

ORDINANCE NO. 1466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, AMENDING CHAPTER 11, SECTION 129 TO THE BALDWIN PARK MUNICIPAL CODE PROHIBITING RESIDENTIAL REAL PROPERTY AND MOBILE HOME SPACE RENTAL RATE INCREASES THAT EXCEED FIVE PERCENT (5%) ANNUALLY

WHEREAS, a growing shortage of decent, safe and sanitary housing units resulting in a low vacancy rate and rapidly rising rents exploiting this shortage constitutes a serious housing problem affecting the lives of a substantial portion of those Baldwin Park residents who reside in residential housing; and

WHEREAS, speculation in the purchase and sale of existing residential housing units results in further rent increases; and

WHEREAS, these conditions endanger the public health and welfare of Baldwin Park tenants, especially the poor, minorities, students, young families, and senior citizens; and

WHEREAS, the purpose of this Ordinance, therefore, is to alleviate the hardship caused by this serious housing shortage by establishing a Rent Stabilization Ordinance to regulate rentals in the City of Baldwin Park so that rents will not be increased unreasonably and so that landlords will receive no more than a fair return; and

WHEREAS, in order to accomplish this purpose, this Ordinance provides the City with means to ensure that rents are at a fair level; and

WHEREAS, through this Ordinance, the City exercises its police power in order to address the serious housing problem recognized in the City; and

WHEREAS, it is also intended to enable the City to provide relief to persons facing particular hardship and to protect and increase the supply of affordable housing in the city; and

WHEREAS, termination or erosion of the protections of this Ordinance would have serious disruptive consequences for persons in need of protection and the supply of affordable housing in the city.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BALDWIN

PARK DOES HEREBY ORDAIN AS FOLLOWS:

Section 129.01(a) presently reads as follows:

- (a) Controlled Rental Units: All residential rental units in the City of Baldwin Park built prior to January 1, 1995, except mobile homes, mobile home spaces, duplexes, trailers and trailer spaces, single family homes and those units found by the City to be exempt under one or more of the following provisions:
- (1) Rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than thirty (30) days.
 - (2) Rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education.
 - (3) Rental units which a government unit, agency or authority owns, operates, manages, or in which governmentally subsidized tenants reside only if applicable federal or state law or administrative regulation specially exempt such units from municipal rent control. This includes "affordable housing" units and Section 8 housing.
 - (4) Owner-occupied rental units with no more than three (3) units. For purposes of this section:
 - (i) The term "owner" means a natural person who owns a fifty (50) percent ownership interest in the building and resides on the property as his or her principal place of residence.
 - (ii) An exemption under this section shall expire by operation of law when the owner ceases to reside on the property as his or her principal place of residence; thereafter, all units on the property shall be subject to all provisions of this Ordinance.
 - (5) Rental units and dwellings constructed after the adoption of this Ordinance; this exemption does not apply to units created as a result of conversion.
 - (6) Where a unit is actually used for purposes of providing, on a non-profit basis, child care or other residential social services in accordance with applicable laws. This exemption shall expire when the use upon which exemption is based ceases. This exemption shall only apply to units as they become vacant and shall only operate to allow the specified use without the necessity of obtaining a removal permit under this Ordinance. This exemption shall not be construed to authorize the eviction of any tenant nor

to authorize the charging of rent in excess of that permitted in this Ordinance. The City may adopt regulations to determine whether a unit qualifies for an exemption under this section.

- (7) Exemptions are not automatic but shall be granted by the City Council or its designee upon application by the owner, provided that if the City does not act upon a completed application for exemption within ninety (90) days of its filing it shall be deemed approved.

Section 129.01(a) is revoked in its entirety and replaced as follows:

- (a) Controlled Rental Units: All residential rental units in the City of Baldwin Park built prior to January 1, 1995, except those units exempt under one or more of the following provisions listed herein:
 - (1) Residential Real Property that is alienable separate from the title to another dwelling;
 - (2) Mobile homes established before 1990 regardless of ownership except mobile homes with long term leases of 12 months or more;
 - (3) Single structures with two separate dwelling units in which owner occupies one of the units;
 - (4) Rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than thirty (30) days;
 - (5) Rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education;
 - (6) Rental units which a government unit, agency or authority owns, operates, manages, or in which governmentally subsidized tenants reside only if applicable federal or state law or administrative regulation specially exempt such units from municipal rent control. This includes "affordable housing" units and Section 8 housing;
 - (7) Rental units and dwellings constructed after the adoption of this Ordinance; this exemption does not apply to units created as a result of conversion; and
 - (8) Where a unit is actually used for purposes of providing, on a non-profit basis, child care or other residential social services in accordance with applicable laws. This exemption shall expire when the use upon which exemption is based ceases. This exemption shall only apply to units as they become vacant and shall only operate to allow the specified use without the necessity of obtaining a removal permit under this Ordinance. This exemption shall not be construed to authorize the eviction of any tenant nor to authorize the charging of rent in excess of that permitted in this Ordinance. The City may adopt regulations to determine whether a unit qualifies for an exemption under this section.

Section 129.04(c) presently reads as follows:

- (c) Rent Increases. Landlord may increase rent according to the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers or CPI-U. The maximum increase in rent based on the CPI-U is three percent (3%) per twelve-month period. Thus, the rent for any controlled unit shall not be increased more than three percent (3%) during any twelve-month period. An increase made pursuant to this subsection shall establish a new “base rent ceiling” for the affected unit

Section 129.04(c) is revoked in its entirety and replaced as follows:

- (c) Rent Increases. Landlord may increase rent according to the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers or CPI-U. The maximum increase in rent based on the CPI-U is five percent (5%) per twelve-month period. Thus, the rent for any controlled unit shall not be increased more than five percent (5%) during any twelve-month period. An increase made pursuant to this subsection shall establish a new “base rent ceiling” for the affected unit.

Section 129.04(e) remains the same:

- (e) Increases Based on Consumer Price Index of Less than One Percent: If the Consumer Price Index (CPI-U) is any number less than one percent (1%), then the landlord may increase rent up to one percent (1%).

Section 129.04(e) is revoked in its entirety and replaced as follows:

- (e) Increases Based on Consumer Price Index of Less than Three Percent: Remains the same as the previous 129.04 (e).

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Section 129.26 is amended as follows:

Section 129.26 SINGLE FAMILY HOMES

Single family homes, mobile homes, mobile home spaces, duplexes, trailers, and trailer spaces are not automatically exempt from the provisions of this Ordinance. Single family homes, mobile homes, duplexes, trailers and trailer spaces will be included as rent controlled units to the extent that California state law allows and in accordance with the Costa Hawkins Rental Housing Act. For the purposes of this section, the phrase “single family home” shall be defined by its normal use and common construction.

First read at a regular meeting of the City Council of the City of Baldwin Park held on the 17th day of November, 2021, and adopted and ordered published at a regular meeting of said Council on the 17th day of November, 2021.

PASSED, APPROVED, AND ADOPTED this ____ day of December, 2021.

Emmanuel Estrada
MAYOR

ATTEST:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BALDWIN PARK } **SS:**

I, MARLEN GARCIA, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing ordinance was introduced and placed upon its first reading at a regular meeting of the City Council on November ____, 2021. Thereafter, said **Ordinance No. 1447** was duly approved and adopted at a regular meeting of the City Council on **November** ____, **2021** by the following vote to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MARLEN GARCIA
CITY CLERK