 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Robert J. McGarvey, Mayor

Stacy Leitner, CMC
City Clerk