

CLAREMONT CITY COUNCIL

MEETING AGENDA

“We are a vibrant, livable, and inclusive community dedicated to quality services, safety, financial strength, sustainability, preservation, and progress with equal representation for our community.”

City Council Chamber
225 Second Street
Claremont, CA 91711



Tuesday
May 09, 2023
6:30 PM

COUNCILMEMBERS

ED REECE
MAYOR

COREY CALAYCAY

JENNIFER STARK

SAL MEDINA

JED LEANO

Meetings are open to the public for in-person attendance or remotely via Zoom. Should Zoom be disrupted, the in-person meeting will continue unless one or more Councilmembers are attending the meeting remotely pursuant to Assembly Bill 2449.

To participate in the meeting via Zoom, download Zoom on any phone or computer device cut and paste the following link into your browser to access and participate in the live City Council meeting at 6:30 p.m.: <https://zoom.us/j/256208090> or to only listen from the phone dial (213)338-8477, Webinar ID: 256 208 090.

Public comment may be provided by one of the following methods. Each speaker will be given up to four minutes to provide their comment.

OPTION 1: IN-PERSON LIVE COMMENTS – When the item you wish to speak to is announced, please proceed to the speaker’s podium one by one. Do not form a line in the center aisle.

OPTION 2: E-MAIL – Public comments may be sent via email to the City Clerk’s office at sdesautels@ci.claremont.ca.us and jcostanza@ci.claremont.ca.us. All emails will be distributed to the City Council and imaged into the record of the meeting.

OPTION 3: MAIL – Public comments may be mailed to Claremont City Hall, Attn: City Clerk’s Office, PO Box 880, Claremont, CA 91711. All comments received via mail will be distributed to the City Council and imaged into the record of the meeting.

OPTION 4: TELEPHONICALLY – Members of the public wanting to address the City Council telephonically are requested to inform the Claremont City Clerk’s office no later than 3:00 p.m. on the day of the meeting. The Claremont City Clerk’s office can be reached at (909) 399-5461 or (909) 399-5463. You will be called during consideration of the item you are interested in.

OPTION 5: REMOTE LIVE COMMENTS – Through Zoom, if you wish to speak, you may virtually select the "raise hand" button, which can be seen by the City Clerk. If you are dialing in by telephone and wish to speak, please push *9. This will "raise your hand".

The meeting will not be live streamed through Granicus as the meeting will be live streamed through Zoom instead. The recorded meeting will be uploaded to the City website and preserved.

CALL TO ORDER THE MEETING OF THE CITY COUNCIL

REMOTE PARTICIPATION REQUEST PURSUANT TO ASSEMBLY BILL 2449

If a member of the legislative body is attending pursuant to Assembly Bill 2449 and Zoom is disrupted, the meeting will be suspended until Zoom can be restored.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

CLOSED SESSION REPORT

CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS

Announcement:

Claremont Helen Renwick Library Update

FEDERAL HOLIDAYS AND OBSERVANCES

Holidays This Month and Upcoming:

Memorial Day, May 29, 2023

MAYOR AND COUNCIL

Council Items - None

Council Assignment Reports

City Councilmembers may serve as representatives on regional organizations. This time is allocated for reports about their activities. For information about the Council's local, intergovernmental and regional appointments please visit the City website: www.ci.claremont.ca.us/government/city-council/city-council-assignments-and-appointments.

CITY MANAGER REPORT

PUBLIC COMMENT

The Council has set aside this time for persons in the audience who wish to comment on items that ARE NOT LISTED ON THIS AGENDA, but are within the jurisdiction of the City Council.

Members of the audience will later have the opportunity to address the City Council regarding ALL OTHER ITEMS ON THE AGENDA at the time the Council considers those items.

At this time the Council will take public comment for 30 minutes. Public Comment will resume later in the meeting if there are speakers who did not get an opportunity to speak because of the 30-minute time limit.

The Brown Act prohibits the City Council from taking action on oral requests relating to items that are not on the agenda. The Council may engage in a brief discussion, refer the matter to staff, and/or schedule requests for consideration at a subsequent meeting.

The Council requests, but does not require, speakers to identify themselves. When you come up to speak, please state your name unless you wish to remain anonymous. Each speaker will be allowed four (4) continuous minutes.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine. The City Council or one or more Commissions and/or Committees have previously considered most of the items on the consent calendar. The Council may act on these items by one motion following public comment.

Only Councilmembers may pull an item from the consent calendar for discussion.

The City Council will waive reading of resolutions and ordinances. Each resolution and ordinance will be numbered following Council approval.

Now is the time for those in the audience to comment on the consent calendar. Each speaker will be allowed four (4) continuous minutes to comment on items on the consent calendar.

1. RESIGNATION OF PLANNING COMMISSIONER TOM ANDERSEN

Recommendation: Staff recommends that the City Council accept with regret the resignation of Tom Andersen from the Planning Commission effective May 17, 2023.

Attachment(s): Resignation of Planning Commissioner Tom Andersen

2. ADOPTION OF A RESOLUTION APPROVING THE CITY WARRANT REGISTER

Recommendation: Staff recommends that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated April 27, 2023.

Attachment(s): Resolution Approving City Warrant Register Dated April 27, 2023

3. CITY COUNCIL MINUTES OF APRIL 25, 2023 (REGULAR)

Recommendation: Staff recommends that the City Council approve and file the regular City Council meeting minutes of April 25, 2023.

Attachment(s): Draft Regular Meeting Minutes of April 25, 2023

4. 2023-24 LANDSCAPE AND LIGHTING DISTRICT ENGINEER'S REPORT (FUNDING SOURCE: LANDSCAPE AND LIGHTING DISTRICT FUND)

- Recommendation:** Staff recommends that the City Council:
- A. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING THE ENGINEER'S REPORT PREPARED BY WILLDAN FINANCIAL SERVICES AS FILED, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN LANDSCAPE AND LIGHTING DISTRICT NO. LL001 FOR THE FISCAL YEAR 2023/24 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LIGHTING AND LANDSCAPING, AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS; and
 - B. Set a public hearing date of June 13, 2023, for the purpose of hearing any comments on the proposed 2023-24 LLD assessment and for the ordering of the annual levy.

Attachment(s): Resolution Declaring Intent and Setting Public Hearing
2023-24 Engineer's Report
Resolution 2023-16

5. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION AND APPROPRIATE FUNDS FOR THE PREPARATION OF A LOCAL ROAD SAFETY PLAN (FUNDING SOURCE: PROPOSITION C)

- Recommendation:** Staff recommends that the City Council:
- A. Authorize the City Manager to execute a professional services agreement with KOA Corporation for the preparation of a Local Road Safety Plan in the amount of \$105,728, and authorize a ten percent contingency in the amount of \$10,573, for a not-to-exceed amount of \$116,301; and
 - B. Appropriate \$116,301 from the Proposition C Fund to complete this project.

6. AUTHORIZATION TO AMEND THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING TO EXTEND THE TERM AND INCREASE COMPENSATION FOR PUBLIC WORKS INSPECTION SERVICES (FUNDING SOURCE: GENERAL FUND)

- Recommendation:** Staff recommends that the City Council authorize the City Manager to execute an amendment to the existing professional services agreement for public works inspection services with Willdan Engineering, extending the term to December 31, 2023 and increasing compensation by \$168,000, for a total not-to-exceed amount of \$293,000.

7. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1: THE ROAD AND ACCOUNTABILITY ACT OF 2017 (FUNDING SOURCE: SENATE BILL 1 - ROAD MAINTENANCE AND REHABILITATION ACCOUNT)

Recommendation: Staff recommends that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

Attachment(s): Resolution Adopting a List of SB1 Projects for Fiscal Year 2023-2024

8. APPROVAL OF THE CLAREMONT LIBRARY MAINTENANCE AGREEMENT (FUNDING SOURCE: LANDSCAPE AND LIGHTING DISTRICT FUND)

Recommendation: Staff recommends that the City Council authorize the City Manager to execute the Library Grounds Maintenance Agreement for the period of July 1, 2023 through June 30, 2028, in an amount of \$20,812 for 2023-24, and allowing for an annual increase to the base amount according to the Consumer Price Index for the Los Angeles-Anaheim-Riverside Metropolitan statistical area.

PUBLIC HEARINGS - None

ORDINANCE

9. CONTINUATION OF ITEM NO. 10 FROM THE APRIL 25, 2023 CITY COUNCIL AGENDA - CONSIDERATION OF TENANT PROTECTIONS - (1) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED TENANT PROTECTIONS FOR JUST CAUSE EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; AND (2) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED RENT STABILIZATION REQUIREMENTS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT (FUNDING SOURCE: GENERAL FUND)

Recommendation: Staff recommends that the City Council:

- A. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.34 ("JUST CAUSE FOR EVICTION") TO TITLE 8 ("HEALTH AND SAFETY") OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" IN THE CITY OF CLAREMONT;
- B. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.36 ("RENT STABILIZATION") TO TITLE 8 ("HEALTH AND SAFETY") OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" IN THE CITY OF CLAREMONT; and
- C. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA).

Attachment(s): Item No. 10 from the 4/25/23 City Council meeting
Updated Key Decision Chart
Redlined Just Cause for Eviction Ordinance
PowerPoint Presentation from 4/25/23
Public Comment Received After 4/25/23

ADMINISTRATIVE ITEM

10. ANNUAL REPORT FOR THE MILITARY EQUIPMENT USE POLICY OF THE CLAREMONT POLICE DEPARTMENT AS REQUIRED BY ASSEMBLY BILL 481 - MILITARY EQUIPMENT: FUNDING, ACQUISITION, AND USE (FUNDING SOURCE: GENERAL FUND)

Recommendation: Staff recommends that the City Council receive the Annual Military Equipment Use Report and approve the acquisition of the equipment listed under "New Request - Category 2 and Category 12".

CONTINUED PUBLIC COMMENT

This time is reserved for those persons who were unable to speak earlier in the agenda because of the 30-minute time restriction.

COMMISSIONS -

One Architectural Commission Vacancy
One Planning Commission Vacancy
Two Upcoming Public Art Committee Vacancies
Various Upcoming End-of-Term Vacancies

ADJOURNMENT

THE NEXT REGULAR MEETING OF THE CLAREMONT CITY COUNCIL WILL BE HELD ON, MAY 23, 2023, AT 6:30 P.M., IN THE CLAREMONT COUNCIL CHAMBER, 225 WEST SECOND STREET, CLAREMONT, CA 91711.

A LOOK AHEAD – Upcoming Meetings and Tentative Agenda Items

City Warrant Register Dated May 11, 2023
Draft City Council Meeting Minutes of May 9, 2023
Sanitation and Sewer CIP Rate Increases
Award of Contract - Alexander Hughes Community Center Painting
Additional Appropriation of Funds for the Bus Shelter Enhancement Project
Award of Contract - Propositions A and C Projects
Release of Remaining Subdivision Improvement Bonds for Final Tract Map No. 71420
Second Reading and Adoption of Tenant Protection Ordinances
Housing In-Lieu Fee Update

MATERIALS RELATED TO AN ITEM ON THIS AGENDA, AND SUBMITTED TO THE CITY COUNCIL AFTER PUBLICATION OF THE AGENDA, ARE AVAILABLE TO THE PUBLIC IN THE CITY CLERK'S OFFICE AT 207 HARVARD AVENUE, CLAREMONT, MONDAY THROUGH THURSDAY, 7 AM – 6 PM. SUBJECT MATERIALS WILL BE MADE AVAILABLE ON THE CITY WEBSITE AS SOON AS POSSIBLE - www.ci.claremont.ca.us. For more information, please call the City Clerk's Office at 909-399-5461.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, THIS AGENDA WILL BE MADE AVAILABLE IN APPROPRIATE ALTERNATIVE FORMATS TO PERSONS WITH DISABILITIES. ANY PERSON WITH A DISABILITY WHO REQUIRES A MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A CITY MEETING SHOULD CONTACT THE CITY CLERK AT 909-399-5461 "VOICE" OR 1-800-735-2929 "TT/TTY" AT LEAST THREE (3) WORKING DAYS PRIOR TO THE MEETING, IF POSSIBLE.

I, JAMIE COSTANZA, DEPUTY CITY CLERK OF THE CITY OF CLAREMONT, CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING AGENDA WAS POSTED AT CLAREMONT CITY HALL, 207 HARVARD AVENUE, ON MAY 4, 2023, PURSUANT TO GOVERNMENT CODE SECTION 54954.2.

POST THROUGH: May 10, 2023



Claremont City Council

Agenda Report

File #: 4679

Item No: 1.

TO: JAMIE EARL, ACTING CITY MANAGER
FROM: JAMIE COSTANZA, DEPUTY CITY CLERK
DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

RESIGNATION OF PLANNING COMMISSIONER TOM ANDERSEN

SUMMARY

Mr. Andersen was appointed to serve on the Planning Commission in July 2022. His term is set to expire on August 31, 2026; however, he and his wife will be moving out of Claremont for a job opportunity. He has therefore submitted his resignation from the Commission.

RECOMMENDATION

Staff recommends that the City Council accept with regret the resignation of Tom Andersen from the Planning Commission effective May 17, 2023.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Jamie Costanza
Deputy City Clerk

Attachment:
Resignation of Planning Commissioner Tom Andersen

Jamie Costanza

Subject: FW: Planning Commission Resignation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message submitted from the <City of Claremont> website.

Site Visitor Name: Tom Andersen

Site Visitor Email: [REDACTED]

Dear Ed,

I am, with reluctance, writing to tell you that I must resign from the Planning Commission. My wife was approached about two months ago with an opportunity that will enhance her career, that requires relocation. Everything fell in to place this weekend.

If this resignation must be considered as taking effect with the writing of this email, so be it. However we will most likely still be here until the end of May, and I would be available to serve until then.

Sincerely,
Tom Andersen



Claremont City Council

Agenda Report

File #: 4683

Item No: 2.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: JAMIE COSTANZA, DEPUTY CITY CLERK

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

ADOPTION OF A RESOLUTION APPROVING THE CITY WARRANT REGISTER

RECOMMENDATION

Staff recommends that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated April 27, 2023.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Jamie Costanza
Deputy City Clerk

Attachment:

Resolution Approving City Warrant Register Dated April 27, 2023

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

NOW THEREFORE, THE CLAREMONT CITY COUNCIL DOES HEREBY RESOLVE:

SECTION 1. That the list of claims and demands dated April 27, 2023, totaling \$1,629,812.60 has been audited as required by law.

SECTION 2. That warrant numbers 4465 through 4473, and 251605 through 251773, inclusive, are hereby allowed in the amounts and ordered paid out of the respective funds.

SECTION 3. That the Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 9th day of May, 2023.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont



Claremont City Council

Agenda Report

File #: 4684

Item No: 3.

TO: JAMIE EARL, ACTING CITY MANAGER
FROM: JAMIE COSTANZA, DEPUTY CITY CLERK
DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

CITY COUNCIL MINUTES OF APRIL 25, 2023 (REGULAR)

RECOMMENDATION

Staff recommends that the City Council approve and file the regular City Council meeting minutes of April 25, 2023.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted and Prepared by:

Jamie Costanza
Deputy City Clerk

Attachment:

Draft Regular Meeting Minutes of April 25, 2023

**CLAREMONT CITY COUNCIL
MEETING MINUTES**

Tuesday, April 25, 2023 – 6:30 p.m.

Meeting Conducted In Person and Via Zoom. Video Recording is Archived on the City Website
<https://www.ci.claremont.ca.us/government/city-council/watch-city-council-meetings>

CALL TO ORDER

Mayor Reece called the meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – In honor of John “Jack” Monroe and Wayne “Wally” R. Cox Jr.

ROLL CALL

PRESENT COUNCILMEMBER: CALAYCAY, LEANO, MEDINA, REECE, STARK

ABSENT COUNCILMEMBER: NONE

ALSO PRESENT Adam Pirrie, City Manager; Alisha Patterson, City Attorney; Jamie Earl, Assistant City Manager; Aaron Fate, Police Chief; Jeremy Swan, Director of Community Services; Melissa Vollaro, Director of Human Services; Nishil Bali, Finance Director; Shelley Desautels, City Clerk

CLOSED SESSION REPORT

There was no closed session meeting.

CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS

The City Council received a Southern California Gas Company Service Update presentation by Kristine Scott, Public Affairs Manager.

Edgar Trenado, Information Systems Officer, was introduced.

ANNOUNCEMENT OF FEDERAL HOLIDAYS/OBSERVANCES - None

MAYOR AND COUNCIL

Council Items - None

Council Assignment Reports

This item starts at 18:26 in the archived video.

Councilmember Stark reported that she recently attended the League of Cities Legislative Action Conference.

Mayor Reece reported that he also attended the League of Cities Legislative Action Conference and will represent Claremont in Sacramento to advocate for transportation.

CITY MANAGER REPORT

This item starts at 20:10 in the archived video.

City Manager Pirrie reported that the third draft of the 6th Cycle Housing Element Update was sent to the State on April 19, the City's summer recreation guide was recently mailed, and provided an update on ground water seepage in the Stone Canyon neighborhood.

Mayor Reece directed staff to invite the Pomona Valley Protective Association and Six Basins Water Master to an upcoming City Council meeting.

Mayor Pro Tem Medina requested that SoCal Gas Company contact information be included in the next City Manager weekly.

PUBLIC COMMENT

This item starts at 27:06 in the archived video.

Mayor Reece invited public comment.

Ken Larson, Claremont resident, highlighted his negative experiences as a result of the water seepage in the Stone Canyon neighborhood and asked the City Council to help.

Annette Larson, Claremont resident, provided information on the responsibilities of the Water Master, and questioned if the City is aware of who will be responsible for the damage that has occurred due to the water seepage in Stone Canyon.

John Johnson, Stone Canyon Home Owners Association President, raised concerns regarding the water seepage and questioned what the City can do to make sure this situation does not occur again.

Unidentified speaker stated that the Stone Canyon neighborhood is asking for answers and help, and shared that he has been working to protect his foundation from the water seepage.

Councilmember Calaycay suggested a neighborhood meeting be scheduled regarding the Stone Canyon water seepage issue including representatives from all water agencies.

Lisa Tutoni, Claremont resident, asked the City Council and City officials to help and protect its residents as she believes the flooding in Stone Canyon was not caused by an act of nature.

Priscilla Espinoza, Claremont Helen Renwick Library Manager, shared upcoming events taking place at the Library.

Jennifer Jaffe asked the City Council to consider the City's Urban Forest Master Plan when discussing and evaluating the upcoming tree mitigation plan.

Drew Ready raised concern regarding the private Pepper trees topped at Indian Hill and First and urged the City Council to update its Municipal Code to address private trees. He also suggested the City hold additional public meetings to discuss the upcoming tree mitigation plan.

Victor Asmora, Claremont resident, highlighted his negative experiences as a result of the water seepage in Stone Canyon and believes this water seepage was caused by human error.

Joan Shue, Claremont resident, highlighted her negative issues as a result of the water seepage in the Stone Canyon neighborhood and asked the City Council to help attain answers and be transparent with information.

Barbara Gonzalez, Meals on Wheels President, encouraged all to participate in and volunteer for the Meals on Wheels program.

Unidentified speaker asked for transparency and help with the issues taking place as a result of the water seepage in Stone Canyon. He asked the City Council to advocate for the neighborhood.

Rakesh Agrawal, Claremont resident, stated that he believes the City should take full responsibility for damages that occurred in the Stone Canyon neighborhood due to the water seepage issue.

Bon asked the City Council to address cloud seeding and how cloud seeding affected rainfall.

There were no other requests to speak.

City Manager Pirrie confirmed that he will work on scheduling a neighborhood meeting for Stone Canyon that includes all interested parties.

Councilmember Calaycay suggested that the Claremont Helen Renwick Library Manager speak during the ceremonial section of City Council agendas.

CONSENT CALENDAR

This item starts at 1:27:49 in the archived video.

Councilmember Calaycay pulled Item No. 3 from the Consent Calendar.

Mayor Reece invited public comment on Consent Calendar Items No. 1, 2, and 4-9.

There were no requests to speak.

1. Adoption of a Resolution Approving the City Warrant Register
Adopted Resolution No. 2023-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated April 13, 2023.
2. City Council Minutes of April 11, 2023 (Regular)
Approved and filed the regular City Council meeting minutes of April 11, 2023.
3. Adoption of a Resolution Approving a Pause on the City's Collection of Utility Users' Tax from the Southern California Gas Company in Response to an Increase in the cost of Natural Gas for Residential and Commercial Customers in Claremont (Funding Source: General Fund)
This item was removed from the Consent Calendar.
4. Award of Contract to Mountain View Chevrolet for Vehicle Replacements (Funding Source: Motor Fleet and Sanitation Funds)
Authorized the City Manager to award a contract to Mountain View Chevrolet in the amount of \$264,078.71 for the purchase of six new vehicles.

5. Authorization to Enter Into an Agreement with Attic Projects for Emergency Pest Remediation Services (Funding Source: General Fund)
 - A. Authorized the City Manager to enter into an agreement with Attic Projects for emergency pest remediation services for \$56,300; and
 - B. Appropriated \$56,300 from the unassigned General Fund balance to fund emergency pest remediation services.

6. Authorization to Amend the Existing Agreement with First Class Heating and Air Conditioning, Inc. to Increase Compensation for Heating, Ventilation, and Air Conditioning Maintenance and Repairs (Funding Source: General Fund)
 - A. Authorized the City Manager to execute an amendment to the existing agreement with First Class Heating and Air Conditioning, Inc., adding an additional \$60,000 in compensation, increasing the not-to-exceed contract amount to \$168,275; and
 - B. Appropriated \$60,000 from the unassigned General Fund balance for HVAC maintenance services.

7. Investment Report – Quarter Ending March 31, 2023

Received and accepted the Investment Report for the quarter ending March 31, 2023.

8. Quarterly Financial Update – March 31, 2023

Received and filed the Quarterly Financial Update for the quarter ending March 31, 2023.

9. 2022-23 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds Grant Spending Plan (Funding Source: Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds Grant)

Approved the Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds funding expenditure recommendations for 2022-23 in the amount of \$165,271.

Councilmember Calaycay moved to approve Consent Calendar Items No. 1, 2, and 4-9, seconded by Councilmember Stark, and carried on a roll call vote as follows:

AYES: Councilmember – Calaycay, Leano, Medina, Reece, Stark
NOES: Councilmember – None

Item Removed from the Consent Calendar

3. Adoption of a Resolution Approving a Pause on the City's Collection of Utility Users' Tax from the Southern California Gas Company in Response to an Increase in the cost of Natural Gas for Residential and Commercial Customers in Claremont (Funding Source: General Fund)

This item starts at 1:29:31 in the archived video.

City Manager Pirrie responded to a question from the City Council regarding a potential increase in the number of months pausing the City's collection of Utility Users' Tax.

City Manager Pirrie recommended the resolution be amended to pause the collection of Utility Users' Tax from Southern California Gas Company for five months as suggested by Councilmember Calaycay.

Councilmember Leano spoke in support of the suggestion to pause the collection for five months and suggested the City Council review this item after 90 days.

Mayor Reece invited public comment.

There were no requests to speak.

Councilmember Calaycay moved to adopt Resolution No. 2023-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING A PAUSE ON THE CITY'S COLLECTION OF UTILITY USERS' TAX FROM THE SOUTHERN CALIFORNIA GAS COMPANY IN RESPONSE TO AN INCREASE IN THE COST OF NATURAL GAS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS IN CLAREMONT, for a period of five months, seconded by Councilmember Leano.

Mayor Reece spoke in support of immediate relief and expanding the number of months the tax collection is paused for.

The motion carried on a roll call vote as follows:

AYES: Councilmember – Calaycay, Leano, Medina, Reece, Stark
NOES: Councilmember – None

The City Council recessed at 8:05 p.m.
The City Council reconvened at 8:14 p.m.

PUBLIC HEARINGS - None

ORDINANCE

10. Consideration of Tenant Protections – (1) First Reading and Introduction of an Ordinance Imposing Heightened Tenant Protections for Just Cause Evictions for Certain Residential Tenancies in the City of Claremont; and (2) First Reading and Introduction of an Ordinance Imposing Heightened Rent Stabilization Requirements for Certain Residential Tenancies in the City of Claremont; and (3) Consideration of a Temporary Rental Assistance Program (Funding Sources: General Fund and American Rescue Plan Act Funds)

This item starts at 1:43:03 in the archived video.

Councilmember Reece recused himself from the discussion and left the meeting as he owns rental property in Claremont.

Katie Wand, Assistant to the City Manager, and Alisha Patterson, City Attorney, gave a PowerPoint presentation.

Mayor Pro Tem Medina invited public comment.

Mati, Claremont resident, spoke in support of setting a low percentage for allowable rent increases.

Jose Ramiro, Claremont resident, asked the City Council to protect its tenants and stop the practice of no fault evictions.

Elaine Thompson, Claremont resident, asked the City Council to not include an exemption for “mom and pop” property owners and take bold steps for tenant relief and protections.

Miranda Sheffield spoke in support of Claremont tenants and shared that the City of Pomona recently passed a rent stabilization ordinance and encouraged the City Attorney to research Pomona's tenant protections.

Rachel Forester, Claremont resident, asked that tenants be given long term and strong protections against rent increases and just cause evictions.

Harrison Chapin, on behalf of Inclusive Claremont, spoke in support of strong tenant protections and raised concern regarding just cause evictions.

John Maraw, Claremont resident, spoke in support of the letter written by the Claremont Tenants United and asked the City Council to adopt strong ordinances that protect the needs of tenants.

Gizelle, Claremont resident, spoke in support of Claremont tenants.

Unidentified speaker spoke in support of housing supply and shared that property owners have suffered hardships due to COVID tenant protections. She believes that landlords should not be penalized for investing in the community.

William Baker shared that landlords should not be a financial safety net for tenants and asked the City Council to follow the current law for rent control.

Abigail Carnes, Inclusive Claremont, stated that tenants are being priced out of the Claremont community due to the rent hikes and asked the City Council to act quickly and take bold actions so valued members of the community are not lost.

Hun Lee asked if the City Council could share the PowerPoint presentation on its website.

Max Sherman, Apartment Association Greater Los Angeles, stated that the Association opposes both proposed ordinances as they are too broad; however, urged the City Council to adopt a temporary rental assistance program.

Bill Ruh, Citrus Valley Association of Realtors, spoke in support of the temporary rental assistance program as that will help tenants immediately. He stated that the Association opposes both proposed ordinances.

Unidentified speaker spoke in support of keeping tenants in the community by setting a reasonable maximum amount of rent increases, tenant relocation assistance, and no fault evictions.

Matthew Buck, California Apartment Association, urged the City Council to oppose the proposed ordinances as they will increase housing costs and limit the number of available housing.

Emily Dietrick, Inclusive Claremont, spoke in support of strengthening language for just cause evictions as it will help keep housing stock affordable.

Gwen Tucker, Inclusive Claremont, spoke in support of strong tenant protections to keep tenants in their homes and in the community.

Allison Henry, San Gabriel Valley Tenants Alliance, spoke in support of the letter written by the Claremont Tenants United and urged the City Council to lower the number of units to be exempt from the ordinances and increase the funding amount for a temporary rental assistance program.

Lydia Hernandez responded to comments made during the public comment period and shared that enacting a just cause eviction will not let Claremont properties go into disrepair, rent is meant to pay for services, and tenants invest in the community.

Octavio Hernandez spoke in support of the City creating a rental board as over 2,000 renters need protections.

Sarah Gilman, Claremont resident, spoke in support of the proposed ordinances; however, believes the amount of relocation assistance should be based on market rate, the number of units to be exempted should be decreased, and include no fault evictions for households with school age children until the end of the school year.

Unidentified speaker asked that AB 1482 be given time to take effect before another regulation is implemented.

Sue Keith asked the City Council to not create any unintended consequences that may result in a decrease in rental units.

There were no other requests to speak.

Ms. Patterson and Ms. Wand responded to questions raised during the public comment period and shared that the City's proposed ordinances follow AB 1482, City Council would need to provide direction for a housing authority, and the unit exemption was set as commercial real estate is defined as 5 units or more.

Ms. Wand, Ms. Patterson, and Brad Johnson, Community Development Director, responded to questions from the City Council regarding the proposed temporary rental assistance program, severely rent-burdened households, potential for gathering additional data and time needed to gather additional data, budgetary needs for a rental registry, rent increases from 2016 to present, increase in housing purchases, possibility for prohibiting evictions, challenge of an ordinance, possible program incentives, AB 1482 enforcement, permanent rental assistance program, difference between a remodel and maintenance, strengthening AB 1482 to limit substantial remodel evictions, comparison of other cities rental stabilization programs, relocation fees, relocation assistance program, and a landlord assistance program.

The City Council recessed at 10:45 p.m.
The City Council reconvened at 10:52 p.m.

Councilmember Calaycay spoke in support of a rental assistance program; however, is not comfortable supporting the proposed tenant protection ordinances at this time. He suggests creation of a new program or incentives that would mutually benefit the tenant and landlord.

Councilmember Stark believes the City should have in place programs to assist tenants and believes there is a way to balance the needs of tenants and landlords.

Councilmember Leano spoke in support of creating additional programs or incentives for both tenants and landlords and believes tenant issues have been created by a lack of housing supply.

Mayor Pro Tem Medina spoke in support of the comments made by his fellow Councilmembers and would like to be mindful of and support both tenants and landlords.

The City Council discussed “Key Decisions” and provided some preliminary direction as summarized below:

- The Council will pursue a “Just Cause Eviction” Ordinance (Key Decision #1)
- The Ordinance will require property owners to obtain building permits for the remodeling work prior to initiating eviction proceedings (Key Decision #2.1)
- Property owners will be required to provide tenants with said permits (Key Decision #2.2)
- Property owners must provide tenants with a scope of work, which must detail why the work cannot be completed within 30 days (Key Decision #2.3)
- The valuation of the work must be at least six times the cost of the tenant’s monthly rent (Key Decision #2.4)
- The Ordinance will not narrow AB 1482’s definition of “substantially remodel” to work that is needed for Code compliance and/or for health and safety reasons (Key Decision #2.5)
- The Ordinance will not require property owners to offer displaced tenants a “right of first refusal” to return to their units after the units are remodeled (Key Decision #3).

Due to the late hour, it was suggested that a motion be made to continue deliberations of this item to the May 9, 2023, City Council meeting, noting that as public comment was closed, no additional public comment will be taken at the May 9, 2023, City Council meeting.

Councilmember Calaycay moved to:

- A. Continue deliberations on the proposed “Just Cause for Eviction” and “Rent Stabilization” ordinances to the May 9, 2023 regular City Council meeting. Public comment was closed, and no further public comment will be taken;***
- B. Approve a Temporary Housing Stabilization and Relocation Program with use of American Rescue Plan Act (ARPA) funds in the amount of \$1,000,000, and directed staff to return to the City Council with a Program update in July 2024; and***
- C. Find that this item is exempt from environmental review under the California Environmental Quality Act (CEQA);***

Seconded by Councilmember Stark, and carried on a roll call vote as follows:

AYES: Councilmember – Calaycay, Leano, Medina, Stark

NOES: Councilmember – None

ABSENT: Councilmember – Reece

ADMINISTRATIVE ITEMS - None

ADJOURNMENT

Mayor Pro Tem Medina adjourned the meeting of the Claremont City Council at 12:44 a.m. The next regular meeting of the Claremont City Council will be held on Tuesday, May 9, 2023, at 6:30 p.m., in the Claremont Council Chamber.

Mayor Pro Tem

ATTEST:

Deputy City Clerk



Claremont City Council

Agenda Report

File #: 4691

Item No: 4.

TO: JAMIE EARL, ACTING CITY MANAGER
FROM: JEREMY SWAN, COMMUNITY SERVICES DIRECTOR
DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

2023-24 LANDSCAPE AND LIGHTING DISTRICT ENGINEER'S REPORT (FUNDING SOURCE: LANDSCAPE AND LIGHTING DISTRICT FUND)

SUMMARY

On February 28, 2023, the City Council adopted Resolution 2023-16, authorizing the preparation of the 2023-24 Engineer's Report for the voter-approved Citywide Landscape and Lighting District (LLD). State law requires an annual update for the levying of Landscape and Lighting District assessments, and the first step is the preparation of the Engineer's Report for 2023-24. The annual report includes the proposed budget for the services provided under the LLD, which includes the maintenance of landscape, parks, trees, and streetlights. The report is now complete and is included for the Council's review and consideration. The second step is approval of resolution setting a Public Hearing date declaring the intent to levy and collect assessments within the Landscape and Lighting District (Attachment A).

As permitted in the enabling resolution, the Engineer has determined that the change in the February 2022 to February 2023 Los Angeles-Riverside-Orange County Consumer Price Index (CPI) represents an increase of 5.09 percent. The application of this change to the LLD assessment would increase it from \$201.89 per assessment unit (AU) to \$212.19 per AU for 2023-24.

RECOMMENDATION

Staff recommends that the City Council:

- A. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING THE ENGINEER'S REPORT PREPARED BY WILLDAN FINANCIAL SERVICES AS FILED, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN LANDSCAPE AND LIGHTING DISTRICT NO. LL001 FOR THE FISCAL YEAR 2023/24 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LIGHTING AND LANDSCAPING, AND

GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS; and

- B. Set a public hearing date of June 13, 2023, for the purpose of hearing any comments on the proposed 2023-24 LLD assessment and for the ordering of the annual levy.

ALTERNATIVE TO RECOMMENDATION

In addition to the recommendation, there is the following alternative:

- Request additional information.

FINANCIAL REVIEW

Assessment Unit and CPI Adjustment

The formula used to calculate each parcel’s LLD levy is based on a standard assessment unit. Single-family residential parcels less than 11,500 square feet in area are considered one (1) assessment unit. From this base, all other land use designations are assigned assessment units based on the established formula, which is contained in the attached Engineer’s Report, pages 12-13 (Attachment B). The annual increase in the assessment amount is limited to the increase in the Los Angeles-Riverside-Orange County Consumer Price Index for the twelve-month period of February to February. The CPI increase for this period is 5.09 percent.

The assessment per AU for 2022-23 was \$201.89. Applying an increase equivalent to the CPI increase of 5.09 percent would raise the assessment to \$212.19 per AU. This new assessment amount would result in additional revenue of \$155,839 compared to the 2022-23 LLD assessment, bringing the total 2023-24 LLD assessment revenue to \$3,169,040. Total LLD maintenance costs for 2023-24 are estimated at \$3,939,231.

Revenue from LLD assessments will fund approximately 80 percent of eligible LLD program expenditures, with approximately 20 percent subsidized by the General Fund.

Below is an overview of the proposed expenditures and related funding for 2023-24:

2023-24 Maintenance and Expenditure Plan

Developed Parks	\$1,407,717
Street Medians & Rights-of-Way	\$1,320,636
Trees	\$ 798,296
Street Lighting	\$ 403,082
Administrative Costs	\$ 9,500
Total Expenditures:	\$3,939,231

2023-24 Funding

LLD Assessments	\$3,169,040
General Fund	\$ 770,191
Total Funding:	\$3,939,231

The cost to complete this report is estimated to be \$653. These costs are in staff time and are included in the operating budget of the Community Services Department.

ANALYSIS

The preliminary \$3,939,231 LLD program budget covers the maintenance costs of landscaping, the urban forest, and street lighting improvements throughout the City. A detailed description of the maintenance activities that occur within the LLD is included below.

Developed Parks

The City has twenty-one developed parks, totaling 154.7 acres that are maintained through the LLD. The estimated cost to maintain City parks next fiscal year is \$1,407,717. Typical maintenance activities for City parks include:

- Turfgrass mowing and edging
- Repairing irrigation systems as needed
- Cultivating and aerating turfgrass and ground cover as needed
- Renovating turfgrass and sports fields as needed
- Fertilization and pest control as needed
- Ongoing weed abatement
- Litter removal
- Trimming of trees and shrubs
- Daily janitorial services for park restrooms
- Graffiti removal as needed
- Playground equipment inspections
- Vandalism and fencing repairs as needed

Street Medians & Rights-of-Way

The City has 95 median islands, totaling over 10 acres, and over 50 acres of public right-of-way that are maintained by the LLD. This includes landscaped grounds in the Village and Plaza and around the Village Parking Structure. The estimated cost to maintain these landscaped areas next fiscal year is \$1,320,636. Typical maintenance activities for medians and rights-of-way include:

- Turfgrass mowing and edging (parkways only)
- Repairing irrigation systems as needed
- Cultivating ground cover as needed
- Fertilization and pest control as needed
- Ongoing weed abatement
- Litter removal
- Trimming of trees and shrubs as needed

Urban Forest

The City maintains approximately 25,300 trees. The preliminary 2023-24 budget to maintain the urban forest is \$798,296. Typical maintenance activities for the urban forest program include:

- Grid and Select Trimming
- Young Tree Care Program
- Removal and replacement of diseased, dead, and/or hazardous trees
- Reforestation
- Integrated Pest Management Program

Street Lighting

There are 2,509 City-owned and 306 Southern California Edison-owned streetlights within the LLD. The City is required to pay the energy costs for all streetlights located in the public right-of-way within the City limits, regardless of ownership. These expenses are funded by the LLD. In addition to electricity costs, the LLD pays for the maintenance and repair of streetlights, which is performed by a private contractor or by Southern California Edison. The estimated cost for the maintenance and electricity associated with streetlights next fiscal year is \$403,082.

Annual Process for Levying Assessments

Although Claremont voters approved continuing the LLD in 1997, State law requires an annual procedure for levying assessments in accordance with the same procedures the City has followed every year since 1990. This process includes a noticed public hearing to establish the rates and the maintenance plan. The City Council completed the first step in the annual procedure on February 28, 2023, when they adopted Resolution 2023-16, authorizing Willdan Financial Services to prepare the 2023-24 annual report (Attachment C).

On April 5, 2023, the Community and Human Services Commission recommended that the annual increase in the LLD assessment be brought before the City Council at the May 9, 2023 meeting. The City Council must set a public hearing to review modifying the annual levy. Staff recommends that the City Council set the public hearing for the June 13, 2023 meeting. As part of the public hearing, the City Council would consider the Engineer's Report and the recommendation to increase the annual assessment by \$10.30, bringing the total to \$212.19 per assessment unit. Following City Council consideration, and if approved, the report will then be submitted to the County Auditor-Controller for collection of the assessment on the November 2023 and April 2024 property tax billings.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds that it relates to the following: Council Priorities, Sustainable City Plan, Economic Sustainability Plan, the General Plan, and the 2022-24 Budget.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA).

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Jeremy Swan
Community Services Director

Prepared by:

Cari Dillman
Community Services Manager

Attachments:

- A - Resolution Declaring Intent and Setting Public Hearing Date
- B - 2023-24 Engineer's Report
- C - Resolution 2023-16

RESOLUTION NO. 2023-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING THE ENGINEER'S REPORT PREPARED BY WILLDAN FINANCIAL SERVICES AS FILED, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN LANDSCAPE AND LIGHTING DISTRICT NO. LL001 FOR THE FISCAL YEAR 2023/24 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LIGHTING AND LANDSCAPING, AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS**

WHEREAS, in March 1990, the City Council of the City of Claremont (the "City") adopted Landscape and Lighting District No. LL001 pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with § 22500) of Division 15 of the Streets and Highways Code (the "Act"), for the maintenance and servicing of street lighting, street trees, parkways, median islands, and city parks; and

WHEREAS, in March of 1997, a majority of voters of the City of Claremont approved Ordinance No. 97-1 ("Measure A"), which among other things, ratified, approved, and validated the assessments under existing Landscape and Lighting District No. LL001 and authorized the City Council "to increase on an annual basis the annual levy for Landscape and Lighting District No. LL001" using the Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside Area, published by the United States Department of Labor, Bureau of Labor Statistics, provided that any such annual increase in assessments not exceed ten percent (10%); and

WHEREAS, Landscape and Lighting District No. LL001 qualifies for continued levying under Section 5 of Article XIII D of the California Constitution; and

WHEREAS, the City is required under the Act to follow certain annual procedures for levying assessments; and

WHEREAS, on February 28, 2023, the City Council adopted Resolution No. 2023-16 initiating proceedings for the levy and collection of assessments for Fiscal Year 2023/24; and

WHEREAS, by said resolution, the City Council ordered Willdan Financial Services, for the purpose of assisting the City with the annual levy and collection of assessments within said assessment district, to prepare and file a report with the City Clerk in accordance with Article 4 (commencing with § 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highway Code; and

WHEREAS, Willdan Financial Services has filed such report with the City Clerk, and such report has been presented and considered by the City Council; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Landscape Lighting and Assessment District Annual Update is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline Section 15273(a)(4) because the purpose of the annual assessment is to provide funding to maintain existing public landscaping and streetlights within the City of Claremont; and

WHEREAS, pursuant to CEQA Guideline Section 15061(b)(3), this item is exempt from CEQA because there is no potential for causing a significant effect on the environment because the action will simply provide funding to maintain existing public landscaping and streetlights.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein.

SECTION 2. Intention. The City Council hereby declares that it is their intention to levy and collect assessments for Landscape and Lighting District No. LL001 for the Fiscal Year 2022/23 pursuant to the Landscaping and Lighting Act of 1972. The area to be assessed is located in the City of Claremont, County of Los Angeles. The boundaries of Landscape and Lighting District No. LL001 are described in the Fiscal Year 2023/24 Annual Engineer's Report (on file in the City Clerk's office). No assessments shall be imposed upon a federal or state government agency (county, city, and/or special district) located within the boundaries except when such property is not devoted to a public use.

SECTION 3. Purpose. The purpose of Landscape and Lighting District No. LL001 is for maintenance and servicing of street lighting, street trees, parkways, median islands, and city parks.

SECTION 4. Report. The Willdan Financial Services report is on file with the City Clerk and is hereby approved, as filed, by the City Council. All interested persons are referred to the Willdan Financial Services report for a full and detailed description of the work, the boundaries of the proposed assessment district, and the proposed assessments upon assessable lots and parcels of land within Landscape and Lighting District No. LL001.

SECTION 5. Time and Place of Hearing. On Tuesday, June 13, 2022, at the hour of 7:00 p.m., during the course of its regular scheduled meeting, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the City Council Chamber, 225 Second Street, Claremont, California.

SECTION 6. Notice. The City Clerk shall give notice of the time and place of said hearing by publishing a copy of this Resolution once in the Claremont Courier and once in the Daily Bulletin not less than ten (10) days before the date of the hearing.

SECTION 7. Pre-Approved CPI Increase of Annual Assessment. The proposed annual assessment shall be based on actual total costs, as delineated by Streets and Highways Code § 22569. In accordance with Section 5 of Ordinance No. 97-1 (“Measure A”), which a majority of voters of the City of Claremont approved on March 4, 1997, the City Council has declared its intention to use the Consumer Price Index for All Urban Consumers for the Los Angeles-Riverside-Orange County area (1982-1984=100), published by the United States Department of Labor, Bureau of Labor Statistics (the “CPI”) to increase the assessments for Landscape and Lighting District No. LL001 for Fiscal Year 2023/24; provided, however, that such increase in assessments shall not exceed ten percent (10%). Based on the CPI, the proposed 2023/24 assessment represents a 5.09% increase over the previous year. The 2023/24 assessment is not increasing above the annual CPI adjustments that Claremont voters approved in 1997.


PASSED, APPROVED AND ADOPTED this 9th day of May, 2023.

Mayor, City of Claremont

Attest:

City Clerk, City of Claremont

Approved as to form:



City Attorney, City of Claremont



City of Claremont

Landscaping and Lighting

District No. LL001

2023/2024 ENGINEER'S REPORT

Intent Meeting: May 9, 2023

Public Hearing: June 13, 2023

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ENGINEER'S REPORT AFFIDAVIT
Establishment of Annual Rates and Charges for the:
Landscaping and Lighting District No. LL0001

City of Claremont
Los Angeles County, State of California

This Report and the information contained herein reflect the proposed budget for each of the various services provided by the Landscaping and Lighting District No. LL001 and the rates and charges applicable to those services as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Los Angeles County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council of the City of Claremont.

Dated this _____ day of _____, 2023.

Willdan Financial Services
District Engineer
On Behalf of the City of Claremont

By: _____

Chonney Gano
Project Manager, District Administration Services

By: _____

Tyrone Peter
PE. # 81888

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I. INTRODUCTION

The City Council of the City of Claremont (the “City”), adopted resolution 90-121 on March 9, 1990 forming the City’s Landscaping and Lighting District No. LL001 (the “District”). Pursuant to the order of the City this Engineer’s Report (the “Report”) is prepared in compliance with the requirements of Article 4, Chapter 1 of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California (“1972 Act”). The proposed annual levy of assessments has been prepared and is made pursuant to the provisions of Chapter 3 of the 1972 Act and Article XIII D of the California Constitution and this Report presents the engineering analysis for the 2023/2024 Fiscal Year for the City of Claremont Landscaping and Lighting District No. LL001.

The District, by direct benefit assessments, provides funding for a portion of the costs associated with the continued maintenance and operation of landscaping, streetlighting, and related services within the public areas and rights-of-way throughout the City. Improvements within the District generally include:

- Landscape improvements within specified medians, parkways, neighborhood islands, weed abatement areas, City facilities, parks and preserve areas within the District including street trees, turf, ground cover, shrubs, irrigation and drainage systems, backup walls, recreational improvements and all necessary appurtenances;
- Streetlighting (safety lighting) of various light intensities located throughout the District. These streetlights include lights owned by the City of Claremont, Southern California Edison and the State of California.

The annual assessments described in this Report, in part, fund the utilities, operations, administration and maintenance of the improvements. Parcels within the District share in the cost of the services and improvements set forth in this Report and are based upon the City’s estimate of the expenses related to the operation and maintenance of the District improvements, which include labor, personnel, equipment, materials, utilities and administrative expenses.

The 1972 Act permits the establishment of annual assessments through the District for the purpose of funding certain improvements which include the construction, maintenance and servicing of landscaping, public lighting and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to special benefit rather than assessed value:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated special benefits to be received by each such lot or parcel from the improvements. The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) of the Streets and Highways Code, State of California.

II. EFFECT OF PROPOSITION 218 AND MEASURE A

In November 1996 voters of the State of California passed Proposition 218 that added Articles XIII C and XIII D to the California Constitution. Specifically, as it applies to the District, Article XIII D established specific requirements and provisions for assessments and mandated that all assessments comply with stated provisions by July 1, 1997, unless an assessment district meets certain exemptions. The exemptions from the procedural and approval requirements are set forth in Section 5 of the Article and include the following:

“(a) any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage system, or vector control.”

“(d) any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment.”

The District qualifies as an existing assessment with a substantial portion of the District funding items exempt under provision (a) quoted above, specifically street improvements. Using the definitions provided by the Office of the Controller for the State of California in the Guidelines Relating to Gas Tax Expenditures published by the Division of Local Government Fiscal Affairs, street improvements include streetlights and parkway and median landscaping. In addition, on March 4, 1997, the Claremont City Council placed before the voters a measure (Measure “A”) asking for registered voter approval to continue the City’s existing District assessment. The voters approved continuing the existing district by a 55 percent majority “YES” vote. Based on these facts, the City has determined that the existing assessments for the District are exempt from the substantive and procedural requirements of Article XIII D Section 4 of the Constitution. However, any proposed new or increased assessments will comply with the provisions set forth in Article XIII D Section 4. Annual consumer price index increases to the existing rates can be made in accordance with the ordinance approved by Measure A.

III. PLANS AND SPECIFICATIONS

DISTRICT BOUNDARIES

The boundary of the District is completely within the City limits and is shown on the Assessment Diagram on file in the office of the City Clerk and by reference is made part of this Report. A map showing a representation of the District boundaries is included in Section 6 of this Report. The specific lines and dimensions of all parcels of real property included within the District are described in detail on the Assessor's Parcel Maps for the current Fiscal Year, said maps being on file in the Los Angeles County Assessor's office.

ANNEXATIONS AND MODIFICATIONS TO THE DISTRICT

In Fiscal Year 2002/03, the City conducted a property owner protest ballot proceeding for the annexation and imposition of a new assessment for territory designated as Annexation No. 2. The territory consisted of all lots or parcels located within the proposed 125 single-family residential development known as Claremont Hills (Tract 50568), located north of Mt. Baldy Road and generally east of Via Padova in the northeastern portion of the City. Although this residential subdivision included numerous privately owned parkways, open space areas, slopes, medians, and easements within and adjacent to the residential lots to be maintained by the homeowner's association (HOA), the properties within the residential subdivision also benefit from improvements provided by the District. The District improvements that benefit the properties within the subdivision include, but are not limited to, the maintenance and operation of an estimated 228 street trees and 30 streetlights located within and adjacent to Tract 50568 installed as part of the development of properties within the tract; brush clearance of 2.23 acres of hillside fire zone area; a portion of the costs associated with the traffic signal at the main entrance to the development located at Mt. Baldy Road and Padua Avenue; and each parcel's proportional cost of trails and parks maintained through District assessments, as well as the irrigation systems, drainage systems, and electrical facilities associated with the preceding landscaping and lighting improvements. The annexation of the territory and the imposition of the District annual assessments on properties within the annexed territory were approved at a Public Hearing on April 23, 2002, in compliance with the provisions of the 1972 Act and Article XIII D of the California Constitution.

For Fiscal Year 2023/2024, there are no proposed annexations.

IMPROVEMENTS AUTHORIZED BY THE 1972 ACT

As applicable or may be applicable to this District, the 1972 Act defines improvements to mean one or any combination of the following:

- The installation or construction of public lighting facilities.
- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.

- The maintenance or servicing, or both, of any of the foregoing.
- The acquisition of any existing improvement otherwise authorized pursuant to this section.

Incidental expenses associated with the improvements including, but not limited to:

- The cost of preparation of the Report, including plans, specifications, estimates, diagram, and assessment;
- The costs of printing, advertising, and the publishing, posting and mailing of notices;
- Compensation payable to the Los Angeles County (the "County") for collection of assessments;
- Compensation of any engineer or attorney employed to render services;
- Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
- Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.
- Costs associated with any elections held for the approval of a new or increased assessment.

The 1972 Act defines "maintain" or "maintenance" to mean furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal, or replacement of all or any part of any improvement.
- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

This Report is prepared in compliance with the requirements of Chapter 1, Article 4, Landscaping and Lighting Act of 1972, being Part 2, Division 15, sections 22500 through 22679 of the Streets and Highways Code, State of California.

This Report includes plans and specifications for the improvements, an estimate of the costs of the improvements, a listing of the proposed assessment against the parcels or lots that benefit from the improvements and a diagram of the District showing the boundary of the District; (the boundaries of the District are coterminous with the City boundaries and, by reference, are hereby made part of this Report). The Report is hereby presented to the City Council for its review and approved as presented or, as the City Council may determine, it should be modified, before approval.

After the Report is preliminarily approved, the City Council may adopt a resolution of intention that describes the improvements, refers to the Report for details of the District, and sets a time and place for a public hearing on the proposed levy of assessments.

Assessments for this District are being levied for the following improvements within the District:

Landscaping

A general description of the location and types of landscape maintenance areas provided by the District are included in this Report. A more specific Landscape Inventory showing the location of all landscaped areas within the District is on file in the office of the City Clerk and by reference is made part of this Report. The annual special benefit assessments for the District provide funding for a portion of the utility and maintenance costs associated with the landscape improvements.

As it relates to landscaping:

Utility means the furnishing of water for the irrigation of any landscaping, water features or the maintenance of any other related improvements.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement including, but not limited to:

1. Repair, removal, or replacement of all or any part of any landscape improvement.
2. Providing for the life, growth, health, and beauty of landscaping, including, without limitation, cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
3. The removal of trimmings, rubbish, debris, and other solid waste.
4. Grading, clearing, removal of debris, the installation, construction or replacement of curbs, gutters, walls, sidewalks, paving, water, irrigation, drainage, or electrical facilities related to the landscape improvements.
5. Cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti, as needed.

Streetlights

There are 2,509 streetlights of various light intensities within the District including: 2,203 streetlights owned by the City, 306 owned by Southern California Edison. The City is mandated to pay the energy costs for all streetlights located in public rights-of-way within the City limits, regardless of ownership. The annual special benefit assessments for the District provide funding for a portion of the utility and maintenance costs associated with these improvements. A Streetlight Inventory showing the location of all streetlights within the District is on file at the office of the City Clerk and by reference is made part of this Report. The annual special benefit assessments for the District provide funding for a portion of the utility and maintenance costs associated with the streetlight improvements.

As it relates to streetlights:

Utility means the furnishing of electric current or energy, gas, or other illuminating agent for public streetlight facilities or any other public lighting facilities.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any streetlight improvement, including without limitation, repair, removal, or replacement of all or any part of a component of the streetlight system.

IV. METHOD OF APPORTIONMENT

The net amount to be assessed upon lands within the District in accordance with this Report is apportioned by a formula and method which fairly distributes the amount among all assessable lots or parcels in proportion to the benefits to be received by each lot or parcel from the improvements, namely the maintenance and servicing of public landscaping and lighting facilities within the District. The maintenance and servicing of public landscaping and lighting facilities installed and constructed in public places in the City provides a direct benefit which is received by each and every lot or parcel, tending to provide specific enhancement of the properties within the District.

SPECIAL BENEFIT RATIONALE FOR STREETLIGHTS

Streetlights improve ingress and egress from the City over major streets by illuminating said streets after sunset. Such streetlights, by so improving ingress and egress, improve the security of public rights-of-way by improving the nighttime visibility and improve the access of emergency vehicles thereto and in the case of commercial lots or parcels, facilitate the opening and operation of business uses after sunset. The primary benefits of streetlights are for the convenience, safety, security, and protection of property, property improvements, and goods as set forth below:

1. Improvement to traffic circulation and reduction in nighttime accidents, particularly at intersections and railroad crossings.
2. Improved ingress and egress to property.
3. Improved ability of pedestrians and motorists to see.
4. Enhanced deterrence of crime and the aid to police protection and reduction of the vulnerability to criminal assault at night.
5. Reduction in vandalism and other criminal acts, and damage to improvements or property, and decrease in personal property loss.
6. Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits derived from District streetlight improvements contribute to a specific enhancement and desirability of each of the parcels within the District, and thereby provide a special enhancement of the assessed properties.

SPECIAL BENEFIT RATIONALE FOR LANDSCAPING OF RIGHTS-OF-WAY

Landscaping of rights-of-way along public streets enhances the aesthetic appeal of parcels within the District. The primary benefits of landscaping are set forth below:

1. A sense of community pride resulting from well-maintained green spaces.
2. Enhanced adaptation of the urban environment within the natural environment.
3. Improved erosion resistance, dust, and debris control.
4. Reduced noise and air pollution (environmental enhancement).

5. Improved aesthetic appeal of major arterial streets with landscaped medians, backup walls, and neighborhood islands.

All of the preceding special benefits derived from District landscape improvements contribute to a specific enhancement and desirability of the parcels within the District, and thereby provide a special enhancement of the assessed properties.

SPECIAL BENEFIT RATIONALE FOR PARKS

The maintenance of parks and recreational improvements provide a particular and distinct special benefit to parcels within the District. The desirability of properties within the District is enhanced by the presence of well-maintained parks and recreational facilities for the use and enjoyment of residents and property owners. The park and recreational facilities enable users and owners of the properties to participate in sporting events and other recreational activities while avoiding the expense of installing and maintaining similar improvements and facilities that are privately owned. In addition to providing opportunities for recreational use, the proper maintenance of park and recreational facilities improves the aesthetics of nearby parcels through the proper maintenance of landscaping, the reduction of pollution and noise in surrounding areas, the provision of open space, and the planting of otherwise barren areas, and the reduction of property-related crimes against properties within the District, especially vandalism, through the abatement of graffiti.

Finally, having recreational amenities in nearby public parks and facilities means that the assessed property owners may enjoy the benefits of having such improvements available for use by their families, tenants, employees, clients, or visitors and this availability provides:

1. Enjoyment of recreational amenities at a cost less than private installation and maintenance.
2. Improved aesthetic value of the community by establishing green space and recreational areas within the urban environment thereby reducing air and noise pollution.
3. Health, social and self-improvement benefits derived from utilizing the facilities.
4. Fully maintained public parks available to all residents within the City.
5. Group participation, character building, mentoring, and coaching for the youth in the community that provides a positive atmosphere and reduces idle time that might otherwise result in criminal activities.
6. Family and group activities that help to strengthen family values and to reduce ethnic and social tensions and promote active involvement of families and senior citizens.
7. An enhanced sense of pride within the community.
8. Increased business opportunities as a result of enhanced community involvement and activities.

All of the preceding special benefits derived from District park improvements contribute to a specific enhancement and desirability of the parcels within the District, and thereby provide a special enhancement of the assessed properties.

The special benefits to properties from well-maintained parks have been recognized by several

respected agencies including: The National Recreation and Park Association (“the recreation value is realized as a rise in the value of land and other property in or near the recreation area...”); the California Parks and Recreation Department (“the availability and attractiveness of local parks and programs influences some companies relocation decisions the presence of a park encourages real estate development around it...”); and the United States Department of the Interior (“An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property values.”). In addition, in a 1992 study, the Parks and Recreation Federal Ontario, Canada, reported that parks and recreational activities provide special benefits in the form of reduced vandalism, reduced criminal activity, and increased property values; and locally, the Board of Realtors has observed that property values in the City are positively affected by the attractive and well-kept appearance of public areas. All of the above contribute to a specific enhancement of the properties within the District.

Standards developed by the National Recreation and Parks Association have been used to determine the special benefit conferred from public park improvements as compared to the general benefit conferred. Well-maintained public parks provide a general benefit to the public at large, and a special benefit to properties located within a reasonable distance of the park facility. The standards of the National Recreation and Parks Association indicate that properties within three miles of a community park, and one-half mile of a neighborhood park receive special benefits from these improvements. Each parcel within the District is located within reasonable proximity to a park, and therefore, benefits from the improvements provided. All properties within the District are within the three-mile standard for a community park, and approximately 80 percent are within the one-half mile standard for a neighborhood park.

GENERAL BENEFIT

In addition to the special benefits received by the parcels in the District, there are general benefits conferred by the maintenance, operation, and servicing of streetlights, public parks and landscaping. It is recognized that the proper maintenance of streetlights, parks and landscape improvements provide some degree of benefit to the public at large. It has further been determined that properties owned by public agencies, such as the City, County, State, or the federal government receive little direct or special benefit from the District improvements, except when such property is not devoted to a public use. The benefits conferred on these properties from the improvements are more general in nature and therefore these parcels are not assessed. Therefore, the City has made a General Fund contribution to the District in an amount that equals or exceeds any estimated general benefit provided by the District services.

BASE ASSESSMENT UNIT (AU)

The formula used to calculate the amount spread to all parcels within the District for landscaping and streetlights starts with the basic assessment unit. The basic assessment unit (AU) is given a value of one (1) for a single-family residential parcel less than 11,500 square feet in area. From this base, all other land use designations are assigned assessment units that reflect their proportional benefit from District improvements. The assignment of AU's is provided on the following pages.

ASSESSMENT FORMULAS

Land Use Code	Land Use	Assessment Formula	
000V	Vacant, Agricultural, Condo & PUD Open Space, Non-developable Accessory Parcels	0 assessable acres	0.0 AU per parcel
010V		0.25 acre & under	0.25 AU per parcel
011V		0.26 – 0.50 acre	0.50 AU per parcel
012V		0.51 – 0.75 acre	0.75 AU per parcel
013V		0.76 – 1.00 acre	1.0 AU per parcel
014V		1.01 – 5.00 acres	0.8 AU per acre – 1.0 AU min.
015V		5.01 – 10.00 acres	0.7 AU per acre – 4.0 AU min.
016V		10.01 – 20.00 acres	0.6 AU per acre – 7.0 AU min.
017V		20.01 acres & over	0.5 AU per acre – 12.0 AU min.
010C	Condominiums		0.9 AU per unit
010D	PUD's		1.0 AU per unit
010X 0100	Single Family Residences (See Note 3)	11,500 sf parcel or less	1.0 AU per parcel
011X 0100		11,501 – 16,500 sf per parcel	1.3 AU per parcel
012X 0120		16,501 sf per parcel or more	1.6 AU per parcel
02XX	Duplexes		1.8 AU per parcel
03XX	Triplexes		2.7 AU per parcel
04XX	Fourplexes		3.6 AU per parcel
05XX	Apartments	1 – 20 units	0.9 AU per unit
		21 – 50 units	0.8 AU per unit – additive
		51 – 100 units	0.7 AU per unit – additive
		101 – 200 units	0.6 AU per unit – additive
		Over 200 units	0.5 AU per unit – additive
10XX – 69XX	Commercial/Industrial (excluding below uses)	1.0 AU min.	3.0 AU per acre or fraction
17XX 171X 19XX 191X	Office Buildings & Professional Buildings (use the same formula)	8,000 bldg sf or less	Use Commercial/Industrial
		Over 8,000 bldg sf	Use 1.0 AU per 1,000 bldg sf
172X	Office and Residential		Greater of Office or Residential formula
18XX	Hotel/Motels		1 AU per 5 rooms
6410 6411 6412	Fraternal Orgs./Clubs	Use Same Square Footage Breakdown as SFR	Same Formula as Single-Family Residences (SFR)
65XX	Sports Clubs		Same Formula as Commercial/Industrial
71XX	Churches		2 AU per parcel

Land Use Code	Land Use	Assessment Formula	
72XX	Private Schools		1 AU per 40 daytime students plus
722X	Day Care Centers		2 AU per 40 live-in students and live-in staff
730V	Vacant College Property		1 AU per 2 acres
73XX	Non-Vacant College Property		1.5 AU per acre
			Single-Family Residences, Duplexes, etc. assessed per appropriate formula
74XX	Convalescent Homes		1 AU per 10 beds
75XX	Retirement Homes		1 AU per 10 units
7710	Mortuary		Same Formula as Commercial/Industrial
8100	Public Utilities (non-vacant)	0.25 acre per parcel or less	1 AU per parcel
8200		0.26 – 2.00 acres per parcel	2 AU per parcel
8300		2.01 – 5.00 acres per parcel	3 AU per parcel
8400		5.01 acres or more	1 AU per acre
87XX	Special Cases: Golf Courses, Botanic Garden, Girl Scout Camp, Vacant Hillside Land Zones "Slope Density" (see Notes 5 and 6)	1 AU min.	1 AU per 5 acres or fraction
860V	Water Rights Preserve		1 AU per 5 acres or fraction
88XX	Exempt Properties (Public)		0.0 AU per parcel
Notes:			
<p>1. Commercial Property: When there are multiple uses on one parcel, the use generating the highest assessment shall apply.</p> <p>2. Churches: Multiple uses on multiple parcels or single parcels shall be assessed cumulatively.</p> <p>3. The square footage of non-developable accessory parcels, when owned in common with an adjacent parcel, shall be added to the square footage of adjacent parcel for purposes of determining the assessment on said parcel.</p> <p>4. A prorated AU will be applicable to land area or number of persons above the limits given in the above Assessment Formula.</p> <p>5. At such time that the hillside development credits on these parcels are sold, they will be considered undevelopable and will be zero assessed.</p> <p>6. Vacant Hillside Land zoned "Slope Density" has a maximum assessment per parcel of 0.5 AU per future dwelling unit (DU) based upon the DU yield as determined by the City Planning Department. The minimum assessment per parcel is 1.0 AU.</p> <p>7. The above formula was adopted during formation proceedings by the Claremont City Council on March 9, 1990.</p>			
Individual assessments are determined by compiling the total number of assessment units (AUs), dividing the total amount of money to be assessed by the total AUs to determine the dollars per AU, and then multiplying the AUs for each parcel by the dollars per AU to obtain the assessment for each parcel.			

APPLICATION OF ASSESSMENT FORMULAS (EXAMPLES)

The number of assessment units (AU) generated within the City for Fiscal Year 2023/2024 is 14,924.96 The dollars generated per AU are:

$$\frac{\$ 3,169,039.74}{14,935.09} = \$212.19$$

Examples of the method of calculating individual assessments are given below. Utilizing the Assessment Formulas provided on the previous pages, the following assessment calculations are applicable for Fiscal Year 2023/2024:

Example No. 1: Single Family Residences (SFR).

A. A SFR parcel with up to 11,500 sf of area = 1.0 AU

$$1.0 \text{ AU} \times \$212.19/\text{AU} = \$212.19$$

Individual units of Planned Unit Developments (PUD) are assessed as above. Condominiums are assessed at 0.9 AU per dwelling unit.

B. A SFR parcel with between 11,501 and 16,500 sf of area = 1.3 AU

$$1.3 \text{ AU} \times \$212.19/\text{AU} = \$275.84$$

C. A SFR parcel with over 16,501 sf of area = 1.6 AU

$$1.6 \text{ AU} \times \$212.19/\text{AU} = \$339.50$$

Example No. 2: A store located on a 1.6-acre parcel of land. Commercial

properties are assessed at a rate of 3.0 AU per acre.

$$1.6 \text{ acres} \times 3.0 \text{ AU/acre} = 4.8 \text{ AU}$$

$$4.80 \text{ AU} \times \$212.19/\text{AU} = \$1,018.50$$

Example No. 3: A 54-unit apartment complex on one (1) parcel of land.

Apartment properties are assessed on a sliding scale based on the number of units associated with the parcel of land.

The assessment for this 54-unit apartment complex is determined as follows:

1-4 units	4 units	X	1.0 AU/unit	=	4.0 AU
5-20 units	16 units	x	0.9 AU/unit	=	14.4 AU
21-50 units	30 units	x	0.8 AU/unit	=	24.0 AU
51-54 units	4 units	x	0.7 AU/unit	=	2.8 AU
Totals	54 units				45.2 AU

Example No. 4: A church with a day care center on one (1) parcel of land. Churches are assessed at a flat rate of two (2) AU per parcel. To that is added one (1) AU per parcel for the day care center for a total of three (3) AU.

$$3.0 \text{ AU} \times \$212.19/\text{AU} = \$636.56$$

Example No. 5: A retirement home with 87 units on one (1) parcel of land. Retirement homes are assessed at a rate of one (1) AU per ten (10) units.

$$8.7 \text{ AU} \times \$212.19/\text{AU} = \$1,846.03$$

LIMITATION ON INCREASE OF ANNUAL ASSESSMENTS

The City Council was authorized by Measure A to increase the annual assessments in accordance with the Consumer Price Index (“CPI”) for All Urban Consumers for the Los Angeles-Long Beach – Anaheim area, published by the United States Department of Labor, Bureau of Labor Statistics, provided, however, that any such annual increase in assessments shall not exceed ten percent (10%).

The CPI increased from February 2022 to February 2023 by 5.09%. See Section VIII. for assessment totals by land use and the assessment roll.

The assessment per AU increased from \$201.89 in Fiscal Year 2022/2023 to \$212.19 in Fiscal Year 2023/2024.

V. FISCAL YEAR 2023/2024 BUDGET

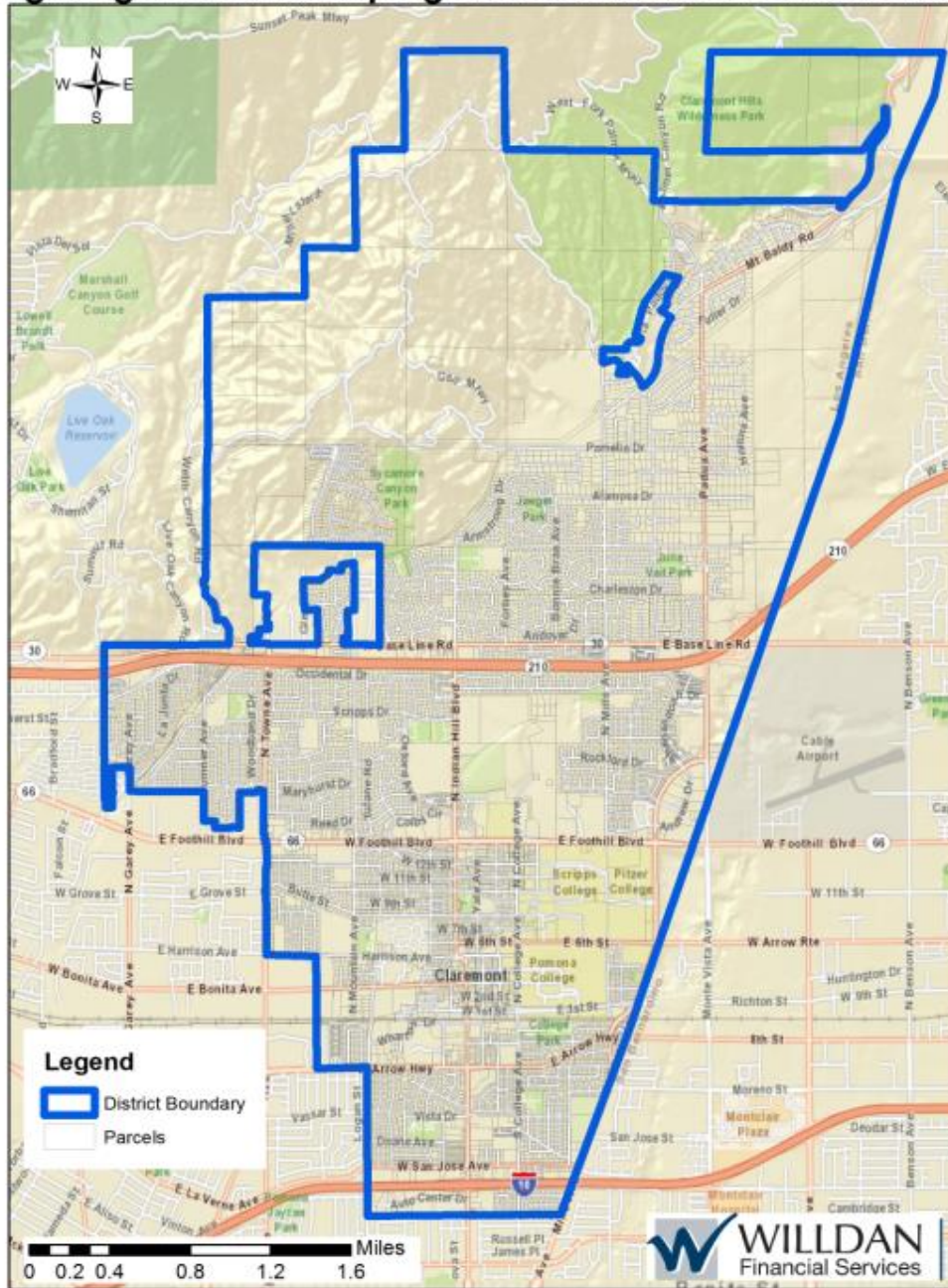
Estimated Costs for Landscaping and Street Lighting			Fiscal Year 2023/2024 ⁽¹⁾
Direct Costs			
Maintenance Costs	Streets	Parks	Totals
Safety Lighting	\$182,582	\$0	\$182,582
Landscaping and Facilities	743,024	930,177	1,673,201
Trees	730,392	67,904	798,296
Subtotal	\$1,655,998	\$998,081	\$2,654,079
Utility Costs			
Safety Lighting Energy	\$220,500	\$0	\$220,500
Irrigation Energy	75,013	38,587	113,600
Irrigation Water	502,599	438,953	941,552
Subtotal	\$798,112	\$477,540	\$1,275,652
Total Direct Costs	\$2,454,110	\$1,475,621	\$3,929,731
Administration and Incidental Costs			
District Administration/Legal Fees/Data Processing			\$7,000
County Auditor/Controller Fee			2,500
Total Administration Costs			\$9,500
Total District Expenses			\$3,939,231
Revenue Adjustments			
Reserve Collection			\$0
General Benefit Contribution			(770,191)
Other Contributions			0
Rounding Adjustment			0
Total Adjustments			(\$770,191)
Estimated Balance to Levy			\$3,169,040
Assessment Units (AU)			14,935.09
Fiscal Year 2023/2024 Rate			\$212.19

⁽¹⁾ Totals may not foot due to rounding

VI. ASSESSMENT DIAGRAM

A boundary map of the District is shown on the following page. For details of the dimensions of the parcels within the District, reference is made to Los Angeles County Assessor's Maps that are on file in the office of the County Assessor of the County of Los Angeles.

**City of Claremont
Lighting and Landscaping Assessment District No. LL001**



VII. LIST OF AREAS REQUIRING LANDSCAPE MAINTENANCE

The following provides the list of areas requiring landscape maintenance.

MEDIANS	
Area	Square Feet
Arrow Highway (east of Indian Hill)	610
Mills Avenue (south of Arrow Highway)	1,300
Towne Avenue (south of Foothill, east side, south of Culmore)	1,464
Claremont Boulevard (north of Foothill)	17,504
Claremont Boulevard (south of Foothill)	57,504
Monte Vista Avenue	44,450
Arrow Highway (Indian Hill to Cambridge)	19,610
Towne Avenue (Amador to Butte)	5,115
Indian Hill Boulevard	54,992
Foothill Boulevard	92,598
Bowling Green Drive	7,000
Towne Avenue (Baseline Road to Foothill Rd)	7,560
First Street (Oberlin Dr to Claremont Boulevard)	22,500
Huntington Drive (east of Claremont Boulevard at First Street)	8,030
Baseline Road (Live Oak Canyon to Monte Vista)	31,350
Baseline Median	62,200
San Jose Avenue	7,950
Mountain Ave (Baseline Rd to Huron Dr.)	415
TOTAL MEDIANS	442,152
	10.15 acres

MINI PARKS	
Area	Square Feet
Mountain View	1,455
Montana Lane	20,150
Lynoak Mini Park	11,000
TOTAL MINI PARKS	32,605
	0.75 acres
TOTAL MEDIANS AND MINI PARKS	474,757
	10.90 acres

<u>PUBLIC BUILDINGS NOT IN CITY PARKS</u>	
Police, 570 West Bonita Avenue	N/A
City Hall, 207 Harvard Avenue	N/A
City Yard, 1616 Monte Vista Avenue	N/A
Padua Hills Theatre, 4467 Via Padova	N/A
Parking Structure, 470 West First Street	N/A
Metrolink Parking Lot, 100 W 1st Street	160,000
Claremont Depot platforms (N & S)	20,000
Village Plaza	15,000
Library	16,000
Claremont Hills Wilderness Park Parking Lot	18,000
TCT Parking Lot (Indian Hill Blvd)	30,200
Metrolink Parking Lot, 200 West First Street	160,000
TOTAL MINI PARKS	419,200
	9.62 acres

<u>BACK-UP WALLS</u>	
Area	Square Feet
Foothill Boulevard (north side, east of Mills--hedge)	6,252
Arrow Highway (south side, west of Indian Hill)	2,800
Mills Avenue (south of Cucamonga, south of I-10, west side)	5,668
South Cambridge Avenue (railroad track to Arrow)	17,244
Bonita Avenue (north side, Grinnell to Berkeley--hedge)	7,522
Arrow Highway (north side, west of Cambridge)	972
Indian Hill Boulevard (1st Street to railroad tracks--turf)	6,750
North Cambridge Avenue (CDS @ Foothill Blvd)	598
Foothill Boulevard (south side, east of Mountain to Berkeley)	34,000
First Street (fence east of Mills--hedge)	1,911
Garey Avenue (east side, Smith to Thompson Creek)	21,030
Arlington Drive	8,775
Foothill Boulevard (north side, Mills to Botanic Garden and Colby to Mountain)	6,900
Scripps and Indian Hill	7,564
Martin Way	4,418
Via Zurita (hedge)	3,400
Mills (west side, Baseline to end of wall, below Chaparral)	4,435
Mills (east side, below Baseline, driveway to vacant lot)	1,150
Wood Court (access)	3,980
Mills Avenue (west side, Miramar to Baseline)	51,308
Baseline (north side, west of Mills to Forbes)	62,305
Trail north of La Puerta (Indian Hill to Forbes)	62,169
Padua and Mount Baldy (Southeast corner)	78,705
Towne (Eastside, north of Ridgefield)	1,000

BACK-UP WALLS	
Area	Square Feet
Horse Trails	81,602
Baseline (north side, Mills to Padua)	40,670
Padua (west side, north of Baseline to Kemper Ave/ Western Christian School)	17,424
Miramar (north side, east of Mills)	5,200
Padua (east side Alamosa to Lamonette)	22,990
Mills (east side, Pomello to Mt. Baldy)	35,808
Padua (east side, north of Montana)	24,624
Padua (east side, north of Miramar)	25,502
Indian Hill (east side, Radcliffe Dr. to Via Zurita St)	14,583
Limestone Road (access to Thompson Creek Trail)	3,825
Towne Avenue (east side, Syracuse to 1700 Towne)	1,053
Towne Avenue (east side, 1700 to Scripps)	1,396
Baseline (south side, Forbes to Allegany)	5,415
Baseline (south side, Allegany to Bonnie Brae)	7,284
Baseline (south side, west of Cape Cod to undeveloped area)	5,460
First Street (North side from Indian Hill Blvd to College Ave)	38,500
Overflow lot Thompson Creek Trail	13,040
Towne Avenue (east side, Scripps to undeveloped area--hedge)	5,450
Towne Avenue (west side, Ridgefield to 1755)	3,160
Towne Avenue (west side, 1625 to Briarcroft)	6,040
Mountain Avenue (south of I-10)	9,900
Wiley Court	1,200
Padua Avenue (west SIDE from Pomello to Padua Park)	21,285
First Street (Indian Hill to Cornell)	500
Baseline (south side, Towne Ave to Oxford- remaining section to Haven is 83,81,82,95)	96,000
Oberlin (First Street to Second Street)	860
Padua Ave (east side from Pomello to Trevecca)	85,000
Padua Ave (both sides from Padua Park to Mt. Badly Rd)	N/A
Foothill Boulevard (north side, west of Mountain)	N/A
Foothill Boulevard (both sides Claremont Blvd to Monte Vista)	4,000
Indian Hill Blvd (south east corner at Harrison)	N/A
Indian Hill Blvd (north west corner at Harrison)	N/A
Foothill Boulevard (south side from Mountain to west end of the school)	N/A
Mills (west side, north of Foothill to Blaisdell)	12,000
Mills (east side north of 210 FWY)	1,300
Base Line Rd (both sides from westerly City Limit to approximately 200' east of Live Oak)	29,000
Mary Place (west end access walkway to June Vail Park)	2,000
Hollins and Pomello (NW corner)	6,700
Claremont Blvd (east side, 6th St to Foothill Blvd)	6,000

BACK-UP WALLS	
Area	Square Feet
Claremont Blvd (east side, Foothill Blvd to Andrew)	1,400
College Way (North side Williams to Live Oak Canyon)	10,000
Mountain Avenue (south Silver Tree to Sage, west side)	1,000
Mountain Ave at Santa Barbara	700
Triangle Planter at San Jose and Sycamore	100
Allegany (south end)	400
Monte Vista Avenue (east side City Yard to Base Line Rd)	7,000
Monte Vista Ave (west side Base Line Rd to Shenandoah)	N/A
Williams Ave (east side from College Way to 140' north)	1,400
Lockhaven Staircase	2,000
Area south of Metrolink platform, west of College Ave	15,000
Mt Baldy Road (south side from powerlines to Padua Ave)	39,000
Mt. Baldy Road (north side at TCT overflow lot)	13,000
Meredith Planter	1,500
Padua Ave (west side Alamosa south approximately 130')	2,600
Sumner Ave planter (west side from Lane Ct to TCT walkway entrance)	3,200
Padua Ave (west side Miramar north approximately 300')	6,000
Parking Structure Planters	3,000
Elmira north end swale	700
TOTAL BACK-UP WALLS	1,186,994
	27.25 acres

NEIGHBORHOOD ISLANDS	
Area	Square Feet
Baughman Avenue	2,160
Wheaton Avenue	480
Chapman and Occidental	800
Athens Court	500
Simmons Court at Fairmont	800
Via Zurita	2,485
Lamar	1,850
Duchesne	2,560
Antioch Road	600
Bowling Green Drive (at Antioch)	200
Hanover Road (at Bowling Green Drive)	300
Roanoke Road	375
Santa Rosa Court	1,056
Oxford (north)	3,247
Oxford (south)	3,233
Oxford (at Fairmont)	1,500
Blue Mountain Way (west)	450
Blue Mountain Way (east)	177
Cape Cod Avenue	177
Drury Court (north)	177
Drury Court (south)	177
La Sierra Way	150
Guanajuato Drive	450
Winthrop Avenue	6,450
Marietta Avenue	6,450
Oxford (at Baseline)	2,400
Wilkes Court	450
Mercer Court	500
Seton Court	450
Adrian Court	375
Tulsa Avenue	375
Redlands Avenue	2,250
Furman Drive	1,850
San Jacinto Court	1,340
San Mateo Court	1,438
San Diego Court	1,400
San Fernando Court	1,440
San Benito Court	2,016
Mt. Carmel Drive	5,570
Villa Maria Road	12,150
Loretto Court	2,560

NEIGHBORHOOD ISLANDS	
Area	Square Feet
San Marcos Place	2,560
San Luis Place	2,560
Sonora Place	450
Siena Court	2,560
Coalinga Court	2,560
Dana Court	2,560
Salisbury Lane	450
Heidelberg Lane	450
Wood Court (north)	2,560
Wood Court (south)	2,560
Eagle Grove Avenue	350
Bradley Avenue	450
Ursinus Circle	450
Cleary Drive	860
Armstrong Drive	2,400
Juilliard Drive	2,560
Auburn Way	2,560
Aquinas Avenue (at Baseline)	259
Bethany Circle	350
Chouinard Circle	350
Eden Circle	2,650
Saint Andrews (at Baseline)	1,120
Kemper Avenue	450
Lawrence Circle	500
Decatur Circle	500
Hastings Circle	800
Moab Drive	7,060
Bethel Court	170
TOTAL NEIGHBORHOOD ISLANDS	116,477
	2.67 Acres

NON-LANDSCAPED AREAS (Weed Abatement and Clean-up)	
Area	Square Feet
Baseline Road (north side, Forbes to Indian Hill)	9,240
Baseline Road (south side, Forbes to Indian Hill)	4,408
Padua Avenue (north of Amarillo, west side swale)	20,875
Mt. Baldy Road (north and south of Grand Avenue, swale)	11,700
College Avenue (south of I-10)	684
College Avenue (north of I-10)	4,032
Baseline Right-of-way	10,500
Padua Avenue (west of Pomello to Blaisdell Ranch)	12,900
Padua : SWALE + TRAIL on east side from Amarillo to Pomello	N/A
Wayne Ave and College Ave (walkway between)	2,700
Taylor Drive and Harrison Ave (walkway between)	1,000
Northampton Staircase	1,200
TOTAL NON-LANDSCAPED AREAS	79,239
	2 acres

<u>PARK DATA</u>	
Area	Acres
Blaisdell	7.5
Blaisdell Preserve	7.3
Cahuilla	18.2
Chaparral	3
College and Pooch Park	8.6
El Barrio	1.3
Griffith	9.7
Higginbotham	5.4
Jaeger	4.5
June Vail	5.8
La Puerta	10
Larkin	9
Lewis	4.7
Mallows	1.1
Memorial	7.2
Padua Park	17
Rancho San Jose	1.3
Rosa Torrez	0.7
Shelton	0.5
Thompson Creek Trail	24.9
Wheeler	7
TOTAL DEVELOPED ACRES	154.7

VIII. ASSESSMENT ROLL SUMMARY

The following pages provide a summary of the Fiscal Year 2023/2024 proposed assessment totals and parcel counts for the various land use designations within the District. The specific assessment for each parcel is contained on a separate assessment roll on file in the Office of the City Clerk and by reference is made part of this Report.

RESOLUTION NO. 2023-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA DIRECTING WILLDAN FINANCIAL SERVICES, AS ENGINEER OF RECORD, TO PREPARE AND FILE THE 2023-24 ANNUAL REPORT PERTAINING TO LANDSCAPE AND LIGHTING DISTRICT NO. LL001 (PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972)

WHEREAS, in March 1990, the City Council of the City of Claremont (the "City") adopted Landscape and Lighting District No. LL001 pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with § 22500) of Division 15 of the Streets and Highways Code (the "Act"), for the maintenance and servicing of street lighting, street trees, parkways, median islands, and city parks; and

WHEREAS, in March of 1997, a majority of voters of the City of Claremont approved Ordinance No. 97-1 ("Measure A"), which among other things, ratified, approved, and validated the assessments under existing Landscape and Lighting District No. LL001 and authorized the City Council "to increase on an annual basis the annual levy for Landscape and Lighting District No. LL001" using the Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside Area, published by the United States Department of Labor, Bureau of Labor Statistics, provided that any such annual increase in assessments not exceed ten percent (10%); and

WHEREAS, Landscape and Lighting District No. LL001 qualifies for continued levying under Section 5 of Article XIII D of the California Constitution; and

WHEREAS, the City is required under the Act to follow certain annual procedures for levying assessments; and

WHEREAS, the first step in the procedures is for the City Council to authorize the Engineer to begin work preparing and filing the Annual Report for Landscape and Lighting District LL001; and

WHEREAS, authorizing the preparation of the engineer's report for the Landscape and Lighting and Assessment District Annual Update is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to Sections 15060(c)(2) (the report will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the report is not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3—the annual assessment is a government funding mechanism, which is excluded from the definition of "project" under Section 15378(b)(4) of the CEQA Guidelines; and

WHEREAS, even if the engineer's report were a "project" under CEQA, it would be exempt from environmental review pursuant to Section 15273(a)(4) of CEQA Guidelines because the purpose of the annual assessment is to provide a funding mechanism to maintain public landscaping and street lights within the City of Claremont, the costs of which change based on yearly market conditions, and because, pursuant to Section 15306 of the CEQA Guidelines, the report consists of basic data collection,

research, and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource.

WHEREAS, this item is exempt pursuant to CEQA Guideline Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. The action will simply provide funding to maintain the public landscaping and streetlights. Therefore, no additional environmental review is necessary at this time.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the City Council of the City of Claremont, California, as follows:

SECTION 1. The City Council designates Willdan Financial Services as the Engineer of record for Landscape and Lighting District LL001, and Willdan Financial Services is hereby directed to prepare and file an Annual Report for Landscape and Lighting District LL001 in accordance with the provisions of the Landscape and Lighting Act of 1972.

SECTION 2. This Resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

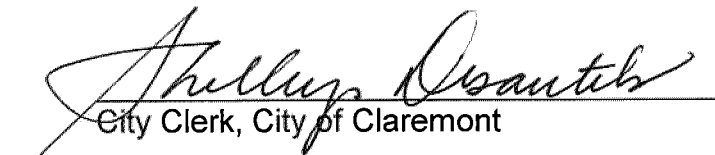
SECTION 3. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 28th day of February 2023.



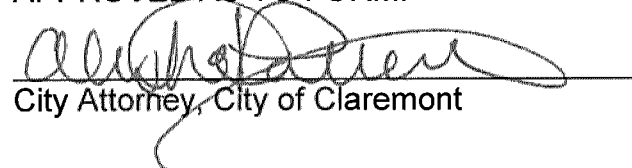
Mayor, City of Claremont

ATTEST:



City Clerk, City of Claremont

APPROVED AS TO FORM:

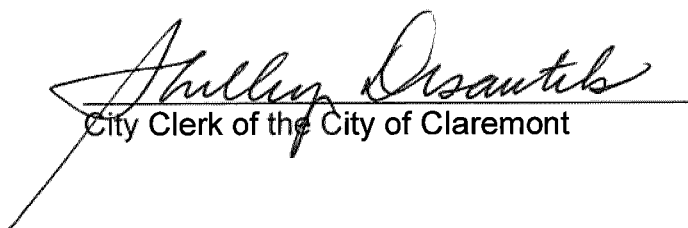


City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

I, Shelley Desautels, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 2023-16 was regularly adopted by the City Council of said City of Claremont at a regular meeting of said Council held on the 28th day of February, 2023, by the following vote:

AYES: COUNCILMEMBERS: CALAYCAY, LEANO, MEDINA, REECE, STARK
NOES: COUNCILMEMBERS: NONE
ABSTENTIONS: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE



City Clerk of the City of Claremont



Claremont City Council

Agenda Report

File #: 4704

Item No: 5.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION AND APPROPRIATE FUNDS FOR THE PREPARATION OF A LOCAL ROAD SAFETY PLAN (FUNDING SOURCE: PROPOSITION C)

SUMMARY

In late 2022, Engineering staff began reaching out to Engineering firms with the necessary experience in the preparation of local road safety plans (LRSP), with the purpose of requesting proposals for the preparation of a Claremont-specific LRSP. Engineering staff received three proposals outlining the scope of work to prepare an LRSP for the City of Claremont. Proposals were received from MNS Engineers Inc., Advantec Consulting Engineers, and KOA Corporation. Engineering staff reviewed proposals and ultimately selected KOA Corporation to prepare its LRSP, based on their experience and qualifications.

A LRSP provides the framework for identifying, analyzing, and prioritizing roadway safety improvements on local roads. The plan can be utilized for a number of purposes, including but not limited to, meeting requirements to apply for specific state and federal grant opportunities, assessing current roadway safety conditions, including analyzing collision data, and identifying potential safety improvements. Staff has also received feedback from the general public with regard to observed safety concerns. The LRSP once developed will provide a means to identify and prioritize potential safety improvements as determined by the final plan.

Staff recommends that the City Council authorize the City Manager to enter into a contract with KOA Corporation for professional engineering services and to appropriate funds for the development of an LRSP. It is anticipated that it will take approximately nine months to complete the preparation of the plan.

RECOMMENDATION

Staff recommends that the City Council:

- A. Authorize the City Manager to execute a professional services agreement with KOA Corporation for the preparation of a Local Road Safety Plan in the amount of \$105,728, and authorize a ten percent contingency in the amount of \$10,573, for a not-to-exceed amount of \$116,301; and
- B. Appropriate \$116,301 from the Proposition C Fund to complete this project.

ALTERNATIVE TO RECOMMENDATION

In addition to the recommendation, there is the following alternative:

- Request additional information from staff.

FINANCIAL REVIEW

Funding for the Local Safety Plan Project requires City Council approval to appropriate \$116,301 in Proposition C funds to complete this project.

This purchase is a professional service that does not require bidding and complies with all City purchasing guidelines. City staff received three proposals from the following consultants: MNS Engineers Inc., Advantec Consulting Engineers, and KOA Corporation. Staff selected KOA Corporation. Contract documents, once executed, will be available for review in the City Clerk's office.

The cost associated with the preparation of this staff report is estimated at \$866 and is included in the operating budget of the Community Development Department.

ANALYSIS

Last fall, Engineering staff began reaching out to Engineering firms with experience in the preparation of LRSPs with the goal of obtaining proposals to develop the City's plan. In response, Engineering staff received three proposals outlining the scope of work to prepare an LRSP for the City of Claremont. Proposals were received from MNS Engineers Inc., Advantec Consulting Engineers, and KOA Corporation. Staff reviewed proposals, conducted interviews with each of the three engineering firms, and ultimately selected KOA Corporation based on their experience and qualifications.

A LRSP provides the framework for identifying, analyzing, and prioritizing roadway safety improvements on local roads. A LRSP can be utilized for a number of purposes, including but not limited to, meeting requirements to apply for specific state and federal grant opportunities, assessing current roadway safety conditions, and identifying potential safety improvements. It should be noted that the LRSP will also include required compliance provisions necessary to apply for the Safe Streets and Roads for All (SS4A) Grant Program, which the City is currently ineligible to apply for now without an approved LRSP. Staff has also received feedback from the community with regard to observed safety concerns. The preparation of this document will provide a means to review available data (including collision data), as well as the reported concerns, to develop a plan that will identify and prioritize potential improvements.

The LRSP document will consider the four E's of transportation safety throughout the plan

development process, which are: 1) Education, 2) Engineering, 3) Enforcement, and 4) Emergency Response. This process will also include a public outreach component to collect information from different stakeholders throughout the City, including all applicable commissions, to gather specific traffic safety concerns, which will be considered in the preparation of the plan. In addition, the preparation of this plan will include the collection and analysis of citywide traffic collision history to identify any patterns that may need to be addressed, and will assist with prioritizing where safety risks are highest.

The LRSP process will include: 1) Obtaining public feedback and input, 2) Identifying “priority areas” to establish plan goals and strategies, 3) Developing innovative, effective, systemic, and spot-location safety countermeasures based on industry standard practice inclusive of the four E’s of transportation safety, 4) Building an implementation plan that prioritizes infrastructure projects to achieve maximum benefit-to-cost ratios, and 5) Delivering a plan that will be a “living document” that can be continually leveraged into competitive grant application opportunities. As staff often receives requests for street improvements that far exceed City budget capabilities, having the LRSP will make the City’s grant applications more competitive.

The final plan will also include a prioritized document that will incorporate cost estimation of the proposed improvements based on the prepared benefit-to-cost ratios. If approved, it will take approximately nine months to complete the plan.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA).

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City’s strategic and visioning documents and finds that it applies to the following City Planning Documents: Council Priorities, Sustainability Plan, General Plan, and the 2022-24 Budget.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk’s Office.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Vincent Ramos
Associate Engineer

Reviewed by:

Maria B. Tipping P.E.
City Engineer



Claremont City Council

Agenda Report

File #: 4703

Item No: 6.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

AUTHORIZATION TO AMEND THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING TO EXTEND THE TERM AND INCREASE COMPENSATION FOR PUBLIC WORKS INSPECTION SERVICES (FUNDING SOURCE: GENERAL FUND)

SUMMARY

Due to a temporary staff leave of absence, the City entered into a professional services agreement with Willdan Engineering for a not-to-exceed amount of \$25,000 to provide public works inspection services for the Engineering division. On January 10, 2023, the City Council authorized an amendment to the agreement extending the term through June 30, 2023 and increasing compensation by \$100,000.

As contract public works inspection services are still necessary due to the volume of projects taking place in the City, staff recommends amending the agreement to extend the term through December 31, 2023 and increase compensation by \$168,000, for a total agreement amount of \$293,000. Amending the professional services agreement with Willdan Engineering will allow public works inspection services to continue to be provided without interruption to the community.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute an amendment to the existing professional services agreement for public works inspection services with Willdan Engineering, extending the term to December 31, 2023 and increasing compensation by \$168,000, for a total not-to-exceed amount of \$293,000.

ALTERNATIVES TO RECOMMENDATION

In addition to the staff recommendation, there are the following alternatives:

- A. Request additional information from staff.
- B. Do not authorize the amendment to the agreement.

FINANCIAL REVIEW

This purchase is a professional service that does not require competitive bidding and complies with all City purchasing guidelines. Contract documents will be available for review in the City Clerk's office.

The costs associated with providing additional contract public works inspections services through December 31, 2023 are estimated at 168,000, which will bring the total contract amount to \$293,000. The City will not be obligated for any employee benefit costs through the Public Employee Retirement System (PERS), or other associated employee benefits since the requested services would be performed by contract staff. Funding for this contract will be available from savings in the Community Development Department's budget.

The staff cost to prepare this report is estimated at \$866 and is included in the operating budget of the Community Development Department.

ANALYSIS

The Engineering Division is responsible for providing plan checks, permit, and inspection services for grading improvements within the public right of way, subdivision maps, and permitting and inspecting utility projects. As a result of a temporary staff leave of absence, contract staff is necessary to provide public works inspection services without impacts to the community. The proposed amendment will allow the City to continue to receive approximately 38 hours of public works inspection services per week.

The Engineering Division has been utilizing Willdan's public works inspection services since October 2022. The original agreement was for an amount not to exceed \$25,000, and a first amendment was approved on January 10, 2023, which extended the agreement through June 30, 2023 and added \$100,000 in additional compensation. As additional contract inspection services are still needed due to project volume, staff recommends extending the contract term through December 31, 2023 and increasing the contract amount by \$168,000 to cover costs through December 2023.

City staff has verified the proposed hourly rates for the consultant to ensure they are comparable with industry rates in the region. Staff has determined that Willdan is a qualified consultant to continue providing these services.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds that it applies to the following City Planning Documents: General Plan and the 2022-24 Budget.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA).

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Vincent Ramos
Associate Engineer

Reviewed by:

Maria B. Tipping, P.E.
City Engineer



Claremont City Council

Agenda Report

File #: 4699

Item No: 7.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1: THE ROAD AND ACCOUNTABILITY ACT OF 2017 (FUNDING SOURCE: SENATE BILL 1 - ROAD MAINTENANCE AND REHABILITATION ACCOUNT)

SUMMARY

Senate Bill 1 (SB1), known as the Road Repair and Accountability Act of 2017, was signed into State law by the Governor on April 28, 2017. This bill addresses basic road maintenance, rehabilitation, and safety issues on both State highways and local streets. SB1 increased fuel excise taxes, diesel fuel sales taxes, and vehicle registration fees to provide a source of funding for the maintenance and rehabilitation of State highways and local streets.

On November 1, 2017, the State Controller began depositing various portions of this new funding into the newly-created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this funding is being apportioned to eligible cities and counties pursuant to the Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and safety projects on local streets and roads.

Cities eligible for RMRA funding are required to adopt a Resolution (Attachment) that includes a project list proposed to be funded by SB1's RMRA and to submit the resolution and project list to the California Traffic Commission (CTC) by July 1, 2023 to receive funding. Monthly allocations from the RMRA for 2023-24 are anticipated to be received beginning in July 2023. The annual amount to be received is estimated at \$925,723.

RECOMMENDATION

Staff recommends that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

ALTERNATIVE TO RECOMMENDATION

In addition to the recommendation, there is the following alternative:

- Request additional information from staff.

FINANCIAL REVIEW

Adoption of the resolution and the submittal of the project list to the CTC will result in the City receiving an estimated \$925,723 in SB1 RMRA funding for 2023-24. These revenues will be used to fund a portion of projects included on the project list to be submitted to the CTC.

The City will continue to receive SB1 RMRA funding annually to help address roadway maintenance and rehabilitation as long as it continues to follow the procedures outlined. This figure will vary according to tax revenues collected each fiscal year.

The cost to prepare the staff report is estimated at \$722 and is included in the operating budget of the Community Development Department.

ANALYSIS

In order to begin receiving SB1 funding, the City was required to provide the CTC with an approved list of projects proposed to be funded from the RMRA. This list was provided to the CTC by the October 16, 2017 deadline, in order for the City to receive its initial allocation of \$204,635 for 2017-18.

Annual resolutions are required to be adopted by the City Council, along with new/updated project lists to be submitted to the CTC. The deadline to submit for 2023-24 is July 1, 2023.

Staff has identified a project for the 2023-24 allocation cycle, for which RMRA funding is available. An exhibit describing this project has been attached to the proposed resolution. The identified project consists of:

- Claremont Boulevard (Foothill Boulevard to Sixth Street):
This project will include the grinding and paving of the existing asphalt roadway surface with two inches of Rubberized Asphalt Concrete (RAC). Additionally, this project will incorporate complete streets and green streets design features as determined feasible during the design phase of the project, according to its capacity and financial flexibility to accommodate the Claremont Complete Streets Policy.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds that it applies to the following City Planning Documents: Council Priorities, Sustainability Plan, General Plan, and the 2022-24 Budget.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act

(CEQA).

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Vincent Ramos
Associate Engineer

Reviewed by:

Maria B. Tipping
City Engineer

Attachment:

Resolution Adopting a List of SB1 Projects for Fiscal Year 2023-2024

RESOLUTION NO. 2023-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017, in order to address the significant multi-modal transportation funding shortfalls Statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community, and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$925,723 in RMRA funding in FY 2023-24 from SB 1; and

WHEREAS, this is the sixth year in which the City is receiving SB 1 funding, and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list, based on their pavement condition index and public comment, to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate three roadways, throughout the City this year, and many more similar projects into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in good condition, this revenue will help us increase the overall quality of our road system, and over the next decade will maintain our streets and roads in good condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits Statewide.

NOW THEREFORE, THE CLAREMONT CITY COUNCIL DOES HEREBY RESOLVE:

SECTION 1. The foregoing recitals are true and correct, and incorporated herein by this reference.

SECTION 2. The FY 2023-24 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include those roadways shown in attached Exhibit.

SECTION 3. The proposed allocation will increase funding designated by the City for use to resurface streets by \$925,723 for FY 2023-24.

SECTION 4. The Mayor shall sign this Resolution, and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 9th day of May, 2023.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

Note: All paving projects evaluated will incorporate complete streets features as determined during the design phases of each project. If

Street Name	From:	To:	Description	Schedule	Min Life	Max Life
Claremont Boulevard	Foothill Boulevard	Sixth Street	The Project consists of a grind & pave of the existing roadway surface with 2 inches of Rubberized Asphalt Concrete (RAC). Areas that are lifted, or sunken, will be removed and replaced with a deeper section to restore the surface to acceptable standards. Curb and gutter, sidewalk, street striping, and ADA ramps will be replaced as necessary.	Fiscal Year 23-24	10 Years	20 Years

feasible, these features will be incorporated according to each individual streets capacity to accommodate the City Complete Streets Policy and available financial flexibility to incorporate.



Claremont City Council

Agenda Report

File #: 4697

Item No: 8.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: JEREMY SWAN, COMMUNITY SERVICES DIRECTOR

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

APPROVAL OF THE CLAREMONT LIBRARY MAINTENANCE AGREEMENT (FUNDING SOURCE: LANDSCAPE AND LIGHTING DISTRICT FUND)

SUMMARY

For nearly thirty-five years, the City has maintained the grounds at the Claremont Helen Renwick Library (Library), and the current maintenance agreement will expire on June 30, 2023. Staff has negotiated a new agreement with the Library, which maintains existing services while increasing the base charge to account for increases in contract costs and to the Consumer Price Index (CPI).

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute the Library Grounds Maintenance Agreement for the period of July 1, 2023 through June 30, 2028, in an amount of \$20,812 for 2023-24, and allowing for an annual increase to the base amount according to the Consumer Price Index for the Los Angeles-Anaheim-Riverside Metropolitan statistical area.

ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Request more information from staff.
- B. Take no action.

FINANCIAL REVIEW

The costs associated with routine Library maintenance amount to \$20,812 for 2023-24 and are included in the Community Services' 2023-24 adopted budget. Los Angeles County will reimburse the City for these costs.

The staff cost to prepare this report and administer this contract is estimated at \$864 and is included in the operating budget of the Community Services Department.

ANALYSIS

The City entered into a grounds maintenance agreement with the Claremont Helen Renwick Library for the first time in June 1989. This project was an effort to ensure that maintenance at the Library would be consistent with the rest of the Village. The agreement includes the care of landscaped planters and shrubs, removal of litter, trimming of trees, as well as cleaning of the parking lot. The costs for these services increase annually according to the Consumer Price Index.

Staff has negotiated a new base fee of \$20,812 for a new maintenance agreement with the Library. This amount will cover the cost of services, and includes an annual increase according to the Consumer Price Index for the Los Angeles-Anaheim-Riverside Metropolitan statistical area. The Consumer Price Index for the region will be used to increase the base amount annually throughout the term of the contract. This fee is collected once annually.

County personnel have reviewed and approved the scope of services. If the City Council approves the proposed agreement, an executed copy will be forwarded to the County's Board of Supervisors for their approval.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds that it applies to the following City Planning Documents: Council Priorities, Sustainable City Plan, Economic Sustainability Plan, General Plan, and the 2022-24 Budget.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA).

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Jeremy Swan
Community Services Director



Claremont City Council

Agenda Report

File #: 4705

Item No: 9.

TO: CLAREMONT CITY COUNCIL

FROM: JAMIE EARL, ACTING CITY MANAGER

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

CONTINUATION OF ITEM NO. 10 FROM THE APRIL 25, 2023 CITY COUNCIL AGENDA - CONSIDERATION OF TENANT PROTECTIONS - (1) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED TENANT PROTECTIONS FOR JUST CAUSE EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; AND (2) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED RENT STABILIZATION REQUIREMENTS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT (FUNDING SOURCE: GENERAL FUND)

PLEASE SEE ITEM NO. 10 FROM THE APRIL 25, 2023 REGULAR CITY COUNCIL AGENDA FOR THE AGENDA REPORT ON THIS ITEM

This item was **continued** by the City Council during its April 25, 2023 meeting. Public comment was taken at the April 25, 2023 regular meeting, and all persons wishing to speak were heard. Public comment was closed, and the City Council began deliberations; however, due to a very late hour, the item was continued (to May 9, 2023) so that deliberations of the City Council could continue at a reasonable hour for everyone concerned.

During its regular meeting on April 25, 2023, the Claremont City Council received a presentation (reference Attachment 4 to this Supplemental Report) from staff regarding two tenant protection ordinances (a "Just Cause Eviction" Ordinance and a "Rent Stabilization" Ordinance) and a proposed Temporary Rental Assistance Program.

Meeting material for Item No. 10 from the April 25, 2023 City Council meeting can be accessed on the City's website and in Attachment 1 to this Supplemental Report.

After hearing robust public comment, the City Council provided the following direction to staff on April 25, 2023:

- The City Council will continue to deliberate on the two tenant protection ordinances (reference

Attachments B and C to Item No. 10 on the April 25, 2023 City Council agenda) at its next regular meeting on Tuesday, May 9, 2023.

- The City Council voted to approve an expanded version of the Temporary Rental Assistance Program that was originally drafted by staff (reference Attachment D to Item No. 10 on the April 25, 2023 City Council agenda). The City Council voted to allocate **\$1 million** in American Rescue Plan Act (ARPA) funding to fund the program, with funding available beginning July 1, 2023. This program will now be referred to as the **“Temporary Housing Stabilization and Relocation Program.”**
- Staff is working to finalize the Temporary Housing Stabilization and Relocation Program guidelines and application material as directed by the City Council:
 - Relocation assistance will be expanded and may consider tenant factors such as age, disability status, household composition, income level, unit size, and/or unit tenure. Fifty percent of the relocation assistance will be available to eligible tenants at the time that they receive an eviction notice, and 50 percent will be available upon move-out.
 - Another category to be added to “Tier 5” is a financial incentive provided to landlords to maintain safe and affordable housing for tenants.

It should be noted for the public’s benefit that once finalized, the Temporary Housing Stabilization and Relocation Program guidelines and application material will be made available on the City’s website.

On April 25, 2023, **no formal action** was taken pertaining to the Just Cause Eviction Ordinance or the Rent Stabilization Ordinance. The City Council did provide some **preliminary direction** pertaining to the Just Cause Eviction Ordinance (reference Attachment 3 to this Supplemental Report). For the “Key Decisions” referenced below, please refer to Attachment 2 to this Supplemental Report:

- The Council will pursue a “Just Cause Eviction” Ordinance (Key Decision #1)
- The Ordinance will require property owners to obtain building permits for the remodeling work prior to initiating eviction proceedings (Key Decision #2.1)
- Property owners will be required to provide tenants with said permits (Key Decision #2.2)
- Property owners must provide tenants with a scope of work, which must detail why the work cannot be completed within 30 days (Key Decision #2.3)
- The valuation of the work must be at least six times the cost of the tenant’s monthly rent (Key Decision #2.4)
- The Ordinance will not narrow AB 1482’s definition of “substantially remodel” to work that is needed for Code compliance and/or for health and safety reasons (Key Decision #2.5)
- The Ordinance will not require property owners to offer displaced tenants a “right of first refusal” to return to their units after the units are remodeled (Key Decision #3).

On May 9, 2023, it is anticipated that the City Council will resume its deliberations beginning with Key Decision #4 and ending with Key Decision #7. As noted above, on April 25, 2023, the City Council approved \$1 million in ARPA funding for the Temporary Rental Assistance Program (which will be retitled as the “Temporary Housing Stabilization and Relocation Program”) (Key Decision #8).

RECOMMENDATION

Staff recommends that the City Council:

- A. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.34

- (“JUST CAUSE FOR EVICTION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT;
- B. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.36 (“RENT STABILIZATION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT; and
 - C. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA).

ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Do not adopt one or more of the draft ordinances.
- B. Direct staff to make changes to one or more of the draft ordinances (beyond filling in the “placeholders”), which, depending on the complexity and extent of the changes, may require the ordinance(s) to be brought back at a future meeting.
- C. Request additional information and direct staff to bring one or more of the ordinances back at a future meeting.
- D. Take no action.

The City’s temporary moratorium on certain no-fault evictions (“Moratorium”) is due to expire on June 30, 2023. If the City Council chooses alternatives B or C, then the Moratorium will expire before new tenant protection ordinance(s) could go into effect unless one or more of the following happens: (1) the City Council holds a special meeting for the first reading and introduction of the ordinance(s) on or before May 17, 2023; (2) the City Council holds an adjourned regular meeting for the second reading and adoption of the ordinance(s) on or before May 31, 2023 (but at least five days after the first reading); or (3) the City Council adopts an urgency ordinance extending the Moratorium on or before June 30, 2023.

The full agenda report for this item and its attachments (Item No. 10 from the April 25, 2023 City Council meeting) can be accessed on the City’s website and in Attachment 1 to this Supplemental Report.

FINANCIAL REVIEW

The cost of staff time to prepare outreach material; conduct two listening sessions; and prepare the material for the April 25, 2023 City Council meeting is estimated to be \$4,500. The legal costs to prepare these ordinances are estimated to be \$20,000. These costs are included in the operating budget of the Administrative Services Department.

LEGAL REVIEW

The ordinances being considered by the City Council have been reviewed and approved as to form by the City Attorney.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff evaluated Item No. 10 on the April 25, 2023 City Council agenda in relationship to the City's strategic and visioning documents and found that it applies to the following City Planning Documents: Council Priorities and General Plan.

CEQA REVIEW

The tenant protection ordinances are not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of either or both ordinances will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility these actions will have a significant effect on the environment.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Jamie Earl
Acting City Manager

Prepared by:

Katie Wand
Assistant to the City Manager

Attachments:

- 1 - Item No. 10 from the 4/25/23 City Council Meeting
- 2 - Updated Key Decision Chart
- 3 - Redlined Just Cause for Eviction Ordinance
- 4 - 4/25/23 PowerPoint Presentation
- 5 - Public Comment Received After 4/25/23



Claremont City Council

Agenda Report

File #: 4680

Item No: 10.

TO: ADAM PIRRIE, CITY MANAGER
 FROM: KATIE WAND, ASSISTANT TO THE CITY MANAGER
 DATE: APRIL 25, 2023

Reviewed by:
 City Manager: AP

SUBJECT:

CONSIDERATION OF TENANT PROTECTIONS - (1) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED TENANT PROTECTIONS FOR JUST CAUSE EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; AND (2) FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING HEIGHTENED RENT STABILIZATION REQUIREMENTS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; AND (3) CONSIDERATION OF A TEMPORARY RENTAL ASSISTANCE PROGRAM (FUNDING SOURCES: GENERAL FUND AND AMERICAN RESCUE PLAN ACT FUNDS)

SUMMARY

On January 1, 2020, the California Tenant Protection Act of 2019 (AB 1482) established an annual rent increase cap of five percent plus inflation or ten percent, whichever is lower. AB 1482 also prohibits evictions without “just cause” (as defined). However, AB 1482 contains numerous exceptions. One of those exceptions allows owners to evict tenants in order “to demolish or to substantially remodel” a rental unit. This report refers to these as “substantial remodel evictions.” After the tenancy is terminated, the owner can raise rent on the newly-remodeled unit in excess of AB 1482’s rent cap.

Last year, several Claremont residents who are long-time renters in large apartment complexes reported that property owners were threatening to evict them when the County of Los Angeles’s eviction moratorium expired so that the owners could “substantially remodel” the tenants’ units and raise rents. These residents requested that the City Council consider tenant protection ordinances, including a “No Fault Eviction Ordinance” that provides stronger tenant protections than those provided by AB 1482. In response to these requests, at its regular meeting on October 25, 2022, the City Council approved a 6-month temporary moratorium on certain substantial remodel evictions. The temporary moratorium went into effect immediately and is set to sunset on June 30, 2023.

The City Council directed staff to use the moratorium period to conduct stakeholder and community outreach on tenant protections - specifically, permanent no-fault eviction and rent stabilization

ordinances and a rental assistance program. As such, in February 2023, staff held two Tenant Protections Listening Sessions, which were open to proprietors/owners, tenants, and the general public. More information on the listening sessions can be found in Attachment F. Staff also conducted extensive research on rent stabilization ordinances and rental assistance programs in other municipalities. This information can be found in Attachment E.

Staff has prepared two draft ordinances for the City Council's consideration, which would respectively require two readings (i.e., introduction and adoption) and would not go into effect thirty days after their second reading. The first draft ordinance (Attachment B) is a proposed permanent ordinance that would impose heightened tenant protections for "just cause" evictions, including but not limited to "no-fault" evictions due to substantial remodels for certain residential tenancies ("Just Cause Eviction Ordinance"). The second draft ordinance (Attachment C) is a Rent Stabilization Ordinance, which would limit increases in rent for certain residential tenancies beyond the limits currently imposed by AB 1482. A Summary Chart of Key Policy Decisions that the City Council is asked to provide direction on pertaining to these ordinances may be found in Attachment A.

As shown in Attachments B and C, neither of the draft ordinances is in final form. Both contain "placeholders" that staff will fill in after the City Council provides direction. If the City Council is inclined to approve a first reading and introduction of either or both ordinances at its April 25, 2023 meeting, staff will need a brief recess to fill in the placeholders and finalize the ordinance(s) the City Council intends to read/introduce. To approve a first reading and introduction of either or both of these ordinances, the City Council needs at least three votes (regardless of how many Councilmembers are present and voting).

In addition to the two tenant protection ordinances, staff has prepared a Temporary Rental Assistance Program ("Program") for the City Council's consideration. Understanding both the importance of keeping people housed and maintaining/increasing Claremont's rental housing supply, staff recommends that the City Council approve this Program. The Program would be funded with American Rescue Plan Act (ARPA) funds, which were distributed to local government agencies in an effort to help people recover from the economic effects of the COVID-19 pandemic. As currently drafted, the Program (Attachment D) is designed to provide temporary rental assistance to Claremont renters who are income-qualified, rent-burdened, being evicted at no-fault of their own, or are in need of emergency rental assistance due to certain qualifying circumstances without negatively impacting property owners.

RECOMMENDATION

Staff recommends that the City Council:

- A. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.34 ("JUST CAUSE FOR EVICTION") TO TITLE 8 ("HEALTH AND SAFETY") OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" IN THE CITY OF CLAREMONT;
- B. Consider introducing for first reading and that reading by title only AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ADDING CHAPTER 8.36 ("RENT STABILIZATION") TO TITLE 8 ("HEALTH AND SAFETY") OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" IN THE CITY OF CLAREMONT;
- C. Consider approving a Temporary Rental Assistance Program with the use of American Rescue Plan Act (ARPA) funds in the amount of \$300,000 and direct staff to return to City Council with a

program update in July 2024; and
D. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA).

ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Do not adopt one or more of the draft ordinances and/or the proposed Temporary Rental Assistance Program (“Program”).
- B. Direct staff to make changes to one or more of the draft ordinances (beyond filling in the “placeholders”) and/or the proposed Program, which, depending on the complexity and extent of the changes, may require the ordinance(s) and/or Program to be brought back at a future meeting.
- C. Request additional information and direct staff to bring one or more of the ordinances and/or Program back at a future meeting.
- D. Take no action.

FINANCIAL REVIEW

The cost of staff time to prepare outreach material; conduct two listening sessions; and prepare the material for this meeting is estimated to be \$4,500. The legal costs to prepare these ordinances are estimated to be \$20,000. These costs are included in the operating budget of the Administrative Services Department.

In accordance with the rules set forth by the federal government, American Rescue Plan Act (ARPA) funding must be obligated by December 31, 2024 and fully expended by December 31, 2026. Should the City Council obligate \$300,000 to fund a Temporary Rental Assistance Program (“Program”), the City Council would have \$3,831,298 in ARPA funding remaining. Depending on the demand for this Program, staff may recommend that additional ARPA funding be allocated toward this Program at a later date. Further, significant costs related to staff time will be necessary to implement and manage the Program.

ANALYSIS

Assembly Bill 1482

On January 1, 2020, the California Tenant Protection Act of 2019 (AB 1482) established an annual rent increase cap of five percent plus inflation or ten percent, whichever is lower, and prohibits evictions without just cause. However, even when tenants are not “at fault,” AB 1482 allows owners to terminate tenancies for a number of reasons, including:

- Intent to occupy the residential real property by the owner;
- Withdrawal of the residential real property from the rental market;
- An order issued by a government agency; or
- Intent to demolish or substantially remodel the residential real property.

It is important to note that many types of residential properties are exempt from AB 1482. These exemptions are discussed in more detail in the next section of this report.

The City has the authority under Civil Code Section 1946.2(g)(1)(B) to adopt local tenant protections, as long as the local protections are consistent with the terms of AB 1482 and the local requirements are more protective than AB 1482. A local ordinance is “more protective” than AB 1482 if it (i) further limits the reasons for just cause eviction, (ii) provides for higher relocation assistance amounts, or (iii) provides additional tenant protections not prohibited by other provisions of law.

AB 1482 Exemptions

In accordance with AB 1482, the following properties would also be exempt from both of the proposed ordinance(s) by the City Council (i.e., the Just Cause Eviction Ordinance and the Rent Stabilization Ordinance would not apply to these types of residences):

- A tenant renting a room in an owner-occupied unit where kitchen or bathroom facilities are shared.
- Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) where the owner lives in one of the units.
- Duplexes where the owner lives in one of the units.
- Residential real property that is alienable separate from any other dwelling unit (e.g., single-family homes, condominiums, etc.), provided the owner is not a real estate investment trust, corporation, or an LLC where a member is a corporation. This exemption requires an owner to provide notice to the tenant(s) that the unit is not subject to AB 1482’s protections.
- Housing subject to affordability covenants.

A full list of the properties exempt from AB 1482 can be found in Sections 1946.2(e) and 1947.12(d) of the California Civil Code.

Just Cause Eviction Ordinance

Last year, several Claremont residents who are long-time renters in large apartment complexes reported that property owners were threatening to evict them when the County’s eviction moratorium expires so that they can “substantially remodel” their units and raise rents. These residents requested that the City Council consider tenant protection ordinances, including a “No Fault Eviction Ordinance” that provides stronger tenant protections than AB 1482. To more closely parallel AB 1482’s just cause for eviction provisions (set forth in Section 1946.2 of the California Civil Code), the proposed ordinance (Attachment B) is titled a “Just Cause Eviction Ordinance” (rather than a “No Fault Eviction Ordinance”). The proposed ordinance is drafted to incorporate and be identical to AB 1482’s just cause for eviction provisions except in narrow, discrete respects, such as heightened tenant protections for substantial remodel evictions and/or higher amounts of relocation assistance in the event of a no-fault eviction.

County of Los Angeles’ Eviction Moratorium

The County of Los Angeles’s eviction moratorium (which was implemented in response to the COVID -19 pandemic) expired on March 31, 2023. On March 21, 2023, the Los Angeles County Board of Supervisors rejected a resolution that would have extended certain residential tenant protections for one year throughout the county.

Temporary No Fault Eviction Moratorium

In response to renter concerns, at their regular meeting on October 25, 2022, the City Council

approved a 6-month temporary moratorium on certain substantial remodel evictions. The temporary moratorium went into effect immediately by way of an urgency ordinance and is set to sunset on June 30, 2023. The City Council also directed staff to use the moratorium period to conduct stakeholder and community outreach and conduct further research and gather feedback on additional tenant protections (i.e., permanent no-fault eviction and rent stabilization ordinances; rental assistance).

Proposed Permanent Just Cause Eviction Ordinance

Many cities and counties (including the County of Los Angeles and the Cities of Los Angeles, Long Beach, Pasadena, South Pasadena, and Pomona) have adopted measures to heighten protection for tenants, including those facing no-fault evictions, such as:

- Refining the definition of “substantial remodel,”
- Requiring property owners to obtain building permits before they can evict a tenant for a “substantial remodel,”
- Requiring property owners to provide tenants with a detailed scope of work confirming that the work qualifies as a “substantial remodel,”
- Increasing the amount of relocation assistance property owners must provide tenants in connection with a no-fault eviction, and/or
- Including ordinance language that prevents tenants from being retaliated against or harassed by proprietors.

Staff recommends that the City Council provide staff with further direction on potential components of a permanent Just Cause Eviction Ordinance. Please reference Attachment A, Key Decisions #1 through #6.

Rent Stabilization Ordinance

Subject to several exceptions, AB 1482 limits annual residential rent increases to five percent plus inflation or ten percent, whichever is lower. (Civ. Code §§ 1947.12 - 1947.13.) As a result, under AB 1482, non-exempt residential property owners may raise rent by five to ten percent in any twelve-month period.

Numerous local agencies throughout California have adopted rent control and rent stabilization measures. Since October 2022, staff has been conducting research that is specific to cities in Los Angeles County with local rent stabilization measures (Attachment E). Staff’s research also includes cities that have considered rent stabilization measures stronger than those prescribed in AB 1482.

While many Claremont renters have spoken out in support of a Rent Stabilization Ordinance, many Claremont property owners have expressed concern with rent caps that are more restrictive than those established in AB 1482 for two primary reasons:

- It is unknown at this time if AB 1482’s rent stabilization component is effective in keeping people stably housed. AB 1482 went into effect on January 1, 2020, which was shortly before the COVID-19 emergency protections went into effect. During this time, property owners were not able to evict tenants (even if they were not paying rent) and many property owners chose not to increase rent between 2020 and 2022.
- Some tenants have still not paid their arrears in full and as such, since 2020, property owners have not been receiving the rental income that they need to pay their mortgage, property tax

bills, utility bills, and property maintenance/repair bills. Property owners have expressed that Claremont's rental housing supply may be negatively impacted if the City enacts rent stabilization that further limits a property owner's financial ability to provide safe, well-maintained rental housing.

Based on the research and the feedback provided in Attachments E, F, and G, respectively, staff recommends that the City Council provide policy direction on a Rent Stabilization Ordinance. Please reference Attachment A, Key Decision #7.

Understanding both the importance of keeping people housed and maintaining/increasing Claremont's rental housing supply, staff also recommends that the City Council consider a Temporary Rental Assistance Program ("Program"), which is described in detail below and in Attachment D. As currently drafted, the Program is designed to provide temporary rental assistance to Claremont renters who are either income-qualified, rent-burdened or are in need of emergency rental assistance due to certain qualifying circumstances without negatively impacting property owners.

Further, staff recommends that the City Council receive a Program Update in July 2024 (after the Program has been in effect for one full year) to determine whether or not the Program criteria and funding amounts are adequate.

Temporary Rental Assistance Program

The proposed Claremont Temporary Rental Assistance Program ("Program") is designed to assist Claremont renters who are income-qualified, rent-burdened, being evicted at no-fault, OR are in need of "Emergency Rental Assistance" due to the reasons described below.

Staff recommends that this Program be funded with American Rescue Plan Act (ARPA) funds, which were distributed to local government agencies in an effort to help people recover from the economic effects of the COVID-19 pandemic. Staff recommends that the City Council allocate funding for three Program "Cycles" as described below, with the stipulation that staff will return to the City Council in July 2024 (after the Program has been in effect for one full year) to discuss whether or not the Program criteria and funding amounts are adequate. Please reference Attachment A, Key Decision #8.

Proposed Allocation of ARPA Funds

- \$100,000 for the first fiscal year cycle (July 1, 2023 - June 30, 2024 - "Cycle 1")
- \$100,000 for the first fiscal year cycle (July 1, 2024 - June 30, 2025 - "Cycle 2")
- \$100,000 for the first fiscal year cycle (July 1, 2025 - June 30, 2026 - "Cycle 3")

In accordance with the rules set forth by the federal government, ARPA funding must be spent by December 31, 2026. Depending on the demand for the Program, staff may recommend that additional ARPA funding be allocated toward this Program at a later date; however, unless a different funding source is identified and a permanent program is ultimately approved by the City Council, this Program will not be extended past Cycle 3.

Income Qualifications

Each fiscal year, the Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted housing programs, which are based on Median Family Income

estimates and Fair Market Rent area definitions for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county.

If the Claremont Temporary Rental Assistance Program is approved as proposed, the City will use the same limits to determine eligibility for this Program. Applicant households must qualify as Low, Very Low, or Extremely Low Income as defined by HUD.

Staff has proposed the following subsidies based on income; however, the City Council may choose to provide alternative direction:

- For HUD-Qualified Low-Income Households - This Program will subsidize no more than 10% of a household's monthly base rent.
- For HUD-Qualified Very Low-Income Households - This Program will subsidize no more than 15% of a household's monthly base rent.
- For HUD-Qualified Extremely Low-Income Households - This Program will subsidize no more than 20% of a household's monthly base rent.

In this circumstance, if the Program is approved as proposed, a housing subsidy will be paid to the property owner directly by the City of Claremont on behalf of the participating household. The household will then pay the difference between the actual rent charged by the property owner and the amount subsidized by the Program.

Emergency Rental Assistance

- **Qualifying Exigent Circumstances:**
 - A member of your household has been unemployed for 60 days or more, is at-risk of housing instability, and is actively seeking employment.
 - A member of your household has experienced a medical emergency within the past 60 days that has resulted in a loss of household income.
 - A member of your household has passed away within the past 60 days and their death has resulted in a loss of household income.

In these circumstances, if the Program is approved as proposed, emergency rental assistance will be paid directly to the property owner by the City of Claremont in the form of one lump sum equivalent to no more than the value of two months of a household's current rent.

- **A No-Fault Eviction:**
 - Understanding that a tenant may be moving from a below-market-rate unit to a market-rate unit can result in a cost burden to the tenant, the Program may provide financial assistance to tenants who received a no-fault eviction and whose relocation expenses exceeded the amount paid to them by their proprietor.

In this circumstance, if the Program is approved as proposed, and if a renter can prove that their total cost to relocate exceeded the amount of relocation assistance that was provided by their former proprietor/owner, the City of Claremont may reimburse the renter for some or all their out-of-pocket relocation costs (i.e., costs not covered by the relocation assistance that the tenant received from their former proprietor). The total amount reimbursed by the City shall not exceed \$3,000 per household.

- **Rent-Burdened Participants:**

- If a tenant can provide proof that their proprietor/owner has served them with notice of a rental increase and that the tenant is (a) already a rent-burdened household or (b) the rental increase will result in the household becoming rent-burdened, the City may subsidize the cost of the imposed rental increase.
- For the purposes of this Program component, “rent-burdened” is defined as “spending more than 30 percent of gross household income on rent.”

In this circumstance, if the Program is approved as proposed, a housing subsidy will be paid to the property owner directly by the City of Claremont on behalf of the participating household. The household will then pay the difference between the actual rent charged by the property owner and the amount subsidized by the Program.

Program Priority

Staff recommends that complete Program applications (including all required, supporting documents) be processed based on the priorities described below; however, the City Council may choose to provide alternative direction:

- Tier 1 (Highest Priority) - Qualified applicants who can provide proof that are on a fixed income and/or are an “extremely low-income household” (as defined by HUD).
- Tier 2 - Qualified applicants who need emergency rental assistance due to certain exigent circumstances (as described below).
- Tier 3 - Qualified applicants who are either a “low” or “very low” income household (as defined by HUD).
- Tier 4 - Qualified applicants who received a rental increase and are already rent-burdened or received a rental increase that puts them at risk of becoming rent-burdened (as described below).
- Tier 5 (Lowest Priority) - Qualified applicants who need emergency rental assistance due to a no-fault eviction.

Within these tiers, applicants who can prove that they are at imminent risk of housing instability will be considered first in an effort to prevent the applicant from becoming unsheltered. Documentation proving imminent risk of housing instability includes one or more of the following:

- Any past-due rent notice.
- Notice to vacate or quit the rental unit.

LEGAL REVIEW

The ordinances being considered by the City Council have been reviewed and approved as to form by the City Attorney.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City’s strategic and visioning documents and finds that it applies to the following City Planning Documents: Council Priorities and General Plan.

CEQA REVIEW

The tenant protection ordinances and Temporary Rental Assistant Program are not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of either or both ordinances and/or approval of the Program will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility these actions will have a significant effect on the environment.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Adam Pirrie
City Manager

Prepared by:

Katie Wand
Assistant to the City Manager

Attachments:

- A - Summary Chart of Key Decisions
- B - Draft "Just Cause Eviction" Ordinance
- C - Draft "Rent Stabilization" Ordinance
- D - Proposed Rental Assistance Program
- E - Rent Stabilization Research
- F - Summary of Listening Sessions
- G - Public Comment Received after the 10/25/22 City Council Meeting

ATTACHMENT A

Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>KEY DECISION #1: Should Claremont have a <u>Just Cause For Eviction Ordinance</u> that imposes additional requirements for evictions based on an owner's desire to "substantially remodel" a rental unit beyond the requirements AB 1482 already imposes?</p> <p>AB 1482 Existing Limits:</p> <ul style="list-style-type: none"> • Work involves the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws; • Work cannot be reasonably accomplished in a safe manner with the tenant in place and requires the tenant to vacate the residential real property for at least thirty (30) days; and • Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated do not qualify. <p>Staff Recommendation: This is a policy decision for the City Council.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Tighter limits for "substantial remodel" evictions will likely result in fewer current tenants being displaced due to this type of eviction. ▶ Tenants currently have no way to verify whether the owner's work on their unit qualifies as a "substantial remodel" under AB 1482, and a Just Cause For Eviction Ordinance could provide that assurance. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ Making it more difficult or and/costly to evict tenants for "substantial remodels" could make it cost prohibitive for owners to invest in improving their rental properties. Over time, this could lead to rental properties falling into disrepair (or falling below Claremont's high standards for property maintenance). ▶ Tenant protection ordinances in general impact the housing market and can make prospective housing providers less likely to choose Claremont as a place to build and provide rental housing. Overall, the scarcity of rental units in Claremont may drive up rental rates, which ultimately hurts tenants. 	
<p>KEY DECISION #2: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, what additional requirements for "substantial remodel" evictions should it impose? Options for the City Council's consideration are listed below:</p>	

ATTACHMENT A

Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>1. Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont.</p> <p>2. The tenant has been provided with copies of the building and/or demolition permit(s).</p> <p>3. The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within _____ () days.</p> <p>4. The owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the cost of the work is at least _____ () times the cost of the tenant's monthly rent. For purposes of this requirement, the monthly rent shall be the average of the preceding twelve (12) month period.</p> <p>5. The owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the work is necessary to bring the rental unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building.</p> <p>Staff Recommendations:</p> <ul style="list-style-type: none"> • These are policy decisions for the City Council to consider; however, staff has concerns regarding Requirement #5 for the reasons listed as "Cons" below. • If the City Council wants to impose Requirement #3, staff recommends the anticipated displacement be at least thirty (30) days to qualify as a "substantial remodel" eviction (same as AB 1482). • If the City Council wants to impose Requirement #4, staff requests direction on the minimum value of the cost of renovation work. AB 1482 does not require a minimum cost for work to qualify as a "substantial remodel." <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Requirements #1 through #4 would give tenants a way to verify that the owner's work on their unit qualifies as a "substantial remodel" under AB 1482. ▶ Requirement #5 would make it very difficult for work to qualify as a "substantial remodel." If this requirement is included, it would greatly reduce the potential for tenant displacement due to substantial remodel evictions. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ See Cons listed for Key Decision #1 above. ▶ For Requirement #4, it is not clear why the cost of work should be a factor in determining whether the remodel qualifies, and it is unclear how the City or tenants would enforce this requirement 	

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JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>because the actual cost of work will not be known until the eviction is complete.</p> <ul style="list-style-type: none"> ▶ Requirement #5 will be a significant deterrent to improving rental properties. Owners cannot evict tenants until their unit has fallen into such a bad state of repair that it has Code violations and/or is a threat to health or safety. Over time, this could lead to rental properties falling into disrepair (or falling below Claremont's high standards for property maintenance). 	
<p>KEY DECISION #3: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it require owners to provide a right of first refusal to tenants who are displaced due to a "substantial remodel" eviction? If yes, should owners be required to offer the tenant a replacement unit or a right to return to their remodeled unit at the same monthly rent?</p> <p>Staff Recommendation: These are policy decisions for the City Council to consider; however, staff has concerns for the reasons listed as "Cons" below.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Tenant(s) will not be displaced due to a "substantial remodel eviction." <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ The right of first refusal creates logistical issues. It is unclear where tenants will reside while the substantial remodel occurs and who will bear the costs of the temporary displacement. These arrangements would need to be made and agreed on between a property owner and their impacted tenant(s). ▶ If the ordinance requires the owner to offer the displaced tenant a right of first refusal and the owner is permitted to raise the rent to fair market value for the newly-remodeled unit or the replacement unit, the owner will essentially be required to enter a lease agreement with a tenant who cannot afford the new rent. ▶ The United States and California constitutions require rent control ordinances to allow owners to receive a "a just and reasonable return on their property." (<i>MHC Operating Ltd. P'ship v. City of San Jose</i> (2003) 106 Cal. App. 4th 204, 220)" If the ordinance prohibits and owner from raising the rent to fair market value for the newly-remodeled unit or replacement unit, it arguably violates the owner's constitutional right to "fair return." To protect an owner's right to "fair return," other cities that impose a "right of first refusal at the same rent" requirement have a designated person or body of people who have the authority to approve rent increases on a case-by-case basis. Providing adjudications for rent increases on a case-by-case basis would require a significant commitment of budget and personnel resources. 	

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<p>KEY DECISION #4: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it require owners to provide relocation assistance to tenants who are displaced by a no-fault eviction in higher amounts than those provided by AB 1482? If yes, what amount of relocation assistance should the ordinance require?</p> <p>AB 1482 Existing Relocation Assistance: 1 month's rent</p> <p>Staff Recommendations:</p> <ul style="list-style-type: none"> • This is a policy decision for the City Council. • If the City Council wants to impose relocation assistance beyond what is required by AB 1482, staff requests direction on the required amount of relocation assistance. The City Council may wish to impose a rate based on the tenant's current rent (i.e., relocation assistance = 3 months' rent) or the City Council may wish to impose a rate based on other factors, like the length of time the tenant has lived in the unit, whether the tenant is elderly, disabled, or a caregiver for minor(s)/dependent(s). The second approach would create a "range" of relocation assistance amounts. The City Council may also direct staff to exempt certain "mom and pop" property owners from the City's relocation assistance requirement. Staff will provide relocation assistance language options in the draft "Just Cause for Eviction" Ordinance for the City Council to consider and provide further direction. <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Providing tenants with additional relocation assistance further helps fund moving-related expenses (i.e., a security deposit and first month's rent needed for a new rental unit). <p><u>Con:</u></p> <ul style="list-style-type: none"> ▶ Requiring additional relocation assistance places a financial burden on proprietors. 	
<p>KEY DECISION #5: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it include anti-harassment provisions to prevent owners from harassing or retaliating against tenants they cannot evict?</p> <p>Staff Recommendation: This is a policy decision for the City Council. Staff will provide anti-harassment language options in the draft "Just Cause for Eviction" Ordinance for the City Council to consider and provide further direction.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Anti-harassment provisions prevent owners from harassing or retaliating against tenants. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ These provisions will make it more difficult to evict tenants who are creating nuisances because they can claim the eviction is 	

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KEY DECISIONS	NOTES
<p>retaliatory and/or harassment. These provisions will likely result in owners allowing problem tenants to remain in their units because any enforcement activity risks a dispute about whether the owner has violated the City’s anti-harassment provisions.</p> <p>▶ Anti-harassment language could have the unintended consequence of deterring property owners from improving or maintaining their rental properties because doing so temporarily disturbs or inconveniences tenants and could be perceived by tenants as harassment.</p>	
<p>KEY DECISION #6: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it include an exception for “mom and pop” property owners? If yes, what is the maximum number of rental units a building/complex must have to be exempt from the ordinance(s)?</p> <p>Current Temporary Moratorium: Twenty (20) or fewer units are exempt.</p> <p>Staff Recommendation: This is a policy decision for the City Council. It should be noted that in industry practice, properties with five or more residential rental units are considered commercial property.</p> <p><u>Pros and Cons (depending on scope of exception):</u></p> <p>▶ Tenants who are displaced by a “substantial remodel” eviction face hardship regardless of how many units the property has. If the exception is limited (e.g., 4 or fewer units), the Just Cause For Eviction Ordinance will protect more of these tenants.</p> <p>▶ Owners of properties with fewer rental units typically have smaller margins. The costs and burdens of tenant protection ordinances will impact them more than larger corporate property owners who are better equipped to absorb compliance costs. In addition, in Claremont, many of the owners of properties with fewer rental units have voluntarily kept rents below market value, which exacerbates the hardship of complying with tenant protection ordinances. If the exception is broad (e.g., 20 or fewer units), more “smaller” property owners would be exempt from the requirements of the Just Cause For Eviction Ordinance (e.g., higher relocation assistance, etc.).</p>	

RENT STABILIZATION ORDINANCE	
KEY DECISIONS	NOTES
<p>KEY DECISION #7: Should the City have a <u>Rent Stabilization Ordinance</u> limits annual rent increases more than the limits set forth in AB 1482 and if so, what percentage/rent cap should the limit reflect?</p> <p>AB 1482’s Existing Limits: CPI plus 5% or 10%, whichever is lower.</p>	

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RENT STABILIZATION ORDINANCE	
KEY DECISIONS	NOTES
<p>Staff Recommendation: This is a policy decision for the City Council.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Tenants find it desirable to rent properties that are subject to rent stabilization because they know the outer limit of annual rent increases and can budget/prepare appropriately. Because of this, tenants tend to stay more long-term (i.e., tenants stay more than a year because they do not need to leave to find somewhere within their budget). ▶ Rent stabilization helps to prevent displacement (i.e., people being “priced out” of their rental unit where they have resided for many years). In Claremont, rental prices are high and vacancy rates are low, so a tenant who cannot afford their unit due to annual rent increases may be forced to find replacement housing in another city. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ Rent stabilization may lead to lower-quality rental properties. If a unit is subject to rent stabilization, property owners may not be able to afford to maintain the property or may not be able to afford utilities, increasing property taxes, and other housing-related expenses. ▶ Tenant protection ordinances in general impact the housing market and make prospective housing providers less likely to choose Claremont as a place to build and provide rental housing. Overall, the scarcity of rental units in Claremont may drive up rental rates, which ultimately hurts tenants. 	

TEMPORARY RENTAL ASSISTANCE PROGRAM	
KEY DECISIONS	NOTES
<p>KEY DECISION #8: Should the City use American Rescue Plan Act (ARPA) funding for a Temporary Rental Assistance Program (“Program”) through 2026?</p> <p>Staff Recommendation: Yes, staff recommends that the City Council allocate \$300,000 in ARPA funding for a Temporary Rental Assistance Program (July 1, 2023 through June 30, 2026). Exploring additional rental assistance programs was identified as a City Council 2022-24 Objective.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ As currently drafted, the Program is designed to provide temporary rental assistance to Claremont renters who are either income-qualified, rent-burdened, or are in need of emergency rental assistance due to certain qualifying circumstances without negatively affecting property owners. 	

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TEMPORARY RENTAL ASSISTANCE PROGRAM	
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<p><u>Con:</u></p> <p>► The Program is designed to be temporary in nature. Should the City Council wish to extend the program past 2026, other funding sources would need to be identified as ARPA funds must be fully expended by December 31, 2026.</p>	

ORDINANCE NO. 2023-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADDING CHAPTER 8.34 (“JUST CAUSE FOR EVICTION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT**

WHEREAS, effective January 1, 2020, the Tenant Protection Action of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482: (1) limits rent increases over the course of any 12-month period to 5% plus the “percentage change in the cost of living” (as defined), or 10%, whichever is lower (the “rent stabilization provisions”); and (2) prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined) (the “just cause eviction provisions”); and

WHEREAS, AB 1482’s rent stabilization and just cause eviction provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s rent stabilization provisions do not apply to “a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property” (Civ. Code § 1947.12(b)); and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit a landlord to evict a tenant in order to “substantially remodel” the rental unit (Civ. Code § 1946.2(b)(2)(D)(i)); and

WHEREAS, AB 1482’s just cause eviction provisions define “substantially remodel” to mean:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days”

(Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482’s just cause eviction provisions specify that “[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482 permits a landlord to evict a tenant to “substantially remodel” the rental unit and then raise rents above AB 1482’s rent caps when a new tenancy begins; and

WHEREAS, AB 1482’s just cause eviction provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are “more protective” than AB 1482’s just cause eviction provisions, in which case, the “more protective” local ordinance will apply to non-exempt residential real property (Civ. Code § 1946.2(g)(1)(B)); and

WHEREAS, like many cities in Los Angeles County, the City of Claremont is experiencing a housing affordability crisis and a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters; and

WHEREAS, the City is concerned that, without “more protective” local just cause eviction provisions, “substantial remodel” evictions will result in displaced tenants becoming homeless.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this ordinance.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Findings

The City Council has the power to enact an ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code sections 36931 through 39637. The adoption of this ordinance furthers the preservation of the public peace, health, and safety in at least the following respects:

A. Independent of the COVID-19 crisis, the City of Claremont is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.

B. When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, households with a burdensome housing cost are more likely to become homeless. In Claremont, approximately 52.4% of renter-households use more than 30% of their incomes to cover housing costs, and of those renter-households, approximately 44.2% spend 35 percent or more of their income on housing costs. (2014–2019 ACS 5-Year Estimates.)

C. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. In the 2020 Greater Los Angeles Homeless Street Count, 17 unsheltered individuals were counted in Claremont. That number increased to 26 individuals in 2022.

D. The Greater Los Angeles Homeless Street Counts do not include individuals who live with relatives or friends, in nearby hotels, or in other transitional housing. The Claremont Unified School District reported that, as of July 2021, there were 125 children that fit into the latter category (although the School District includes some neighborhoods outside Claremont).

E. One of the most effective ways to address the homeless crisis is to prevent individuals and families from becoming homeless in the first place. To that end, the City has programs to assist families threatened with homelessness. For example, the City’s Department of Human Services is responsible for overseeing the City Senior and Family Emergency Fund. This fund helps Claremont families and seniors through initial crises. Once resolved, Human Services Department staff works with the recipients to connect with agencies to assist them in obtaining ongoing financial support.

F. Starting in April of 2020, Claremont’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures which effectively provided for a moratorium on all evictions; (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)); and (3) the County of Los Angeles’ Tenant Protections Resolution; and the City of Claremont’s Moratorium on Certain “No Fault” Residential Evictions (Ord. No. 2022-07). However, with the exception of the City’s Moratorium, those measures have now expired or have been lifted. The City’s Moratorium is due to automatically expire June 30, 2023.

G. The City has determined, both through direct residential tenant complaints and through information available on a regional basis, that tenants throughout the Los Angeles County region have reported experiencing a surge of no-fault eviction notices and threats of eviction. In response to such threats and notices, other municipalities in this region, including the County of Los Angeles and the Cities of

Los Angeles, Long Beach, Pasadena, South Pasadena, and Pomona, have adopted tenant protection ordinances.

H. Starting in or around the summer of 2022, numerous residential tenants in Claremont reported that their landlords were threatening to evict them after the County of Los Angeles's tenant protections expired for the alleged purpose of substantially remodeling their units.

I. More protective local eviction control provisions are needed to prevent tenants displaced by "substantial remodel" evictions from becoming homeless.

In accordance with AB 1482's just cause eviction provisions set forth in subsection (g)(1)(B) of Section 1946.2 of the California Civil Code, the City Council hereby makes a binding finding that the tenant protections in this ordinance are "more protective" than AB 1482's just cause eviction provisions, set forth in Section 1946.2 of the California Civil Code. The City Council further finds that this ordinance is consistent with Section 1946.2. This ordinance [REDACTED] [STAFF TO FILL IN BASED ON CITY COUNCIL DIRECTION BELOW: further limits the reasons for termination of a residential tenancy, provides for higher relocation assistance amounts, and/or provides additional tenant protections that are not prohibited by any other provision of law].

SECTION 4. Code Amendment

Chapter 8.34 ("Just Cause Evictions") is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

Chapter 8.34 Just Cause Evictions

8.34.000 Purpose of Chapter and Relationship to AB 1482

This chapter is consistent with the Tenant Protection Action of 2019, Assembly Bill 1482 (2019-2020), which is generally codified in Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code ("AB 1482"). It is the City's intent that its residential tenants be afforded the strongest protections available under the law. This chapter is more protective than AB 1482's just cause eviction provisions set forth in Section 1946.2 of the California Civil Code.

As authorized by subsection (g) of Section 1946.2, this chapter [REDACTED] [STAFF TO FILL IN BASED ON CITY COUNCIL DIRECTION BELOW – e.g., provides for higher relocation assistance amounts and additional tenant protections for "no-fault just cause" evictions based on a property owner's intent to "substantially remodel" or demolish the residential real property]. In all other respects, this chapter is identical to Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

If any other governmental entity (including without limitation, the United States Government, the State of California, and the County of Los Angeles) adopts stronger tenant protections that apply to residential tenants in the City of

Claremont, then the stronger tenant protections shall prevail, and the City shall not enforce conflicting tenant protections in this chapter.

8.34.010 Applicability of Chapter and Exceptions

A. Applicability. The tenant protections in this chapter apply to tenants and owners of real property that are subject to AB 1482's just cause eviction provisions set forth in subsection (a) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

B. Exceptions. This chapter shall not apply to the types of residential real properties or residential circumstances that are exempt from AB 1482's just cause eviction provisions set forth in subsection (e) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute. [CITY COUNCIL TO PROVIDE DIRECTION: In addition, this chapter shall not apply to residential tenancies in a building or in a complex of commonly-owned buildings with [REDACTED] ([REDACTED]) or fewer rental units.]

8.34.020 "Just Cause" Required for "No-Fault" Evictions

A. AB 1482 Requirements. An owner of residential real property shall not terminate a tenancy that is subject to this chapter without just cause, which shall be stated in the written notice to terminate tenancy, unless the termination of the tenancy fully complies with AB 1482's just cause eviction provisions set forth in Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

B. Heightened Requirements for Evictions Based on Intent to Demolish or Substantially Remodel the Residential Real Property. An owner of residential real property shall not terminate a tenancy that is subject to this chapter based on the owner's intent to "demolish or to substantially remodel the residential real property" (as described and defined subsection (b)(2)(D) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced with a successor statute) unless and until all of the following additional requirements have been met:

[CITY COUNCIL TO PROVIDE DIRECTION – CHOOSE ALL THAT APPLY AND RE-NUMBER AS NEEDED:]

1. Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont;
2. The tenant has been provided with copies of the building and/or demolition permit(s); and
3. The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within [REDACTED] ([REDACTED]) days.

4. For a substantial remodel eviction, the owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the cost of the work is at least [REDACTED] ([REDACTED]) times the cost of the tenant's monthly rent. For purposes of this requirement, the monthly rent shall be the average of the preceding twelve (12) month period.

5. For a substantial remodel eviction, the owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the work is necessary to bring the rental unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building.

6. The owner has provided tenant with one or both of the following options and can provide proof that the owner has provided the tenant with at least thirty (30) days advance written notice of the option(s):

a. A right of first refusal to any vacant rental unit owned by the owner at the same or a lower monthly rent, provided that the unit is of comparable or superior material living condition and convenience for the tenant, if such comparable or superior vacant unit exists. If the tenant elects to accept an offer to move to a comparable vacant rental unit, the tenant is not eligible for any relocation assistance pursuant to this chapter or AB 1482.

b. A first right of return to reoccupy the rental unit upon completion of the repairs at the same rent charged to the tenant before the tenant temporarily vacated the rental unit to the extent allowed by state law.]

C. Failure to Comply. An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void.

8.34.030 Relocation Assistance Required for "No-Fault" Evictions

If an owner of residential real property issues a termination notice based on a "no-fault just cause" (as defined in subsection (b)(2) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute), the owner shall [REDACTED].

[CITY COUNCIL TO PROVIDE DIRECTION – CHOOSE ONE OF THE FOLLOWING OPTIONS:

provide relocation assistance in accordance with AB 1482's just cause eviction provisions set forth in subsection (d) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

OR

provide relocation assistance in accordance with AB 1482's just cause eviction provisions set forth in subsection (d) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute, provided however, the amount of relocation assistance shall be increased to at least equal to [REDACTED] ([REDACTED]) months of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy.

OR

Direct staff to draft language based on the City of Los Angeles' relocation assistance provisions (Los Angeles Municipal Code § 165.06) – flat rates ranging from \$9,200 to \$22,950 depending on whether tenant is 62+ years old, has a disability, has children/dependents living with them, is very low-, low-, or moderate income, and/or has occupied their unit for at least three years.

OR

Direct staff to draft language based on the City of Santa Monica's relocation assistance provisions (Santa Monica Municipal Code Chapter 4.36) – flat rates ranging from \$17,250 to \$35,200 depending on size of unit and whether tenant is senior, disabled, or cares for a minor.]

An owner's failure to strictly comply with this section shall render the notice of termination void.

[CITY COUNCIL TO PROVIDE DIRECTION –

8.34.040 Harassment Prohibited

A. Harassment. No owner shall:

1. Interrupt, terminate, or fail to provide housing services required by a rental agreement or by Federal, State, County, or local housing, health, or safety laws, or threaten to do so, or violate or threaten to violate California Civil Code Section 789.3.

2. Acting in bad faith, (a) fail to timely perform repairs and maintenance required by a rental agreement or by Federal, State, County or local housing, health or safety laws; (b) fail to exercise due diligence in completing such repairs once undertaken; (ci) fail to follow appropriate industry repair, containment, or remediation protocols designed to minimize exposure to noise, dust, lead, paint, mold, asbestos, or other building materials with potentially harmful health impacts; or (d) conduct elective renovation or construction of a rental housing unit for the purpose of harassing a tenant.

3. Abuse the right of access into a rental housing unit as established by California Civil Code Section 1954 or other applicable law. Such abuse includes, without limitation, entries for inspections that are not

related to necessary repairs or services; entries excessive in number; entries or demands for entry at times outside normal business hours; entries contrary to a tenant's reasonable request to change the date or time of entry; photographing or otherwise recording portions of a rental housing unit that are beyond the scope of a lawful entry or inspection; and misrepresenting the reasons for accessing a rental housing unit.

4. Influence or attempt to influence a tenant to vacate a rental housing unit through fraud, misrepresentation, intimidation or coercion, which shall include threatening to report a tenant to the United States Department of Homeland Security.

5. Threaten a tenant, by word or gesture, with physical harm, or abuse tenant with words, either orally or in writing, which are inherently likely to provoke an immediate violent reaction.

6. Violate any law which prohibits discrimination based on race, gender, sexual preference, sexual orientation, ethnic background, nationality, religion, age, parenthood, marriage, pregnancy, disability, human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS), occupancy by a minor child, or source of income.

7. Take action to terminate any tenancy, including service of any notice to quit or other eviction notice, or bring any action to recover possession of a rental housing unit, based upon facts which owner has no reasonable cause to believe to be true or upon a legal theory which is untenable under the facts known to owner.

8. Provide false written or verbal information regarding any Federal, State, County or local tenant protections, including mischaracterizing the nature or effect of a notice to quit or other eviction notice. False information includes, without limitation, requesting or demanding a tenant: (a) sign a new lease not in the tenant's primary language if (i) lease negotiations were conducted in the tenant's primary language, (ii) the existing lease is in the tenant's primary language, or (iii) owner is otherwise aware that the new lease is not in tenant's primary language; or (b) enter into a rent repayment plan to take advantage of tenant protection laws that do not require such plans.

9. Acting in bad faith, (a) refuse to acknowledge or accept receipt of a tenant's lawful rent payment as set forth in a rental agreement, by usual practice of the parties, or in a notice to pay rent or quit; (b) refuse to cash or process a rent check or other form of acceptable rent payment for over thirty (30) days after it is tendered; or (c) fail to maintain a current address for delivery of rent payments.

10. Acting in bad faith, (a) violate a tenant's right to privacy, including without limitation, by requesting information regarding residence

or citizenship status, protected class status, or Social Security number, except for, in the case of Social Security number, for purposes of obtaining information for the qualifications for a tenancy; (b) release such information except as required or authorized by law; or (c) request or demand an unreasonable amount of information from tenant in response to a request for reasonable accommodation.

11. Acting in bad faith, communicate with a tenant in a language other than the tenant's primary language for the purpose of intimidating, confusing, deceiving or annoying the tenant.

12. Interfere with the right of tenants to organize as tenants and engage in concerted activities with other tenants for the purpose of mutual aid and protection; deny property access to tenant organizers, advocates, or representatives working with or on behalf of tenants living at a property; prevent tenant or tenant organization meetings in an appropriate space accessible to tenants under the terms of their rental agreement(s); or discourage distribution or posting in common areas of literature informing tenants of their rights.

13. Commit other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a rental housing unit and that cause, are likely to cause, or are intended to cause any person lawfully entitled to occupancy of a rental housing unit to vacate such rental housing unit or to surrender or waive any rights in relation to such occupancy.

B. Remedies and penalties.

1. If an owner violates the terms of this section, an aggrieved tenant may institute a civil action for injunctive relief, direct money damages, and any other relief that the court deems appropriate, which such relief shall include a civil penalty of no less than Two Thousand Dollars (\$2,000), and no more than Five Thousand Dollars (\$5,000), per violation, at the discretion of the court. If the aggrieved tenant is older than sixty-five (65) or disabled, the court may award an additional civil penalty of up to Five Thousand Dollars (\$5,000) per violation, at the discretion of the court.

2. The court may award reasonable attorneys' fees and costs to a tenant who prevails in any such action. The court may award reasonable attorneys' fees and costs to an owner who prevails in any such action if the court determines that the tenant's action was frivolous.

3. The above remedies are not exclusive and do not preclude any tenant from seeking other remedies or penalties provided by applicable law.

C. Lawful Evictions. Nothing in this Chapter shall be construed as to prevent an owner from lawfully evicting a tenant pursuant to applicable State or local law.]

8.34.050 Severability

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

SECTION 5. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption in accordance with Government Code Section 36937. The provisions of this Ordinance shall apply to all residential rental units not specified in Section 4 to be exempt, including where a notice to vacate or to quit any such rental unit has been served prior to, as of, or after the effective date of this Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Ordinance.

SECTION 6. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Posting of Ordinance.

The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Ordinance to be published or posted as required by law. In accordance with Government Code Section 8634, this ordinance and any amendments, extensions, and rescissions thereof shall be given widespread publicity and notice.

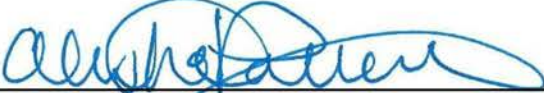
PASSED, APPROVED AND ADOPTED this day of , 2023.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

ORDINANCE NO. 2023-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADDING CHAPTER 8.36 (“RENT STABILIZATION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT**

WHEREAS, effective January 1, 2020, the Tenant Protection Action of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482: (1) limits rent increases over the course of any 12-month period to 5% plus the “percentage change in the cost of living” (as defined), or 10%, whichever is lower (the “rent stabilization provisions”); and (2) prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined) (the “just cause eviction provisions”); and

WHEREAS, AB 1482’s rent stabilization and just cause eviction provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s rent stabilization provisions do not apply to “a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property” (Civ. Code § 1947.12(b)); and

WHEREAS, AB 1482’s rent stabilization provisions authorize local agencies (like the City of Claremont) to establish local policies regulating rents consistent with the Costa-Hawkins Rental Housing Act (commencing with Section 1954.50 of the California Civil Code) (Civ. Code § 1947.12(m)(2); see also Civ. Code § 1946.2(g)(1)(B)); and

WHEREAS, like many cities in Los Angeles County, the City of Claremont is experiencing a housing affordability crisis and a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters due to inability to being able to afford rent increases; and

WHEREAS, the City is concerned that, without more protective local rent stabilization provisions, tenants will not be able to afford rent increases authorized by AB 1482 will become homeless.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS

SECTION 1. Recital

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this ordinance.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Findings

The City Council has the power to enact an ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code sections 36931 through 39637. The adoption of this ordinance furthers the preservation of the public peace, health, and safety in at least the following respects:

A. Independent of the COVID-19 crisis, the City of Claremont is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.

B. When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, households with a burdensome housing cost are more likely to become homeless. In Claremont, approximately 52.4% of renter-households use more than 30% of their incomes to cover housing costs, and of those renter-households, approximately 44.2% spend 35 percent or more of their income on housing costs. (2014–2019 ACS 5-Year Estimates.)

C. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. In the 2020 Greater Los Angeles Homeless Street Count, 17 unsheltered individuals were counted in Claremont. That number increased to 26 individuals in 2022.

D. The Greater Los Angeles Homeless Street Counts do not include individuals who live with relatives or friends, in nearby hotels, or in other transitional housing. The Claremont Unified School District reported that, as of July 2021, there were 125 children that fit into the latter category (although the School District includes some neighborhoods outside Claremont).

E. One of the most effective ways to address the homeless crisis is to prevent individuals and families from becoming homeless in the first place. To that end, the City has programs to assist families threatened with homelessness. For example, the City’s Department of Human Services is responsible for overseeing the City Senior and Family Emergency Fund. This fund helps Claremont families

and seniors through initial crises. Once resolved, Human Services Department staff works with the recipients to connect with agencies to assist them in obtaining ongoing financial support.

F. Starting in April of 2020, Claremont's residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council's temporary emergency measures which effectively provided for a moratorium on all evictions; (2) the State of California's eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)); and (3) the County of Los Angeles' Tenant Protections Resolution; and the City of Claremont's Moratorium on Certain "No Fault" Residential Evictions (Ord. No. 2022-07). However, with the exception of the City's Moratorium, those measures have now expired or have been lifted. The City's Moratorium is due to automatically expire June 30, 2023.

G. More protective rent stabilization provisions are needed to prevent tenants displaced due to rent increases from becoming homeless.

In accordance with AB 1482's just cause eviction provisions set forth in subsection (g)(1)(B) of Section 1946.2 of the California Civil Code, the City Council hereby makes a binding finding that the tenant protections in this ordinance are "more protective" than AB 1482's tenant protections, set forth in Section 1946.2 of the California Civil Code. The City Council further finds that this ordinance is consistent with AB 1482.

SECTION 4. Code Amendment

Chapter 8.36 ("Rent Stabilization") is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

Chapter 8.36 Rent Stabilization

8.36.000 Purpose of Chapter and Relationship to AB 1482

This chapter is consistent with the Tenant Protection Act of 2019, Assembly Bill 1482 (2019-2020), which is generally codified in Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code ("AB 1482") and the Costa-Hawkins Rental Housing Act, codified commencing at California Civil Code Section 1954.50 (the "Costa-Hawkins Rental Housing Act"). It is the City's intent that its residential tenants be afforded the strongest protections available under the law. This chapter is intended to provide more protective rent stabilization limits than AB 1482 (Civ. Code § 1947.12). In all other respects, this chapter is identical to Section 1947.12 of the California Civil Code, as amended from time to time or replaced by a successor statute.

If any other governmental entity (including without limitation, the United States Government, the State of California, and the County of Los Angeles) adopts stronger tenant protections that apply to residential tenants in the City of

Claremont, then the stronger tenant protections shall prevail, and the City shall not enforce conflicting tenant protections in this chapter.

8.36.010 Applicability of Chapter and Exceptions

A. Applicability. The tenant protections in this chapter apply to tenants and owners of real property that are subject to AB 1482's rent stabilization provisions set forth in subsections (a) through (c) of Section 1947.12 of the California Civil Code, as amended from time to time or replaced by a successor statute.

B. Exceptions. This chapter shall not apply to the types of residential real properties that are exempt from AB 1482's rent stabilization provisions set forth in subsection (d) of Section 1947.12 of the California Civil Code, as amended from time to time or replaced by a successor statute. [CITY COUNCIL TO PROVIDE DIRECTION: In addition, this chapter shall not apply to residential tenancies in a building or in a complex of commonly-owned buildings with [REDACTED] ([REDACTED]) or fewer rental units.]

8.36.020 Residential Rent Increases

An owner of residential real property that is subject to this chapter shall not, over the course of any 12-month period, increase the gross rental rate for a dwelling or a unit by more than [CITY COUNCIL TO PROVIDE DIRECTION: [REDACTED] percent ([REDACTED] %) and the percentage change in the Consumer Price Index or [REDACTED] percent ([REDACTED] %), whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase.]

In all other respects, increases in rent for residential real property shall be governed by AB 1482's rent stabilization provisions set forth in Section 1947.12 of the California Civil Code, as amended from time to time or replaced by a successor statute.

SECTION 5. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption in accordance with Government Code Section 36937. The provisions of this Ordinance shall apply to all residential rental units not specified in Section 4 to be exempt, including where a notice to vacate or to quit any such rental unit has been served prior to, as of, or after the effective date of this Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Ordinance.

SECTION 6. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City

Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Posting of Ordinance.

The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Ordinance to be published or posted as required by law. In accordance with Government Code Section 8634, this ordinance and any amendments, extensions, and rescissions thereof shall be given widespread publicity and notice.

PASSED, APPROVED AND ADOPTED this day of , 2023.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont



Claremont Temporary Rental Assistance Program

Version 1.0 dated April 25, 2023

(PENDING CITY COUNCIL APPROVAL)

Purpose of Temporary Program

The Claremont Temporary Rental Assistance Program (“Program”) is designed to assist Claremont renters who are either income-qualified OR are in need of “Emergency Rental Assistance” due to:

- Qualifying as extremely low-, very low-, or low-income;
- Experiencing certain qualifying exigent circumstances (e.g., illness, job loss, etc.);
- Needing to move as a result of a no-fault eviction; and/or
- A rental increase imposed on an already rent-burdened household or a rental increase that would result in a household becoming rent-burdened.

More information on qualifications and eligibility is contained within this document. Please make sure that you read this document carefully and in full before submitting a Program application.

Term of Temporary Program

The City of Claremont is funding the Program with the use of American Rescue Plan Act (ARPA) funds, which were distributed to local government agencies in an effort to help people recover from the economic effects of the COVID-19 pandemic.

On April 25, 2023, the Claremont City Council allocated a total of \$300,000 in ARPA funding toward this Program:

\$100,000 for the first fiscal year cycle (July 1, 2023 – June 30, 2024 – “Cycle 1”)

\$100,000 for the first fiscal year cycle (July 1, 2024 – June 30, 2025 – “Cycle 2”)

\$100,000 for the first fiscal year cycle (July 1, 2025 – June 30, 2026 – “Cycle 3”)

In accordance with the rules set forth by the federal government, ARPA funding must be spent by December 31, 2026. Depending on the demand for the Program, staff may recommend that additional ARPA funding be allocated toward this Program at a later date; however, unless a different funding source is identified and a permanent program is ultimately approved by the City Council, this Program will not be extended past Cycle 3.

Applications

Applications opened on April 26, 2023 and will be accepted on an on-going basis, with the understanding that all required documentation will need to be current in accordance with the Program. For example, if you submit an application during Cycle 1 and funding is exhausted, we will keep your application on file but will require you to produce new dated documents in June 2024 to determine your eligibility for Cycle 2.

Complete applications (including all required, supporting documents) can only be received in-person at Claremont City Hall or via mail service.

To deliver your complete application in person, please visit Claremont City Hall, 207 Harvard Avenue, Claremont, CA 91711.

To send your complete application via mail service, please use the following mailing address:

City of Claremont
Attn: City Manager's Office
P.O. Box 880
Claremont, CA 91711

If your application is approved for one cycle, it does not guarantee that you will be approved or be given priority for subsequent cycles. All applicants will be required to produce dated documents in June 2024 and June 2025, respectively, to determine eligibility for Cycle(s) 2 and 3. Further, applicants may only apply for "Emergency Rental Assistance" one time per Cycle.

Applications can be found on the City of Claremont's website (<https://www.ci.claremont.ca.us/living/housing/tenant-assistance>); can be sent to you directly via email or U.S. mail; or can be picked up at Claremont City Hall. To request a copy by mail or email, please call the City Manager's Office at 909-399-5440 or complete the Interest Form on the City's website.

Priority

Complete applications (including all required, supporting documents) will be processed based on the following priorities:

Tier 1 (Highest Priority) – Qualified applicants who can provide proof that are on a fixed income and/or are an "extremely low-income household" (as defined by HUD).

Tier 2 – Qualified applicants who need emergency rental assistance due to certain exigent circumstances (as described below).

Tier 3 – Qualified applicants who are either a "low" or "very low" income household (as defined by HUD).

Tier 4 – Qualified applicants who received a rental increase and are already rent-burdened or received a rental increase that puts them at risk of becoming rent-burdened (as described below).

Tier 5 (Lowest Priority) – Qualified applicants who need emergency rental assistance due to a no-fault eviction.

Within these tiers, applicants who can prove that they are at imminent risk of housing instability will be processed first in an effort to prevent the applicant from becoming unsheltered. Documentation proving imminent risk of housing instability includes one or more of the following:

- Any past due rent notice
- Notice to vacate or to quit the rental unit

Temporary Program Eligibility – All Tiers

- Applicants must be renters of real property in the City of Claremont, California.
- Household cannot be more than 2 months (60 days) in arrears on rental payments.
- Applicants must have a legal, up-to-date lease in writing with appropriate addendums.
- Property owner must be willing to accept a third-party check for payment or rent and complete a W-9 Form.
- Applicant must have a working email and/or phone number, and every person in the household must have some form of ID (drivers' license, consular card, student ID, immunization record, birth certificate, medical insurance ID, etc.).
- Household must meet one or more the following criteria (each of which is described in more detail below):
 - Household is income-qualified (Tiers 1 and 3)
 - Household is currently experiencing exigent circumstances (Tier 2)
 - Household is rent-burdened/at-risk of becoming rent-burdened due to a rental increase (Tier 4)
 - Household is relocating due to a no-fault eviction (Tier 5)

Income Qualifications (Tiers 1 and 3)

Each fiscal year, the Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted housing programs, which are based on Median Family Income estimates and Fair Market Rent area definitions for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county.

The City of Claremont utilizes the same limits to determine eligibility for this Program. Applicant households must qualify as Low, Very Low, or Extremely Low Income as defined by HUD. To determine if you are income-qualified, please visit

<https://www.huduser.gov/portal/datasets/il.html>. The Los Angeles-Long Beach-Glendale, CA

HUD Metro Fair Market Rent (FMR) Area contains all of Los Angeles County, including Claremont. The City of Claremont will always use the current year's income limits provided by HUD in determining eligibility.

Note: HUD intends to delay the release of FY 2023 median family incomes and income limits until on or about May 15, 2023. The FY 2023 income limits will be utilized for Cycle 1.

For HUD-Qualified Low Income Households - This Program will subsidize no more than 10% of a household's monthly base rent.

For HUD-Qualified Very Low Income Households - This Program will subsidize no more than 15% of a household's monthly base rent.

For HUD-Qualified Extremely Low Income Households - This Program will subsidize no more than 20% of a household's monthly base rent.

Income-Qualified Participants – How It Works (Tiers 1 and 3)

A housing subsidy will be paid to the property owner directly by the City of Claremont on behalf of the participating household. The household then pays the difference between the actual rent charged by the property owner and the amount subsidized by the Program.

To supplement your application, you will be required to provide the following documents for each adult member of your household:

- A copy of your legal, up-to-date lease in writing with appropriate addendums
- Most recent pay stubs or similar documentation showing two months' or more of your household's monthly income
- Tax document, such as a W-2, Tax Return, 1099-MISC, or other applicable tax document
- Social Security or Social Security Disability Insurance statements or benefit letters (if applicable)

Emergency Rental Assistance – Exigent Circumstances (Tier 2)

This Program may also be utilized by individuals and households who are currently experiencing one or more events that have resulted in a risk of housing instability, such as:

- An adult member of your household has become unemployed for 60 days or more, provided that individual is actively seeking employment
- A member of your household has experienced a medical or psychiatric emergency within the past 60 days that resulted in significant unexpected expenses and/or a loss of household income
- A member of your household has passed away within the past 60 days and their death has resulted in significant unexpected expenses and/or a loss of household income

"Exigent Circumstances" Participants – How It Works (Tier 2)

Emergency rental assistance will be paid directly to the property owner by the City of Claremont in the form of one lump sum equivalent to no more than the value of two months of a household's current rent.

To supplement your application, you will be required to provide the following documentation:

- All applicants must provide a copy of their legal, up-to-date lease in writing with appropriate addendums.
- If you or a member of your household has been unemployed for 60 days or more and is actively seeking employment, you must also provide the following documentation:
 - Evidence of application for unemployment benefit OR evidence of expired unemployment benefits (dated within the past 60 days from application date) OR
 - Any correspondence (dated within the past 60 days from application date) from the individual's former employer documenting job loss, such as layoff notice, termination notice, or closure of business. The correspondence must be signed by the former employer and include their phone number, email address, and former business address.
- If you or a member of your household has experienced a medical or psychiatric emergency within the past 60 days that has resulted in significant unexpected expenses and/or a loss of household income, you must also provide the following documentation:
 - Significant unexpected expenses –
 - Proof of payment of medical bills, such as receipts or account statements (with redactions as needed to protect private medical or financial information).
 - Loss of household income –
 - Dated correspondence from the treating physician indicating the name of the individual in your household who is unable to return to work and what their anticipated return-to-work date is. The correspondence should not include any personal medical information, including information on the circumstances of the medical emergency or diagnosis. The correspondence must be signed by the treating physician and include their phone number, email address, and business address; AND
 - Employer verification of reduction in or loss of income. The correspondence must be dated, signed by the current employer, and include their phone number, email address, and business address.
- If a member of your household has passed away within the past 60 days and their death has resulted in a loss of household income, you must also provide the following documentation:
 - A copy of their death certificate/death record OR dated correspondence from the treating physician indicating the name of the individual in your household and their date of death. The correspondence should not include any personal medical

information, including a cause of death or diagnosis. The correspondence must be signed by the treating physician and include their phone number, email address, and business address; AND

- Significant unexpected expenses – Proof of payment of death-related expenses, such as receipts or account statements (with redactions as needed to protect private medical or financial information).
- Loss of household income – Verification of reduction in or loss of income, such as bank account statements (with redactions needed to protect privacy).

Emergency Rental Assistance – Rent Burdened Participants (Tier 4)

If a tenant can provide proof that their proprietor has served them with notice of a rental increase and that the tenant is (a) already a rent-burdened household or (b) the rental increase will result in the household becoming rent-burdened, the City of Claremont may subsidize the cost of the imposed rental increase (with the City subsidy capped at 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower). For the purposes of this Program component, “rent-burdened” is defined as “spending more than 30 percent of gross household income on rent.”

Rent-Burdened Participants – How It Works (Tier 4)

A housing subsidy will be paid to the property owner directly by the City of Claremont on behalf of the participating household. The household then pays the difference between the actual rent charged by the property owner and the amount subsidized by the Program.

To supplement your application, you will be required to provide the following documents for each adult member of your household:

- A copy of your legal, up-to-date lease in writing with appropriate addendums.
- A dated Notice of Rent Increase that illustrates the new rental rate and the effective date.
- Most recent pay stubs or similar documentation showing two months’ or more of your household’s monthly income.
- Tax document, such as a W-2, Tax Return, 1099-MISC, or other applicable tax document.
- Social Security or Social Security Disability Insurance statements or benefit letters (if applicable).

Emergency Rental Assistance – No-Fault Eviction (Tier 5)

On April 25, 2023, the City Council approved a Just Cause Eviction Ordinance (**PENDING CITY COUNCIL APPROVAL**) requiring certain residential property owners to provide tenants with relocation assistance equivalent to three months of their current rent. Current law (AB 1482) also requires certain residential property owners to provide tenants with relocation assistance equivalent to one month of their current rent.

However, AB 1482 and the City's No Fault Eviction Ordinance have exceptions, so not all tenants are eligible for relocation assistance under State or local law. Moreover, even tenants who receive relocation assistance under AB 1482 or the City's No Fault Eviction Ordinance may experience financial hardship because they are moving from a below-market-rate unit to a market-rate unit. This aspect of the Program provides financial assistance to those tenants.

Renters who receive a no-fault eviction and then choose to purchase a primary residence instead of moving into another rental property are not eligible.

"No Fault Eviction" Participants – How It Works (Tier 5)

If a tenant can prove that their total cost to relocate exceeded the amount of any relocation assistance that was provided by their former proprietor, the City of Claremont may reimburse the renter for some or all their out-of-pocket relocation costs (i.e., costs not covered by any relocation assistance that the tenant received from their former proprietor). The total amount reimbursed by the City shall not exceed \$3,000 per household.

To supplement your application, you will be required to provide the following documentation:

- A copy of your new, legal, up-to-date lease in writing with appropriate addendums (the property that you moved into).
- A copy of your prior lease in writing with appropriate addendums (i.e., the property that evicted you at no-fault). This property must be located in Claremont.
- A receipt OR attestation from your former proprietor that shows the full amount of relocation assistance that you were paid. The receipt must be dated and must indicate the names of the payer and payee as well as the full amount paid. A copy of the original receipt is acceptable. If an attestation is provided as proof, it must include your full name (the applicant), the rental property address, and the full amount of relocation assistance that you were paid as well as the date that you were paid. The attestation must also be signed by the former proprietor and include their phone number, email address, and business address.
- A complete W-9 (for the applicant to receive payment from the City).
- Itemized receipts of all eligible relocation expenses. Copies of itemized receipts are acceptable. The following items are the only eligible relocation expenses that will be considered for reimbursement through this Program:
 - Moving expenses – The cost of hiring professional movers or renting equipment (such as a truck or van) to pack and/or move your personal belongings from your former unit to your new unit.
 - Security Deposit – The cost of the security deposit for your new unit.
 - Hotel/Motel/Short Term Housing Stay – If applicable, the cost of your hotel/motel/short term housing stay between the date of your (no fault) eviction and the date that your new lease commenced. The hotel/motel/short term housing itemized receipt or statement must list you (the applicant) as the primary

guest and must show the dates of your stay as well as the nightly room rate. The first 28 nights of your hotel/motel/short term housing stay are the only nights eligible for reimbursement.

- Lost Wages – Up to 5 days of lost wages for time off work to relocate. You must provide proof of loss of income (e.g., paystubs) that demonstrate your time off was relocation-related.

Attachment E – Rent Stabilization Research

What does Assembly Bill 1482 (AB 1482) effectively do and who does it apply to?

The California Tenant Protection Act of 2019 (AB 1482) established an annual rent increase cap of five percent plus inflation or ten percent, whichever is lower. AB 1482 also limited a property owner's ability to terminate a tenancy without just cause (as defined). AB 1482 does not prevent property owners from evicting tenants who are considered at-fault (i.e., certain lease violations, not paying rent).

AB 1482 does contain numerous exceptions in regards to what types of no-fault evictions are allowed, and what types of residential units are exempt.

Exempt residential rental properties include:

- Residential real property that is alienable separate from any other dwelling unit (e.g., single-family homes, condominiums, etc.), provided the owner is not a real estate investment trust, corporation, or an LLC where a member is a corporation and the owner has provided notice to the tenant(s) that the unit is not subject to AB 1482's protections.
- A tenant renting a room in owner-occupied unit where kitchen or bathroom facilities are shared.
- Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) where the owner lives in one of the units.
- Duplexes where the owner lives in one of the units.
- Housing subject to affordability covenants.

City staff often gets calls from Claremont residents asking whether their unit is subject to AB 1482 and/or ask how much their property owner is allowed to raise their rent, and unfortunately, we cannot give such advice to private residents. We encourage residents to read the full bill text if there are specific questions regarding AB 1482 exceptions.

Source:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482&search_keywords=rent+cap

When did AB 1482 go into effect?

AB 1482 went into effect on January 1, 2020. Several additional tenant protections were imposed by the State and by the County just two months later in response to the COVID-19 pandemic.

What is the status of the COVID-19 related state and county tenant protections?

While California's statewide COVID-related tenant protections ended in June 2022, LA County's were extended. These protections were approved by the LA County Board of Supervisors effective March 4, 2020; however, many of them recently expired on March 31, 2023. These protections applied to residential tenants, commercial tenants and

mobile home space renters in unincorporated Los Angeles County, as well as cities in the County that do not have a moratorium in place (so, they applied here in Claremont). More information on the few protections that remain in place can be found on the Los Angeles County Consumer and Business Affairs' website.

In March 2023, the LA County Board of Supervisors considered yet another motion to extend the COVID-related tenant protections to March 2024, but the motion did not pass.

Sources:

<https://dcba.lacounty.gov/noevictions/#:~:text=WHO%20QUALIFIED%20FOR%20NONPAYMENT%20OF,2022%20and%20March%2031%2C%202023> and

<https://calmatters.org/california-divide/2023/03/eviction-protection-la/>

What is the difference between “rent control” and “rent stabilization”?

Rent stabilization means that there are city (or state) determined limits on how much your rent can increase while you are renting. Rent stabilization is what AB 1482 is currently doing. Rent control would instead have a maximum from the city or state that caps that cost.

What have other local cities done recently in terms of rent stabilization?

Cities have the authority to adopt local tenant protections, as long as the local protections are consistent with the terms of AB 1482 and the local requirements are more protective than AB 1482.

In August 2022, the City of Pomona adopted an urgency ordinance imposing, among other tenant protections, temporary rent stabilization measures. Pomona's urgency ordinance temporarily limits annual residential rent increases to four percent or inflation, whichever is lower. The ordinance does not have an end date.

In the November 2022 general election, Pasadena voters approved a rent control and “just cause” for eviction measure (“Measure H”). Measure H limits rent adjustments in the City of Pasadena annually to 75% of the percentage increase in the Consumer Price Index (CPI) for multifamily rental units built before February 1, 1995; prohibits evictions from rental units, except for just cause based on 11 specified criteria; and creates an independent Rental Housing Board appointed by the City Council to oversee and adopt rules and regulations.

What other Los Angeles County cities have rent stabilization or rent control laws that are more protective than AB 1482?

- Baldwin Park – Rent is effectively limited to 5% per 12-month period (based on the Consumer Price Index) of the "base rent ceiling" (rent in effect on March 5, 2019, or if none the initial rent charged on the first day of tenancy).

- Bell Gardens – Rent increases are limited to 50% of the local CPI or 4%, whichever is less.
- Beverly Hills – Landlord may increase rent once every 12 months, limited to 3% of the current rent, or the regional Consumer Price Index (CPI), whichever is higher.
- Culver City – The rent as of October 30, 2020 on then-existing tenancies, or the initial rent charged on tenancies beginning thereafter, is the "base rate" from which increases are calculated. Increases are limited per 12-month period to the average annual change in the Consumer Price Index (CPI) with a cap of 5%; if the CPA increase is less than 2%, the cap is 2%. Property owners can petition for an increase above the cap amount.
- Inglewood – The base rent amount for calculations is the rent in effect on June 18, 2019 or the initial rent for tenancies starting thereafter. Only one increase is allowed every 12 months, calculated from the day the increase first takes effect. For residential properties with five or more units, the maximum increase is 3% or the cost of inflation (whichever is greater), as measured by the local CPI. The increase cannot exceed 10%. For residential properties with four or less units, the maximum increase is 5% PLUS the cost of inflation as measured by the local CPI. The increase cannot exceed 10%.
- City of Los Angeles – Only one rent increase is allowed every 12 months based upon the regional Consumer Price Index (CPI). Effective July 1, 2020, the annual allowable increase is 3%. In unincorporated Los Angeles, only one rent increase is allowed annually, based on the change in the regional Consumer Price Index (CPI) up to a total of 8% including pass-through costs and fees.
- Santa Monica – The Rent Control Board determines each year's increase ("General Adjustment" or GA). The Maximum Allowable Rent (MAR) for any unit is its base rent plus the increase allowed per the annual GA. A tenancy must be in place for at least one year before a GA is allowed. A GA may then be implemented the following September 1st or anytime thereafter.
- West Hollywood – Rent increases are limited to 75% of the increase in the regional Consumer Price Index (CPI) during the preceding 12 months.

Is it true that a property owner's tax can only go up 2% annually due to Proposition 13?

Proposition 13 limits increases in assessed value to no more than 2 percent per year until the property has a change in ownership or any new construction is completed at which time the property must be reassessed. The assessed value is the full cash or market value at the time of the purchase plus the incremental market value of each subsequent new construction. This proposition was approved on June 6, 1978 and took effect as of July 1, 1978.

Source: <https://www.propertytax.lacounty.gov/Home/GeneralFAQ/5>

What are some potential pros and cons of rent stabilization?

- Many tenants find it desirable to rent properties that are subject to rent control or rent stabilization because they know more or less what to expect in terms of rent increases and can budget/prepare appropriately. Because of this, tenants tend to stay longer-term (i.e., tenants stay more than a year because they do not need to leave to find somewhere within their budget).
- Rent control/stabilization may help to prevent displacement (i.e., people being “priced out” of a city where they have resided for many years) and/or housing instability (i.e., people are unable to secure a new rental unit due to lack of income/savings, poor credit, etc.).
- Reliable, long-term tenants can save landlords expenses such as:
 - The risk of having a vacant rental property;
 - Finding and screening new tenants on an annual basis; and/or
 - Evicting “bad” tenants.
- Throughout the nation, some renters have reported that rent control/stabilization may lead to lower-quality rental properties. If a unit is subject to rent control/stabilization, property owners may be less motivated or cannot afford to maintain the property.
- If rent is “capped”, the increases may not be equivalent to property tax increases and maintenance/utility expenses, which may cause property owners to scramble to make up the difference between their rental income and their property-related expenses.
- Rent control/stabilization create “profitability caps,” which will likely be a concern for existing property owners as well as potential property owners. A property owner may choose to sell their property to avoid the risk of losing money, and the new owner may not be interested in renting. This may lead to a decrease in rental housing supply.

What are some of the most recent rental housing units that have been developed in Claremont?

- 2023 – Old School House (OSH) Garden Apartments, 30 Unit project of which 16 units are moderate income restricted.
- 2011 – Jamboree Housing College Ave. Intergenerational Housing Project subsidized with Redevelopment Agency set aside funds.

What does Southern California Association of Governments (SCAG)’s data show about Claremont renters?

SCAG is a Joint Powers Authority under California state law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues.

In 2021, SCAG issued a Pre-Certified Local Housing Data report specific understanding housing need experienced in Claremont as a part of its 6th cycle housing element update. Across Claremont's 4,160 renter households (approximately 35% of total housing units in the city), 2,238 (53.8%) spend thirty percent or more of gross income on housing cost, compared to 55.3% in the SCAG region. Additionally, 1,126 renter households in Claremont (27.1%) spend fifty percent or more of gross income on housing cost, compared to 28.9% in the SCAG region. Renters who spend more than 30% of their gross income on housing are considered “rent-burdened” and those who spend more than 50% are considered “severely rent-burdened.”

The full report can be accessed here: <https://scag.ca.gov/sites/main/files/file-attachments/claremont-he-0421.pdf?1620799235>.

ATTACHMENT F – Summary of Listening Sessions

In February 2023, staff held two Tenant Protections Listening Sessions, which were open to property owners, tenants, and the general public. The first listening session was held in-person on February 8, 2023 and the second listening session was held via Zoom on February 15, 2023 for those who were unable to attend in-person. The structure of both listening sessions was the same – a brief staff presentation followed by open public comment. The presentation is available on the City’s website, for reference: <https://www.ci.claremont.ca.us/living/housing/tenant-assistance>.

February 8, 2023 (In-Person) Listening Session Summary

Number of Attendees (headcount taken by staff during meeting) – 56 people

Breakdown of Attendees

*Note: Sign-in sheets were placed in the back of the room and attendees were asked to sign in, but it was not required. This meeting was not recorded.

Of the 47 attendees who signed in...

- 14 identified as Renters
- 8 identified as Landlords
- 23 identified as “Other” (i.e., not a landlord or tenant)
- 2 did not identify as any category

Breakdown of Speakers

19 attendees spoke during the public comment period.

- 12 speakers identified themselves as renters or supporters of stronger tenant protections.
- 7 speakers identified themselves as landlords or landlord advocates.

February 8th Speaker Comments

*Note: These comments are summarized and are not verbatim.

Matthew: Matthew spoke on behalf of the California Apartment Association. Claremont will become LA if we adopt ordinances like LA – there will be more homelessness and run-down buildings. The housing crisis will still exist. Let AB 1482 work.

Rachel: Rachel has lived in Bonita Terrace since 2007, where they can still afford to live as a single-income family. Rents there are raised 2-4% annually; more when units are vacated. What is happening at Monarch Terrace Apartments could happen elsewhere. Claremont should adopt a fair ordinance to protect renters from money-

hungry outsiders. Tenants should receive adequate relocation fees and 120-day notice if they are being evicted at no-fault. Nothing in Claremont is affordable.

Kim: Kim lives in the Artisan Apartments and cannot afford 10% increases. That is not sustainable and as such she will need to move out of Claremont.

William: People need to consider the cost of maintaining a rental property, including small multi-family rentals. The cost of contractors has increased, as have utilities, insurance, and property tax. Rent control would result in reduced quality of rental housing. Both sides must be heard and considered.

Max: Max spoke on behalf of the Apartment Association of Greater Los Angeles, which is comprised of small family housing providers. Rent control does not create affordable housing. Housing needs to be more available. What can Claremont do to incentivize housing development? Max does not want undue stress on tenants or property owners. Rent control places all of the stress on property owners. Not all property owners are corporate investors. Housing supply is the key, as is rental assistance for renters.

Andrea: Andrea is a single mom with multiple sclerosis who has fled domestic violence. She is renting a place through Starpoint Properties and is being evicted.

Jose: Jose wants a permanent no-fault eviction ordinance in place as well as a rent stabilization ordinance. Property owners and tenants should work together to make this happen.

Stacey: Stacey is a realtor and a property manager here in Claremont. Evictions happen when a tenant does not pay rent. Property owners could not collect rent during COVID yet their costs have continued to increase. There are no resources for property owners like there are for tenants. Stacey just evicted a tenant after two and a half years of not receiving rent, which cost \$5,300 in court fees. She had to deplete her savings to keep a roof over someone else's head. Give AB 1482 an opportunity to work. Statistically, rent control does not work. There needs to be serious consideration for both tenants and property owners.

Gwen: Gwen spoke on behalf of Inclusive Claremont and 20 college students who stand in solidarity with renters. They want the most protective ordinances possible for renters. Students cannot afford to stay in Claremont after graduation. People like artists and college employees are being pushed out of Claremont.

Ilsa: Ilsa spoke on behalf of Housing Claremont. This is not an "us" vs. "them" issue. All of the tenant protection ordinances should address the housing crisis. Considerations do need to be made for both property owners and tenants. Housing Claremont supports reasonable rent increases. It is traumatic to feel "housing unstable." We need to be creative, bold, and thoughtful in our work together.

Andy: Andy is a member of Inclusive Claremont and he is considering building an ADU on his property. He plans to rent the ADU to pay for his mortgage. If the rent of the

ADU cannot cover his mortgage, then the ADU would be a burden. The definition of “no-fault eviction” should be further defined, as evictions are expensive. There needs to be considerations for property owners who cannot afford to rent their properties without adequate rental income. It is difficult to be fair on both sides.

Elaine: Elaine lives in Monarch Terrace Apartments where the new owners threatened to evict her so that they could remodel her unit. The new “luxury” units at Monarch Terrace are renting for three times the rate of the “old” units. The property manager is not addressing maintenance issues. The language in the ordinances should favor tenants. Elaine wants rent stabilization and stronger tenant protections. Renovations should only be allowed if they are needed for health and safety purposes and in those cases, current tenants should be given the first right of refusal.

Speaker: This speaker identified themselves as a new tenant in Claremont and a student who wants to stay here in Claremont after graduation. The speaker has a hard time understanding the 10% rent cap figure when wages do not increase that much each year. They have been involved in “union fights” in Claremont for living wages. People need better protections at work and at home, and the ordinances should reflect the strongest tenant protections possible. No new rental housing is being built in Claremont and that needs to be looked at as well.

Paul: Older buildings need a lot of work, which is a huge expense to property owners. Property owners in Claremont are fair and additional restrictions would hurt them. Every summer, the buildings at the colleges are vacated and rebuilt. There have been apartments and ADUs built in Claremont. If you impose additional restrictions on property owners, then they will raise rent as much as possible every year. Can you limit taxes for property owners if you limit rent increases for renters? Rent control would hurt the entire town.

Daryl: Daryl is a property owner who leases to high quality tenants in Claremont. The Monarch Terrace Apartments owner is a bad actor. Governor Newsom has mandated affordable housing and the City of Claremont needs to do a much better job at streamlining their development process. Daryl submitted an ADU permit application and has received horrible customer service from the City. The need for affordable housing is not being taken seriously in Claremont. Affordable housing will drive rents down.

Peter: Peter lives in Monarch Terrace Apartments. Peter will soon have two new neighbors due to his old neighbors being “reno-victed.” He is currently living off his savings to afford living at Monarch Terrace.

Lydia: Having a reasonable rent has allowed Lydia and her family to spend extra income in town. Lydia would like to codify the way that “good actor landlords” are already behaving in Claremont. She received rent increases throughout the COVID pandemic. Owner-occupied duplexes should be the only exemption from the “no fault eviction” ordinance; 20 units is too high. If a substantial remodel does occur, she would

like to see existing tenants get the “right of first refusal” at their current rental rate. Relocation expenses should account for more than first and last month’s rent and a security deposit. She also recommends a fee-generating rental registry so that the City can fund a Compliance Officer position to ensure that property owners are complying with ordinances/laws.

Octavio: Corporations are making it impossible to stay in this community. Claremont is not affordable and good tenants are not adequately protected. Teachers do not receive a 10% cost of living adjustment each year. Free resources are not protections for renters. The “no fault eviction loophole” should be closed by this city. Claremont Unified School District is losing students. Property owners and tenants are maintaining businesses in town. He would like to have the strongest tenant protections possible.

Emily: Emily supports the strongest tenant protections possible. The ordinances should not be balanced, they should favor tenants. Tenants face the possibility of homelessness and property owners do not. Larkin Place is proof that affordable housing is not possible in Claremont. Long-term solutions for housing affordability keep people in their homes.

February 15, 2023 (Virtual) Listening Session Summary

Number of Participants on Zoom – 20 people

Breakdown of Speakers

- 5 attendees spoke during the public comment period.
- 4 speakers identified themselves as renters or supporters of stronger tenant protections.
- 1 speaker identified himself as a landlord advocate.

February 15th Speaker Comments

*Note: These comments are summarized and are not verbatim. A recording of the virtual listening session is available on the City’s website:

<https://www.ci.claremont.ca.us/living/housing/tenant-assistance>.

Mike: Mike has been a renter for 32 years. He has lived in several locations and has had to move several times due to “no-fault” situations. It is stressful for renters when they have to move, especially when they have lived in a home for a long time. Rent caps should be lower, especially for seniors who are impacted by annual rent increases. Mike expressed that he is sympathetic to property owners who rely on rental income to survive.

Anne: Anne has had to move three times here in Claremont over the past three years. She cannot afford 10% annual increases. Claremont is becoming a giant dorm and 10% is not a realistic rental cap. Anne plans to move out of Claremont in 2024, and

although she works at Claremont High School, she cannot afford to stay here. She did not expect this when she moved here. Pasadena is more affordable than Claremont.

Lydia: Lydia would like tenant protections similar to those in Pasadena. She would like to see an updated permit process for substantial remodels to ensure that a scope of work is in place. She also recommends a fee-generating rental registry so that the City can fund a Compliance Officer position to ensure that property owners are complying with ordinances/laws. If a substantial remodel does occur, she would like to see existing tenants get the “right of first refusal” at their current rental rate. There also needs to be higher relocation assistance in the “no-fault eviction” ordinance.

Allison: Allison spoke on behalf of the San Gabriel Valley Tenants’ Alliance (SGVTA). Twenty units is too high of an exemption for the “no-fault eviction” ordinance. The only exemption should be owner-occupied duplexes. The City should support “mom and pop” property owners who want to make improvements but do not have the capital to do so. Substantial relocation assistance should be provided to tenants who are evicted at no-fault. The scope of work for substantial remodel evictions should be specific. SGVTA supports rent stabilization. Southern California Association of Governments’ (SCAG) data shows that Claremont renters are cost-burdened. Annual rental caps should be at 2%.

*Note: Below is a link to the SCAG data that Allison referenced.

SCAG So Cal Atlas: <https://rdp.scag.ca.gov/socal-atlas>

Bill: Bill spoke on behalf of the Citrus Valley Association of Realtors. California desperately needs more housing, including low and moderate-income housing. Property owners are in debt post-COVID. They need a decent return to continue to operate.

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Debbie Whyte [REDACTED]
Sent: Friday, April 14, 2023 9:10 AM
To: Adam Pirrie <apirrie@ci.claremont.ca.us>; jcostanza@ci.claremont.ca; Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>
Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,
Debbie Whyte

--
dw~

Melanie Martinez

Subject: FW: Documents to consider (drafting tenant ordinance)
Attachments: LA City Relocation-Assistance-English.pdf; Relocation-Assistance-FAQ-Revised-January-2023-RESOLUTION-version.pdf; LA city tenant protection ordinance.pdf; Keep LA Housed - LA City & County Tenant Protections_2.2.23.pdf

From: Claremont Tenants United [REDACTED]
Sent: Tuesday, April 11, 2023 10:28 AM
To: Katie Wand <kwand@ci.claremont.ca.us>
Subject: Fwd: Documents to consider (drafting tenant ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It looks like I accidentally left off the end of your email address the first time!

----- Forwarded message -----

From: Claremont Tenants United [REDACTED]
Date: Tue, Apr 11, 2023 at 10:22 AM
Subject: Documents to consider (drafting tenant ordinance)
To: [REDACTED] <apirrie@ci.claremont.ca.us>, <kwand@ci.claremont.ca.us>, <apatterson@ci.claremont.ca.us>

Hello, and good morning. Thinking about relocation assistance, the attached documents have tables showing the updated rates passed in the City of Los Angeles in January 2023 as well as what County of Los Angeles revised to for its unincorporated areas. (City of LA starts at \$9,200 and goes up to \$22,950 for qualified tenants over 3 years in residence.) (LA County starts as low as \$7,654 for a studio and goes up to \$21,411 for low-income 4 bedroom rentals) These figures more closely reflect the reality of what it takes for people to get resettled in a new place.

Notice that even single family home no-fault evictions are covered with relocation assistance. Landlords have to pay only one month's rent to the tenants being evicted from a single-family dwelling if they are a small landlord (defined as owning no more than 4 units total in the city and one single-family home), otherwise they pay the regular relocation assistance. Claremont should do the same for our renters.

Another crucial tenant protection is raising the monetary threshold for nonpayment of rent evictions. (At least a month's current fair market value rent behind)

Consider this: California foreclosure process puts a home loan in default officially around day 90. At 180 days, notice of trustee sale can be given, and then 20 days later, the bank can set the auction. This gives 200 days to owners to save their housing (or rental property). Currently, California law allows rental property owners to give a 3-day notice to pay or quit after the first day *any* amount of rent is missed by a tenant. Then if the full amount is not paid within the 3 days, they can file an unlawful detainer in court for nonpayment of rent. Unless the landlord wants to take partial payment, a renter could be removed from their home within 30 days for getting behind even a few hundred dollars. That is a huge discrepancy in how the laws currently work for people behind in their housing payments may be treated. Your proposed rental assistance program could

help keep renters housed during a temporary crisis, and so could raising the threshold for nonpayment of rent evictions, as LA has done.

Thanks for considering some more of these protections in Claremont's ordinance.



Los Angeles Housing Department
1200 W. 7th Street, Suite 100
Los Angeles, CA 90017

RELOCATION ASSISTANCE BULLETIN

All tenant not-at-fault evictions require payment of relocation assistance and the filing of a *Declaration of Intent to Evict* form with the Los Angeles Housing Department (LAHD) prior to evicting tenants from units covered by the Rent Stabilization Ordinance (RSO) or the Just Cause Ordinance (JCO). Failure to file the Landlord Declaration with the LAHD makes the eviction a violation of the RSO or JCO.

Not-At-Fault Reasons for Eviction

1. The landlord evicts for the occupancy for her/himself, spouse, grandchildren, children, parents or grandparents, or a resident manager (Los Angeles Municipal Code (LAMC) 151.09.A.8, 165.03.H.). Evictions for the purpose of resident manager occupancy are only allowed if required by law or an affordable housing covenant or regulatory agreement. Landlords must comply with the restrictions and requirements of LAMC Section 151.30.
2. The landlord seeks in good faith to recover possession of the rental unit to demolish, convert to a commercial use, or remove the rental unit from rental housing use (LAMC 151.09.A.10, 165.03.I). For RSO units, these are considered Ellis Act (California Government Code 7060.4) evictions and the landlord must comply with the requirements of LAMC 151.22-151.28.
3. The landlord seeks to recover possession of the rental unit to complete substantial remodel, provided the landlord has secured permits necessary and served a copy of them with a written termination notice stating the reason for termination, the type of scope of the work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place and why the work requires the tenant to vacate for at least 30 days. "Substantially remodel" shall have the same meaning as the term is defined in California Civil Code Section 1946.2. This is only for units which are subject to JCO and not for RSO units. (LAMC 165.03.I.(2))
4. The landlord evicts to comply with a governmental agency's Order to Vacate (LAMC 151.09.A.11, 165.03.J.). Landlords must file a Landlord *Declaration of Intent to Evict* prior to giving notice to tenants. A copy of the notice must also be filed with LAHD no later than 3 days after it is served. Notices can only be served after the landlord files the Declaration.
5. The Secretary of Housing and Urban Development is both the owner and plaintiff and seeks to recover possession to vacate the property prior to sale (LAMC 151.09.A.12, 165.03.K.).
6. Residential Hotel Unit conversion or demolition (LAMC 151.09.A.13, 165.03.L.).
7. The landlord seeks to recover possession of the rental unit to convert the subject property to an affordable housing accommodation (LAMC 151.09.A.14, 165.03.M.).
8. The landlord demolishes the property or converts the use of the property to condominiums, stock cooperatives, community apartment projects, hotels and commercial uses, regardless of whether the property is subject to the RSO OR JCO (LAMC 47.06 & 47.07).



Relocation Assistance Bulletin

How Much Relocation Assistance Is Required?

The amount of relocation fees due to the tenant by the landlord depends on whether the tenant is an **eligible** or **qualified** tenant, the length of tenancy, and the tenant's income. Relocation Assistance is paid per unit, not per tenant. For relocation amounts, refer to the Relocation Assistance and the HUD Low Income Limits charts on page 3.

- **Qualified tenant** - A qualified tenant is any tenant who on the date of service of the written notice of termination is 62 years of age or older; handicapped, as defined in Section 50072 of the California Health and Safety Code, or disabled, as defined in Title 42 of the United States Code, Section 423; or who has one or more minor dependent children (as determined for federal income tax purposes).
- **Eligible tenant** - Unless a tenant is a qualified tenant as explained above, the tenant is an eligible tenant and is entitled to receive a relocation assistance amount that depends on length of time in the unit and income.
- **Low Income Tenant** - A tenant whose income is 80 percent or less of the Area Median Income, as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of the length of tenancy.
- **Mom and Pop properties** may pay reduced relocation assistance payments to their tenants for a good faith eviction for occupancy by the owner or eligible relative, provided that requirements in Section 151.30 of the LAMC are met. Only for evictions for occupancy by owner, family or manager.
- **Single Family Dwellings Owned by Natural Persons** When the residential real property is a single-family dwelling subject to the JCO and the owner is a natural person, including natural persons who hold properties in a trust or registered legal entity controlled by that natural person, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles: one month's rent that was in effect when the landlord served the written notice to terminate the tenancy, as either a monetary payment or credit. Los Angeles Municipal Code Section 151.30(E) shall not apply. (LAMC 165.06.A.(6)).

The reduced fee for Mom and Pop properties applies, if all of the following conditions exist:

1. The building containing the rental unit contains four or fewer rental units;
2. The landlord has not utilized this provision during the previous three years;
3. The landlord owns no more than four units of residential property and a single-family home on a separate lot in the City of Los Angeles; and
4. Any eligible relative for whom the landlord is recovering possession of the rental unit does not own residential property in the City of Los Angeles.



Relocation Assistance Bulletin

Relocation Assistance Amounts

Effective July 1, 2022 through June 30, 2023

Tenant Household	Tenants with Less Than 3 Years	Tenants with 3 or More Years	Tenants Qualifying Under HUD Low Income Limits	Tenants Renting Units in Mom & Pop Properties	Single Family Dwelling owned by natural person (JCO only)
Eligible Household	\$9,200	\$12,050	\$12,050	\$8,850	One month's equivalent of tenant's rent
Qualified Household	\$19,400	\$22,950	\$22,950	\$17,850	

2022 HUD Low Income Limits for Los Angeles (Formerly known as 80% of AMI)

Household Size	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Income Limit	\$66,750	\$76,250	\$85,800	\$95,300	\$102,950	\$110,550	\$118,200	\$125,800

A tenant whose income is 80 percent or less of the Area Median Income, as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development. (Effective April 18, 2022)

How and When Shall Landlords Provide Payment

The Ordinance requires that relocation assistance payments be made as follows:

1. The entire fee shall be paid to a tenant who is the only tenant in a rental unit.
2. If two or more tenants occupy a rental unit, then each tenant shall be paid an equal pro-rata share of the fee.
3. If more than one fee payment amount applies to a unit, the landlord pays the higher amount for the unit.

The Ordinance requires timely relocation assistance payments as follows:

1. Payment shall be made available within fifteen (15) days of service of the written notice of eviction; however,
2. The landlord may, at the landlord's sole discretion and at the landlord's cost, elect to pay the monetary relocation benefits through an escrow account. The monies must be placed in the escrow account within the required 15-day period. The escrow account must provide for payments to the tenant(s) for actual relocation expenses incurred by the tenant prior to vacating the unit for the following relocation expenses: first and last month's rent; security deposit; utility connection charges; moving expenses. Payments from the escrow account shall be made within three (3) working days of receiving a request for payment. The remaining balance of the escrow account shall be disbursed upon certification of vacation of the rental housing unit. (Refer to bulletin *How to Set-Up Relocation Escrow Accounts* or RAC Regulations, Section 960.0



Relocation Assistance Bulletin

Exemptions from Relocation Assistance Payments

Landlords are exempt from paying relocation assistance when:

1. Evicting a resident manager to replace him/her with another resident manager. If the resident manager is a *Manager-Tenant* receiving free or reduced rent with no other compensation, he/she may be entitled to relocation assistance. (See RAC Regulations 920.00, Managers as Tenants.)
2. They are required to evict due to hazardous conditions caused by a natural disaster and, therefore, not caused by any negligence on the part of the landlord.
3. Relocation Offset: A landlord may offset the tenant's accumulated rent against any relocation assistance, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling. (LAMC 151.09.G,5., 165.06.J.).

Administrative Fees Related to Relocation Assistance

1. All landlords who file an application which requires relocation assistance to be provided to tenants shall pay the *Relocation Service Fee*, according to the tenants Eligible or Qualified status AND a *Relocation Administrative Fee* per rental unit.
2. All property owners that seek the LAHD's clearance of a Planning or Building and Safety Department demolition permit shall pay a *Demolition Monitoring Administrative Fee*.
3. Requests for a hearing to appeal a decision regarding a tenant's relocation assistance eligibility for higher relocation assistance based on a tenant's income, age, length of tenancy, family status and/or disability status must be filed along with the *Relocation Assistance Dispute Resolution Fee* (LAMC 151.09.G, 165.06.C.).
4. When the termination of tenancy is due to recover possession of the rental unit for use of occupancy as a primary place of residence by the landlord, landlord's qualified family member, or resident manager, the landlord shall pay an administrative fee for the filing of the application (LAMC 151.09.C.2, 165.06.F.).

FEE TYPE	FEE PER UNIT
Relocation Service Fee for Eligible Tenants	\$522
Relocation Service Fee for Qualified Tenants	\$840
Relocation Service Administrative Fee	\$72
Demolition Monitoring Administrative Fee	\$45
Relocation Assistance Dispute Resolution Fee	\$300
Landlord Declaration for Owner, Eligible Relative, or Resident Manager Occupancy Filing Fee	\$75



Relocation Assistance Bulletin

RELOCATION ASSISTANCE QUESTIONS

Can a tenant request relocation fees and services prior to being served with a Notice to Terminate Tenancy, if a tentative parcel or tract map for a condominium conversion has been approved?

If a tentative parcel or tract map for a condominium conversion has been approved by the City of Los Angeles Planning Department, the tenant may elect to relocate without receiving a *Notice to Terminate Tenancy* from the landlord (LAMC Sec. 47.06.D.2). The landlord, however, is still responsible for the payment of relocation assistance in these cases.

How and where do I establish an escrow account, if I choose to do so?

The landlord may place the escrow account in any bank, savings and loan association, or credit union with federal deposit insurance, or with any broker who is licensed by the California Corporate Commission, or with a client trust account of an attorney currently eligible to practice law in California pursuant to the records of the State Bar of California that is reasonably accessible to the tenant(s) during normal business hours. (RAC Regulations, Section 960.00.)

On what basis does a tenant file a complaint, and how?

Non-payment dispute - In an action by the landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense the failure of the landlord to provide relocation assistance. Complaint forms may be obtained and filed with the LAHD for illegal eviction when the landlord has not provided relocation assistance.

Escrow Dispute - Where there is an escrow dispute, dispute notices must be sent to the LAHD by the escrow holder. A copy of the escrow instructions must accompany the notice. (RAC Regulations, Section 967.00.)

THIS INFORMATION IS OFFERED FREE OF CHARGE TO THE GENERAL PUBLIC.

While this publication is designed to provide accurate and current information about the law, readers should consult an attorney or other expert for advice in particular cases, and should also read the relevant statutes and court decisions when relying on cited material. Laws and guidelines are frequently amended. The LAHD recommends that you verify information in the event that new changes are not yet reflected in this publication. The LAHD does not assume and hereby disclaims any liability to any party for any loss, damage, or disruption caused by errors or omissions, whether such errors or omissions result from negligence, accident, or any other cause.

AUXILIARY AIDS AND SERVICES: "As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities."



Los Angeles County Relocation Assistance FAQs

What is Relocation Assistance?

Relocation assistance is a benefit that a landlord may be required to provide residential tenants who are being displaced from their rental units (units) due to no fault of their own. Relocation assistance can be in the form of money, a comparable accommodation, and/or services from an experienced relocation specialist in locating a new place to live, such as assisting with applications and discussing housing needs – all provided at the landlord's own expense.

Who qualifies for relocation assistance?

Tenants who live in units subject to the County's Rent Stabilization and Tenant Protections Ordinance (RSTPO) ([Chapter 8.52](#)) and who are being evicted for a "No-Fault" reason are entitled to permanent relocation assistance. Additionally, residential tenants covered under the [COVID-19 Tenant Protections Resolution](#) who are being displaced due to a landlord or landlord's family member move-in are entitled to permanent relocation assistance.

What does it mean to be permanently displaced?

A tenant is **permanently displaced** if they are evicted for a No-Fault reason such as:

- A landlord or landlord family member move-in
- Withdrawal of the rental unit from the rental market (Ellis Act*); or
- Compliance with a government or court order.

**NOTE: Ellis Act evictions are prohibited while the Resolution is in effect.*

How much relocation assistance do permanently displaced tenants get?

The amount of relocation assistance paid shall be an amount as set forth in the regulations, executive orders, or municipal code of the local jurisdiction within which the unit is located. If no relocation assistance requirements are offered by the local jurisdiction for landlord or landlord family member move-in eviction, landlords shall pay the tenant relocation assistance as set forth in [Section 8.52.110 of the County Code](#).

Permanent relocation assistance is based on the size of the unit and not the number of tenants in the unit. However, if there is a Qualified or Lower-Income tenant in the household, landlords must pay the Qualified or Lower-Income relocation assistance amount.

Displaced tenants are eligible for the following relocation assistance amounts, per



LOS ANGELES COUNTY
CONSUMER & BUSINESS AFFAIRS
 Housing & Tenant Protections

tenant household:

LA County Permanent Relocation Assistance Amounts					
TYPE	Studio	1 Bedroom	2 Bedrooms	3 Bedrooms	4+ Bedrooms
Standard	\$7,654	\$8,662	\$10,797	\$13,115	\$14,759
Seniors, Minors, Terminally ill, Persons w/ Disabilities	\$9,272	\$10,675	\$13,359	\$16,043	\$17,995
Lower-Income Household	\$10,980	\$12,688	\$15,921	\$18,971	\$21,411

Who is considered a Qualified or Lower-Income tenant?

Tenants who are 62 years of age or older, persons with disabilities, terminally ill, or households with children under the age of 18 are considered Qualified. Lower-Income tenants are defined by the California Health and Safety Code Section 50079.5.




When will tenants receive the relocation assistance payment?

Landlords must provide tenants a direct payment or access to the funds in an established escrow account at the same time a notice of termination of tenancy is served on the tenant. The method of payment (escrow or direct) should be mutually agreed upon in writing by both the landlord and tenant.

What happens if there are disagreements about the relocation assistance tenants are eligible to receive?

Please contact the Department of Consumer & Business Affairs for further assistance.

Questions?

-  (800) 593-8222
-  Rent@dcba.lacounty.gov
-  320 West Temple Street Room G-10, Los Angeles, California 90012
 Attention: Rent Stabilization Program

Disclaimer: This is a brief summary of information related to the LA County Rent Stabilization and Tenant Protections Ordinance. It is not legal advice. Readers should consult an attorney for advice on how the Ordinance applies in their particular case. Laws and guidelines are frequently amended. DCBA recommends that readers verify information against the current Ordinance in the event that any new changes are not yet reflected in this bulletin.



187737
ORDINANCE NO. _____

An ordinance adding Article 5 to Chapter XVI of the Los Angeles Municipal Code prohibiting terminations of tenancies without just cause and requiring relocation assistance for no-fault evictions, as specified; amending the Rent Stabilization Ordinance's provisions on resident manager evictions, tenant notifications, and relocation assistance; and repealing duplicative or expired provisions of the Los Angeles Municipal Code relating to evictions.

WHEREAS, the City of Los Angeles is experiencing a rental housing shortage and a humanitarian crisis of homelessness at unprecedented levels;

WHEREAS, the City's Rent Stabilization Ordinance ("RSO"), Chapter XV of the Los Angeles Municipal Code, has helped stabilize rents and provide eviction protections to over 640,000 households citywide;

WHEREAS, the California legislature passed the Tenant Protection Act of 2019, Assembly Bill 1482 ("TPA"), which prohibits evictions without "just cause" and owners of residential rental property from increasing rents more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower, per year;

WHEREAS, the TPA provides renter protections to approximately 138,000 households in the City that are not protected by the RSO;

WHEREAS, the TPA implemented modest eviction protections for rental units built more than 15 years ago and does not protect all residential tenants;

WHEREAS, the TPA permits municipalities to adopt local ordinances with greater tenant protections;

WHEREAS, the City of Los Angeles wishes to provide stronger tenant protections citywide to protect renters from displacement and homelessness and to promote housing and neighborhood stability; and

WHEREAS, the City of Los Angeles wishes to extend just cause eviction protections to residential rental properties citywide.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 5 is added to Chapter XVI of the Los Angeles Municipal Code to read as follows:

ARTICLE 5

JUST CAUSE FOR EVICTION ORDINANCE

SEC. 165.00. TITLE.

This Article shall be known as the Just Cause for Eviction Ordinance of the City of Los Angeles.

SEC. 165.01. FINDINGS AND DECLARATION OF PURPOSE.

Displacement through arbitrary evictions affects the public health, safety and welfare of Los Angeles residents. Evictions destabilize communities by disrupting longstanding community networks, uprooting children from their schools, forcing low-income residents to pay unaffordable relocation costs, and pushing City residents away from important public services. Additionally, arbitrary evictions are a key driver of homelessness.

Approximately 76 percent of the multi-family rental units in the City of Los Angeles are regulated by the Rent Stabilization Ordinance ("RSO"), which protects renters from excessive rent increases and arbitrary evictions. The Tenant Protection Act of 2019 ("TPA"), codified at California Civil Code Sections 1946.2, 1947.12, and 1947.13, provides some protections against price gouging and evictions that did not previously exist for the approximately 138,000 households not covered by the RSO. Hundreds of thousands of Los Angeles households are not protected under either law.

Accordingly, the City adopts this Ordinance to provide just cause eviction protections to renters city-wide.

The TPA provides that municipalities may adopt protections after September 1, 2019, that are consistent and more protective than those provided under California Civil Code Section 1946.2. The local municipality must also make a binding finding that its ordinance is more protective than the provisions of Civil Code Section 1946.2. The City finds that this Ordinance is consistent with Civil Code Section 1946.2 and is more protective than Civil Code Section 1946.2 by further limiting the reasons for termination of a residential tenancy, providing for higher relocation assistance amounts, and providing additional tenant protections that are not prohibited by any other provision of law.

SEC. 165.02. DEFINITIONS.

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

Department. The Los Angeles Housing Department and any successor department.

Landlord. An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who is entitled to offer residential real property for rent, receive rent for the use or occupancy of residential real property, or maintain an action for possession of residential real property, or the agent, representative or successor of any of the foregoing.

Qualified Tenant. Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination: aged 62 or older; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Title 42 United States Code § 423; or a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children.

Rent. The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of residential real property, including, but not limited to, monies demanded or paid for the following: meals when required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.

Residential real property. Any dwelling or unit that is intended for human habitation.

Tenant. A tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of residential real property.

SEC. 165.03. JUST CAUSE EVICTIONS.

A landlord shall not terminate a tenancy unless it is based upon one or more of the following grounds:

- A. The tenant has defaulted in the payment of rent.
- B. The tenant has violated a lawful obligation or covenant of the tenancy and has failed to cure the violation after having received written notice from the landlord, except when:
 - (1) The obligation requires the surrendering of possession upon proper notice.
 - (2) The obligation limits the number of occupants if the additional occupant is one or more minor dependent children or one adult. The landlord has the right to approve the additional adult occupant provided that approval is not unreasonably withheld.

(3) The obligation is based on a change in the terms of the tenancy that is not the result of an express written agreement signed by both of the parties. For purposes of this subsection, a landlord may not unilaterally change the terms of the tenancy under California Civil Code Section 827 and then evict the tenant for the violation of the added covenant unless the tenant has agreed in writing to the additional covenant. The tenant must knowingly consent, without threat or coercion, to each change in the terms of the tenancy. A landlord is not required to obtain a tenant's written consent to a change in the terms of the tenancy if the change in the terms of the tenancy is authorized by federal, state, or local law. Nothing in this paragraph shall exempt a landlord from providing legally required notice of a change in the terms of the tenancy.

(4) A landlord shall not change the terms of a tenancy to prohibit pets and then evict the tenant for keeping a pet kept and allowed prior to the change, unless the landlord can establish that the pet constitutes a nuisance and the nuisance has not been abated upon proper notice to the tenant.

C. The tenant is committing or permitting to exist a nuisance in or is causing damage to residential real property, appurtenances or common areas of residential real property, or is creating an unreasonable interference with the comfort, safety, or enjoyment of other residents of the rental complex or within a 1,000 foot radius extending from the boundary line of the rental complex.

D. The tenant is using or permitting use of residential real property, common areas, or an area within a 1,000 foot radius from the boundary line of the rental complex for an unlawful purpose. The term "unlawful purpose" does not include the use of housing accommodations that lack a legally-approved use or that has been cited for occupancy or other housing code violations.

E. The tenant had a written lease that terminated on or after the effective date of this Article, and after a written request or demand from the landlord, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this Article or any other provision of law.

F. The tenant has refused the landlord reasonable access to the residential real property for the purpose of making repairs or improvements, for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the residential real property to any prospective purchaser or mortgagee.

G. The person in possession of residential real property at the end of a lease term is a subtenant not approved by the landlord.

H. The landlord seeks in good faith to recover possession of residential real property for use and occupancy as a primary place of residence by:

- (1) The landlord; or
- (2) The landlord's spouse, domestic partner, grandchildren, children, parents, or grandparents; or
- (3) A resident manager when a residential manager, janitor, housekeeper, caretaker, or other responsible person is required to reside upon the premises by law or under the terms of an affordable housing covenant or regulatory agreement.

Landlords seeking to recover possession under this subdivision must comply with the restrictions and requirements of Los Angeles Municipal Code Section 151.30.

I. The landlord seeks in good faith to recover possession of residential real property under the following circumstances:

- (1) to demolish the residential real property.
- (2) to substantially remodel the residential real property, provided the landlord has secured permits necessary to substantially remodel the residential real property from applicable government agencies, and served a copy of the permits with a written termination notice stating the reason for termination, the type and scope of the work to be performed, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work requires the tenant to vacate the residential real property for at least 30 days. "Substantially remodel" shall have the same meaning as the term defined in California Civil Code Section 1946.2.
- (3) to withdraw the residential real property permanently from rental housing use when the landlord is withdrawing from rent or lease all residential real property on the same parcel of land.

J. The landlord seeks in good faith to recover possession of residential real property to comply with a court order or governmental agency's order to vacate, order to comply, order to abate, or any other order that necessitates vacating the residential real property.

K. The Secretary of Housing and Urban Development seeks to recover possession to vacate the property prior to sale and has complied with all tenant notification requirements under federal law and administrative regulations.

L. The residential real property is in a Residential Hotel, and the landlord seeks to recover possession to Convert or Demolish the unit, as those terms are

defined in Article 7.1 of Chapter IV of this Code. A landlord may recover possession only after the Los Angeles Housing Department has approved an Application for Clearance under Article 7.1 of Chapter IV of this Code.

M. The landlord seeks to recover possession of residential real property for conversion to affordable housing accommodations.

"Affordable housing accommodations" means housing accommodations with a government imposed regulatory agreement that has been recorded with the Los Angeles County Recorder, or which shall be recorded within six months of the filing of an exemption pursuant to this subdivision with the Department, guaranteeing that the housing accommodations will be affordable to either lower income or very low income households for a period of at least 55 years, with units affordable only to households with an income at 60 percent of the Area Median Income or less. None of the subject housing accommodations shall be affordable only to households with incomes greater than 60 percent of the Area Median Income, as these terms are defined by the U.S. Department of Housing and Urban Development. "Lower Income or very low income households" is defined according with California Health and Safety Code Sections 50079.5 and 50105.

To recover possession of residential real property under this subdivision, the landlord must first obtain an exemption from the Department indicating satisfaction of the following conditions:

(1) the housing accommodations are only available to lower income or very low income households with none of the subject accommodations affordable only to households with income greater than 60% of Area Median Income; and,

(2) the rent levels conform to the amounts set by the U.S. Department of Housing and Urban Development, or the California Department of Housing and Community Development, as applicable, based on the public funding source for the subject accommodations.

The Department shall have the authority to revoke an exemption issued pursuant to this subdivision for failure to adhere to any of the conditions for an exemption set forth in this subdivision.

If the landlord fails to record a government imposed regulatory agreement within six months of the filing of the affordable housing exemption with the Department, and the landlord seeks to offer the residential real property for rent or lease, the landlord shall first offer to rent or lease the unit to the tenant displaced from that unit pursuant to this subdivision, provided that the tenant advised the landlord in writing within 30 days of displacement of the tenant's desire to consider an offer to renew the tenancy and provided the landlord with an address to which that offer is to be directed. The tenant may subsequently advise the landlord of a change of address to which an offer is to be directed. A landlord who re-offers the unit pursuant to the provisions of this subdivision

shall deposit the offer in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant at the address furnished to the landlord as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance to the Department or deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

N. The landlord seeks to recover possession of residential real property for conversion to non-residential use.

SEC. 165.04. APPLICABILITY.

This Article shall not apply until the expiration of an initial original lease or after six months of continuous and lawful occupancy, whichever comes first, or to the following types of residential real properties or residential circumstances:

(A) Rental units subject to the Rent Stabilization Ordinance.

(B) Transient and tourist hotel occupancy as defined in Subdivision (b) of California Civil Code Section 1940, unless the landlord violates California Civil Code Section 1940.1 to maintain transient occupancy status.

(C) Housing accommodations in any hospital, asylum, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the California Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

(D) Housing accommodations in a fraternity or sorority house or any housing accommodation owned and operated by an institution of higher education, a high school, or elementary school for occupancy by students.

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

(F) A dwelling unit in a nonprofit stock cooperative while occupied by a shareholder tenant of the nonprofit stock cooperative.

(G) Housing accommodations in limited equity housing cooperatives, as defined in California Civil Code Sections 817 and 817.1, when occupied by a member tenant of the limited equity housing cooperative. However, if the cooperative acquired the property pursuant to California Government Code Section 54237(d), then all dwellings in the limited-equity housing cooperative shall be exempt from this Article.

(H) Housing accommodations in an Interim Motel Housing Project pursuant to Los Angeles Municipal Code Section 14.00(A)(12). This exception shall apply only to housing accommodations that have been issued an exemption by the Department indicating satisfaction of the following conditions:

(1) the housing accommodations are subject to and operating in accordance with a Supportive Housing or Transitional Housing contract; and

(2) any tenant remaining in the housing accommodations at the commencement of the Supportive Housing or Transitional Housing contract shall be afforded all rights and protections provided by this Article.

The Department shall have the authority to revoke an exemption issued pursuant to this subdivision for failure to adhere to any of the conditions for an exemption set forth in this subdivision.

This exemption shall be deemed automatically revoked upon termination of the Supportive Housing or Transitional Housing contract or failure to operate in accordance with the Supportive Housing or Transitional Housing contract.

(I) Housing accommodations in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(J) Housing accommodations in a nonprofit facility that provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in permanent housing and when occupancy is restricted to a limited and specific period of time of not more than twenty-four (24) months and when the client has been informed in writing of the temporary or transitional nature of the housing at its inception.

(K) Occupancy in a housing accommodation leased by or otherwise paid for by a government entity or agency with the primary purpose of helping homeless persons obtain temporary or transitional housing.

(L) Housing accommodations owned and operated by the Los Angeles City Housing Authority, or housing accommodations owned, operated, or managed by any other government unit, agency, or authority and which are specifically exempted from municipal regulations on evictions by state or federal law or administrative regulation, or housing accommodations specifically exempted from municipal regulations on evictions by state or federal law or administrative regulation.

SEC. 165.05. NOTICES.

A. A landlord of residential real property subject to this Article shall provide notice of the protections of this Article as follows:

(1) For any tenancy commenced or renewed on or after the effective date of this Article as a written notice to the tenant.

(2) The landlord shall post a notification in a form prescribed by the Department in an accessible common area of the property.

B. In any action to recover possession of residential real property, the landlord shall serve on the tenant a written notice setting forth the reasons for the termination. The written notice shall be as described in Civil Code Section 1946 or Code of Civil Procedure Sections 1161 and 1161a. The notice shall be given in the manner prescribed by Code of Civil Procedure Section 1162 and must also comply with the following:

(1) When the termination of tenancy is based on any of the grounds set forth in Section 165.03(B) through 165.03(G), the termination notice must set forth specific facts to permit a determination of the date, place, witnesses and circumstances concerning the eviction reason.

(2) When the termination of tenancy is based on the grounds set forth in Section 165.03(H), the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department identifying the person to be moved into the residential real property, the date on which the person will move in, the rent presently charged for the residential real property, and the date of the last rental increase. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162. When filing the declaration, the landlord shall pay an administrative fee in the amount of \$75. The fee shall pay for the cost of administering and enforcing the provisions of Los Angeles Municipal Code Section 151.30.

(3) When the termination of tenancy is based on any of the grounds set forth in Section 165.03(I) or 165.03(K) through 165.03(N), the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department stating the reason for eviction. This declaration shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(4) When the termination of tenancy is based on the ground set forth in Section 165.03(J), then the landlord shall file with the Department a declaration on a form and in the number prescribed by the Department stating that the landlord intends to evict in order to comply with a court order or governmental agency's order to vacate residential real property. The landlord shall attach a

copy of the order to this declaration. This notice shall be served on the tenant in the manner prescribed by Code of Civil Procedure Section 1162.

(5) A copy of any written notice terminating a tenancy shall be filed with the Department within three business days of service on the tenant.

SEC. 165.06. RELOCATION ASSISTANCE.

A. If the termination of tenancy is based on any of the grounds set forth in Sections 165.03(H) through 165.03(N), then the landlord shall pay relocation assistance to the tenant as follows:

(1) For tenants who resided at the residential real property for fewer than three years: \$19,400 to qualified tenants and \$9,200 to all other tenants;

(2) For tenants who resided at the residential real property for three years or longer: \$22,950 to qualified tenants and \$12,050 to all other tenants;

(3) For tenants whose household income is 80% or below Area Median Income (AMI), as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of length of tenancy: \$22,950 to qualified tenants and \$12,050 to all other tenants.

(4) The amounts of relocation in Sections 165.06(A)(1) through 165.06(A)(3) do not apply if lower relocation assistance is applicable under Los Angeles Municipal Code Section 151.30(E).

(5) Relocation fees owed to terminate tenancies under Section 165.03(K) or 165.03(M) shall be based on the applicable provisions of the Uniform Relocation Act, California Relocation Assistance Act, or the amounts set forth in this section, whichever is greater.

(6) When the residential real property is a single-family dwelling and the owner is a natural person, including natural persons who hold properties in a trust or registered legal entity controlled by that natural person, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles: one month's rent that was in effect when the landlord served the written notice to terminate the tenancy, as either a monetary payment or credit. Los Angeles Municipal Code Section 151.30(E) shall not apply.

(7) If more than one relocation assistance payment applies, the landlord shall pay the highest of the applicable payment. Nothing relieves the landlord from the obligation to provide relocation assistance pursuant to City administrative agency action or any other provision of local, state or federal law. If a tenant is entitled to monetary relocation benefits pursuant to City administrative agency action or any provision of local, state or federal law, then

those benefits shall operate as a credit against any fee required to be paid to the tenant under this section.

B. Tenants who claim eligibility based on their income shall file a statement with the Department verifying their income on a form prescribed by the Department.

C. Requests for a hearing to appeal a decision regarding a tenant's relocation assistance eligibility, including disputes about eligibility for higher relocation assistance based on a tenant's income, age, length of tenancy, family status or disability status, must be filed in writing on the form prescribed by the Department and received by the Department within 15 calendar days of the date of the Department's notification of its decision regarding tenant relocation assistance. The Department shall charge a fee of \$300 for any hearing request to pay for the cost of the appeal hearing.

D. The payment amounts shall be adjusted on an annual basis pursuant to the formula set forth in Los Angeles Municipal Code Section 151.06.D. The adjusted amount shall be rounded to the nearest \$50 increment.

E. Relocation assistance payments to the tenant shall be made as follows:

(1) The entire fee shall be paid to a tenant who is the only tenant in the residential real property.

(2) If the residential real property is occupied by two or more tenants, then each tenant shall be paid an equal, pro-rata share of the fee.

F. If the termination of tenancy is based on the grounds set forth in Section 165.03(H), 165.03(I), 165.03(J), 165.03(K), or 165.03(N), then the landlord shall also pay the City a fee for the purpose of providing relocation assistance by the City's Relocation Assistance Service Provider, as defined in Los Angeles Municipal Code Sections 47.06.B. and 47.07.B. The fee shall be \$840 for each unit occupied by a qualified tenant and \$522 for each unit occupied by other tenants, and an additional \$72 per unit to pay for the administrative costs associated with this service. The fees may be increased in an amount based on the Consumer Price Index - All Urban Consumers averaged for the first 12-month period ending September 30, of each year, as determined and published by the Los Angeles Housing Department on or before May 30, of each year, pursuant to Los Angeles Municipal Code Section 151.07.A.6. The Relocation Assistance Service Provider will provide the relocation assistance services listed in Los Angeles Municipal Code Sections 47.06.D and 47.07.D. These fees shall not be charged when Section 165.06(A)(6) applies.

G. The landlord shall perform the acts described in this section within 15 days of service of a written notice of termination described in California Civil Code Section 1946. The landlord may in its sole discretion elect to pay the monetary relocation benefits pursuant to this section to an escrow account to be disbursed to the tenant upon certification of vacation of the unit. The escrow account shall provide for the

payment prior to vacation of all or a portion of the monetary relocation benefits for actual relocation expenses incurred or to be incurred by the tenant prior to vacation, including but not limited to security deposits, moving expense deposits and utility connection charges. Rent Adjustment Commission Regulations governing Relocation Assistance Escrow Accounts, Section 960.00 et seq., shall govern the establishment of escrow accounts, disbursements, disputes, and closure.

H. Any tenant subject to displacement because of a notice to vacate or other order requiring the vacation of an unpermitted dwelling unit in violation of the municipal code or any other provision of law, when the landlord has had a reasonable opportunity to correct the violation, shall be entitled to relocation payable by the landlord to the tenant within 15 days of service of the written notice of termination of the tenancy in accordance with this section.

I. No relocation assistance payment shall be required in the following circumstances:

(1) The landlord seeks in good faith to recover possession of the residential real property for use and occupancy by a resident manager, provided that the resident manager is replacing the existing resident manager in the same unit.

(2) The Department determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

J. A landlord may offset the tenant's accumulated rent against any relocation assistance due under this section, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling.

SEC. 165.07. REMEDIES.

In any action by a landlord to recover possession of residential real property, the tenant may raise as an affirmative defense the failure of the landlord to comply with this Article. In addition, any landlord who fails to provide monetary relocation assistance as required by Section 165.06 shall be liable in a civil action to the tenant to whom such assistance is due for damages in the amount the landlord has failed to pay, together with reasonable attorney fees and costs as determined by the court. Violations of this Article shall be a misdemeanor.

SEC. 165.08. RENT ADJUSTMENT COMMISSION.

The Rent Adjustment Commission shall have the authority to promulgate policies, rules and regulations to effectuate the purposes of this Article. All such rules

and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication.

The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to effectuate the purposes of this Article.

Sec. 2. Paragraph (c) of Subdivision 8 of Subsection A of Section 151.09 of the Los Angeles Municipal Code is amended to read as follows:

(c) A resident manager when a residential manager, janitor, housekeeper, caretaker, or other responsible person is required to reside upon the premises by law or under the terms of an affordable housing covenant or regulatory agreement.

Sec. 3. Subdivision 9 is added to Subsection C of Section 151.09 of the Los Angeles Municipal Code as follows:

9. A copy of any written notice terminating a tenancy shall be filed with the Department within three business days of service on the tenant.

Sec. 4. Subdivision 5 is added to Subsection G of Section 151.09 of the Los Angeles Municipal Code as follows:

5. The landlord may offset the tenant's accumulated rent against any relocation assistance due under this Subsection, unless the relocation assistance is owed because a termination of tenancy is required by a governmental agency order to vacate or comply issued for an unpermitted dwelling unit.

Sec. 5. Article 14.1 of Chapter IV of the Los Angeles Municipal Code is repealed.

Sec. 6. Article 14.5 of Chapter IV of the Los Angeles Municipal Code is repealed.


Sec. 7. Article 18 of Chapter IV of the Los Angeles Municipal Code is repealed.

Sec. 8. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: the City of Los Angeles will suffer irreparable damage, including loss of life and property, from displacement of tenants from evictions. The Council, therefore, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
ELAINE ZHONG
Deputy City Attorney

Date 1/20/2023

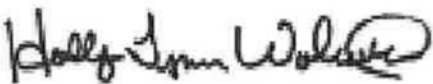
File No. 21-0042-S3


M:\Housing\LAHD\Zhong\01. Ordinances and Council Motions\Just Cause Evictions (CF17-0454)\Final Ordinance Re Just Cause Evictions.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR





Ordinance Passed January 20, 2023

Approved 01/25/2023

Published Date: 01/27/2023
Ordinance Effective Date: 01/27/2023



STATE OF LA CITY AND LA COUNTY TENANT PROTECTIONS

February 2, 2023

This document attempts to summarize the various recent changes in tenant protection policy in the City and County of Los Angeles. Nothing in this document should be considered legal advice. If you are a tenant who is facing eviction, contact Stay Housed LA:

www.stayhousedla.org or [REDACTED]

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COVID-19 Emergency Tenant Protections

City of Los Angeles COVID-19 Emergency Tenant Protections - sunset 1/31/23 (but see County)

relevant documents (01/27/2023): [Ordinance No. 187736](#)

COVID Debt

The City of Los Angeles's emergency tenant protections ended on January 31, 2023. Tenants will have until the following deadlines to repay COVID rent debt that was covered by the City emergency protections:

- Rent owed from March 1, 2020 to September 30, 2021 → tenants must pay by August 1, 2023.

- Rent owed from October 1, 2021 to January 31, 2023 → tenants must pay by February 1, 2024.

If a landlord attempts to bring an eviction for months of unpaid rent before the relevant repayment period is over, tenants can assert the premature eviction as a defense. Tenants should also be aware that some months of rent may be permanently non-evictable under state or county protections.

Other Eviction Protections

The ordinance sunsetting the emergency tenant protections contains important details and *extended protections* for certain types of evictions:

- **Evictions to install a resident manager:** After January 31, 2023, no-fault evictions to install a resident manager are only permitted when an on-site manager is required by law or the terms of a regulatory agreement, unless that eviction was noticed prior to March 4, 2020 (the start of the pandemic).
- **No fault evictions:** While the sunset of the emergency tenant protections allows no-fault evictions to resume on February 1, 2023, tenants in RSO units who received a notice for a no-fault eviction between March 2020 and January 31, 2023 that was not permitted under the emergency protections must receive a new, 60-day notice in order for that eviction to proceed. Landlords cannot act on 60-day notices that were served between March 2020 and January 31, 2023 which attempt to terminate tenancy for a reason that was prohibited during that time period.
- **Evictions based on unauthorized pets and/or occupants necessitated by COVID-19:** The sunset ordinance contains extended protections against these evictions. No tenant may be evicted based on unauthorized pets/occupants necessitated by COVID prior to January 31, 2024. Going forward, all tenants are entitled to a 30-day notice to cure before an eviction based on unauthorized occupants or pets (COVID-related or not) can proceed.
- **Ellis Act evictions:** Evictions to remove rental units from the rental market under the Ellis Act may not proceed before April 1, 2023.

Rent Freeze

relevant documents (05/14/2020): [LA Municipal Code §151.32](#)

The City's **rent freeze** for rent stabilized units will continue until January 31, 2024.

County of Los Angeles COVID-19 Emergency Tenant Protections - sunset 3/31/23

relevant documents (01/24/2023): [Motion](#)

The County of Los Angeles voted on January 24, 2023 to extend its COVID emergency tenant protections for two additional months. The protections will now sunset on March 31, 2023.

Because the County emergency protections apply within incorporated jurisdictions

throughout the County, these protections also apply to tenants in the City of Los Angeles, despite the City's own emergency protections expiring.

The County's emergency protections contain the following additional rules:

- **Unauthorized Pets/Occupants:** Tenants with unauthorized pets and/or occupants who began residing in the unit between March 1, 2020, and January 20, 2023, and whose presence was necessitated by COVID-19, may not be evicted for that reason before March 31, 2023, and thereafter must receive a 30-day notice to cure before they can be evicted based on the continuing presence of the pet/unauthorized occupant.
- **Continued protections against no-fault eviction (except for qualified Owner Move-Ins):** Tenants who were unable to pay rent due to COVID and invoked the County emergency protections are protected from no-fault evictions through the repayment period. All tenants are protected from no-fault evictions through March 31, 2023. However, certain Owner Move-Ins are allowed, as detailed on [Page 16 \(VI.A.3\) of the ordinance](#).
- **Rent Owed Prior to 3/31/23:** Residential tenants [who qualified for the County's COVID nonpayment protections](#) (and notified their landlord with a declaration) between July 1, 2022 through March 31, 2023 have up to twelve (12) months thereafter to repay that rental debt. A tenant may assert an affirmative defense to an eviction action brought on the ground of not repaying protected rent debt before March 31, 2024, not complying with the terms of a payment plan, or at the end of the repayment period. Any term in a payment plan that allows eviction due to the Tenant's failure to comply with the terms of the payment plan is void as contrary to public policy.
- **Rent Cap:** Rents for units that are Fully-Covered by the County's RSO cannot be raised more than 3% annually before December 31, 2023.

Note: Under State law, landlords are not permitted to evict a tenant for rent owed for certain months during the COVID pandemic.

New Permanent Tenant Protections

City of Los Angeles - New/Expanded Permanent Tenant Protections

relevant documents:

(01/27/2023): Just Cause - [Ordinance No. 187737](#)

(01/23/2023): Nonpayment - [Draft Ordinance](#)

(01/30/2023): Relocation - [Draft Ordinance](#)

The City of Los Angeles has enacted several new permanent protections for renters as it considered the expiration of COVID emergency protections:

- **Universal Just Cause for Eviction**

This policy has been signed by the Mayor and took effect on Jan. 27. Under the new protection, all residential tenants in the City of Los Angeles have the right to Just Cause for Eviction. This means that approximately 650,000 additional tenants will be covered by Just Cause rules going

forward. The protection applies after the first 6 months of the tenancy (or at the expiration of the initial lease term if it is shorter than 6 months). The new just cause ordinance, including the 6 month limitation, does not apply to tenants in rent stabilized units—the RSO has its own just cause protections. There are a few exemptions to the new Just Cause for Eviction policy, such as for institutional facilities, hotels, and transitional housing - be sure to review the exemptions in the ordinance when asserting these protections.

There is one new rule that applies to a unit covered by either the RSO or the new Just Cause for Eviction: for tenants covered by either set of just cause protections, landlords must now provide copies of all notices terminating a tenancy to LAHD. Failure to do so is now a defense to eviction, similar to the existing policy in LA County.

Under this ordinance, the allowable “at-fault” reasons for eviction are:

- nonpayment of rent
- violation of the lease (with some exceptions)
- committing/maintaining a nuisance on or near the property
- criminal activity on/near the property
- failure to renew a written lease with similar terms
- refusing access to the landlord after proper notice
- unapproved subletting

The allowable “no-fault” reasons for eviction are:

- landlord/family member/resident manager move-in
- demolition/substantial remodel/removal of property from the rental market
- government order that necessitates vacating the unit
- sale of HUD-owned housing
- residential hotel conversion/demolition with LAHD approval
- conversion to affordable housing
- conversion to nonresidential use

Landlords must post written information about these protections on their properties, and must also provide a written notice about the protections to new tenants moving in. For at-fault evictions, the notice must include specific facts that allow the tenant to understand what is being claimed by the landlord. Landlords are also required to provide copies of eviction notices to the Housing Department, as well as filing declarations with the Department for certain types of evictions; these requirements increase the ability to enforce the new protections.

For no-fault evictions, the universal just cause ordinance requires landlords to provide relocation assistance to their tenants as follows:

	Tenancy less than 3 years	Tenancy 3 years or longer	Tenant at 80% AMI and below (any length of tenancy)	Single family dwelling with small landlord
Qualified Tenant	\$19,400	\$22,950	\$22,950	One month's rent
Other Tenants	\$9,200	\$12,050	\$12,050	

“Qualified tenants” are those aged 62 or older; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Title 42 United States Code § 423; or a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children. For evictions based on conversion to affordable housing or for HUD-owned housing, tenants may be entitled to higher relocation assistance under state or Federal law and should speak with an attorney.

Small landlords evicting a tenant from a single family home have a reduced relocation assistance obligation of one month’s actual rent (or a credit for that amount) if the owner is “a natural person, including natural persons who hold properties in a trust or registered legal entity controlled by that natural person, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles.”

- **Monetary Threshold for Nonpayment Evictions:**

The City Council has also passed a new permanent tenant protection establishing a monetary threshold for evictions for failure to pay rent. This protection will be contained within the Just Cause for Eviction rules, meaning it will apply to tenants after the first 6 months of their tenancy in most cases, and will apply to tenants in rent stabilized units. Under this new ordinance, which is set to receive a final vote on Friday, Feb. 3, a landlord may not evict a tenant for nonpayment unless the tenant owes an amount greater than 1 month Fair Market Rent (FMR) for their unit size. If the Landlord attempts to evict for nonpayment, they must include the number of bedrooms in the 3 day notice to quit or evict. We expect the ordinance to take effect in early March.

Fair Market Rent for a unit in Los Angeles County is set by the U.S. Department of Housing and Urban Development ("HUD") each year and is county-specific. The 2023 Fair Market Rents for the Los Angeles area are as follows:

<u>HUD FY 2023 Fair Market Rents for Los Angeles County</u>				
<i>Efficiency</i>	<i>1 Bedroom</i>	<i>2 Bedroom</i>	<i>3 Bedroom</i>	<i>4 Bedroom</i>
\$1,534	\$1,747	\$2,222	\$2,888	\$3,170

- **Relocation Assistance for Tenants Displaced by Large Rent Increases:**

The City Council is also set to take a final vote on an ordinance requiring relocation assistance for tenants displaced by large rent increases on Tuesday, February 7. This protection will be contained within the new Just Cause for Eviction rules, meaning it will apply to tenants after the first 6 months of their tenancy in most cases. It will apply to rent increases that exceed 5% + CPI, or 10%, whichever is lower. We expect the ordinance to take effect in early March.

Relocation Owed	
Single family dwelling with small landlord	All Other Units
One (1) Month's Rent	3x Fair Market Rent for a Unit of the Same Size (set by HUD , see chart above) + \$1411.00

Tenants faced with a notice for a large rent increase have several options:

1. **Accept the increase:** If the tenant is able to budget for and afford the rent increase, they may accept it and begin paying the new amount when the increase takes effect
2. **Take the relocation assistance:** If a tenant cannot afford to pay rent given the increase, they can notify the landlord that and take the relocation assistance instead - refer to the chart above to figure out how much that would be. Tenants should give written notice that they intend to vacate and will require relocation assistance.
3. **Negotiate:** If the tenant could make a smaller increase work, it may make sense to negotiate a smaller rent increase with the landlord.

This policy will also apply to tenants who live in buildings where affordable housing covenants are expiring. That is a common situation where rent increases above 10% are legally permitted, even if the property will subsequently be protected by LARSO or Tenant Protection Act rent caps.

Small landlords have a reduced relocation assistance obligation of one month's actual rent (or a credit for that amount) if the owner is "a natural person, including natural persons who hold properties in a trust or registered legal entity controlled by that natural person, who owns no more than four dwelling units and a single-family home on a separate lot in the City of Los Angeles."

The Rent Adjustment Commission will promulgate guidelines further clarifying details such as when and how a landlord must make the relocation assistance payment.

County of Los Angeles - New/Expanded Permanent Tenant Protections
relevant documents (11/15/2022): Nonpayment - [Ordinance](#)

The County of Los Angeles also enacted new permanent protections for renters as it considered the expiration of COVID emergency protections:

- **Monetary Threshold for Nonpayment Evictions:**

The County has also passed a new permanent tenant protection establishing a monetary threshold for evictions for failure to pay rent effective Dec 15, 2022. This protection has taken effect and applies to all tenants in the unincorporated areas of the county, with limited exceptions. “Institutional Facilities”, “Government Assisted or Owned Housing”, “Hotels, Motels, or Other Facilities for Transient Guests”, and “Owner-Occupied Shared Housing” are exempt from the [ordinance](#), but all other units are covered. Under this new protection, a landlord may not evict a tenant for nonpayment unless the tenant owes an amount greater than 1 month Fair Market Rent (FMR) for their unit size. If the Landlord attempts to evict for nonpayment, they must include the number of bedrooms in the 3 day notice to quit or evict.

Fair Market Rent for a unit in Los Angeles County is set by the U.S. Department of Housing and Urban Development (“HUD”) each year and is county-specific. The 2023 Fair Market Rents for the Los Angeles area are as follows:

HUD FY 2023 Fair Market Rents for Los Angeles County				
<i>Efficiency</i>	<i>1 Bedroom</i>	<i>2 Bedroom</i>	<i>3 Bedroom</i>	<i>4 Bedroom</i>
\$1,534	\$1,747	\$2,222	\$2,888	\$3,170

- **County Support for Incorporated Cities to Enact Tenant Protections:**

In addition to enacting new permanent tenant protections for renters living in unincorporated areas of the County, the County Board of Supervisors has also voted for a plan to support the development and passage of tenant protections in the incorporated cities throughout the County. The County’s plan includes a Countywide tenant protections summit hosted by the Department of Consumer and Business Affairs in 2023; a Policy Toolkit for Rent Stabilization and Tenant Protections; and assessing the feasibility of providing support to incorporated cities, with the exploration to include estimated costs that fall outside of the current recovery costs for programmatic services and duties, the identification of potential funding streams, and required staffing.

In considering and moving forward the tenant protections outlined here, various Supervisors and Councilmembers have moved to establish or explore new programs to assist small landlords and tenants with issues of back rent, deferred maintenance, tenant application screening, etc.

We will continue to monitor these proposals, in addition to guidelines, regulations, and clarifying details of the tenant protections outlined in this guide, and will provide updated information as they develop.

From: Terri Binder [REDACTED]
Sent: Wednesday, February 8, 2023 8:21 PM
To: Katie Wand <kwand@ci.claremont.ca.us>
Subject: Tenant Protection Listening Session Weds 2/8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Responding to comments made by attendees at tonight's listening session:

- 1) The call for a rental 'registry' and enforcement officer (to enforce what not exactly defined) sounds very much like the Gestapo's tactics when they wanted to control a town or a population. This is America, not Nazi Germany.
- 2) Many people who spoke asserted that this wasn't we versus them. Encouraging the city to make ordinances HEAVILY in favor of the tenants sounds very adversarial to me. As did the parade of speakers who announced that they were there 'in solidarity' with the tenants.
- 3) No doubt there are very bad landlords out there, but tenants already have legal recourse, and California rental laws already heavily favor tenants as it is; why add more? Also, for 'good' landlords it is crazy expensive as it is to evict a bad tenant for cause.
- 4) Rental units most certainly have been built in Claremont in the last 50 years.

Regards,

Terri Binder

Sent from [Mail](#) for Windows

From: [Katie Wand](#)
To: [Melanie Martinez](#)
Subject: FW: Save the Date – April 25th City Council Meeting
Date: Wednesday, March 08, 2023 2:20:01 PM
Attachments: [image001.png](#)

Public comment for tenant protections. Thank you!



Katie Wand | Assistant to the City Manager

**City of Claremont | Administrative Services Department
City Manager's Office**

207 Harvard Avenue | Claremont, CA 91711
(909) 399-5454 | KWand@ci.claremont.ca.us
www.claremontca.org | Follow Us! @CityofClaremont



Please consider the environment before printing this email.

From: [REDACTED]
Sent: Wednesday, March 8, 2023 2:18 PM
To: Katie Wand <kwand@ci.claremont.ca.us>; Bevin Handel <bhandel@ci.claremont.ca.us>
Subject: Re: Save the Date – April 25th City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers,

I ask that you take action to make tenant protections robust and permanent. Tenants are some of the most vulnerable citizens in our community who are often rent burdened and experiencing housing insecurity. I know first hand. I have been a renter my entire adult life. I urge you to place a rent increase cap of no more than 5% per year. The 10% state cap per year is too high and will force many tenants to move out of the area and some to become homeless. High rents price young families out of the Claremont housing market and this is bad for business and for public school enrollments. I also urge you to close the renovation eviction loophole which is often used as a ploy by corporate landlords to evict tenants so they can then raise the rents and increase profits. Thank you for your careful deliberation in this matter.

Mike Boos
Claremont

-----Original Message-----

From: Katie Wand <kwand@ci.claremont.ca.us>
To: Bevin Handel <bhandel@ci.claremont.ca.us>
Sent: Tue, Mar 7, 2023 9:11 am
Subject: Save the Date – April 25th City Council Meeting

Good morning,

You are receiving this email update because you have previously contacted the City of Claremont regarding tenant protection ordinances.

Last year, the City Council directed staff to conduct stakeholder and community outreach to gather feedback on tenant protection ordinances (i.e., permanent no fault eviction and rent stabilization ordinances; rental assistance), which will be presented to the City Council for their consideration during their regular meeting on **Tuesday, April 25, 2023**.

Meeting material for the April 25th City Council meeting (including information on how to provide public comment and how to participate in the meeting) will be available on the [City's website](#) 5 days before the meeting. In the meantime, if you would like to submit written public comment, please feel free to respond to this email directly. All public comment will be imaged into the record and will be shared with the City Council. Please let me know if you have any questions.

Thank you,



Katie Wand | Assistant to the City Manager

City of Claremont | Administrative Services Department

City Manager's Office

207 Harvard Avenue | Claremont, CA 91711

(909) 399-5454 | KWand@ci.claremont.ca.us

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 Please consider the environment before printing this email.

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Angelis Chevalier [REDACTED]
Sent: Wednesday, April 12, 2023 7:27 AM
To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; Adam Pirrie <apirrie@ci.claremont.ca.us>;
jcontanza@ci.claremont.ca.us
Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,
Angelis Chevalier

Sent from my iPhone

Melanie Martinez

Subject: FW: Save the Date – April 25th City Council Meeting

From: ANTOINETTE CRICHTON [REDACTED]
Sent: Wednesday, March 8, 2023 12:10 PM
To: Katie Wand <kwand@ci.claremont.ca.us>
Cc: ANTOINETTE CRICHTON [REDACTED]
Subject: Re: Save the Date – April 25th City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Claremont City Council,

I am a homeowner in the city of Claremont, and I am a small building residential rental owner in another town. I have written once concerning the issue of tenant protections. From everything that has been going on since the pandemic, I have witnessed extreme tenant protections that are significantly unfair to honest landlords in LA county as an example. It is a great hardship to let tenants not pay their fair market rent that they contracted for in rental and lease agreements; and if that isn't bad enough, landlords are not afforded any due process about being burdened with the loss of rents. Additionally, the freeze on evictions adds to that extreme financial burden. People like myself who own rental property depend on the income from the rents to pay expenses related to the buildings such as property taxes, mortgages, utilities, insurance, and overall property maintenance. When tenants are granted sweeping protections, who is going to relieve the property owners of their financial burdens? No one.

I mentioned due process...which means that landlords are forced to pay their expenses, but they have no recourse if a tenant stops paying rent.

Owning rental property is a real business venture for some people, and many are being forced to sell their properties because they have tenants who are protected from paying rent. When these properties are sold, generally they are reassessed and property taxes skyrocket, which means that rents must be raised to cover these expenses. This is a bad situation for tenants and the overall cost of rental housing.

The only reasonable solution to help tenants in difficulty is to provide financial rental assistance so that landlords don't bear the whole burden when tenants are in difficulty. The funding for this should come from taxes that EVERYONE in the community pays. That is the only fair way to address tenant protections. Driving existing landlords out of ownership is the wrong way to look at the problem. It will only lead to higher property taxes, higher rents, and significantly less development because of making it too difficult to develop and own residential rental property. No one wants to be in a business when there are unfair advantages to the customers, or in this case, unfair advantages to the tenants.

Thank you for considering my position, and that of many small residential building owners.

Antoinette Crichton
[REDACTED]

Claremont CA
[REDACTED]

From: Katie Wand <kwand@ci.claremont.ca.us>
Sent: Tuesday, March 7, 2023 9:11 AM
To: Bevin Handel <bhandel@ci.claremont.ca.us>
Subject: Save the Date – April 25th City Council Meeting

Good morning,

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Thank you,



Katie Wand | Assistant to the City Manager

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www.claremontca.org | Follow Us! @CityofClaremont

 Please consider the environment before printing this email.

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Jose Alberto Romero [REDACTED]
Sent: Tuesday, April 11, 2023 9:34 AM
To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.us; Adam Pirrie <apirrie@ci.claremont.ca.us>; Katie Wand <kwand@ci.claremont.ca.us>
Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,

Jose A. Romero

[REDACTED]
[REDACTED]



Where energies make tomorrow

[REDACTED]
[REDACTED]

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Katty Chou [REDACTED]

Sent: Tuesday, April 11, 2023 5:00 PM

To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.ca; Adam Pirrie <apirrie@ci.claremont.ca.us>

Subject: 4/11 Written Public Comment

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Dear Members of the City Council and City Staff,

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Thank you for your time,
Katty Chou, MD
Claremont resident

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Kim Deibert [REDACTED]
Sent: Tuesday, April 11, 2023 10:44 AM
To: Adam Pirrie <apirrie@ci.claremont.ca.us>; Jamie Costanza <jcostanza@ci.claremont.ca.us>;
sdesautels@ci.claremont.ca
Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,
Kim Zaldivar
Claremont Renter

From: ML Kay [REDACTED]
Sent: Tuesday, March 7, 2023 1:24 PM
To: Katie Wand <kwand@ci.claremont.ca.us>
Subject: Re: Tenant Protections - City of Claremont

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Katie.

Thank you for your email, and I am well informed of the current caps on rent increases which do little to help Claremont tenants. As I mentioned previously, our jobs only increase our salaries by 2 - 3% each year, and that is only for those tenants with salaried jobs.

The current cap of 5% is already too large of a rent increase annually, and with the added inflation rate on top of that, it is unmanageable. We need better caps for our tenants. If my rent goes up like that again, I will be priced out and I currently work at the Claremont Colleges in a good position. I can't imagine how others are managing. Landlords need to be fair in their increases, but they always go for the maximum which is why these caps are necessary.

Best,
Marja

On Tue, Mar 7, 2023 at 9:04 AM Katie Wand <kwand@ci.claremont.ca.us> wrote:

Good morning, Marja:

Thank you for contacting the City of Claremont regarding tenant protections (i.e. rent control).

Last year, the City Council directed staff to conduct stakeholder and community outreach to gather feedback on tenant protection ordinances (i.e. permanent no fault eviction and rent stabilization ordinances; rental assistance), which will be presented to the City Council for their consideration during their regular meeting on **April 25, 2023**. Meeting material for the April 25th City Council meeting will be available on the City's website 5 days before the meeting.

In response to your question regarding rent control – On January 1, 2020, the California Tenant Protection Act of 2019 (AB 1482) established an annual rent increase cap of five percent plus inflation or ten percent, whichever is lower. As a result, under AB 1482, non-exempt residential landlords may raise rent five to ten percent in any twelve month period. However, AB 1482 contains numerous exceptions, including but not limited to:

- Residential real property that is alienable separate from any other dwelling unit (e. g., single-family homes, condominiums, etc.), provided the owner is not a real estate investment trust, corporation, or an LLC where a member is a corporation and the owner has provided notice to the tenant(s) that the unit is not subject to AB 1482' s protections.
- A tenant renting a room in owner-occupied unit where kitchen or bathroom facilities are shared.
- Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) where the owner lives in one of the units.
- Duplexes where the owner lives in one of the units.
- Housing subject to affordability covenants.

Staff is in the process of researching what appropriate recommendations may be regarding long-term rent stabilization (rent control) measures for Claremont's unique housing market. If you have any feedback that you would like me to share with the City Council, please respond directly to this email.

Thank you,



Katie Wand | Assistant to the City Manager

**City of Claremont | Administrative Services Department
City Manager's Office**

207 Harvard Avenue | Claremont, CA 91711

(909) 399-5454 | KWand@ci.claremont.ca.us

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Please consider the environment before printing this email.

--

Dr. Marja Liisa Kay

"As beautiful as the chance encounter of a sewing machine and an umbrella on an operating table."

Melanie Martinez

Subject: FW: City of Claremont: Tenant Protection Form Entry

From: contact@ci.claremont.ca.us <contact@ci.claremont.ca.us>

Sent: Wednesday, March 22, 2023 3:33 PM

To: Katie Wand <kwand@ci.claremont.ca.us>

Subject: City of Claremont: Tenant Protection Form Entry

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A new entry to a form/survey has been submitted.

Form Name: Tenant Protection Form
Date & Time: 03/22/2023 3:32 PM
Response #: 14
Submitter ID: 11588
IP address: 24.182.15.106
Time to complete: 6 min. , 18 sec.

Survey Details

Page 1

If you would like to submit comments or questions please use the form below. You may also sign up for the interest email list to receive emails notices of meetings and status updates.

1. Name

Shannon Writt

2. Email Address

[REDACTED]

3. Please indicate if you are a Claremont renter, landlord, or property manager.

Renter

4. I would like to receive emails on the Tenant Protection Ordinance and future meeting notices.

Yes

5. Please provide comments or questions below.

Hello, I am a community member and renter in Claremont. I live in The Cambridge Apartment Complex that was just sold from a family to a large company. Many of my neighbors are elderly and on a fixed income and some are young families. Myself and my fiancé are both graduate students living primarily on student loans. We are asking that you maintain and strengthen renter protection so that we can all continue to be apart of this community.

Thank you,
City of Claremont

This is an automated message generated by Granicus. Please do not reply directly to this email.

William & Francine Baker



February 8, 2023

Claremont City Council
PO Box 880
Claremont CA 91711

Re: Proposed Rent Control Ordinance

Dear City Council:

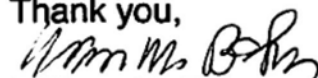
I am requesting the city council consider the costs of maintaining a rental property, particularly smaller multi-family units, when discussing and considering any rent control ordinance for the city of Claremont.

The expenses of operating and maintaining a rental property in a proper and responsive manner is costly and time consuming. The trash and water bills have increased substantially due to the cost of fuel, labor, conservation and other factors. In order to maintain a building various trades must be employed on a routine basis such as plumbers, painters, roofers, gardeners, HVAC contractors and cleaning staff. Other trades are also part of the property upkeep such as tree trimmers, termite contractors, general contractors and the list continues. Of course property taxes and insurance must be paid and continue to increase.

All these expenses may not be considered by residents or governing bodies when making decisions about the need for tenant protections. While both sides must be heard, without a reasonable return on the investment individuals and investors will either shun property investment or reduce the quality of property management.

The state of California has rent control laws that are effective concerning "just cause" evictions and a cap on increasing rent. A further layer of complications for both the resident and owner will make management less effective and further erode maintenance needs for the residents.

Thank you,


William M. Baker

William & Francine Baker



RECEIVED

FEB 15 2023

City Manager's Office

February 13, 2023

Claremont City Council
PO Box 880
Claremont CA 91711

Re: Proposed Rent Control Ordinance

Dear Claremont City Council:

I urge the council to not implement any rent control ordinance and allow the current California statewide rent control, AB1486, to remain the controlling law.

Owners of apartments provide residents housing and a vital service to the community. The owner, like other businesses, must maintain quality service while receiving a return of the investment. The owner is not in the business of providing social services

Residential owners of multi-family properties are not a social safety net for residents confronting life's challenges such as a loss of a job or other life event. The overhead of operating a multi-family property is continuing and can be a daunting obligation.

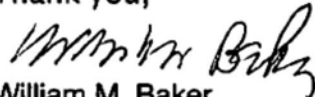
Every month an owner must make a loan payment as well as paying a gardener, trash and utility bills. Other obligations include property taxes, property insurance and a business license. The owner must respond to other maintenance and repair issues such as plumbers, electricians and painters. Each year an owner may be confronted with capital projects such as a new roof and fascia, new sprinklers, an apartment turnover that may require an upgrade to a kitchen, bathroom and flooring. All these obligations must be met on a timely basis with no government safety-net.

For example the 2021 trash bill in Claremont increased 12% due to various recycling programs, the cost of labor and the worldwide issues concerning metals and plastics. The city's website indicates that rates may increase 3% a year from 2022 to 2026. This is just one example of ever increasing costs that include water and gas that have increased year after year. All these costs cannot be easily passed to the residents.

When an owner encounters a capital project or a rehab of a unit, the income for that month may create a negative cash flow resulting in the owner dipping into savings, if any, or maintaining outside employment.

We urge council to allow the statewide cap on increases remain in effect and it should be noted that the state law now prohibits "no-fault" evictions.

Thank you,


William M. Baker

Melanie Martinez

Subject: FW: 10/11 Written Public Comment

From: Anna Huff [REDACTED]

Sent: Monday, April 10, 2023 11:58 AM

To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.us; Adam Pirrie <apirrie@ci.claremont.ca.us>

Subject: 10/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,
Anna Huff

Melanie Martinez

Subject: FW: 10/11 Written Public Comment

From: Lisa Schuster [REDACTED]
Sent: Tuesday, April 11, 2023 7:08 AM
To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.ca; Adam Pirrie <apirrie@ci.claremont.ca.us>
Subject: 10/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I appreciate that the city staff is compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to again express my support for the many renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest renter protections possible.

I am hopeful that city staff will include policies that ensure renovation evictions are limited only to renovations required for the health and safety of tenants, rather than renovations that will simply allow them to charge vastly increased rates to new tenants. As a teacher in Claremont, I am acutely aware of our decreasing student population as my own school has already lost an entire classroom and teacher. Allowing renters to use renovations as an excuse to raise rents will exacerbate our declining enrollment issue as most young families will be forced to look elsewhere for housing. Capping rent increases at a reasonable rate will also help younger families remain in our city.

Additionally, in order to help the most renters possible and to keep students in Claremont, I hope the City Council will not include an exemption for properties with 20 units or less, as this would leave many of our residents unprotected.

Thank you for taking the time to examine this issue that affects so many of our residents, and I look forward to seeing the ordinance in coming weeks.

Thank you for your time,
Lisa Schuster
Resident, [REDACTED]

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Manuela Flores [REDACTED]
Sent: Monday, April 10, 2023 4:46 PM
To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.ca; Adam Pirrie <apirrie@ci.claremont.ca.us>
Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,

Manuela Flores
Scripps College '26

Melanie Martinez

Subject: FW: 10/11 written public comment

From: Michael Lu [REDACTED]
Sent: Monday, April 10, 2023 11:07 AM
To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.ca; Adam Pirrie <apirrie@ci.claremont.ca.us>
Subject: 10/11 written public comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

I am aware that the city staff is currently compiling and proposing an ordinance to the City Council regarding additional protections for renters in Claremont. I am writing to express my support for renters in Claremont, and to ask that city staff bring forward an ordinance with the strongest and most comprehensive renter protections possible. As Claremont renters are facing renovation evictions and disproportionate rent burdens, I would encourage city staff to consider policies that ensure renovation evictions are limited to cases of substantial tenant health and safety concerns, cap rent increases at a reasonable rate, and increase relocation assistance to cover market rent and moving expenses. I hope that the City Council will also consider an ordinance that applies to the greatest number of Claremont renters. An exemption of properties with 20 units or less will not meaningfully protect many Claremont residents -- if small time landlords are actually treating their tenants well, the exemption wouldn't apply to them anyway. I appreciate your consideration, and look forward to seeing the ordinance in the coming weeks.

Thank you for your time,
Michael Wan-Lu
(he/him)

Melanie Martinez

Subject: FW: 4/11 Written Public Comment

From: Sophie David [REDACTED]

Sent: Monday, April 10, 2023 4:03 PM

To: Shelley Desautels <SDESAUTELS@CI.CLAREMONT.CA.US>; jcostanza@ci.claremont.ca; Adam Pirrie <apirrie@ci.claremont.ca.us>

Subject: 4/11 Written Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the City Council and city staff,

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Thank you for your time,
Sophie



Claremont City Council
225 N Second Street, Claremont, Ca 91711

February 15, 2023

Dear Mayor Leano and Council Members Stark; Reece; Calacay; and Medina;

We stand in support of the Monarch Terrace tenants whose struggle shines a light into the dark reality for many Claremont tenants. This letter is in reference to the 3 ordinances that comprise Agenda Item #7. The agenda items provide a great first step for discussion, but we think that many of the offerings could be stronger:

–Renovations–Enact immediately a full ban on all renovation evictions to allow time for staff to draft stronger protections.

20 unit exemption is too high. Claremont has a lot of infill housing. Housing that makes Claremont a walkable city. Commercial real estate is considered 5 units or more. My suggestion is owner-occupied duplexes be the only exemption. But the city should consider supporting mom and pops who may need legible renovations but are financially unable to without raising rents and displacing tenants.

First right of return to unit.

Increase the relocation assistance to address expensive moving and relocation costs—the expense of looking and applying for new housing has been well documented. The current amount is not enough. Cities that already require substantial payments from evicting owners: Santa Monica (as high as \$32,350), West Hollywood (as high as \$27,356), and even the County of Los Angeles (as high as \$18,971) paid to lower income tenants and lesser amounts to all others according to varying needs. Also as indicated, moving is expensive with application fees (even for places you don't get) and other obstacles that mean people go without a home.

Revise current work threshold to not less than ten (10) times the unit rent and provide the tenant with a detailed written account of the scope of the work, why the work cannot reasonably be accomplished in a safe manner with the tenant in place, and why the work cannot be completed within 30 days. A fee based rental registry could create the funds and accountability for enforcement of tenant protections.

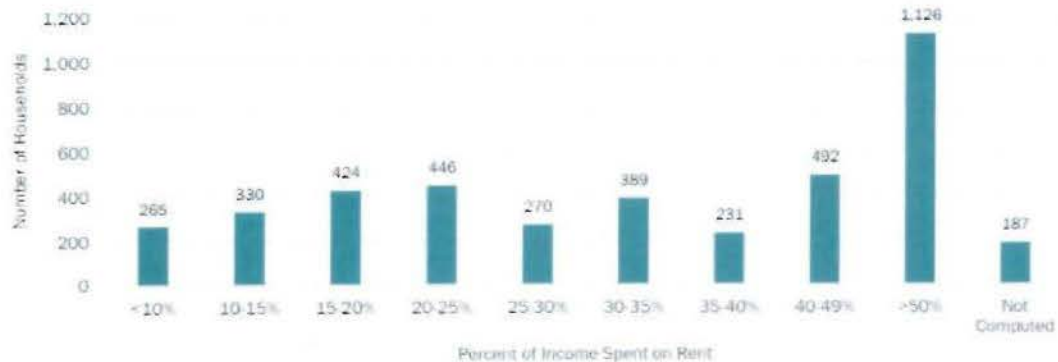
Solutions such as tenant first right of return, stricter guidelines and accountability and longer notice periods are not included in the current ordinance.

–Just Cause Evictions–enact a 6 month moratorium to study and draft much needed protections for Claremont tenants.

–Rent Stabilization–enact an ordinance with a cap of 2% (currently it's 3%-6%) to address the rapidly rising rent on already rent burdened residents and to prevent additional homelessness. The sunset date of July 1, 2023 provides time for a more detailed survey and setup for permanent rent stabilization.

The Southern California Association of Governments (SCAG) data for Claremont shows rent burden for Claremont tenants. Across Claremont's 4,160 renter households, 2,238 (53.8%) spend thirty percent or more of gross income on housing cost. Additionally, 1,126 renter households in Claremont (27.1%) spend fifty percent or more of gross income on housing cost.

Spending on Rent



Across Claremont's 4,160 renter households, 2,238 (53.8%) spend thirty percent or more of gross income on housing cost, compared to 55.3% in the SCAG region. Additionally, 1,126 renter households in Claremont (27.1%) spend fifty percent or more of gross income on housing cost, compared to 28.9% in the SCAG region.

SCAG Key Indicators for Claremont:

SCAG Key Indicators
Claremont, Los Angeles County



Data Source: 2020 data are from the 2020 Decennial Census PUMS redistricting file which and have been processed by the California Department of Finance. 2021 data are Esri estimates; additional information on Esri demographics can be found [here](#). 2019 data are from the American Community Survey (ACS) and have been processed and published by Esri.

These ordinances that you are voting on tonight are policies and practices that are responsible for creating housing. These policies are successful and proven methods of anti-displacement and homelessness prevention.

But these policies have another positive community effect and benefit—rent burdened households will be better able to budget and participate in the local, village mercantile community. Locals make Claremont's commercial area vibrant.

This is what local control looks like. Thank you for agendizing much needed discussion and protections to prevent community displacement and homelessness.

Sincerely,

Allison Henry, Co-founder SGV Tenants' Alliance

Jorge Rivera, Co-founder SGV Tenants' Alliance and founder The People's Resource Center

Melanie Martinez

From: Katie Wand
Sent: Monday, April 03, 2023 7:32 AM
To: Melanie Martinez
Subject: FW: Save the Date – April 25th City Council Meeting

Another public comment for tenant protections. Thank you!



Katie Wand | Assistant to the City Manager

**City of Claremont | Administrative Services Department
City Manager's Office**

207 Harvard Avenue | Claremont, CA 91711
(909) 399-5454 | KWand@ci.claremont.ca.us
www.claremontca.org | Follow Us! @CityofClaremont

 Please consider the environment before printing this email.

From: Terri Binder [REDACTED]
Sent: Friday, March 31, 2023 11:43 AM
To: Katie Wand <kwand@ci.claremont.ca.us>
Subject: Fw: Save the Date – April 25th City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI I meant to say "Los Angeles County" instead of just Los Angeles.

----- Forwarded Message -----

From: Terri Binder <[REDACTED]>
To: Katie Wand <kwand@ci.claremont.ca.us>
Sent: Friday, March 31, 2023 at 11:38:19 AM PDT
Subject: Re: Save the Date – April 25th City Council Meeting

Hi Katie,

Renters already have protections granted to them by the State of California and **Los Angeles County**.

Don't cave to the tyranny of a small group of people who think they have a right to dictate the rental policy of Claremont.

Kind Regards,

Terri Binder

On Tuesday, March 7, 2023 at 09:11:58 AM PST, Katie Wand <kwand@ci.claremont.ca.us> wrote:

Good morning,

You are receiving this email update because you have previously contacted the City of Claremont regarding tenant protection ordinances.

Last year, the City Council directed staff to conduct stakeholder and community outreach to gather feedback on tenant protection ordinances (i.e., permanent no fault eviction and rent stabilization ordinances; rental assistance), which will be presented to the City Council for their consideration during their regular meeting on **Tuesday, April 25, 2023**.

Meeting material for the April 25th City Council meeting (including information on how to provide public comment and how to participate in the meeting) will be available on the [City's website](#) 5 days before the meeting. In the meantime, if you would like to submit written public comment, please feel free to respond to this email directly. All public comment will be imaged into the record and will be shared with the City Council. Please let me know if you have any questions.

Thank you,



Katie Wand | Assistant to the City Manager

City of Claremont | Administrative Services Department

City Manager's Office

207 Harvard Avenue | Claremont, CA 91711

(909) 399-5454 | KWand@ci.claremont.ca.us

www.claremontca.org | Follow Us! @CityofClaremont

 Please consider the environment before printing this email.

Melanie Martinez

Subject: FW: 4-11-23 Public Comment City Council
Attachments: The Affordable City Rental Registry and Don't Coddle Landlords.pdf; Claremont 4-11-23 public comment.pdf

From: SGV Tenant Alliance [REDACTED]
Sent: Tuesday, April 11, 2023 4:33 PM
To: Katie Wand <kwand@ci.claremont.ca.us>
Subject: Fwd: 4-11-23 Public Comment City Council

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Katie,
Greetings! Also wanted to forward you my comments re the tenant protection ordinance. I know it will be on the 4/25 agenda.

Thank you for your attention.

Best,
Allison Henry
SGV Tenants Alliance

----- Forwarded message -----

From: SGV Tenant Alliance [REDACTED]
Date: Tue, Apr 11, 2023 at 3:43 PM
Subject: 4-11-23 Public Comment City Council
To: <sdesautels@ci.claremont.ca.us>, <jcostanza@ci.claremont.ca>, Adam Pirrie <apirrie@ci.claremont.ca.us>
Cc: Allison Henry [REDACTED]

April 11, 2023 Public Comment

Dear members of the Claremont City Council and city staff,

Thank you for the work that city staff is doing in putting together materials and an ordinance or series of ordinances that protect tenants with the strongest possible protections.

As the data we have provided in previous letters shows, Claremont renters are facing renovation evictions and disproportionate rent burdens, San Gabriel Valley Tenants' Alliance encourages city staff to consider practices, policies, and data that

- ensure renovation evictions are limited to cases of substantial tenant health and safety concerns as well as provide full just-cause eviction protection;
- cap rent increases at a reasonable rate;
- increase relocation assistance to cover market rent and moving expenses;
- creation of a rental registry to fund and track the ordinance(s).

In the spirit of always wanting to provide City Council and staff with helpful information, I am attaching two chapters which are very brief—3 pages—from Shane Phillips' recent book *The Affordable City*. Phillips is a policy expert and urban planner currently based at the UCLA Lewis Center Housing Initiative. Residential rental registries specifically are addressed in this reading.

As we have stated in previous comments, the exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. A 20 unit exemption is too high. Claremont has a lot of infill housing. Housing that makes Claremont a walkable city. Commercial real estate is considered 5 units or more. Our recommendation is owner-occupied duplexes be the only exemption. But the city should consider supporting mom and pops who may need legitimate renovations but are financially unable to do so without raising rents and displacing tenants.

We hope that the City Council will also consider an ordinance that is the most inclusive and expansive to Claremont tenants. SGVTA again extends our thanks to city staff for their diligent efforts.

Sincerely,
Allison Henry
Co-Founder, SGV Tenants Alliance

THE AFFORDABLE CITY

*Strategies for Putting
Housing within Reach
(and Keeping It There)*

SHANE PHILLIPS

 ISLANDPRESS | Washington | Covelo

Track Everything

"You can't manage what you can't measure." —Peter Drucker

Los Angeles recently created a registry of all rent-stabilized housing in the city, requiring landlords to report basic information about their rental units. This registry includes the amount charged for rent and the length of tenancy for residents. As the owner of a rent-stabilized duplex in which I occupy one unit and rent out the other to a below-market tenant, I too am subject to this requirement. Similar registries should be created for all rental housing in any city concerned with maintaining affordability and protecting tenants.

Rental registries keep landlords honest. They prevent less scrupulous landlords from raising rents beyond rates that may be permitted in a jurisdiction, and they create a public, but confidential, record of tenancy that can be invaluable in eviction cases, which can sometimes boil down to he-said, she-said accusations.

While administration can be a challenge, especially for smaller jurisdictions, such registries can pay for themselves. They can streamline enforcement activities through random sampling of units in the registry and help direct real-life staff toward the most likely offenders for follow-up. They can also reduce the costs associated with illegal evictions and rent hikes, which tend to fall on the public in the form of legal counsel support, housing assistance, and spending associated with addressing homelessness.

Another very significant benefit of a rental registry is data. Currently, the resources available for estimating rental rates, affordability, and rent burden are imprecise and unreliable. These typically depend on aggregator websites that include only on-the-market units in their estimates (which tends to exaggerate the price that existing tenants pay) or US Census Bureau surveys, such as the American Community Survey, that are at least one or two years out of date when published and are aggregated to such a high level that they lose most of their informative value. Rental registries can provide real-time data that allow cities to respond nimbly to changing conditions.

Don't Coddle Landlords

Deference to mom-and-pop landlords gets in the way of effective, consistently applied housing protections.

Landlords have one of the most important jobs in the world. When they screw up—by neglect, ignorance, or deliberate abuse—people's lives and livelihoods can be put at risk.

Bad landlords can put their tenants at risk by, for instance, allowing mold or vermin to propagate, failing to address earthquake or fire risks, not disclosing vital information about their units, serving illegal eviction notices or rent increases, and a whole host of other serious and harmful infractions.

Given the degree to which tenants rely on the good behavior of their landlords, it's incredible that in most cities virtually no training is required to become a landlord. Having enough money to buy a property is the only qualification required, followed (in some but not all cases) by sporadic inspections to ensure compliance with local building and safety codes. It takes one thousand hours of training to become an aesthetician, but absolutely no training is required to become the sole owner and manager of the homes in which people work, cook, clean, eat, study, sleep, play, and raise their children.

This isn't to say that landlords are inherently bad—although, as noted in the previous recommendation, they shouldn't be unduly rewarded simply for acquiring property. Many landlords do a fine job and care deeply for the safety and well-being of their tenants. But many do not, and to leave this to the luck of the draw is an unconscionable abrogation of societal responsibility.

As we seek to create stable communities through measures such as rent stabilization and eviction protections, we should also consider the training of those who manage rental homes and the ways we hold them accountable to act in the best interests of their tenants. Right now we do a very poor job of it, often in the name of protecting mom-and-pop landlords.

Small-time landlords are very frequently held to a lower

standard, including exemption from many tenant protections (such as rent control) that larger property owners are subject to. This must end. We wouldn't exempt small-time battery manufacturers from safe toxic waste disposal practices simply because those requirements placed a proportionately larger burden on them than on their bigger peers. Similarly, providing safe, stable housing is too important a job—too fundamental to the well-being of tenants—to allow some people to skirt the rules. If rent control, just-cause eviction, and regular reporting to local authorities are too great a burden for mom-and-pop landlords, they shouldn't be in the business of rental housing management.

By exempting mom-and-pops from certain standards, we are saying that the financial return on a rental housing investment is more important than the health, safety, and well-being of our neighbors. We need to reverse this dynamic and put the fundamental needs of renters above returns on investment for landlords, even the small ones. Tenants shouldn't receive different protections based simply on who happens to own the building in which they live.



April 11, 2023 Public Comment

Dear members of the Claremont City Council and city staff,

Thank you for the work that city staff is doing in putting together materials and an ordinance or series of ordinances that protect tenants with the strongest possible protections.

As the data we have provided in previous letters shows, Claremont renters are facing renovation evictions and disproportionate rent burdens, San Gabriel Valley Tenants' Alliance encourages city staff to consider practices, policies, and data that

- ensure renovation evictions are limited to cases of substantial tenant health and safety concerns as well as provide full just-cause eviction protection;
- cap rent increases at a reasonable rate;
- increase relocation assistance to cover market rent and moving expenses;
- creation of a rental registry to fund and track the ordinance(s)

In the spirit of always wanting to provide City Council and staff with helpful information, I am attaching two chapters which are very brief—3 pages—from Shane Phillips' recent book *The Affordable City*. Phillips is a policy expert and urban planner currently based at the UCLA Lewis Center Housing Initiative. Residential rental registries specifically are addressed in this reading.

As we have stated in previous comments, the exemption of properties with 20 units or less will not meaningfully protect many Claremont residents. A 20 unit exemption is too high. Claremont has a lot of infill housing. Housing that makes Claremont a walkable city. Commercial real estate is considered 5 units or more. Our recommendation is owner-occupied duplexes be the only exemption. But the city should consider supporting mom and pops who may need legitimate renovations but are financially unable to do so without raising rents and displacing tenants.

We hope that the City Council will also consider an ordinance that is the most inclusive and expansive to Claremont tenants. SGVTA again extends our thanks to city staff for their diligent efforts.

Sincerely,
Allison Henry
Co-Founder, SGV Tenants Alliance

Melanie Martinez

From: Lydia Hernandez [REDACTED]
Sent: Monday, April 03, 2023 2:55 PM
To: Katie Wand
Subject: Pasadena first right of refusal

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This language adds the word "necessary" to substantial renovations AND then goes in to give the tenant the option of taking a comparable unit at same rent or returning after renovation at same rent.

I believe this is the section Alicia said had not been tried in court. Hopefully that's a good sign the risk is not too high even though the benefits for renters is high.

Thank you for your time today,
Lydia

Landlord reasonable access to the Rental Unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by law, or for the purpose of showing the Rental Unit to any prospective purchaser or mortgagee.

- (A) The Board shall promulgate regulations for the repair and improvement of Rental Units to ensure the least amount of disruption for the Tenant. Unless due to a documented emergency affecting a Tenant's health and/or safety or as required by state law, all repair or improvement work will be scheduled in compliance with applicable Board regulations. In the event that a Tenant refuses access to the Rental Unit for repairs, a Landlord must show that written notice was provided to the Tenant and all necessary repair or improvement work was scheduled in compliance with all applicable Board regulations to terminate tenancy under this subsection.
- (B) The notice requesting access shall inform the Tenant that if he or she is unable to comply because of a disability, he or she may request a change in the Landlord's policies or practices or other reasonable accommodation to the Tenant's disability.
- (7) ~~Subtenant in Sub-Possession.~~ The person in possession of the Rental Unit at the end of a lease term is a subtenant not approved by the Landlord.
- (8) **Necessary and Substantial Repairs Requiring Temporary Vacancy.** The Landlord, after having obtained all necessary permits from the City of Pasadena, and having provided written notice to the Tenant, seeks in good faith to undertake substantial repairs that are necessary to bring the Rental Unit into compliance with applicable codes and laws affecting the health and safety of Tenants of the building, provided that:
- (A) As independently confirmed by the City of Pasadena, the repairs necessitate that the Tenant vacate the Rental Unit because the work will render the Rental Unit uninhabitable for a period of not less than thirty (30) days, and
- (B) The Landlord gives advance notice to the Tenant of the Tenant's right to elect one or both of the following:

13

- (i) The right of first refusal to any vacant Rental Unit owned by the Landlord at the same or lower Rent, provided that the unit is of comparable or superior material living condition and convenience for the Tenant, if such comparable or superior vacant unit exists.
- (ii) The first right of return to reoccupy the unit upon completion of the repairs at the same Rent charged to the Tenant before the Tenant temporarily vacated the Rental Unit to the extent allowed by state law.
- (iii) In the event that the Tenant elects to accept an offer to move to a comparable vacant Rental Unit at the same or lower Rent, the Tenant is not eligible for any Relocation Assistance pursuant to Section 1806(b) herein, however the length of tenancy shall continue to be calculated from the date the Tenant first entered into a Rental Housing Agreement at the Property.
- (C) In the event the Landlord files a Petition for Individual Rent Adjustment within six (6) months following the completion of the work, the Tenant shall be party to such proceeding as if he or she were still in possession, unless the Landlord submits with such application a written waiver by the Tenant of his or her right to reoccupy the premises pursuant to this subsection.
- (9) **Owner Move-In.** The Landlord seeks, after providing 6 months written notice to the Tenant, to recover possession of the Rental Unit in good faith for use and occupancy as a primary residence by the Landlord, Landlord's spouse, domestic partner, children, grandchildren, parents, or grandparents.
- (A) As used in this subsection, "Landlord" shall only include a Landlord that is a natural person and has at least a fifty percent (50%) recorded ownership

Melanie Martinez

Subject: FW: April 25 Tenant Ordinance
Attachments: TenantOrdLtr.pdf

From: CHRIS NATICCHIA [REDACTED]
Sent: Tuesday, April 18, 2023 12:57 PM
To: Brad Johnson <bjohnson@ci.claremont.ca.us>
Subject: April 25 Tenant Ordinance

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DEMOCRATIC CLUB

OF CLAREMONT

April 18, 2023

Brad Johnson

Community Development Director

City of Claremont

225 Second Street

Claremont, CA 91711

Dear Mr. Johnson:

Our understanding is that, at the April 25, 2023 Claremont city council meeting, the council will consider a permanent ordinance for rental units in the city that places a moratorium on no-fault evictions and provides for rent stabilization. The executive board of the Democratic Club of Claremont recommends that the proposed ordinance include the following provisions:

1. A provision for relocation assistance of three months rent, meant to cover the first and last months' rent and security deposit, in order help renters remain housed and to curtail abuse of the "renovation loophole" in state legislation.
2. A provision that calculates such rent based on current market conditions rather than current payments, which in some cases may be below-market.
3. A provision that stabilizes rent increases at a maximum of 3% plus CPI or 5%, whichever is lower.
4. A provision that limits exemptions to the above to individuals who own three or fewer units.

On behalf of the executive board,

Chris Naticchia

President



DEMOCRATIC CLUB

OF CLAREMONT

April 18, 2023

Brad Johnson
Community Development Director
City of Claremont
225 Second Street
Claremont, CA 91711

Dear Mr. Johnson:

Our understanding is that, at the April 25, 2023 Claremont city council meeting, the council will consider a permanent ordinance for rental units in the city that places a moratorium on no-fault evictions and provides for rent stabilization. The executive board of the Democratic Club of Claremont recommends that the proposed ordinance include the following provisions:

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2. A provision that calculates such rent based on current market conditions rather than current payments, which in some cases may be below-market.
3. A provision that stabilizes rent increases at a maximum of 3% plus CPI or 5%, whichever is lower.
4. A provision that limits exemptions to the above to individuals who own three or fewer units.

On behalf of the executive board,

Chris Naticchia
President

For City Council – City of Claremont

Feb 15th 2023

Dear Claremont City Council,

Please Keep Single Family Homes Out of any changes, as SFH are exempt from 482 already. Please don't make it worse for Single Family Home Owners here in Claremont!

Rents are high, but we have a wonderful city that is kept beautiful and nice.

If you keep rents too low, the Owners won't improve their properties, and you'll have junky apartments, and unkept homes, with little landscaping, and old paint.

Better to keep the rents higher. The City can give a subsidy for the rents to help if they need to.

Owners need a path to get rid of bad tenants, and plights in the neighborhood. Owners need flexibility to protect their homes, and needing Just Cause would make life miserable for these SFH Owners. Please don't make it more restrictive to be an Owner and manage rental properties.

Please consider that capping the rent does not align with current inflation.

Handymen are expensive, and the handymen we use demanding cash now because they complain that gas and materials prices are high.

Many Rentals in this town are for college and graduate students, and professors.

If the Owners can't charge a decent rent, many single-family homes will get pulled off the market. If our City mandates only Just Cause to evict, that would be even less housing for students, Professors, and teachers, and further exacerbates our housing problem. The colleges need our housing as they want to increase the colleges, but they don't have enough housing for the students

Tenants don't always allow handyman in. It is much easier to do a fix-it without the tenant there. Best to do a big fix-it improvement in-between the tenants. Sometimes you need extra time, and fix-it schedules can be delayed. The roof near my home has taken 3 weeks, much longer than the 1 week they quoted.

Hope you will please keep single family homes out of any new changes you make. Please don't make it worse for Single Family Home Owners in Claremont!

Thank you – Claremont resident

RECEIVED

FEB 22 2023

City Manager's Office

Melanie Martinez

Subject: FW: Housing Claremont letter to Council
Attachments: No Fault and Rent Stabilization- council letter.pdf

From: Zachary C. Courser [REDACTED]
Sent: Wednesday, April 19, 2023 4:49 PM
To: Jamie Costanza <[jcostanza@ci.claremont.ca.us](mailto:costanza@ci.claremont.ca.us)>
Cc: Ilsa Lund [REDACTED]
Subject: Housing Claremont letter to Council

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Dear Jamie,

Please distribute the attached letter from Housing Claremont to the City Councilmembers. It is in regard to an agenda item in the upcoming city council meeting. Let me know if you have questions.

Very best,

Zach Courser
[REDACTED]



Educate. Advocate. Connect.

April 19, 2023

Board of Directors

Isla Lund, President
Nancy Treser-Osgood, Secretary
Monique Ott, Treasurer
Gene Boutilier
Zach Courser
Lynne Marsenich

Ed Reece, Mayor
Corey Calaycay, Councilmember
Jed Leano, Councilmember
Sal Medina, Councilmember
Jennifer Stark, Councilmember

City of Claremont
225 Second Street
Claremont, CA 91711

Dear Mayor Reece:

In October 2022, in response to changes in state law, post-pandemic eviction pressures, and input from renters potentially impacted by evictions, the City of Claremont enacted a temporary urgency ordinance placing a moratorium on no-fault evictions. The City also placed temporary urgency limitations on rent stabilization requirements. On April 25 the City Council will consider permanent ordinances for both of these policies. Housing Claremont has researched ordinances in California cities that are similar to Claremont in size and economic makeup to determine whether the city staff's proposed ordinances are adequate to protect renters in the community (see appendix, table 1). Our guiding principles in making these determinations were tenant protection and incorporating values that best reflect our community. After reviewing these ordinances and carefully considering these criteria, the Board of Housing Claremont make the following recommendations to the City Council improve the proposed permanent no-fault eviction and rent stabilization ordinances. We believe these additions will better serve tenants and reflect our community's values.

No-Fault Evictions

The state of California has set minimum standards for no-fault evictions through the California Tenant Protection Act of 2019 (AB 1482). This law does not go far enough in protecting the interests of renters, and many California cities comparable to Claremont go much further. We recommend the following be included in the permanent ordinance, first introduced by staff at the October 25, 2022 Council meeting:



Relocation assistance

In the staff report, the City of Claremont plans to increase relocation assistance from one month's rent to three month's rent. The intention is to cover the first and last month's rent, and security deposit for tenants relocating to a new apartment. We recommend that Claremont follow Culver City's model for relocation assistance, which is three month's rent or three times the Small Area Fair Market Rent – whichever is higher – plus \$1,000. The Small Area Fair Market Rent is calculated yearly by the federal Department of Housing and Urban Development (HUD) for every zip code in the U.S. The inclusion of the Small Area Fair Market Rent helps to ensure tenants who are paying below market rate for their current apartment can be fairly compensated as they search for a comparable apartment in Claremont. The additional \$1,000 is meant to support extra relocation costs, including movers, child care, and days off of work. We further recommend that small landlords – defined as individuals (not corporations or LLCs) who own no more than three rental units in the city – pay 50% of the required relocation assistance.

Additional protections for students and educators

In the previous proposed ordinance, Claremont does not provide any additional eviction protections for groups that would be particularly harmed by no-fault evictions. Both Culver City and Santa Monica do not allow no-fault evictions of school-aged children (K-12) attending public school during the school year. We recommend Claremont add protections for K-12 students – as well as full-time college students and educators – during the school year to minimize disruption to educational programs. We believe this reflects the values of our community and an understanding of how vital education is to it.

Residential Rent Stabilization

In the proposed permanent ordinance, city staff recommended a yearly allowable rent increase of 3% plus the consumer price index (CPI), for a maximum of 6% total. While this is lower than the state's 10% maximum, other California cities with comparable populations and median incomes to Claremont offer protections of between 3% and 5% allowable annual rent increases. For example, Culver City's maximum ranges between 2% and 5% depending on CPI. West Hollywood limits rent increases to 75% of CPI or a maximum of 3% annually. We recommend Claremont adopt a 3% plus the consumer price index (CPI), for a maximum of 5% total annual rent increase. We believe this will adequately stabilize rents and reflects the standards in place in similar cities in the region.

An important provision of the October 25 urgency ordinance for heightened rent stabilization exempted “residential tenancies with 20 or fewer units.” After reviewing Claremont's non-owner-occupied rental properties in Claremont, we recommend that the permanent ordinance exempt residential tenancies with 3 or fewer units. This would ensure that a majority of rental units in the city be rent stabilized, whereas the 20 or fewer units provision would leave less than half of units in the city protected.

Page 3

The Board of Housing Claremont asks that you ensure these important provisions are part of the City's housing policy. We feel these additions best represent the interests of tenants, and provide protections that reflect our community and the best practices of similar cities in the region. We also believe the exemptions and reductions for small landlords make this policy fair for property owners. Please reach out to us if you have questions, and we look forward to sharing our perspective on this policy at the upcoming council meeting.

Sincerely,

A handwritten signature in black ink that reads "Zachary Courser". The signature is written in a cursive style with a large, stylized initial 'Z'.

Zachary Courser
Board Member, Housing Claremont

Appendix

Table 1: Demographic and Economic Characteristics of California Cities Similar to Claremont

	Claremont	East Palo Alto	Beverly Hills	West Hollywood	Culver City	Alameda	Antioch	Santa Monica
First stabilization enactment date	N/A	1988, 2010	1978, 2017	1985	2020	2019	August / Nov 2022	April 1979
Last stabilization revision	N/A	2023 (yearly)	July 2022	2023	2020	2022	August / Nov 2022	2022 (yearly)
Population as of 2020	35,610	30,034	33,709	35,678	40,640	78,280	115,291	93,076
% renters as of 2020	34%	51.20%	58.30%	80.20%	46.20%	54.80%	36.20%	68.60%
Median income as of 2020	\$101,080	\$96,349	\$103,944	\$71,692	\$97,540	\$115,468	\$97,540	\$94,906
RHNA assessment	1,711	829	3,104	3,933	3,341	5,353	3,016	8,895
SCNG housing scorecard	D+	B-	A+	A+	C-	C-	C	B
“Just cause” ordinance	N/A	Link	Link	Link	Link	Link	None?	Ch. 9 Summary of Regulations
Rent stabilization ordinance	N/A	Link	Link	Link	Link	Link	Link	Resolution 22-001 Adopted 6-9-2022.pdf (smgov.net)
Extra links							Staff report to August meeting to pass rent stabilization	Original 1979 Rent Control Article XVIII including Section 1806

Source: City websites, US Census, Southern California News Group.

Melanie Martinez

Subject: FW: Inclusive Claremont recommendations: no-fault eviction and rent stabilization
Attachments: Inclusive Claremont policy recommendations-2.pdf

From: Gwen Morgan Tucker [REDACTED]
Date: April 19, 2023 at 7:55:39 PM PDT
To: Shelley Desautels <SDESAUTELS@ci.claremont.ca.us>, jconstanza@ci.claremont.ca.us, Adam Pirrie <apirrie@ci.claremont.ca.us>
Subject: **Inclusive Claremont recommendations: no-fault eviction and rent stabilization**

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I hope this email finds you well! I'm attaching a copy of Inclusive Claremont's policy recommendations for the city's permanent ordinance concerning no-fault evictions and rent stabilization. Please let me know if there is any additional information we can provide.

Best,
Gwen



April 19, 2023

At the meeting on April 25th, the Claremont City Council will consider permanent ordinances regarding no-fault evictions and rent stabilization, following up on the passage of a temporary moratorium on renovation evictions last fall. As the city's pro-housing coalition, Inclusive Claremont believes wholeheartedly that the City of Claremont should do everything in their power to propose and pass the strongest and most comprehensive renter protection ordinance possible. After reviewing the information collected and recommendations proposed by Housing Claremont, Inclusive Claremont would like to submit the following recommendations to the proposed no-fault eviction and rent stabilization ordinances.

- **Relocation assistance:** In last year's staff report, the City of Claremont planned to increase relocation assistance from one month's rent to three month's rent, covering the first and last month's rent as well as security deposit for tenants relocating to a new apartment. We agree with Housing Claremont's recommendation that "Claremont follow Culver City's model for relocation assistance, which is three month's rent or three times the Small Area Fair Market Rent – whichever is higher – plus \$1,000." This will more adequately address relocation for people renting apartments for below market-rate, and will provide additional funding for moving expenses. We also recommend that Claremont consider models for relocation assistance such as those applied in Beverly Hills, West Hollywood, and Santa Monica that provide additional funds for tenants over the age of 62, with disabilities, or with children.
- **Additional protections for subgroups:** Claremont's previously proposed ordinance does not offer additional protections for groups that would be particularly harmed by no-fault evictions. We concur with Housing Claremont in suggesting that "Claremont add protections for K-12 students – as well as full-time college students and educators – during the school year to minimize disruption to educational programs." As a coalition of students and community members, we believe this protection is hugely important for living up to our city's values. Additionally, we encourage the City of Claremont to adopt a model similar to Culver City, where tenants over the age of 62, tenants with disabilities, and low-income tenants are granted further protections from no-fault evictions. This could reasonably include extending the amount of time the tenant has to move once receiving their no-fault eviction notice.
- **Rent stabilization:** In the state of California, rent increases can currently be up to 5% + CPI or 10% every year, depending on the rate of inflation. This is not doing enough to

protect Claremont tenants, more than 50% of whom are rent burdened. We recommend that Claremont adopt residential rent stabilization at 2% + CPI or 4%, whichever comes first. This is comparable to local cities such as Culver City, West Hollywood, and Pomona.

- Exemptions: Last year's temporary moratorium on renovation evictions adopted an exemption for "residential tendencies with 20 or fewer units." We strongly urge the city of Claremont to not continue this standard, as it will not adequately protect a majority of tenants in Claremont. We recommend that the permanent ordinance only exempt owner-occupied duplexes or rooms in owner-occupied homes.

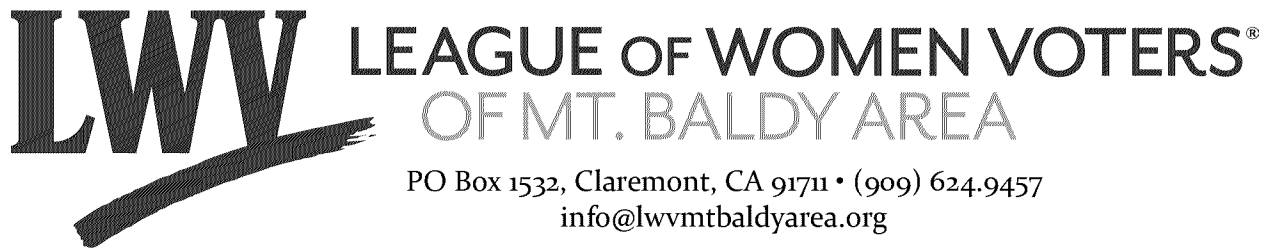
We ask that you consider these recommendations along with the letters sent in by other groups supportive of renter protections, such as Claremont Tenants United, Housing Claremont, and the Democratic Club of Claremont. We believe that these changes will ensure an ordinance that fairly and equitably protects tenants in Claremont, and ensures that the City of Claremont lives up to its values.

Sincerely,
Gwen Tucker
Lead Organizer, Inclusive Claremont

ERRATA for Claremont City Council meeting, April 25, 2023 Item No. 10 – Consideration of Tenant Protections

This errata makes a minor change to correct a typographical error on Page 2 of the staff report for Item No. 10 – Consideration of Tenant Protections, which is for consideration at the April 25, 2023 regular City Council meeting. The minor change on Page 2 of the report is considered insignificant, and is as follows:

“Staff has prepared two draft ordinances for the City Council’s consideration, which would respectively require two readings (i.e., introduction and adoption) and would not go into effect until thirty days after their second reading.”



To Claremont City Council and Staff,

The League of Women Voters Mt. Baldy area thank you for taking action on tenant protections in the City of Claremont including the current temporary moratorium on certain no-fault evictions and the desire to pass a comprehensive tenant protection ordinance.

LVW holds well researched, member adopted positions on housing, homelessness and meeting basic human needs. Links to the full text of these positions are attached below. Some highlights include:

- Support a proactive position, leading to affordable housing for a wider range of economic levels and family compositions.
- Support for action at all levels of government for the provision of affordable housing for all Californians.
- Protection of the rights of both tenants and landlords.
- Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families.
- Support policies to provide a decent home and a suitable living environment for every American family.

The League of Women Voters believes that one of the goals of social policy in the United States should be to promote self-sufficiency for individuals and families and that the most effective social programs are those designed to prevent or reduce poverty. In California there is no greater risk to falling into poverty than the loss of affordable housing. Over the years much work has been done to create new housing at a variety of income levels. Such projects can take years and significant funding to bring to completion. The preservation of existing affordable housing such as those under affordability covenants and utilizing subsidies and “naturally affordable” units (those below market rate due to long term tenancy and willing landowners) is an immediate action serving to support low income members of the community at little cost to the city and taxpayers.

...serving Claremont, Alta Loma, Chino, Chino Hills, Diamond Bar, Glendora, LaVerne, Montclair, Ontario, Pomona, Rancho Cucamonga, San Dimas, and Upland

We ask that Claremont pass a tenant protection ordinance strong enough to meet the needs of the community, especially low income renters. The following provisions should be included in such an ordinance.

□ Applicable properties:

We ask that Claremont follow the guidelines set forth in AB 1482 which stipulates that protection be afforded to all properties with 2 or more units and to single family homes owned by a corporation or LLC. Single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home are exempt. This criteria protects the rights of “mom and pop” homeowners while ensuring protections for the majority of renters.

□ Relocation assistance:

Following the Culver City model, we ask that tenants be provided three month’s rent or three times the Small Area Fair Market Rent – whichever is higher – plus \$1,000 following any no-fault eviction. This will adequately address relocation for households currently renting below market units and provide for moving expenses

□ Additional protections for special groups:

The Claremont Housing Element requires that Claremont consider the needs of special populations when creating policy. We ask that households containing K-12 students, full time college students, educators and school support staff be exempt from no-fault evictions during the academic year. Additionally, we encourage the City of Claremont to adopt a model similar to Culver City, where tenants over the age of 62, tenants with disabilities, and low-income tenants are granted further protections from no-fault evictions. This could reasonably include extending the amount of time the tenant has to move once receiving their no-fault eviction notice.

□ Rent Stabilization:

According to Claremont’s 5th and 6th cycle Housing elements, average rents in Claremont increased 42.7% in the years between 2016 and 2021. During that same period the average for sale home increased just 25.9%. AB 1482 aimed to stop price gouging in the rental market by capping annual rent increases at 5% plus CPI with a maximum of 10%. This, unfortunately will do little to protect the out of sync growth in cost in the rental market and protect the over 50% of tenants already cost burdened. We recommend that Claremont adopt

...serving Claremont, Alta Loma, Chino, Chino Hills, Diamond Bar, Glendora, LaVerne, Montclair, Ontario, Pomona, Rancho Cucamonga, San Dimas, and Upland

rent stabilization allowing annual increases of 2% plus CPI or 4%, whichever comes first. This is comparable to local cities such as Culver City, West Hollywood, and Pomona.

□ No-fault Evictions for major renovations

Maintaining safe and habitable living conditions is a necessary part of owning a property. At times owners, in order to meet this need, will be forced to issue a no-fault eviction to maintain safe and habitable conditions. In such cases we ask the city to require property owners to provide a detailed scope of work to both the city and current tenant, that the property owner acquire permits for such work, and that the work not be merely cosmetic. No-fault eviction notices may not be served prior to the above stipulations.

It is important for us to consider the limitations of the California tenant protection law, AB1482. First, the law sunsets after 10 years leaving tenants once again without protections from price gouging and no-fault evictions of any kind. The law fails to offer adequate protection against the rising costs of housing. Many Homeowners would agree that annual 10% increases to their mortgage payments would leave them at risk of default. The language around no-fault renovation evictions is vague. Many large property firms are taking advantage of this in a predatory fashion and displacing long term tenants in order to exponentially raise rents and profits. While the suggestions above will put new constraints on property owners, they will have little effect on the many upstanding property owners in Claremont that already provide safe affordable housing options throughout the community. These suggestions will ensure that Claremont can continue to provide affordable housing options to the community members that play vital roles in Claremont while discouraging greedy property owners from using loopholes in the law to enrich themselves on the backs of good tenants.

We stand in solidarity with the recommendations provided by Housing Claremont, Claremont Tenants United, and Inclusive Claremont and urge you to create a strong tenant protection ordinance in keeping with the Claremont values of livability and inclusivity.

Sincerely,
Board of Directors, LWV Mt. Baldy area
Barbara Nicoll, president
Amanda Hollis Brusky, vice president
Jeena Trexler-Sousa, secretary
Kristen Fass, treasurer
Anne Bellemin, co-treasurer

...serving Claremont, Alta Loma, Chino, Chino Hills, Diamond Bar, Glendora, LaVerne, Montclair, Ontario, Pomona, Rancho Cucamonga, San Dimas, and Upland

Directors: Jerry Klasik, Tamara Nicoll, Susan Schenk, Rachel Forester, Jessica MacLachlan, Maritza Rodriguez, Barbara Rugeley

<https://lwvc.org/position/housing>

<https://lwvc.org/position/meeting-basic-human-needs>

https://www.lwvmtbaldyarea.org/content.aspx?page_id=22&club_id=270309&module_id=468978

...serving Claremont, Alta Loma, Chino, Chino Hills, Diamond Bar, Glendora, LaVerne, Montclair, Ontario, Pomona, Rancho Cucamonga, San Dimas, and Upland

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Ella G Bailey [REDACTED]
Sent: Monday, April 24, 2023 12:28 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

- Place strong limitations on no-fault evictions for renovation
- Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
- Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Ella Bailey

Téléchargez [Outlook pour iOS](#)

Subject: FW: Proposed Rent Contro

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message submitted from the <City of Claremont> website.

Site Visitor Name: William M. Baker

Site Visitor Email: [REDACTED]

Dear Claremont City Council:

I urge council to allow the current California statewide rent control, AB1486, to remain the controlling law.

The owner, like other businesses, must maintain quality service while receiving a return of the investment.

Residential owners of multi-family properties are not a social safety net for residents confronting life's challenges such as a loss of a job or other life event. The overhead of operating a multi-family property is continuing and can be a daunting obligation.

Every month an owner must make a loan payment as well as paying a gardener, trash and utility bills. Other obligations include property taxes, property insurance and a business license. The owner must respond to other maintenance and repair issues such as plumbers, electricians and painters. Each year an owner may be confronted with capital projects such as a new roof and fascia, new sprinklers, an apartment turnover that may require an upgrade to a kitchen, bathroom and flooring. All these obligations must be met on a timely basis with no government safety-net.

For example the 2021 Claremont trash bill has increased 12% in two years to various recycling programs, the cost of labor and the worldwide issues concerning metals and plastics. The city's website indicates that rates may increase 3% a year from 2022 to 2026. This is just one example of ever increasing costs that include water and gas that have increased year after year. These costs cannot be easily passed to the residents.

When an owner encounters a capital project or a rehab of a unit, the income for that month may create a negative cash flow resulting in the owner dipping into savings, if any, or maintaining outside employment.

We urge council to allow the statewide cap on increases remain in effect and it should be noted that the state law now prohibits "no-fault" evictions.

Thank you,

William M. Baker

Shelley Desautels

Subject: FW: Public Comment Item #10

From: Mica Lynn Barrett <[REDACTED]>
Sent: Monday, April 24, 2023 1:26 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing today as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will...

- Place strong limitations on no-fault evictions for renovation, including requiring the renovation be to address substantial health and safety concerns and considering the right of first refusal
- Provide adequate relocation assistance for tenants if a no-fault eviction does have to occur, following Los Angeles County or Santa Monica's model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities such as West Hollywood, Culver City, and Pomona
- Maintain only the exemptions provided by California's AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community. Taking bold action is necessary for Claremont to live up to its values of livability and inclusivity.

Thank you for your consideration.

Mica Barrett

Jamie Costanza

From: Centia Batz [REDACTED]
Sent: Saturday, April 22, 2023 7:02 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Centia Batz
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Maria Alejandra Guizler Bonilla [REDACTED]
Sent: Monday, April 24, 2023 12:43 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Isa Bravo [REDACTED]
Sent: Monday, April 24, 2023 12:27 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.



California Apartment Association
Los Angeles County
515 S. Flower Street, 18th Fl.
Los Angeles, CA 90071

April 24, 2023

Mayor Reece & City Council
City of Claremont
VIA Email

Re: Eviction and Rent Control Discussion

Dear Mayor Reece and Council Members:

The California Apartment Association represents ethical, law-abiding housing providers and real estate industry experts who are involved with a range of rental properties from those that offer single-family residences to large apartment communities. Our members provide a majority of the affordable housing throughout Los Angeles County.

On behalf of my members, I urge council to vote no on the rent control ordinance and strict eviction controls. These draconian rental housing regulations will make housing more expensive and less available. The only viable solution to housing affordability is to build more housing.

State law AB 1482 caps annual rent increases and institutes prohibitions regarding “for cause” lease terminations. There is no “loophole” in the legislation. The substantial remodel provisions are designed to encourage healthy and improved housing stock.

Help the Claremont renters who are either income-qualified, rent-burdened, or may need emergency rental assistance due to certain qualifying circumstances without negatively affecting property owners:

- **Utilize American Rescue Plan Act (ARPA) funding as recommended by staff and allocate \$300,000 for a temporary rental assistance program.**
- **Explore additional rental assistance programs, an objective of City Council for 2022- 24.**

Making it more difficult for owners to do “substantial remodels” will deter the improvement of rental properties. As staff correctly points out, this could lead to rental properties falling into disrepair and negatively impact the visual characteristic of Claremont’s neighborhoods one block at a time.

Please know that as a public policy trade association engaged in cities across the state, CAA is always available to offer views and solutions that have been proven effective in the rental housing industry statewide.

Sincerely,

Matthew Buck
Vice President of Public Affairs
California Apartment Association

Shelley Desautels

From: Tanya Moreno
Sent: Monday, April 24, 2023 1:13 PM
To: Shelley Desautels; Jamie Costanza
Subject: FW: Public Comment Item #10

-----Original Message-----

From: Emily Cady <[REDACTED]>
Sent: Monday, April 24, 2023 1:09 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Emily

Shelley Desautels

From: Tanya Moreno
Sent: Monday, April 24, 2023 1:13 PM
To: Shelley Desautels; Jamie Costanza
Subject: FW: Public Comment Item #10

-----Original Message-----

From: Maddie Callan <[REDACTED]>
Sent: Monday, April 24, 2023 1:10 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

From: Tanya Moreno
Sent: Monday, April 24, 2023 11:35 AM
To: Shelley Desautels; Jamie Costanza
Subject: FW: Public Comment Item #10

-----Original Message-----

From: Claire [REDACTED]
Sent: Monday, April 24, 2023 11:31 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Claire LeBlanc

Jamie Costanza

From: Zach Courser [REDACTED]
Sent: Saturday, April 22, 2023 8:22 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Zach Courser
[REDACTED]

Jamie Costanza

Subject: RE: Public Comment Item #10

-----Original Message-----

From: Sahar Dabirian [REDACTED]
Sent: Monday, April 24, 2023 11:57 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation
Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance
Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Amanda Eric [REDACTED]
Sent: Monday, April 24, 2023 12:16 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

amanda eric
Sincerely,

Amanda Eric (she/her)
Pomona College '25 (undecided)
Pardon my spelling mistakes.

Jamie Costanza

From: Jeanine Finn [REDACTED]
Sent: Saturday, April 22, 2023 12:13 PM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Jeanine Finn
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Maddy Gerrish [REDACTED]
Sent: Monday, April 24, 2023 12:13 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Hannah Heckendorn [REDACTED]
Sent: Monday, April 24, 2023 11:56 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation
Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance
Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Hannah Heckendorn
Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item

-----Original Message-----

From: Eloise I. Heimert [REDACTED]
Sent: Monday, April 24, 2023 12:36 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Eloise

•

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Nina Grace Howe-Goldstein [REDACTED]
Sent: Monday, April 24, 2023 12:32 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

- Place strong limitations on no-fault evictions for renovation
- Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
- Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home.

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Best,
- Nina Howe-Goldstein

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Anna Huff [REDACTED]
Sent: Monday, April 24, 2023 12:55 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello!

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Thank you so much,
Anna Huff

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Zoë Jacobs [REDACTED]
Sent: Monday, April 24, 2023 12:36 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Zoë

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Mattie Johnson [REDACTED]
Sent: Monday, April 24, 2023 12:33 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

-Mattie Johnson

Sent from my iPhone

Jamie Costanza

From: Lee Kane [REDACTED]
Sent: Friday, April 21, 2023 11:06 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Lee Kane
[REDACTED]

Jamie Costanza

From: Anthea Kraut [REDACTED]
Sent: Sunday, April 23, 2023 6:47 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

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Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Anthea Kraut
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Amelie Lee [REDACTED] >
Sent: Monday, April 24, 2023 11:56 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Jane Lovett [REDACTED]
Sent: Monday, April 24, 2023 12:25 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

- Place strong limitations on no-fault evictions for renovation
- Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
- Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

--

Best,
Jane Lovett (She/Her)

Jamie Costanza

From: Karen Lull [REDACTED]
Sent: Friday, April 21, 2023 11:00 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Karen Lull
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Mairead O'Connor [REDACTED]
Sent: Monday, April 24, 2023 12:18 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Tierney O'Keefe [REDACTED]
Sent: Monday, April 24, 2023 12:54 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

I am writing today as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will...

- Place strong limitations on no-fault evictions for renovation, including requiring the renovation be to address substantial health and safety concerns and considering the right of first refusal
- Provide adequate relocation assistance for tenants if a no-fault eviction does have to occur, following Los Angeles County or Santa Monica's model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities such as West Hollywood, Culver City, and Pomona
- Maintain only the exemptions provided by California's AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community. Taking bold action is necessary for Claremont to live up to its values of livability and inclusivity.

Thank you for your consideration.
Tierney O'Keefe

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Pallavi R [REDACTED]
Sent: Monday, April 24, 2023 12:12 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation
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Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

Subject: RE: Public Comment Item #10

-----Original Message-----

From: Mina Petracca [REDACTED]
Sent: Monday, April 24, 2023 11:57 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

Subject: FW: Public Comment Item #10

-----Original Message-----

From: maya prabhu [REDACTED]
Sent: Monday, April 24, 2023 11:10 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Lindsay Ravetz [REDACTED]
Sent: Monday, April 24, 2023 11:41 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation
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Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

In community,
Lindsay Ravetz

Shelley Desautels

Subject: FW: City of Claremont: Citizen Feedback Form from Website

From: noreply@ci.claremont.ca.us <noreply@ci.claremont.ca.us>

Sent: Friday, April 21, 2023 12:40:48 PM

To: contact@ci.claremont.ca.us

Subject: City of Claremont: Citizen Feedback Form from Website

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A new entry to a form/survey has been submitted.

Form Name: Citizen Feedback
Date & Time: 04/21/2023 12:40 PM
Response #: 2436
Submitter ID: 11726
IP address: 79.62.193.83
Time to complete: 36 min. , 15 sec.

Survey Details

Page 1

Please select a topic from the list below:

Affordable Housing

Type Your Question or Comment:

I have lived in Claremont for the past 30 years. I oppose any and all attempts to restrict property owners rights to improve and protect their property in general and am against the attempt to sneak in the housing affordability bill as a way to protect tenants right specifically. I want the council members to know that I will personally expend funds, resources and time to make sure they are kicked out of city council if they do so.

For the last few years, the state, county and many cities have trampled over the rights of property owners to own and manage their property. Many owners have not been able to raise rents while property taxes have been raised by 3% annually and water rates and insurances have gone up significantly. This has forced owners to find ways to increase value of their property by renovating and raising rents. There is nothing wrong with that and I strongly object to anyone calling that a loophole. It is not a loophole. It is an owners right to maintain their property. If owners don't protect their property by doing so, then these properties will not be maintained leading to blight of neighborhoods. Owners have been protected by allowing them to renovate properties and thereby increase their value. I want the city council to terminate employment of any city employees that have been involved in supporting this affordability housing bill. Enough is enough, we need a balance between property owners rights and tenants rights. It is right now against property owners. The city should explore other avenues to help people in need of affordable housing including subsidies that will be paid by everyone and not by just the few owners of property. That is another debate but one more equitable involving many and not a few. Offering more incentived to build more affordable housing as another solution and again this burden is shared by many and not a few.

Claremont is a city known for its trees and Phds. Lets not let some shortsighted initiatives insult who we are.

Again I feel very strongly about this matter and I will personally expend time money and resources to oppose any city council members and city employees who try in any manner to curtail the rights of property owners that is the cornerstone of any democracy. Vote no on this misguided affordable housing bill.

Name:

Sri Renganathan

Address:

[REDACTED]

City:

Claremont

State:

California

Email:

[REDACTED]

Phone:

[REDACTED]

I would like a response from the City:

(o) Yes

Photo

Please upload a jpeg
photo if available

Thank you,
City of Claremont

This is an automated message generated by Granicus. Please do not reply directly to this email.

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Rachel Ressimyer [REDACTED]
Sent: Monday, April 24, 2023 12:18 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

- Place strong limitations on no-fault evictions for renovation
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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Jamie Costanza

Subject: FW: Public Comment Item #10

-----Original Message-----

From: Riya [REDACTED]
Sent: Monday, April 24, 2023 10:56 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Lauran Justine Soto [REDACTED]
Sent: Monday, April 24, 2023 11:34 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as Staff at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Thank you,
Lauran Soto

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Anna T [REDACTED]
Sent: Monday, April 24, 2023 11:38 AM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Anna Taufen
Sent from my iPhone

Jamie Costanza

From: Elizabeth Chisato Uyeki [REDACTED]
Sent: Saturday, April 22, 2023 12:26 PM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Elizabeth Chisato Uyeki
[REDACTED]

Jamie Costanza

From: janet vandevender [REDACTED]
Sent: Monday, April 24, 2023 9:37 AM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- janet vandevender
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Sydney Watson [REDACTED]
Sent: Monday, April 24, 2023 1:09 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sincerely,
Sydney Watson

Jamie Costanza

From: Ellen Webster [REDACTED]
Sent: Friday, April 21, 2023 4:27 PM
To: Corey Calaycay; Jed Leano; Ed Reece; Jennifer Stark; Sal Medina; Jamie Costanza
Subject: Keep Claremont housing affordable and inclusive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
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3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

-- Ellen Webster
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Ashe West-Lewis [REDACTED]
Sent: Monday, April 24, 2023 12:38 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Shelley Desautels

Subject: FW: Public Comment Item #10

From: Joelle Trinity Williams [REDACTED] >

Sent: Monday, April 24, 2023 1:13 PM

To: Tanya Moreno <TMoreno@ci.claremont.ca.us>

Subject: Public Comment Item #10

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Hello,

I am writing today as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will...

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I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community. Taking bold action is necessary for Claremont to live up to its values of livability and inclusivity.

Thank you for your consideration.

Joelle

Jamie Costanza

To: Tanya Moreno; Shelley Desautels
Subject: RE: Public Comment Item #10

From: Eliet Lee Williamson-Diaz [REDACTED]
Sent: Monday, April 24, 2023 12:37 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

- Place strong limitations on no-fault evictions for renovation
- Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica’s model as provided in the ordinance
- Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities
- Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.



Pomona Economic Opportunity Center

Facilitating employment, services, and advocacy to low-wage immigrant workers in Pomona and the Inland Empire

1682 W. Mission Blvd.
Pomona, CA 91766

Mailing Address
P.O. Box 2496
Pomona, CA
91769-2496

Tel: (909) 397- 4215
Fax: (909) 622 - 9880
www.pomonadaylabor.org

April 24, 2023

VIA EMAIL

City of Claremont
ATTN: City Council
207 Harvard Ave
Claremont, CA 91711-4719

Re: City Council Meeting Agenda Item 10: SUPPORT

Dear Council:

The Pomona Economic Opportunity Center (PEOC) provides an opportunity for day laborers, household workers, and other low-wage, immigrant workers to find safe work at a fair wage, to organize and advocate for themselves in relation to policies that impact their lives, to obtain new trades and skills that improve their employability and quality of life, and to improve the overall conditions for all immigrant workers.

Since 2013, we have been organizing tenants in the region, including tenants in Claremont, to defend their rights and to advocate for greater tenant protections in their jurisdictions.

We right now in support of a strong Rent Stabilization Ordinance (RSO) for the City of Claremont. We recommend adopting a maximum yearly rent adjustment at no greater than 70% of the annual change in CPI, as well as protecting all tenants eligible for city-level protections under the Costa-Hawkins Rental Property Act of 1994—that is, not unnecessarily exempting owner-occupied duplexes or triplexes.

We also recommend protecting all tenants from no-fault evictions. While some rent stabilization ordinances exempt the tenants of single-family homes, accessory dwelling units, or units whose owners who own smaller numbers of units, such carve-outs undermine the purpose of rent stabilization ordinances: that of stabilizing housing in the city.

We support requiring relocation assistance to the victims of no-fault evictions at rates that contemplate not only move-in expenses (such as first and last month's rent and security deposits as high as double the monthly rent) but also the rental of moving trucks, the of professional movers, the rental of storage units that many renters find themselves having to rent for several months, and the deposits that most utility companies require to open new accounts. Relocation fees should also take into consideration when tenants face additional burdens, such as fixed incomes, disability status, and the presence of school-aged children in the home.

We suggest establishing a rental registry and a per-unit fee, a disproportionate amount is prohibited from being charged to the renter, to finance the administration and enforcement of your RSO.

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Bea Royster, Esq.

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Pomona Economic Opportunity Center

Facilitating employment, services, and advocacy to low-wage immigrant workers in Pomona and the Inland Empire

We further support the appropriation of funds to rental assistance for distressed tenants in order to avoid the homelessness and displacement that the end of County-level COVID-related eviction protections is already bringing to our community.

We respectfully suggest that you appropriate adequate funding for legal services for Claremont tenants who face proceedings in unlawful detainer court, as the court experience is traumatic and requires a level of expertise that many tenants simply don't have.

Finally, we encourage the City of Claremont to effectively communicate any policy change to ALL tenants in the community and make efforts to overcome language barriers and the digital divide to do so.

As a community-based organization that has been part of StayHousedLA since 2021, the PEOC is committed to informing tenants, especially the most vulnerable tenants of their rights, and supporting the efforts of tenants to organize for stronger tenant protections. Over the years, we have developed significant policy-area knowledge and experience working with local governments on policy implementation, and offer that knowledge and experience to you as you develop and implement your policy. Should you have any questions, please do not hesitate to reach out to us.

Sincerely,

Benjamin Wood
Lead Organizer



Jamie Costanza

From: Janet Gagnon [REDACTED]
Sent: Tuesday, April 25, 2023 7:15 [REDACTED]
To: Ed Reece; leano@ci.claremont.ca.us; Corey Calaycay; Sal Medina; Jennifer Stark
Cc: Daniel Yukelson; Max C. Sherman; Martin Makaryan; Shelley Desautels; Jamie Costanza
Subject: Claremont City Council Meeting 4/25 - Agenda Item 10 re: Rent Stabilization Ordinance, Just Cause Ordinance and Temporary Rental Assistance Program
Attachments: Claremont Comment Letter-04252023-Clean.pdf

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Dear Mayor Ed Reece and Members of the Claremont City Council,

At tonight’s City Council meeting you will be considering agenda item 10 regarding a rent stabilization ordinance, a Just Cause ordinance with mandatory relocation fees and a temporary rental assistance program. Attached please find the formal comment letter from the Apartment Association of Greater Los Angeles (AAGLA) for your review and consideration.

AAGLA strongly supports the newly proposed temporary rental assistance program as the most effective method to keep renters in their homes while preserving a positive relationship between renters and rental housing providers. We urge the City Council to immediately institute this new program and provide substantially greater funding for it based on the more than \$4 million in American Rescue Fund monies that the City currently has available and must be committed by the end of 2023. AAGLA opposes the Just Cause ordinance as Assembly Bill 1482 has only recently begun to be fully implemented due to COVID-19 moratoriums that had been in place until recently. It should be allowed to work prior to the City considering any changes by local ordinance. However, we do understand that a single large apartment complex has been a “bad actor” and a narrowly tailored ordinance for properties with 60 units or more attempting to conduct substantial remodels may be appropriate. The current Just Cause ordinance is vastly too broad and damaging to all other responsible rental providers in Claremont, especially independent mom-and-pop owners with properties with 20 or fewer units, and we urge the City Council to reject it. Finally, AAGLA strongly opposes the proposed rent stabilization ordinance as no data has been presented by staff and no formal study has been conducted to show that any widespread issue of substantial rental increases exists in Claremont and third-party data indicates no such issue. The handful of anecdotal stories from renters are better addressed, and for a far lower cost to the City, on a case-by-case bases utilizing a voluntary mediation program similar to the one that has been successful in Santa Barbara for many years. Thus, we urge the City Council to reject the rent stabilization ordinance in its entirety.

Thank you.

Sincerely,

Janet M. Gagnon



Janet M. Gagnon, Esq.
Director, Government Relations & External Affairs
Apartment Association of Greater Los Angeles

[REDACTED]

AAGLA

"Great Apartments Start Here!"

Janet M. Gagnon
Director, Government Affairs
& External Relations

April 25, 2023
Via Electronic Mail

Hon. Mayor Ed Reece, and the
Members of the Claremont City Council

Re: Consideration of Tenant Protections – (1) First Reading and Introduction of an Ordinance Imposing Heightened Tenant Protections for Just Cause Evictions for Certain Residential Tenancies in the City of Claremont; and (2) First Reading and Introduction of an Ordinance Imposing Heightened Rent Stabilization Requirements for Certain Residential Tenancies in the City of Claremont; and (3) Consideration of a Temporary Rental Assistance Program (Funding Sources: General Fund and American Rescue Plan Act Funds) (Agenda Item 10)

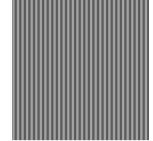
Dear Hon. Mayor Reece and Members of the Claremont City Council:

At tonight's City Council meeting, the Council will consider adoption of two ordinances: (i) one ordinance that would impose additional regulations for no-fault tenancy terminations based on substantial remodel and demolition and significantly increase relocation fees for all no-fault evictions and (ii) a second ordinance which would permanently impose a strict annual rent increase limitation. The Apartment Association of Greater Los Angeles (AAGLA) is strongly opposed to the imposition of extreme rent increase limitations and Just Cause relocation fees beyond those already required statewide under Assembly Bill 1462 (AB1482), which has not yet been fully implemented due to impacts of COVID-19. We urge the City Council to reject adopting either ordinance at this time and instead allow AB1482 to be fully implemented before any additional changes are considered.

AAGLA, established in 1917, is a voluntary membership trade association whose nearly 10,000 members are rental housing providers and property management professionals throughout Los Angeles, Ventura, and San Bernardino counties, including the City of Claremont. More than 80% of our members are independent, mom-and-pop rental housing owners with fewer than 20 units, and many who own only a single rental property that they rely upon for their families' daily living expenses such as medical costs as retirees or newly arrived immigrants.

Temporary Rental Assistance Program

We applaud the City Council's efforts to create a Temporary Rental Assistance Program using ARPA funds that must be dedicated by the end of 2023. Direct rental assistance is the most effective way to keep current renters in their homes and maintain positive relationships between renters and



AAGLA

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rental housing providers. The majority of our members are small, local businesses and no different than the neighborhood grocery store. Our members provide housing for residents in Claremont that do not have the ability and/or desire to purchase a single-family home, condominium or other owned property for themselves or their families. Our members are part of the solution to housing, but cannot be the only solution. The City must provide the safety net needed by its low-, very low-, and extremely low-income residents by providing necessary financial aid as well as creating its own public housing using City-owned properties.

Temporary Rental Assistance Program

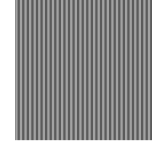
We encourage the City Council to immediately adopt the proposed Temporary Rental Assistance program. However, we offer a few suggested modifications to ensure that the limited funds available are directed to those who truly need such government financial assistance. Specifically, we would urge the City to adopt a requirement that anyone seeking such assistance qualify as either low-, very low-, or extremely low-income as defined by the U.S. Department of Housing and Urban Development (HUD).

There are many renters that may lose jobs and temporarily be unemployed, but not all renters need financial assistance. Renters making moderate, middle and high incomes should **not** be provided with any City financial assistance as those funds should be spent on only those individuals without sufficient savings, investments and other assets to get them through until they are financially stable. All other forms of government financial aid are restricted based on household income, including Supplemental Nutrition Assistance Program (SNAP), Women, Infants and Children (WIC), Medi-Cal, Supplemental Security Income (SSI), California Lifeline, and the Affordable Connectivity Program (ACP). This is to ensure that limited funding is spent on the greatest number of people possible that are in the greatest need for such financial assistance. We would also urge that more funding be allocated for this new program beyond the current \$200,000 proposed by staff. As stated in the staff report, there is over \$4 million in ARPA funds that the City currently has available. As housing is such a critical issue, a much larger portion of these funds should be spent on maintaining housing for those that need it during temporary financial difficulties.

Just Cause Ordinance

We understand that one large apartment complex in Claremont had attempted several “No Fault” evictions based on substantial remodel and that created the issue to be resolved by the original ordinance that temporarily prohibited all substantial remodel evictions. However, one “bad actor” should not result in punishment for all the other responsible rental housing providers in Claremont. The currently drafted Just Cause ordinance goes far beyond the single substantial remodel issue into all No Fault eviction categories, including owner move-ins.

This later issue is of particular concern to independent, mom-and-pop owners who have faced financial devastation over the past 3 years due to statewide and countywide moratoriums that have caused substantial amounts of unpaid rent. Based on this substantial reduction in income, many owners have to move into the rental properties they own in order to make ends meet. To now force these already financially struggling property owners to try to pay renters to relocate beyond what



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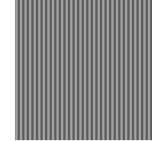
AB1482 already provides is grossly unfair and unreasonable. Those owners unable to scrape together additional funds during an already financially difficult time will be forced to sell their properties to developers and who will likely remove the entire property from the rental market and replace it with other uses with higher returns-on-investments (ROIs) such as for-sale condominiums or luxury apartments. Thus, Claremont will lose more of its dwindling supply of naturally occurring affordable rental housing provided by small, mom-and-pop owners and not large corporations or real estate investment trusts (REITs).

It is even more disturbing and inappropriate that the cities of Los Angeles and Santa Monica are being considered within the ordinance as models for relocation fees. Claremont only has a population of **35,610** compared to Santa Monica’s 93,076 (more than 2.5 times as many people) and Los Angeles’ **3.76 million**. Further, Claremont’s average rent for a one-bedroom apartment is only \$1,050 per month compared to Santa Monica’s rent of \$2,056 per month and Los Angeles’ rent of \$1,641 per month. Thus, Claremont’s average rent is **40% less** than Santa Monica’s average rent.

If Santa Monica’s relocation fees are used to set relocation fees in the City of Claremont, Claremont’s rental housing providers would be forced to pay more than 16 months to 33 months of rent in relocation fees! On the other hand, if relocation fees are based on Los Angeles’ relocation fees, Claremont’s rental housing providers would be required to pay more than 8 months to 21 months of rent in relocation fees. Relocation assistance of this magnitude is grossly unfair and extremely excessive.

Relocation fees are supposed to cover legitimate costs of moving and not be an undue windfall for renters as a form of private welfare forced upon a single small business segment – rental housing providers. Renters want first month’s rent, last month’s rent and a security deposit. However, they seem to forget they already receive their original security deposit back by law provided that they have done no damage to the unit beyond normal wear and tear. Further, this entire concept of “relocation fees” forgets the critically important fact that renters paying below market rent at their current rental property already have been benefiting year after year by paying lower rent than they would have had to pay at another location. Therefore, they have been saving money for multiple years that they should be able to put towards their new rental unit. Further, by requiring their current owner to pay relocation fees this policy punishes the responsible rental owners that are charging lower than market rent. This discourages rental housing providers from charging less than full market rate to any renter no matter their current situation in order to have the necessary funds to pay relocation fees to specific renters at a later date.

In addition, relocation fees are a form of government created and mandated financial aid. As such, they should have the same income threshold limitations of any other government aid. Only renters with household incomes that are considered low-, very low-, or extremely low-income by HUD should be entitled to receive **any** relocation fees. To do otherwise, wrongfully enriches moderate-, middle- and high-income renters by creating an undue burden on rental housing providers, especially mom-and-pop multifamily property owners. At a minimum, rental housing owners with 20 or fewer units should be completely excluded from paying any rental assistance to renters making above 80% Area Median Income (AMI).



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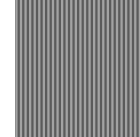
Also, the Just Cause ordinance draft includes a Harassment Prohibition under Section 34.040. The language in this section is so vague and ambiguous that it will stifle all communication between renters and rental housing providers, including any attempt to work out mutually agreeable solutions to incidents of late rent, nuisance, entry for repairs, parking and other standard issues that arise during a tenancy. In particular, Subsection A(10) states, “(a) violate a tenant’s **right to privacy**”. Asking even a seemingly innocent question about why the rent is late could be later construed to be an attempt to violate the renter’s privacy rights. Further, Subsection A(13) specifically states “commit **other repeat offenses...or disturb** the comfort, repose, peace of quiet of any person...” What exactly qualifies as an “offense” that the rental housing owner would be able to know BEFORE a renter later complains about it? Subsection B goes on to impose fines as substantial as **\$2,000 up to \$5,000 PER VIOLATION** with an **additional \$5,000** if the renter is 65 years old or older or disabled. Why on Earth would any rental housing owner subject themselves to such significant risk of penalties to try to help resolve violations of the lease by the renter? This is merely one example of a well-intended policy that in fact harms more renters than it helps. This provision should be stricken from the Just Cause ordinance in its entirety, if the City Council decides to move forward with the ordinance at all.

Rent Stabilization Ordinance

Unlike the factual issue regarding a large apartment complex threatening existing renters with eviction due to No Fault substantial remodels, there is **no evidence whatsoever** offered by staff to substantiate that there is either an individual large “bad actor” or a widespread problem in Claremont of significant rental increases. The facts provided by CoStar (a third-party aggregator of rental housing data) show the contrary and that in fact there have been no substantial rental increases in Claremont for the properties that they track of any size.

We do understand that there have been a few individual renters that claim they have received substantial increases in monthly rent, but there is no data showing that any of these reports were actually investigated by staff. Even assuming their accuracy, such few individual cases would be better handled and at a much lower cost to the City by providing voluntary mediation similar to the existing program in Santa Barbara which has been tremendously successful for many years. At a minimum, such an ordinance should be delayed until the Temporary Rental Assistance program has been put into place, so that the City can gather data on where such increases are occurring, including (i) size of property (4 units or less, 5-20 units, 21+ units), (ii) ownership type (individual, corporation, or REIT), (iii) age of property – as older buildings require more expensive repairs and maintenance including roof, HVAC, appliances, electrical panel upgrades, etc., (iv) size of increase by percentage and total dollar amount, and (v) total household income of renters experience such an increase.

If the City does not wish to pursue a voluntary mediation program, then it should at least conduct a formal study to determine these same parameters of actual rental increases occurring in Claremont to create an ordinance that benefits renters while limiting the amount of harm to rental housing providers to the greatest extent possible, especially small, mom-and-pop multifamily owners with 20 units or fewer. In particular, any rent stabilization ordinance should contain an income threshold for renters to be able to utilize the protections afforded under it. To do otherwise, unjustly rewards moderate-, middle- and high-income renters by unduly damaging rental housing providers



AAGLA

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and their ability to conduct ongoing repairs, maintenance and updates (appliances, electrical panels, etc.) for all renters. Further, it incentivizes existing renters to monopolize lower cost rental units even when they can well afford more expensive units due to promotions or salary increases or no longer need larger units as their children have grown up and moved away. This hurts lower-income renters and especially those with growing families that **need** these lower cost units and are locked out by higher income renters. Without an income threshold-, moderate-, middle- and high-income renters get to stay year after year at the sacrifice of low-income renters. Santa Monica and West Hollywood are clear examples of where this has already taken place by fueling gentrification and displacement of lower-income renters.

Rent control measures never equate to housing affordability and implementation will not result in the construction of a single new rental housing unit in Claremont. Over the long-term, rent control only exacerbates housing shortages, housing quality declines, and rental prices increase due to the shortages rent control inevitably creates and resulting lack of available units on the market. Rent control will decrease the quantity and quality of affordable rental housing in the City and will only discourage development of new rental units.

AAGLA urges the Council to reject the rent stabilization ordinance in its entirety. Instead, we urge the Council to adopt the proposed Temporary Rental Assistance program in order to directly help renters in need and gather specific data on relocations happening in Claremont to inform a more narrowly tailored ordinance to remedy specifically identified problems. At a minimum, we request that the rent stabilization ordinance be held until a formal study can be conducted so that any “bad actors” can be addressed without harming all of the responsible rental housing providers in Claremont that may be driven out of business by such a radical and detrimental policy for small rental property providers and low-income renters alike.

Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at janet@aagla.org.

Very truly yours,

Janet M. Gagnon

Janet M. Gagnon, Esq.

Shelley Desautels

From: David Bond <[REDACTED]>
Sent: Tuesday, April 25, 2023 2:24 PM
To: Shelley Desautels; jcostanza@ci.claremont.ca
Subject: Claremont City Council Meeting - Agenda Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Claremont City Council Secretary and team,

I'm a housing advocate in support of renters in Claremont and the Claremont Tenants United team. We are demanding reasonable policies to help secure housing for our neighbors in the city.

1. A provision for relocation assistance of three months rent, meant to cover the first and last months' rent and security deposit, in order help renters remain housed and to curtail abuse of the "renovation loophole" in state legislation.
2. A provision that calculates such rent based on current market conditions rather than current payments, which in some cases may be below-market.
3. A provision that stabilizes rent increases at a maximum of 3% plus CPI or 5%, whichever is lower.
4. A provision that limits exemptions to the above to individuals who own three or fewer units.

Please follow these reasonable demands to prevent wide-spread evictions and a wave of homelessness from crashing over our city. Other cities in the region have passed laws with these same protections after AB 1482. Claremont must step up to the historical housing crisis that faces us today. Keep us in the community! Keep us housed!

Sincerely,

David Bond



CLAREMONT TENANTS UNITED

Dear Mayor Reece and Council Members Calacay, Leano, Medina, and Stark,

At our meeting, Claremont Tenants United members voted to endorse these recommended positions on items listed as key decisions for tenant protection ordinances in Attachment A of the staff report dated April 25, 2023.

Key Decision #1: **Yes**, Claremont should have a Just Cause For Eviction Ordinance that imposes additional requirements for evictions based on an owner's desire (INTENT) to "substantially remodel" a rental unit beyond the requirements imposed by AB 1482.

Key Decision #2:

- 1) **Yes**, require building permits to be secured.
- 2) **Yes**, provide tenants with copies of the permits for building and/ or demolition.
- 3) **Yes**, require owner to provide tenants a written, detailed account of (A) the scope of work (**necessary for tenant health and safety**), (B) why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and (C) why the work cannot be completed within 30 days. ADD "signed by the City's Building Official or his/her/their designee that each of the above components has been demonstrated to his/her/their satisfaction."
- 4) With number 5 enacted, 4 is unnecessary.
- 5) **YES!** Require that the owner demonstrate to the satisfaction of the City's Building Official or his/her/their designee that the work is **necessary** to bring the rental unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building.

*Consider reordering in this way for clarity of importance: 5, 3, 1, 2

Key Decision #3: **Yes**, the City should require owners to provide a right of first refusal to tenants displaced due to a "substantial remodel" eviction, and owners should be required to offer the tenant a replacement unit or a right to return to their remodeled unit at the same monthly rent.

Key Decision #4: Highest possible amount. Increase based on factors like being disabled, elderly, or caregiver for minor dependents, length of time at residence.

Key Decision # 5: **Yes**, include all the anti-harassment provisions!

Key Decision # 6: No, do not include an exception based on number of units. Keep the only exclusions as owner-occupied duplexes. The costs and burdens of displacement are a hardship on tenants, no matter the size of the property.

Key Decision # 7: Yes, pass a rent stabilization ordinance to limit rent increases to 75% of the consumer price index (CPI) or a **maximum of 3% annually**, whichever is lower.

Furthermore, we ask you to direct staff make these additions.

(Enforcement) The language in Just Cause Chapter 8.34.020 C states "*An owner's failure to strictly comply with this section...*" and ends with the phrase, "*shall render a notice of termination of tenancy void*". Add the more protective legal language: "and is an affirmative defense to an unlawful detainer."

(Rental Registry) Establish a rental registry that includes a per unit annual fee paid by the property owner. This will aid in collecting valuable data on rental housing stock and provide helpful information such as amount of rent charged and changes in tenancies that will allow the City to track effectiveness of these ordinances intended to protect the health and safety of its citizens.

(Fair Return) It is crucial that City create a pathway for owners to make petitions for upward adjustment of rent beyond the limit set in the rent stabilization ordinance. The California Constitution guarantees owners the right to earn a fair return on investment. Without a rent board to oversee this process, we request the City appoint a hearing officer or officers who can make rulings on owner petitions for upward adjustment of rent related to a fair return on investment. Pasadena has language for defining and calculating fair return that could aid the effort.

(Noticing) We request that in cases of no-fault eviction, the City increase noticing requirements. Require a minimum notice of 90 days for general population, 120 days for special populations, and right to remain through the end of the school year for workers in the education system, students, and families with school-aged children.

We stand in support of the Temporary Rental Assistant Program, but only as a complimentary policy added to sweeping protections we, the tenants, desperately need.

Over the past seven months, the council has heard many personal stories from tenants who are on the receiving end of the housing crisis. As our elected policy makers, you are on the front lines. Now is a critical time for the council to take bold steps towards relief.

Jamie Costanza

From: Tanya Moreno
Sent: Tuesday, April 25, 2023 12:30 PM
To: Shelley Desautels; Jamie Costanza
Subject: FW: Agenda Item 10

From: Amanda Colclough [REDACTED]
Sent: Tuesday, April 25, 2023 12:25 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Agenda Item 10

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Dear Claremont City Council:

I am writing to you as a Claremont resident who cares deeply about keeping our city affordable and inclusive. On April 25 you will consider two new housing ordinances, and I am asking you to protect both renters and “mom and pop” landlords by ensuring they include the following three provisions:

1. In case of no-fault evictions, landlords with more than three rental units must offer relocation expenses equal to 3 months rent (or 3 months Fair Market Rent value, whichever is higher) + \$1,000 to make it possible for renters to stay in Claremont when they are evicted through no fault of their own. Individual landlords with three or fewer units must offer only 50% of this formula.
2. Forbid no-fault evictions of households with full-time students or educators during the school year, to prevent harmful disruption to our community and schools.
3. Limit annual rent increases to 3% plus the Consumer Price Index (CPI), not to exceed 5% annually, and exempt landlords with 3 or fewer units from this rent stabilization formula.

I believe that these are fair provisions that protect both Claremont renters and small landlords, and I urge you to do your part to keep Claremont housing affordable and inclusive.

Please vote as if you yourself were in this situation and with the utmost care for your fellow neighbors.

With great appreciation,
Amanda Colclough
[REDACTED]

Amanda Colclough
[REDACTED]

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

From: Jorlen Garcia [REDACTED]
Sent: Tuesday, April 25, 2023 12:42 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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Hello, I am writing today as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will...

-
-
- Place strong limitations on no-fault evictions for
- renovation, including requiring the renovation be to address substantial health and safety concerns and considering the right of first refusal
-
-
-
- Provide adequate relocation assistance for tenants
- if a no-fault eviction does have to occur, following Los Angeles County or Santa Monica’s model as provided in the ordinance
-
-
-
- Stabilize yearly rent increases at 2% + CPI or 4%,
- whichever comes first, based on policies in comparable cities such as West Hollywood, Culver City, and Pomona
-
-
-
- Maintain only the exemptions provided by California’s
- AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home
-

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community. Taking bold action is necessary for Claremont to live up to its values of livability and inclusivity.

Thank you for your consideration,

Jorlen Garcia
Claremont McKenna College '24

Shelley Desautels

From: Lee Kane [REDACTED] >
Sent: Tuesday, April 25, 2023 2:08 PM
To: Shelley Desautels; Jamie Costanza
Subject: Agenda Item #10 - Tenant Protections

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Reece and City Council Members,

My name is Lee Kane and I am a homeowner who has lived in Claremont for more than 20 years. I am the Program Director for the San Gabriel Valley Consortium on Homelessness and as such, I believe that housing ends homelessness and that prevention is the most efficient and cost-effective way to end homelessness in our region and in our city. **According to SCAG, 35% of Claremont residents rent.** Supporting our tenants so they can stay in their homes is critical to preventing our neighbors from slipping into homelessness.

Our city is special because of all our residents. I support maintaining a diverse community through affordable housing that allows young families, seniors, and people who work in Claremont, attend school in Claremont, and who add to our community the opportunity to live here.

Tonight you are considering tenant protection and rent stabilization ordinances and I ask you to include the following in your final version:

- Place strong limitations on no-fault evictions for renovation, including requiring that the renovation addresses substantial health and safety concerns and considering the right of first refusal. **Require property owners to provide a detailed scope of work to both the city and current tenant and require that the property owner acquire permits for such work and that the work is not merely cosmetic.** No-fault eviction notices may not be served prior to the above stipulations.
- A provision for relocation assistance of three months' rent meant to cover the first and last months' rent and security deposit to help renters remain housed and to curtail the abuse of the renovation loophole in state legislation. This is key to preventing these evictions from leading to homelessness.
- Stabilize yearly rent increases, allowing annual increases of 2% plus CPI or 4%, whichever is lower. This is comparable to local cities such as Culver City, West Hollywood, and Pomona.
- Include a provision that limits exemptions to the above to individuals who own three or fewer units.

The California tenant protection law, AB1482, has many limitations. The law sunsets after 10 years leaving tenants once again without any protections from price gouging and no-fault evictions. The law fails to offer adequate protection against the rising costs of housing. Wages do not increase by 10% annually for most people. The language around no-fault renovation evictions is vague. Many large

property firms are using this to displace long-term tenants and exponentially raise rents and profits while displacing current tenants. This is often a cause of new homelessness.

Please do your part in representing ALL Claremont residents by protecting the 35% of our neighbors who rent and enabling them to continue to be contributing members of the Claremont community. Let's live up to our stated values:

"We are a vibrant, livable, and inclusive community dedicated to quality services, safety, financial strength, sustainability, preservation, and progress with equal representation for our community."

Sincerely,
Lee Kane



Jamie Costanza

From: Tanya Moreno
Sent: Tuesday, April 25, 2023 12:46 PM
To: Shelley Desautels; Jamie Costanza
Subject: FW: Public Comment Item #10

-----Original Message-----

From: Brian Pittman [REDACTED]
Sent: Tuesday, April 25, 2023 12:42 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

Sent from my iPhone

Shelley Desautels

Subject: FW: Please reject more rent control

Importance: High

From: Richard Price <[REDACTED]>

Date: April 25, 2023 at 11:28:11 AM PDT

To: ccalaycay@ci.claremont, kileano@ci.claremont.ca.us, Jennifer Stark <jstark@ci.claremont.ca.us>, Ed Reece <ereece@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>

Subject: Please reject more rent control

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I urge you to oppose the strict eviction and rent control ordinances on the coming agenda. The City of Claremont already has rent control and for-cause eviction policies through the state law AB 1482.

Strict rent control is not an affordable housing strategy. It will make housing harder to find and more expensive to obtain. Rent control programs cost millions of dollars that could be better spent. The city should focus on outreach and education about the state's existing policies. Additional stakeholder meetings to discuss specific housing concerns should be convened before any further action is taken.

Severe eviction controls tie the hands of housing providers who need to protect the quiet enjoyment of their community. Why is the city trying to protect those who create a nuisance for their neighbors and community?

I am not in the eviction business; I help house Claremont. I act with compassion and work with community members who are struggling. Operational costs are skyrocketing, and I need the tools to operate the community to the best of my ability. The hardships being placed on housing providers like me are affecting all residents and is leading to even more expensive and lesser-quality housing.

Please oppose these rent control policies. We need people like me to invest in the City of Claremont.

Thank you for your consideration.

Thanks,

Richard W. Price

Jamie Costanza

To: Tanya Moreno
Subject: RE: Public Comment Item #10

-----Original Message-----

From: Anya Rozario [REDACTED]
Sent: Tuesday, April 25, 2023 12:29 PM
To: Tanya Moreno <TMoreno@ci.claremont.ca.us>
Subject: Public Comment Item #10

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I am writing as a student at the Claremont Colleges, a supporter of Inclusive Claremont, and a member of the community who cares about keeping Claremont as affordable and equitable as possible. At the regular meeting on April 25th, the City Council will consider two new ordinances related to no-fault evictions and rent stabilization. I hope that, in these ordinances, you will:

Place strong limitations on no-fault evictions for renovation Provide adequate relocation assistance for tenants if a no-fault eviction does occur, following LA County or Santa Monica's model as provided in the ordinance Stabilize yearly rent increases at 2% + CPI or 4%, whichever comes first, based on policies in comparable cities Maintain only the exemptions provided by AB 1482: single family homes owned by a natural person, owner occupied duplexes, and rooms rented within a single family home

I urge you to do your part to protect tenants, who want to remain in their homes and continue to be contributing members of the Claremont community.

thank you!
Anya

Shelley Desautels

From: Lee Kane [REDACTED]
Sent: Tuesday, April 25, 2023 2:17 PM
To: Shelley Desautels; Jamie Costanza
Cc: Scott Chamberlain
Subject: Agenda Item #10 - Tenant Protections

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The Consortium
San Gabriel Valley Consortium on Homelessness

April 25, 2023

Dear Mayor Reece and City Council Members:

I am the Executive Director of the San Gabriel Valley Consortium on Homelessness and I am sending writing in support of the proposed tenant protection ordinance in the City of Claremont.

The mission of the San Gabriel Valley Consortium on Homelessness is to educate, collaborate, and advocate to end homelessness in the San Gabriel Valley region of Los Angeles County. We are made up of nearly 2,000 stakeholders from throughout the region including nonprofit service providers, faith communities, educators, healthcare professionals, businesses, city and county staff, and elected officials.

We believe that housing ends homelessness and that homeless prevention is the key to addressing homelessness in our region. Therefore, the San Gabriel Valley Consortium on Homelessness **asks that Claremont pass a tenant protection ordinance strong enough to meet the needs of the community, especially low-income renters.** The following provisions should be included in such an ordinance.

- **Applicable properties:** Follow the guidelines set forth in AB 1482 which stipulate that **protection be afforded to all properties with 2 or more units and to single-family homes owned by a corporation or LLC.** Single-family homes owned by a natural person, owner-occupied duplexes, and rooms rented within a single-family home are exempt. This criterion protects the rights of “mom and pop” homeowners while ensuring protections for most renters.
- **Relocation assistance:** Following the Culver City model, we ask **tenants to be provided with three months' rent or three times the Small Area Fair Market Rent, whichever is higher, plus \$1,000 following no-fault eviction.** This will adequately address relocation for households currently renting below-market units and provide for moving expenses.
- **Additional protections for special groups:** The Claremont Housing Element requires that Claremont consider the needs of special populations when creating policy. Households with K-12 students, full-time college students, educators, and school support staff should be exempt from no-fault evictions during the academic year. Additionally, we encourage the City of Claremont to adopt a model similar to Culver City, where tenants over the age of 62, tenants with disabilities, and low-income tenants are

granted further protections from no-fault evictions. This could include extending the amount of time the tenant has to move once receiving their no-fault eviction notice.

- **Rent Stabilization:** According to Claremont’s 5th and 6th cycle Housing elements, average rents in Claremont increased 42.7% between 2016 and 2021. During that same period, the average for sale home increased by “just” 25.9%. AB 1482 aimed to stop price gouging in the rental market by capping annual rent increases at 5% plus CPI with a maximum of 10%. This will do little to protect the out-of-sync growth in cost in the rental market and protect the over 50% of tenants already cost-burdened. **We recommend that Claremont adopt rent stabilization allowing annual increases of 2% plus CPI or 4%, whichever is lower.** This is comparable to local cities such as Culver City, West Hollywood, and Pomona.
- **No-fault evictions for major renovations:** Maintaining safe and habitable living conditions is a necessary part of owning a property. At times owners, to meet this need will be forced to issue a no-fault eviction to maintain safe and habitable conditions. In such cases, **we ask the city to require property owners to provide a detailed scope of work to both the city and current tenant, that the property owner acquires permits for such work, and that the work is not merely cosmetic.** No-fault eviction notices may not be served prior to the above stipulations.

The California tenant protection law, AB1482, has many limitations. The law sunsets after 10 years leaving tenants once again without protections from price gouging and no-fault evictions of any kind. The law fails to offer adequate protection against the rising costs of housing. Wages do not increase by 10% annually for most people. The language around no-fault renovation evictions is vague. Many large property firms are taking advantage of this in a predatory fashion and displacing long-term tenants to exponentially raise rents and profits while displacing current tenants. This is often a cause of new homelessness.

While the suggestions above will put new constraints on property owners, they will have little effect on the many upstanding property owners in Claremont that already provide safe affordable housing options throughout the community. These suggestions will ensure that Claremont can continue to provide affordable housing options to the community members who play vital roles in **Claremont while discouraging greedy property owners from using loopholes in the law to enrich themselves on the backs of good tenants.**

Sincerely,

Scott Chamberlain

Scott Chamberlain

Lee Kane | Program Director

Working to end homelessness in the San Gabriel Valley through education, collaboration and advocacy



Shelley Desautels

Subject: FW: Issue with Upcoming Ordinance Ordinance

Begin forwarded message:

From: Susan Bablot [REDACTED]
Date: April 25, 2023 at 3:01:56 PM PDT
To: Ed Reece <ereece@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Corey Calaycay <ccalaycay@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Jed Leano <jleano@ci.claremont.ca.us>, [REDACTED]
Subject: Issue with Upcoming Ordinance Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

I am writing to express my deep concern regarding the new rent stabilization ordinance and the proposed relocation fees for rental housing providers in the City of Claremont. As an AI language model, I have analyzed the situation, and I believe that the proposed relocation fees are grossly unfair and extremely excessive.

If the City of Claremont were to use Santa Monica's relocation fees as a model, rental housing providers would be required to pay between 16 to 33 months of rent in relocation fees. This is an unreasonably high amount and would place an undue burden on rental housing providers, particularly independent "moms and pops" who rely on their property to cover daily living expenses and medical costs.

Furthermore, such a relocation fee scheme would no longer function as a legitimate cost recovery for renters but rather a private welfare system wrongfully forced upon one segment of small businesses in Claremont -- rental housing providers. This type of social engineering that discriminates against one small business group is wrong, and such a social burden should be shared equally by all taxpayers in Claremont.

Relocation fees are supposed to cover legitimate moving costs and not be an unearned windfall for renters at the expense of rental housing providers. Adopting such a ridiculously extreme relocation fee scheme in Claremont would be unjust and unfair.

I urge the City Council to consider the impact of these proposed relocation fees on rental housing providers, who play a vital role in providing affordable housing options for Claremont residents. I hope that you will take into account the concerns of rental housing providers and work towards finding a fair and reasonable solution.

Thank you for your attention to this matter.

Sincerely,

Susan Bablot

Shelley Desautels

Subject: FW: Ordinance for relocation fees

From: Viola Hernandez <[REDACTED]>

Date: April 25, 2023 at 3:03:07 PM PDT

To: Ed Reece <ereece@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Corey Calaycay <ccalaycay@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Jed Leano <jleano@ci.claremont.ca.us>, [REDACTED]

Subject: Ordinance for relocation fees

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Dear City Council Members,

I am writing to express my deep concern regarding the new rent stabilization ordinance and the proposed relocation fees for rental housing providers in the City of Claremont. As an AI language model, I have analyzed the situation, and I believe that the proposed relocation fees are grossly unfair and extremely excessive.

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Furthermore, such a relocation fee scheme would no longer function as a legitimate cost recovery for renters but rather a private welfare system wrongfully forced upon one segment of small businesses in Claremont -- rental housing providers. This type of social engineering that discriminates against one small business group is wrong, and such a social burden should be shared equally by all taxpayers in Claremont.

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I urge the City Council to consider the impact of these proposed relocation fees on rental housing providers, who play a vital role in providing affordable housing options for Claremont residents. I hope that you will take into account the concerns of rental housing providers and work towards finding a fair and reasonable solution.

Thank you for your attention to this matter.

Sincerely,

Viola Hernandez

ATTACHMENT 2

UPDATED Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>KEY DECISION #1: Should Claremont have a <u>Just Cause For Eviction Ordinance</u> that imposes additional requirements for evictions based on an owner's desire to "substantially remodel" a rental unit beyond the requirements AB 1482 already imposes?</p> <p>AB 1482 Existing Limits:</p> <ul style="list-style-type: none"> • Work involves the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws; • Work cannot be reasonably accomplished in a safe manner with the tenant in place and requires the tenant to vacate the residential real property for at least thirty (30) days; and • Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated do not qualify. <p>Staff Recommendation: This is a policy decision for the City Council.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Tighter limits for "substantial remodel" evictions will likely result in fewer current tenants being displaced due to this type of eviction. ▶ Tenants currently have no way to verify whether the owner's work on their unit qualifies as a "substantial remodel" under AB 1482, and a Just Cause For Eviction Ordinance could provide that assurance. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ Making it more difficult or and/costly to evict tenants for "substantial remodels" could make it cost prohibitive for owners to invest in improving their rental properties. Over time, this could lead to rental properties falling into disrepair (or falling below Claremont's high standards for property maintenance). ▶ Tenant protection ordinances in general impact the housing market and can make prospective housing providers less likely to choose Claremont as a place to build and provide rental housing. Overall, the scarcity of rental units in Claremont may drive up rental rates, which ultimately hurts tenants. 	<p>On April 25, 2023, the City Council provided preliminary direction indicating that they will pursue a "Just Cause Eviction" Ordinance.</p>
<p>KEY DECISION #2: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, what additional requirements for "substantial remodel" evictions should it impose? Options for the City Council's consideration are listed below:</p>	<p>On April 25, 2023 the City Council provided preliminary direction indicating that:</p>

ATTACHMENT 2
UPDATED Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>1. Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont.</p> <p>2. The tenant has been provided with copies of the building and/or demolition permit(s).</p> <p>3. The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within _____ () days.</p> <p>4. The owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the cost of the work is at least _____ () times the cost of the tenant's monthly rent. For purposes of this requirement, the monthly rent shall be the average of the preceding twelve (12) month period.</p> <p>5. The owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the work is necessary to bring the rental unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building.</p> <p>Staff Recommendations:</p> <ul style="list-style-type: none"> • These are policy decisions for the City Council to consider; however, staff has concerns regarding Requirement #5 for the reasons listed as "Cons" below. • If the City Council wants to impose Requirement #3, staff recommends the anticipated displacement be at least thirty (30) days to qualify as a "substantial remodel" eviction (same as AB 1482). • If the City Council wants to impose Requirement #4, staff requests direction on the minimum value of the cost of renovation work. AB 1482 does not require a minimum cost for work to qualify as a "substantial remodel." <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Requirements #1 through #4 would give tenants a way to verify that the owner's work on their unit qualifies as a "substantial remodel" under AB 1482. ▶ Requirement #5 would make it very difficult for work to qualify as a "substantial remodel." If this requirement is included, it would greatly reduce the potential for tenant displacement due to substantial remodel evictions. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ See Cons listed for Key Decision #1 above. ▶ For Requirement #4, it is not clear why the cost of work should be a factor in determining whether the remodel qualifies, and it is unclear how the City or tenants would enforce this requirement 	<p>1. The Ordinance will require property owners to obtain building permits for the remodeling work prior to initiating eviction proceedings (Key Decision #2.1)</p> <p>2. Property owners will be required to provide tenants with said permits (Key Decision #2.2)</p> <p>3. Property owners must provide tenants with a scope of work, which must detail why the work cannot be completed within 30 days (Key Decision #2.3)</p> <p>4. The valuation of the work must be at least six times the cost of the tenant's monthly rent (Key Decision #2.4)</p> <p>5. The Ordinance will not narrow AB 1482's definition of "substantially remodel" to work that is needed for Code compliance and/or for health and safety reasons (Key Decision #2.5)</p>

ATTACHMENT 2
UPDATED Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>because the actual cost of work will not be known until the eviction is complete.</p> <ul style="list-style-type: none"> ▶ Requirement #5 will be a significant deterrent to improving rental properties. Owners cannot evict tenants until their unit has fallen into such a bad state of repair that it has Code violations and/or is a threat to health or safety. Over time, this could lead to rental properties falling into disrepair (or falling below Claremont's high standards for property maintenance). 	
<p>KEY DECISION #3: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it require owners to provide a right of first refusal to tenants who are displaced due to a "substantial remodel" eviction? If yes, should owners be required to offer the tenant a replacement unit or a right to return to their remodeled unit at the same monthly rent?</p> <p>Staff Recommendation: These are policy decisions for the City Council to consider; however, staff has concerns for the reasons listed as "Cons" below.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Tenant(s) will not be displaced due to a "substantial remodel eviction." <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ The right of first refusal creates logistical issues. It is unclear where tenants will reside while the substantial remodel occurs and who will bear the costs of the temporary displacement. These arrangements would need to be made and agreed on between a property owner and their impacted tenant(s). ▶ If the ordinance requires the owner to offer the displaced tenant a right of first refusal and the owner is permitted to raise the rent to fair market value for the newly-remodeled unit or the replacement unit, the owner will essentially be required to enter a lease agreement with a tenant who cannot afford the new rent. ▶ The United States and California constitutions require rent control ordinances to allow owners to receive a "a just and reasonable return on their property." (<i>MHC Operating Ltd. P'ship v. City of San Jose</i> (2003) 106 Cal. App. 4th 204, 220)" If the ordinance prohibits and owner from raising the rent to fair market value for the newly-remodeled unit or replacement unit, it arguably violates the owner's constitutional right to "fair return." To protect an owner's right to "fair return," other cities that impose a "right of first refusal at the same rent" requirement have a designated person or body of people who have the authority to approve rent increases on a case-by-case basis. Providing adjudications for rent increases on a case-by-case basis would require a significant commitment of budget and personnel resources. 	<p>On April 25, 2023 the City Council provided preliminary direction indicating that the Ordinance will not require property owners to offer displaced tenants a "right of first refusal" to return to their units after the units are remodeled (Key Decision #3).</p>

ATTACHMENT 2
UPDATED Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>KEY DECISION #4: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it require owners to provide relocation assistance to tenants who are displaced by a no-fault eviction in higher amounts than those provided by AB 1482? If yes, what amount of relocation assistance should the ordinance require?</p> <p>AB 1482 Existing Relocation Assistance: 1 month's rent</p> <p>Staff Recommendations:</p> <ul style="list-style-type: none"> • This is a policy decision for the City Council. • If the City Council wants to impose relocation assistance beyond what is required by AB 1482, staff requests direction on the required amount of relocation assistance. The City Council may wish to impose a rate based on the tenant's current rent (i.e., relocation assistance = 3 months' rent) or the City Council may wish to impose a rate based on other factors, like the length of time the tenant has lived in the unit, whether the tenant is elderly, disabled, or a caregiver for minor(s)/dependent(s). The second approach would create a "range" of relocation assistance amounts. The City Council may also direct staff to exempt certain "mom and pop" property owners from the City's relocation assistance requirement. Staff will provide relocation assistance language options in the draft "Just Cause for Eviction" Ordinance for the City Council to consider and provide further direction. <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Providing tenants with additional relocation assistance further helps fund moving-related expenses (i.e., a security deposit and first month's rent needed for a new rental unit). <p><u>Con:</u></p> <ul style="list-style-type: none"> ▶ Requiring additional relocation assistance places a financial burden on proprietors. 	
<p>KEY DECISION #5: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it include anti-harassment provisions to prevent owners from harassing or retaliating against tenants they cannot evict?</p> <p>Staff Recommendation: This is a policy decision for the City Council. Staff will provide anti-harassment language options in the draft "Just Cause for Eviction" Ordinance for the City Council to consider and provide further direction.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> ▶ Anti-harassment provisions prevent owners from harassing or retaliating against tenants. <p><u>Cons:</u></p>	

ATTACHMENT 2

UPDATED Summary of Key Decisions for Tenant Protection Ordinances

JUST CAUSE FOR EVICTION ORDINANCE	
KEY DECISIONS	NOTES
<p>▶ These provisions will make it more difficult to evict tenants who are creating nuisances because they can claim the eviction is retaliatory and/or harassment. These provisions will likely result in owners allowing problem tenants to remain in their units because any enforcement activity risks a dispute about whether the owner has violated the City's anti-harassment provisions.</p> <p>▶ Anti-harassment language could have the unintended consequence of deterring property owners from improving or maintaining their rental properties because doing so temporarily disturbs or inconveniences tenants and could be perceived by tenants as harassment.</p>	
<p>KEY DECISION #6: Assuming the City has a <u>Just Cause For Eviction Ordinance</u>, should it include an exception for “mom and pop” property owners? If yes, what is the maximum number of rental units a building/complex must have to be exempt from the ordinance(s)?</p> <p>Current Temporary Moratorium: Twenty (20) or fewer units are exempt.</p> <p>Staff Recommendation: This is a policy decision for the City Council. It should be noted that in industry practice, properties with five or more residential rental units are considered commercial property.</p> <p><u>Pros and Cons (depending on scope of exception):</u></p> <p>▶ Tenants who are displaced by a “substantial remodel” eviction face hardship regardless of how many units the property has. If the exception is limited (e.g., 4 or fewer units), the Just Cause For Eviction Ordinance will protect more of these tenants.</p> <p>▶ Owners of properties with fewer rental units typically have smaller margins. The costs and burdens of tenant protection ordinances will impact them more than larger corporate property owners who are better equipped to absorb compliance costs. In addition, in Claremont, many of the owners of properties with fewer rental units have voluntarily kept rents below market value, which exacerbates the hardship of complying with tenant protection ordinances. If the exception is broad (e.g., 20 or fewer units), more “smaller” property owners would be exempt from the requirements of the Just Cause For Eviction Ordinance (e.g., higher relocation assistance, etc.).</p>	
RENT STABILIZATION ORDINANCE	
KEY DECISIONS	NOTES
<p>KEY DECISION #7: Should the City have a <u>Rent Stabilization Ordinance</u> limits annual rent increases more than the limits set forth</p>	

ATTACHMENT 2
UPDATED Summary of Key Decisions for Tenant Protection Ordinances

RENT STABILIZATION ORDINANCE

KEY DECISIONS	NOTES
<p>in AB 1482 and if so, what percentage/rent cap should the limit reflect?</p> <p>AB 1482’s Existing Limits: CPI plus 5% or 10%, whichever is lower.</p> <p>Staff Recommendation: This is a policy decision for the City Council.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> ▶ Tenants find it desirable to rent properties that are subject to rent stabilization because they know the outer limit of annual rent increases and can budget/prepare appropriately. Because of this, tenants tend to stay more long-term (i.e., tenants stay more than a year because they do not need to leave to find somewhere within their budget). ▶ Rent stabilization helps to prevent displacement (i.e., people being “priced out” of their rental unit where they have resided for many years). In Claremont, rental prices are high and vacancy rates are low, so a tenant who cannot afford their unit due to annual rent increases may be forced to find replacement housing in another city. <p><u>Cons:</u></p> <ul style="list-style-type: none"> ▶ Rent stabilization may lead to lower-quality rental properties. If a unit is subject to rent stabilization, property owners may not be able to afford to maintain the property or may not be able to afford utilities, increasing property taxes, and other housing-related expenses. ▶ Tenant protection ordinances in general impact the housing market and make prospective housing providers less likely to choose Claremont as a place to build and provide rental housing. Overall, the scarcity of rental units in Claremont may drive up rental rates, which ultimately hurts tenants. 	

TEMPORARY RENTAL ASSISTANCE PROGRAM

KEY DECISIONS	NOTES
<p>KEY DECISION #8: Should the City use American Rescue Plan Act (ARPA) funding for a Temporary Rental Assistance Program (“Program”) through 2026?</p> <p>Staff Recommendation: Yes, staff recommends that the City Council allocate \$300,000 in ARPA funding for a Temporary Rental Assistance Program (July 1, 2023 through June 30, 2026). Exploring additional rental assistance programs was identified as a City Council 2022-24 Objective.</p> <p><u>Pro:</u></p>	<p>On April 25, 2023, the City Council voted to allocate \$1 million in ARPA funding for the Temporary Rental Assistance Program (which will be retitled as the “Temporary Housing Stabilization and Relocation Program”) (Key Decision #8).</p>

ATTACHMENT 2
UPDATED Summary of Key Decisions for Tenant Protection Ordinances

TEMPORARY RENTAL ASSISTANCE PROGRAM	
KEY DECISIONS	NOTES
<p>▶ As currently drafted, the Program is designed to provide temporary rental assistance to Claremont renters who are either income-qualified, rent-burdened, or are in need of emergency rental assistance due to certain qualifying circumstances without negatively affecting property owners.</p> <p><u>Con:</u></p> <p>▶ The Program is designed to be temporary in nature. Should the City Council wish to extend the program past 2026, other funding sources would need to be identified as ARPA funds must be fully expended by December 31, 2026.</p>	

ORDINANCE NO. 2023-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADDING CHAPTER 8.34 (“JUST CAUSE FOR EVICTION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT “JUST CAUSE” IN THE CITY OF CLAREMONT**

WHEREAS, effective January 1, 2020, the Tenant Protection Action of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482: (1) limits rent increases over the course of any 12-month period to 5% plus the “percentage change in the cost of living” (as defined), or 10%, whichever is lower (the “rent stabilization provisions”); and (2) prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined) (the “just cause eviction provisions”); and

WHEREAS, AB 1482’s rent stabilization and just cause eviction provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s rent stabilization provisions do not apply to “a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property” (Civ. Code § 1947.12(b)); and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit a landlord to evict a tenant in order to “substantially remodel” the rental unit (Civ. Code § 1946.2(b)(2)(D)(i)); and

WHEREAS, AB 1482’s just cause eviction provisions define “substantially remodel” to mean:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days”

(Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482’s just cause eviction provisions specify that “[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482 permits a landlord to evict a tenant to “substantially remodel” the rental unit and then raise rents above AB 1482’s rent caps when a new tenancy begins; and

WHEREAS, AB 1482’s just cause eviction provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are “more protective” than AB 1482’s just cause eviction provisions, in which case, the “more protective” local ordinance will apply to non-exempt residential real property (Civ. Code § 1946.2(g)(1)(B)); and

WHEREAS, like many cities in Los Angeles County, the City of Claremont is experiencing a housing affordability crisis and a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters; and

WHEREAS, the City is concerned that, without “more protective” local just cause eviction provisions, “substantial remodel” evictions will result in displaced tenants becoming homeless.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this ordinance.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Findings

The City Council has the power to enact an ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code sections 36931 through 39637. The adoption of this ordinance furthers the preservation of the public peace, health, and safety in at least the following respects:

- A. Independent of the COVID-19 crisis, the City of Claremont is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.

B. When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, households with a burdensome housing cost are more likely to become homeless. In Claremont, approximately 52.4% of renter-households use more than 30% of their incomes to cover housing costs, and of those renter-households, approximately 44.2% spend 35 percent or more of their income on housing costs. (2014–2019 ACS 5-Year Estimates.)

C. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. In the 2020 Greater Los Angeles Homeless Street Count, 17 unsheltered individuals were counted in Claremont. That number increased to 26 individuals in 2022.

D. The Greater Los Angeles Homeless Street Counts do not include individuals who live with relatives or friends, in nearby hotels, or in other transitional housing. The Claremont Unified School District reported that, as of July 2021, there were 125 children that fit into the latter category (although the School District includes some neighborhoods outside Claremont).

E. One of the most effective ways to address the homeless crisis is to prevent individuals and families from becoming homeless in the first place. To that end, the City has programs to assist families threatened with homelessness. For example, the City’s Department of Human Services is responsible for overseeing the City Senior and Family Emergency Fund. This fund helps Claremont families and seniors through initial crises. Once resolved, Human Services Department staff works with the recipients to connect with agencies to assist them in obtaining ongoing financial support.

F. Starting in April of 2020, Claremont’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures which effectively provided for a moratorium on all evictions; (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)); and (3) the County of Los Angeles’ Tenant Protections Resolution; and the City of Claremont’s Moratorium on Certain “No Fault” Residential Evictions (Ord. No. 2022-07). However, with the exception of the City’s Moratorium, those measures have now expired or have been lifted. The City’s Moratorium is due to automatically expire June 30, 2023.

G. The City has determined, both through direct residential tenant complaints and through information available on a regional basis, that tenants throughout the Los Angeles County region have reported experiencing a surge of no-fault eviction notices and threats of eviction. In response to such threats and notices, other municipalities in this region, including the County of Los Angeles and the Cities of

Los Angeles, Long Beach, Pasadena, South Pasadena, and Pomona, have adopted tenant protection ordinances.

H. Starting in or around the summer of 2022, numerous residential tenants in Claremont reported that their landlords were threatening to evict them after the County of Los Angeles's tenant protections expired for the alleged purpose of substantially remodeling their units.

I. More protective local eviction control provisions are needed to prevent tenants displaced by "substantial remodel" evictions from becoming homeless.

In accordance with AB 1482's just cause eviction provisions set forth in subsection (g)(1)(B) of Section 1946.2 of the California Civil Code, the City Council hereby makes a binding finding that the tenant protections in this ordinance are "more protective" than AB 1482's just cause eviction provisions, set forth in Section 1946.2 of the California Civil Code. The City Council further finds that this ordinance is consistent with Section 1946.2. This ordinance [REDACTED] [STAFF TO FILL IN BASED ON CITY COUNCIL DIRECTION BELOW: further limits the reasons for termination of a residential tenancy, provides for higher relocation assistance amounts, and/or provides additional tenant protections that are not prohibited by any other provision of law].

SECTION 4. Code Amendment

Chapter 8.34 ("Just Cause Evictions") is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

Chapter 8.34 Just Cause Evictions

8.34.000 Purpose of Chapter and Relationship to AB 1482

This chapter is consistent with the Tenant Protection Action of 2019, Assembly Bill 1482 (2019-2020), which is generally codified in Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code ("AB 1482"). It is the City's intent that its residential tenants be afforded the strongest protections available under the law. This chapter is more protective than AB 1482's just cause eviction provisions set forth in Section 1946.2 of the California Civil Code.

As authorized by subsection (g) of Section 1946.2, this chapter [REDACTED] [STAFF TO FILL IN BASED ON CITY COUNCIL DIRECTION BELOW – e.g., provides for higher relocation assistance amounts and additional tenant protections for "no-fault just cause" evictions based on a property owner's intent to "substantially remodel" or demolish the residential real property]. In all other respects, this chapter is identical to Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

If any other governmental entity (including without limitation, the United States Government, the State of California, and the County of Los Angeles) adopts stronger tenant protections that apply to residential tenants in the City of

Claremont, then the stronger tenant protections shall prevail, and the City shall not enforce conflicting tenant protections in this chapter.

8.34.010 Applicability of Chapter and Exceptions

A. Applicability. The tenant protections in this chapter apply to tenants and owners of real property that are subject to AB 1482's just cause eviction provisions set forth in subsection (a) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

B. Exceptions. This chapter shall not apply to the types of residential real properties or residential circumstances that are exempt from AB 1482's just cause eviction provisions set forth in subsection (e) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute. [CITY COUNCIL TO PROVIDE DIRECTION: In addition, this chapter shall not apply to residential tenancies in a building or in a complex of commonly-owned buildings with [REDACTED] ([REDACTED]) or fewer rental units.]

8.34.020 "Just Cause" Required for "No-Fault" Evictions

A. AB 1482 Requirements. An owner of residential real property shall not terminate a tenancy that is subject to this chapter without just cause, which shall be stated in the written notice to terminate tenancy, unless the termination of the tenancy fully complies with AB 1482's just cause eviction provisions set forth in Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

B. Heightened Requirements for Evictions Based on Intent to Demolish or Substantially Remodel the Residential Real Property. An owner of residential real property shall not terminate a tenancy that is subject to this chapter based on the owner's intent to "demolish or to substantially remodel the residential real property" (as described and defined subsection (b)(2)(D) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced with a successor statute) unless and until all of the following additional requirements have been met:

~~[CITY COUNCIL TO PROVIDE DIRECTION — CHOOSE ALL THAT APPLY AND RE-NUMBER AS NEEDED:~~

1. Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont;
2. The tenant has been provided with copies of the building and/or demolition permit(s); ~~and~~
3. The tenant has been provided with a written detailed account of the scope of work, why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and why the work cannot be completed within thirty ~~_____~~ (30 ~~_____~~) days; ~~and~~

4. For a substantial remodel eviction, the owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the valuation cost of the work is at least six (6) times the cost of the tenant's monthly rent. For purposes of this requirement, the monthly rent shall be the average of the preceding twelve (12) month period.

~~5. For a substantial remodel eviction, the owner has demonstrated to the satisfaction of the City's Building Official or his/her/their designee that the work is necessary to bring the rental unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building.~~

~~6. The owner has provided tenant with one or both of the following options and can provide proof that the owner has provided the tenant with at least thirty (30) days advance written notice of the option(s):~~

~~a. A right of first refusal to any vacant rental unit owned by the owner at the same or a lower monthly rent, provided that the unit is of comparable or superior material living condition and convenience for the tenant, if such comparable or superior vacant unit exists. If the tenant elects to accept an offer to move to a comparable vacant rental unit, the tenant is not eligible for any relocation assistance pursuant to this chapter or AB 1482.~~

~~b. A first right of return to reoccupy the rental unit upon completion of the repairs at the same rent charged to the tenant before the tenant temporarily vacated the rental unit to the extent allowed by state law.]~~

C. Failure to Comply. An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action.

8.34.030 Relocation Assistance Required for "No-Fault" Evictions

If an owner of residential real property issues a termination notice based on a "no-fault just cause" (as defined in subsection (b)(2) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute), the owner shall [REDACTED].

[CITY COUNCIL TO PROVIDE DIRECTION – CHOOSE ONE OF THE FOLLOWING OPTIONS:]

provide relocation assistance in accordance with AB 1482's just cause for eviction provisions set forth in subsection (d) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute.

OR

provide relocation assistance in accordance with AB 1482's just cause eviction provisions set forth in subsection (d) of Section 1946.2 of the California Civil Code, as amended from time to time or replaced by a successor statute, provided however, the amount of relocation assistance shall be increased to at least equal to [REDACTED] ([REDACTED]) months of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy.

OR

Direct staff to draft language based on the City of Los Angeles' relocation assistance provisions (Los Angeles Municipal Code § 165.06) – flat rates ranging from \$9,200 to \$22,950 depending on whether tenant is 62+ years old, has a disability, has children/dependents living with them, is very low-, low-, or moderate income, and/or has occupied their unit for at least three years.

OR

Direct staff to draft language based on the City of Santa Monica's relocation assistance provisions (Santa Monica Municipal Code Chapter 4.36) – flat rates ranging from \$17,250 to \$35,200 depending on size of unit and whether tenant is senior, disabled, or cares for a minor.]

An owner's failure to strictly comply with this section shall render the notice of termination void and shall be an affirmative defense to an unlawful detainer action.

[CITY COUNCIL TO PROVIDE DIRECTION –

8.34.040 Harassment Prohibited

A. Harassment. No owner shall:

1. Interrupt, terminate, or fail to provide housing services required by a rental agreement or by Federal, State, County, or local housing, health, or safety laws, or threaten to do so, or violate or threaten to violate California Civil Code Section 789.3.

2. Acting in bad faith, (a) fail to timely perform repairs and maintenance required by a rental agreement or by Federal, State, County or local housing, health or safety laws; (b) fail to exercise due diligence in completing such repairs once undertaken; (ci) fail to follow appropriate industry repair, containment, or remediation protocols designed to minimize exposure to noise, dust, lead, paint, mold, asbestos, or other building materials with potentially harmful health impacts; or (d) conduct elective renovation or construction of a rental housing unit for the purpose of harassing a tenant.

3. Abuse the right of access into a rental housing unit as established by California Civil Code Section 1954 or other applicable law. Such abuse includes, without limitation, entries for inspections that are not related to necessary repairs or services; entries excessive in number; entries or demands for entry at times outside normal business hours; entries contrary to a tenant's reasonable request to change the date or time of entry; photographing or otherwise recording portions of a rental housing unit that are beyond the scope of a lawful entry or inspection; and misrepresenting the reasons for accessing a rental housing unit.

4. Influence or attempt to influence a tenant to vacate a rental housing unit through fraud, misrepresentation, intimidation or coercion, which shall include threatening to report a tenant to the United States Department of Homeland Security.

5. Threaten a tenant, by word or gesture, with physical harm, or abuse tenant with words, either orally or in writing, which are inherently likely to provoke an immediate violent reaction.

6. Violate any law which prohibits discrimination based on race, gender, sexual preference, sexual orientation, ethnic background, nationality, religion, age, parenthood, marriage, pregnancy, disability, human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS), occupancy by a minor child, or source of income.

7. Take action to terminate any tenancy, including service of any notice to quit or other eviction notice, or bring any action to recover possession of a rental housing unit, based upon facts which owner has no reasonable cause to believe to be true or upon a legal theory which is untenable under the facts known to owner.

8. Provide false written or verbal information regarding any Federal, State, County or local tenant protections, including mischaracterizing the nature or effect of a notice to quit or other eviction notice. False information includes, without limitation, requesting or demanding a tenant: (a) sign a new lease not in the tenant's primary language if (i) lease negotiations were conducted in the tenant's primary language, (ii) the existing lease is in the tenant's primary language, or (iii) owner is otherwise aware that the new lease is not in tenant's primary language; or (b) enter into a rent repayment plan to take advantage of tenant protection laws that do not require such plans.

9. Acting in bad faith, (a) refuse to acknowledge or accept receipt of a tenant's lawful rent payment as set forth in a rental agreement, by usual practice of the parties, or in a notice to pay rent or quit; (b) refuse to cash or process a rent check or other form of acceptable rent payment for over thirty (30) days after it is tendered; or (c) fail to maintain a current address for delivery of rent payments.

10. Acting in bad faith, (a) violate a tenant's right to privacy, including without limitation, by requesting information regarding residence or citizenship status, protected class status, or Social Security number, except for, in the case of Social Security number, for purposes of obtaining information for the qualifications for a tenancy; (b) release such information except as required or authorized by law; or (c) request or demand an unreasonable amount of information from tenant in response to a request for reasonable accommodation.

11. Acting in bad faith, communicate with a tenant in a language other than the tenant's primary language for the purpose of intimidating, confusing, deceiving or annoying the tenant.

12. Interfere with the right of tenants to organize as tenants and engage in concerted activities with other tenants for the purpose of mutual aid and protection; deny property access to tenant organizers, advocates, or representatives working with or on behalf of tenants living at a property; prevent tenant or tenant organization meetings in an appropriate space accessible to tenants under the terms of their rental agreement(s); or discourage distribution or posting in common areas of literature informing tenants of their rights.

13. Commit other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a rental housing unit and that cause, are likely to cause, or are intended to cause any person lawfully entitled to occupancy of a rental housing unit to vacate such rental housing unit or to surrender or waive any rights in relation to such occupancy.

B. Remedies and penalties.

1. If an owner violates the terms of this section, an aggrieved tenant may institute a civil action for injunctive relief, direct money damages, and any other relief that the court deems appropriate, which such relief shall include a civil penalty of no less than Two Thousand Dollars (\$2,000), and no more than Five Thousand Dollars (\$5,000), per violation, at the discretion of the court. If the aggrieved tenant is older than sixty-five (65) or disabled, the court may award an additional civil penalty of up to Five Thousand Dollars (\$5,000) per violation, at the discretion of the court.

2. The court may award reasonable attorneys' fees and costs to a tenant who prevails in any such action. The court may award reasonable attorneys' fees and costs to an owner who prevails in any such action if the court determines that the tenant's action was frivolous.

3. The above remedies are not exclusive and do not preclude any tenant from seeking other remedies or penalties provided by applicable law.

C. Lawful Evictions. Nothing in this Chapter shall be construed as to prevent an owner from lawfully evicting a tenant pursuant to applicable State or local law.]

8.34.050 Severability

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

SECTION 5. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption in accordance with Government Code Section 36937. The provisions of this Ordinance shall apply to all residential rental units not specified in Section 4 to be exempt, including where a notice to vacate or to quit any such rental unit has been served prior to, as of, or after the effective date of this Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Ordinance.

SECTION 6. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Posting of Ordinance.

The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Ordinance to be published or posted as required by law. In accordance with Government Code Section 8634, this ordinance and any amendments, extensions, and rescissions thereof shall be given widespread publicity and notice.


PASSED, APPROVED AND ADOPTED this day of , 2023.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

Consideration of Tenant Protection Ordinances and a Temporary Rental Assistance Program



Items for City Council Consideration

- Just Cause Eviction Ordinance (Attachment B)
- Rent Stabilization Ordinance (Attachment C)
- Temporary Rental Assistance Program funded with ARPA funds (Attachment D)
- Each item would require at least three “yes” votes to pass



Background

Last year, several Claremont residents who are long-time renters in large apartment complexes reported that property owners were threatening to evict them when the County of Los Angeles's eviction moratorium expired so that the owners could “substantially remodel” the tenants’ units and raise rents.



Background (cont.)

In response to these requests, at its regular meeting on October 25, 2022, the City Council approved a 6-month temporary moratorium on certain substantial remodel evictions. The temporary moratorium went into effect immediately and is set to sunset on June 30, 2023.



Background (cont.)

- The City Council directed staff to use the moratorium period to conduct stakeholder and community outreach on tenant protections — specifically, permanent no-fault eviction and rent stabilization ordinances and a rental assistance program.
- “Consider providing additional rental assistance programs” was an approved City Council objective (within the City Council Priorities) for the 2022-24 budget



Community Outreach

City staff made a concerted effort to reach Claremont renters as well as landlords who lease property in Claremont:

- Mailed postcards (all multi-family units)
- Mailed letters (single-family residences)
- City Manager weekly newsletter
- Dedicated page on City website
- Social media
- City Letter
- Listening Sessions



Community Outreach (cont.)

- City staff has not participated in any private meetings with landlords, tenants, or advocacy groups pertaining to the draft ordinances. This was to avoid the perception that staff developed any ordinance in association with any “side” or group of people or that staff is acting as advocates.
- Anyone who contacted staff wishing to share any information, statistics, etc. with the Council or with City staff was asked to include such information in their public comment for the Council’s review and consideration.



Requests from Claremont Property Owners

- Consider the increasing costs for property owners to operate rental properties (utilities, insurance, property tax, business license, and property management/labor).
- AB 1482 went into effect on January 1, 2020, which was shortly before the COVID-19 emergency protections went into effect. Consider that during this time, property owners were not able to evict tenants (even if they were not paying rent), resulting in a financial loss to property owners.



Requests from Claremont Property Owners (cont.)

- Consider that some tenants have still not paid their arrears in full and as such, since 2020, property owners have not been receiving the rental income that they need to pay their mortgage and other expenses.
- For these reasons, rent stabilization that is more limiting than AB 1482 should not be imposed. Create a rental assistance program instead.



Relevant Data

- The National Equity Atlas, a collaboration between Oakland research group Policy Link and the USC Equity Research Institute, estimates that 199,520 households in L.A. County are behind on rent, by a total of \$542 million.
- *No data is available that is specific to Claremont.*



Requests from Claremont Tenants

- Increase relocation assistance for tenants who are evicted at no-fault.
- Exempt certain populations from no-fault evictions during the academic year.
- Only exempt owner-occupied duplexes from tenant protection ordinances.
- Create a new position (i.e., Hearing Officer) to enforce ordinances.



Requests from Claremont Tenants (cont.)

- Develop a fee-generating rental registry.
- Impose right of first refusal if eviction is based on the owner substantially remodeling the tenant's unit (with no increase in the rental rate).
- Impose rent stabilization caps that are more limiting than AB 1482.



Relevant Data

- Across Claremont's 4,160 renter households (approximately 35% of total housing units in the city), 2,238 (53.8%) spend thirty percent or more of gross income on housing cost. Renters who spend more than 30% of their gross income on housing are considered “rent-burdened.”
- Additionally, 1,126 renter households in Claremont (27.1%) spend fifty percent or more of gross income on housing cost. Renters who spend more than 50% of their gross income on housing are considered “severely rent-burdened.”



Relevant Data (cont.)

- In 2020 and 2021, there were record low unlawful detainer **filings** (in what had been a steady downward trend in eviction filings since the 2008 recession).
- In 2022 there were 34,398 unlawful detainer **filings** in LA County (State COVID tenant protections ended in June 2022).



Relevant Data (cont.)

- 2022 is still lower than 2019 levels, when there were 40,572 eviction **filings**, but experts expect another “jump” after the first back-rent deadline now that LA County COVID tenant protections have ended (eff. April 1, 2023).
- *No Claremont-specific data is available regarding at-fault and/or no-fault eviction rates, rate of annual rent increases, or the amount of relocation assistance that has been paid to tenants.*



Legal Considerations

The state's unlawful detainer statutes (Code Civ. Proc., § 1159 et seq.) provide a procedure by which owners can evict tenants. Local ordinances cannot impose additional or different procedural requirements on eviction proceedings. (*Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 149.)



Legal Considerations (cont.)

California's Costa-Hawkins Rental Housing Act (Civ. Code § 1954.50 et seq.) generally allows owners to reset the initial rental rate on units after they become vacant or when the last tenant who qualified for state or local rent control no longer permanently resides at the unit.



Legal Considerations (cont.)

Due Process Right to Fair Return - The state and federal Constitutions require rent control ordinances to allow owners to receive a “a just and reasonable return on their property.” (*MHC Operating Ltd. P’ship v. City of San Jose* (2003) 106 Cal. App. 4th 204, 220.)



Legal Considerations (cont.)

Maintenance of Net Operating Income (NOI) - Presume the owner's NOI at the time rent control began provided a just and reasonable return (i.e., "base rent"). After that, permit rent increases that will allow the owner to recoup increases in ongoing operating expenses, such as permitting a periodic inflation adjustment. (*MHC Operating Ltd. P'ship v. City of San Jose* (2003) 106 Cal. App. 4th 204, 221.)



Legal Considerations (cont.)

Artificially Low Base Rent - When a rent control ordinance establishes a “base rent” by reference to rents on a specified date, the ordinance generally should permit adjustments of that base rent for those rental units that had artificially low rents at that time. (*Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 772.)



Legal Considerations (cont.)

Capital Improvements - An owner is generally entitled to a fair return on capital improvements, which includes the bare cost of a capital improvement and the increase in fair market value of the improved unit. (*Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 773.)



AB 1482

Effective January 1, 2020, AB 1482 requires “just cause” for eviction and imposes state-wide rent stabilization limits for non-exempt residential rental properties. With respect to “just cause” for evictions, AB 1482 authorizes a local agency to adopt “more protective” standards, provided they are “consistent with” AB 1482. (Civ. Code § 1946.2(g)(1)(B).)



AB 1482 (cont.)

A local ordinance is “more protective” than AB 1482 if it:

- (1) “further limits the reasons for termination of a residential tenancy”;
- (2) “provides for higher relocation assistance amounts”; and/or
- (3) “provides additional tenant protections that are not prohibited by any other provision of law.”



AB 1482 (cont.)

With respect to rent stabilization, AB 1482 authorizes a local agency to adopt “rent or price control ... consistent with [Costa-Hawkins] that restricts annual increases in the rental rate to an amount less than that provided in [AB 1482].” (Civ. Code § 1947.12(d)(3).)



CPI

The CPI is based on prices of food, clothing, shelter, and fuels, transportation fares, charges for doctors' and dentists' services, drugs, and the other goods and services that people buy for day-to-day living. All taxes directly associated with the purchase and use of items are included in the index.



CPI (cont.)

- Prices in the Los Angeles area, as measured by the Consumer Price Index for All Urban Consumers (CPI-U), advanced 0.1 percent in March, the U.S. Bureau of Labor Statistics reported earlier this month.
- It was noted that the March increase was influenced by higher prices for shelter and gasoline.
- The April 2023 Consumer Price Index for the Los Angeles area is scheduled to be released on May 10, 2023.



Local Rent Stabilization Ordinances

- 10 cities in LA County have local rent stabilization ordinances that impose limits stricter than AB 1482
- All 10 cities have a Housing Division or Department/Authority and/or a Rent Control Board
- Some cities' Rent Stabilization Ordinances require housing providers to register eligible units with the City (i.e., Rental Registry)



Local Rent Stabilization Ordinances (cont.)

- Some cities that have rent stabilization limits that are more restrictive than AB 1482 also have a process by which owners can petition for higher rent increases (i.e., there is a “relief valve” built into their ordinances)
- This is done to ensure owners receive a “fair return” on their investment (as required by state law)



Local Rent Stabilization Ordinances (cont.)

- The City currently does not have funds allocated or dedicated staffing for a Housing Division and/or staff to support a commission/officer or board dedicated to rent stabilization.
- The City Council may direct staff to analyze the budgeting and staffing that would be necessary to provide a “relief valve” for rent stabilization limits that are more restrictive than AB 1482.



Key Decisions – Just Cause Eviction Ordinance

Ordinance

- Key Decision #1 - Should Claremont have a Just Cause For Eviction Ordinance that imposes additional requirements for evictions based on an owner's desire to “substantially remodel” a rental unit beyond the requirements AB 1482 already imposes?
- Please reference Attachment B.



Key Decisions – Just Cause Eviction Ordinance (cont.)

- Key Decision #2 - Assuming the City has a Just Cause For Eviction Ordinance, what additional requirements for “substantial remodel” evictions should it impose?
- Options for the City Council to consider are listed in Attachment A.



Key Decisions – Just Cause Eviction Ordinance (cont.)

Key Decision #3 - Assuming the City has a Just Cause For Eviction Ordinance, should it require owners to provide a right of first refusal to tenants who are displaced due to a “substantial remodel” eviction? If yes, should owners be required to offer the tenant a replacement unit or a right to return to their remodeled unit at the same monthly rent?



Key Decisions – Just Cause Eviction Ordinance (cont.)

Key Decision #4 - Assuming the City has a Just Cause For Eviction Ordinance, should it require owners to provide relocation assistance to tenants who are displaced by a no-fault eviction in higher amounts than those provided by AB 1482? If yes, what amount of relocation assistance should the ordinance require?



Note on Relocation Assistance

- Should the City Council direct staff to craft relocation assistance provisions based on a tenant's age, disability status, household composition, income level, unit size, and/or unit tenure, staff would need to conduct further research and develop language that is specific to Claremont's ordinance and present the information to City Council at a subsequent meeting.
- Please reference Pages 6-7 in Attachment B.



Key Decisions – Just Cause Eviction Ordinance (cont.)

- Key Decision #5 - Assuming the City has a Just Cause For Eviction Ordinance, should it include anti-harassment provisions to prevent owners from harassing or retaliating against tenants they cannot evict?
- Staff has provided anti-harassment language options in the draft “Just Cause for Eviction” Ordinance for the City Council to consider.



Key Decisions – Just Cause Eviction Ordinance (cont.)

Key Decision #6 - Assuming the City has a Just Cause For Eviction Ordinance, should it include an exception for “mom and pop” property owners? If yes, what is the maximum number of rental units a building/complex must have to be exempt from the ordinance(s)?



Key Decision – Rent Stabilization Ordinance

Key Decision # 7 - Should the City have a Rent Stabilization Ordinance limits annual rent increases more than the limits set forth in AB 1482 and if so, what percentage/rent cap should the limit reflect?

Key Decision – Temporary Rental Assistance Program

- Key Decision # 8 - Should the City use American Rescue Plan Act (ARPA) funding for a Temporary Rental Assistance Program (“Program”) through 2026?
- Please reference Attachment D. The City Council may provide further direction on the proposed program.



Temporary Rental Assistance Program

- As currently drafted, the Program is designed to provide temporary rental assistance to Claremont renters who are either income-qualified, rent-burdened, or are in need of emergency rental assistance due to certain qualifying circumstances without negatively affecting property owners.
- Staff recommends that the City Council allocate \$300,000 in ARPA funding for a **Temporary** Rental Assistance Program (July 1, 2023 through June 30, 2026).



Temporary Rental Assistance Program

- Further, staff recommends that the City Council receive a Program Update in July 2024 (after the Program has been in effect for one full year) to determine whether or not the Program criteria and funding amounts are adequate.
- Should the City Council wish to extend the program past 2026, other funding sources would need to be identified as ARPA funds must be fully expended by December 31, 2026.



Questions?



Melanie Martinez

Subject: FW: Update on Tenant Protections

From: Celio Duran [REDACTED]
Sent: Wednesday, April 26, 2023 10:50 AM
To: Katie Wand <kwand@ci.claremont.ca.us>; Bevin Handel <bhandel@ci.claremont.ca.us>
Subject: Re: Update on Tenant Protections

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the update, please do Not allow rent control, it suppose to be a free country. Just like government does not regulate prices on other products or goods, government should not be imposing rent control on private property rights.

Thanks

Celio Duran
[REDACTED]

On Wednesday, April 26, 2023, 10:09 AM, Katie Wand <kwand@ci.claremont.ca.us> wrote:

Good morning,

You are receiving this email because you have previously contacted the City of Claremont regarding Tenant Protections.

During their regular meeting on April 25, 2023, the Claremont City Council received a report and presentation from staff regarding two tenant protection ordinances (a “Just Cause Eviction” Ordinance and a “Rent Stabilization” Ordinance) and a proposed Temporary Rental Assistance Program. After hearing robust public comment, the City Council provided the following direction to staff:

- The City Council will continue to deliberate the two tenant protection ordinances at their next regular meeting on **Tuesday, May 9, 2023**. It is anticipated that decisions will be made regarding those ordinances at that time.

- The City Council voted to approve an expanded version of the Temporary Rental Assistance Program that was originally drafted by staff. The City Council voted to allocate **\$1 million** in American Rescue Plan Act (ARPA) funding to fund the program, with funding available beginning July 1, 2023. This program will now be referred to as the “**Temporary Housing Stabilization and Relocation Program.**”
- Staff is currently working on finalizing the Temporary Housing Stabilization and Relocation Program guidelines and application material as directed by the City Council:
 - o Relocation assistance will be expanded and may consider tenant factors such as age, disability status, household composition, income level, unit size, and/or unit tenure. 50% of the relocation assistance will be available to eligible tenants at the time that they receive an eviction notice, and 50% will be available upon move-out.
 - o Another category to be added to “Tier 5” is a financial incentive provided to landlords to maintain safe and affordable housing to tenants.
- Staff anticipates that the Program guidelines and application material will be available on the City website in 1-2 weeks.

For those of you who were not participating in the meeting, I also wanted to point out that at the May 9th meeting, the City Council will pick up where they left off in terms of their deliberations. There will not be another oral public comment period on the item (the City Council closed public comment on this item during last night’s meeting). Written public comment received prior to the meeting will still be accepted. In the meantime, if you have any questions, please feel free to contact me.

Thank you,



Katie Wand | Assistant to the City Manager

City of Claremont | Administrative Services Department
City Manager's Office
 207 Harvard Avenue | Claremont, CA 91711
 (909) 399-5454 | KWand@ci.claremont.ca.us
www.claremontca.org | Follow Us! @CityofClaremont

 Please consider the environment before printing this email.

Melanie Martinez

Subject: FW: Rent Control OPPOSED!!!!

From: Cindy Toth [REDACTED]
Date: April 30, 2023 at 10:05:53 PM PDT
To: Linda Toth [REDACTED]
Cc: Corey Calaycay <ccalaycay@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Jed Leano <jleano@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Ed Reece <ereece@ci.claremont.ca.us>
Subject: Re: Rent Control OPPOSED!!!!

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I can echo Lind's sentiments. As a realtor, broker, property manager and Landlord myself... I can see investors stop trying to provide housing to the community, as the Government controlling anything has ended in fraud, waste, abuse and losses for all involved. Government's out of touch limits and control are not what people want in their business plans. Keep chasing them out and they will keep leaving....

On Sat, Apr 29, 2023 at 9:50 AM Linda Toth [REDACTED] wrote:

To the City of Claremont Council Members,

As of June this year, I will have 40 years full-time in Calif. Real Estate as a residential agent/Broker and owned a Property Management company.

Rent control is another step toward government housing and government control.

This is simple and logical!

If I, as an investor, want to invest, why would I buy a product where the government is going to control my potential profits?

What government did during the pandemic is unforgivable and unduly added to the burden on many rental owners. This has contributed to the exile from California! Pay attention to why lifetime Californians are leaving!!!!

Linda Toth
[REDACTED]

--

Cindy Toth
[REDACTED]

[Redacted text]

[Redacted text]

[Redacted text]

Melanie Martinez

Subject: FW: upcoming vote

On Apr 29, 2023, at 11:58 AM, debbi huffey [REDACTED] wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am asking you, as a 'mom and pop' landlord, please do not make my retirement any worse by passing the above. I have worked too long and too hard to have my monies depleted. This is my property. no one else. Inflation has taken it's toll, covid has taken it's toll. I cannot keep afloat with the power's that be continuing to take my rights from me.

Sincerley,

Debbi Huffey.

Melanie Martinez

Subject: FW: Rent Control OPPOSED!!!!

From: Linda Toth [REDACTED]
Date: April 29, 2023 at 9:50:19 AM PDT
To: Corey Calaycay <ccalaycay@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Jed Leano <jleano@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Ed Reece <ereece@ci.claremont.ca.us>
Subject: Rent Control OPPOSED!!!!
Reply-To: Linda Toth [REDACTED]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City of Claremont Council Members,

As of June this year, I will have 40 years full-time in Calif. Real Estate as a residential agent/Broker and owned a Property Management company.

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This is simple and logical!

If I, as an investor, want to invest, why would I buy a product where the government is going to control my potential profits?

What government did during the pandemic is unforgivable and unduly added to the burden on many rental owners. This has contributed to the exile from California! Pay attention to why lifetime Californians are leaving!!!!

Linda Toth

[REDACTED]

William & Francine Baker



RECEIVED

MAY 01 2023

City Manager's Office

April 28, 2023

Claremont City Council
PO Box 880
Claremont CA 91711

Re: Proposed Rent Stabilization Ordinance

Dear Claremont City Council:

Thank you for conducting the meeting regarding a rent stabilization and relocation ordinance on April 25, 2023. I was present during the staff presentation, the entire public comment period and during a portion of the questions by council.

It became clear that the council was not presented with enough concrete information or data regarding the Claremont rental's business operation in order to make a sound and reasonable decision about any of the pending issues.

For example, there were allegations that owners have indiscriminately raised rents, however, as staff indicated there has not been a survey or interviews with owners to determine how often rents are typically raised. As a representative of owners, my experience is that owners are reluctant to raise rent once a resident has commenced occupancy.

Another issue that was unclear is how many evictions, other than for non-payment of rent, actually occur in Claremont especially those caused due to some violation of the rental agreement or a major renovation.

When dealing with other city proposals, council usually directs staff to conduct a survey or investigation before acting. In the present situation the staff and city attorney provided an excellent report of the issues and law but there was no information as whether any of these matters affect the citizens of Claremont..

It is incumbent that council not make a decision on feelings, conjecture, speculation or accusations but action should be based on cogent information and data that is consistent with the alleged need for a remedy. On April 26 I spoke to a resident of Bonita Terrace who reported that his rent was raised after three years of occupancy, that the property is well-maintained and his kitchen and bathroom were remodeled with modern appliances and new flooring. This is contradictory to some of the evening's presentations.

Before acting I urge council to allow the current California statewide rent control, AB1486, to remain the controlling law and over the next appropriate period conduct interviews and a study that will result in a conclusion for a proper and meaningful decision.

Thank you,

A handwritten signature in black ink that reads "William M. Baker".

William M. Baker

Melanie Martinez

Subject: FW: "Temporary Housing Stabilization and Relocation Program."

From: Bijan Yaghoobia [REDACTED]
Date: April 30, 2023 at 3:26:22 PM PDT
To: Corey Calaycay <ccalaycay@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Jed Leano <jleano@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Ed Reece <ereece@ci.claremont.ca.us>
Subject: "Temporary Housing Stabilization and Relocation Program."

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a commercial real estate broker I strongly oppose the **"Temporary Housing Stabilization and Relocation Program."** I have already seen the negative impact of the Covid eviction moratorium. I have seen losses in thousands on repairs and escalating legal costs for bad acting tenants. Actually one client had his property put on fire and another had an attempt of major fire to a multi unit family apartment, which all could have caused human losses and a major disaster.

Also, the limitations on rent increases have restricted or postponed necessary maintenance which have created vacancies, adding to the housing shortage and crisis.

The rising costs of mortgages, extra administrative and clerical requirements to enforce house rules and tenant's misbehaviours due to eviction protection abuse can't be sustained or worth the trouble for the majority of real estate investors expecting to run a business at a constant risk of financial loss. Especially with high mortgage interest rates which are going to be around for a while and inflationary costs all for the benefit of politicians and constituents.

These overextended and one-sided policies are not productive and will make the housing problems worse.



Claremont City Council

Agenda Report

File #: 4701

Item No: 10.

TO: JAMIE EARL, ACTING CITY MANAGER

FROM: AARON FATE, POLICE CHIEF

DATE: MAY 9, 2023

Reviewed by:
Acting City Manager: JE

SUBJECT:

ANNUAL REPORT FOR THE MILITARY EQUIPMENT USE POLICY OF THE CLAREMONT POLICE DEPARTMENT AS REQUIRED BY ASSEMBLY BILL 481 - MILITARY EQUIPMENT: FUNDING, ACQUISITION, AND USE (FUNDING SOURCE: GENERAL FUND)

SUMMARY

Assembly Bill 481 (AB 481), the Law Enforcement and State Agencies Military Equipment Funding, Acquisition and Use Act, was signed into law and became effective on January 1, 2022.

AB 481 requires law enforcement agencies to obtain approval from their governing bodies before purchasing, raising funds for, or acquiring military equipment, by any means, including surplus military equipment from the federal government. At its April 26, 2022 meeting, the City Council approved the Military Equipment Use ordinance (Ordinance No. 2022-03).

Law enforcement agencies are also required to seek governing body approval before collaborating with another law enforcement agency in the deployment or use of military equipment within the governing body's territorial jurisdiction or before using any new military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

Finally, AB 481 requires the Police Department to submit an annual report to the City Council for the continued use of approved Military Equipment, or before acquiring any new Military Equipment. The report must contain any use(s) of the equipment, any complaints received, any internal audits or other information about violations of the military equipment use policy, and the cost of such use.

RECOMMENDATION

Staff recommends that the City Council receive the Annual Military Equipment Use Report and approve the acquisition of the equipment listed under "New Request - Category 2 and Category 12".

ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Receive the Annual Military Equipment Use Report and deny or partially approve equipment listed under "New Request".
- B. Reject staff's recommendation.
- C. Delay staff's recommendation and request additional information.

FINANCIAL REVIEW

The costs to purchase, maintain, and use military equipment are covered in the Police Department's annual operating budget. The fiscal impact of each military equipment is itemized separately in the next section as required by AB 481.

The staff cost to prepare this report is estimated to be \$1,170 and is included in the operating budget of the Police Department.

ANALYSIS

The Police Department retains and employs a variety of military equipment to safely achieve its mission to "Safeguard and serve the Claremont community through timely, proactive, effective, and professional law enforcement services." The mere possession of this equipment does not warrant its use for every incident, nor has the Department been accused recently or in the past of indiscriminate use of these types of equipment.

The Department recognizes that critical incidents are unpredictable, often fluid, and dynamic in nature. The Department prides itself on its training, use of best practices, and forward-thinking in technology, and the tools it acquires and utilizes in its mission for the safety of its personnel and the safety of community members and visitors.

The use of all equipment, not just "military equipment," is predicated on the mission of the Department, policy, training, law, the safety of our officers, and the safety of our community. Officers and incident commanders alike are influenced by the totality of the circumstances, public safety, civil rights and all available information at the time of a critical incident or disaster, and the desire to bring that incident to a safe resolution.

Assembly Bill 481 (AB 481)

AB 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement. AB 481 defined "military equipment" beyond armored vehicles, large-caliber firearms, explosive projectile launchers, explosive breaching tools, and "flashbang" grenades. It speaks to the acquisition of military equipment by any means, including the 1033 Federal Surplus Property Program (1033 Program) and the purchase of military equipment using grant or City funding.

AB 481 requires the Department to seek approval from the City Council through an Ordinance and the adoption of a Military Equipment Use Policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, authorized uses of each type of military

equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use them, the policies in place to ensure policy compliance, and the procedures by which the public may register complaints.

The City Council adopted Ordinance No. 2022-03 approving the Military Equipment Use Policy at its April 26, 2022 meeting. AB 481 requires the Police Department to submit an annual report to the City Council for the continued use of approved Military Equipment, or before acquiring any new Military Equipment. The report must contain the uses of the equipment, any complaints received, any internal audits or other information about violations of the military equipment use policy, and the cost of such use.

Staff has reviewed AB 481, its definition of military equipment, and the requirements in the legislation. The Department utilizes equipment, defined as military equipment, and has acquired this equipment under the 1033 Program. The Department has also acquired equipment through the City's procurement process with City Council approvals dating back, in some cases, more than a decade. Staff has prepared information on the identification of military equipment utilized by the Police Department, the purposes for its use, the 1033 Program, and specific Department policies for review.

AB 481 designated the following 15 categories of items as military equipment. The Police Department maintains and utilizes equipment in categories 3, 5, 12, and 14. The Police Department is requesting to add additional equipment in categories 2 and 12.

Equipment Category	Description
1	Unmanned, remotely piloted, powered aerial or ground vehicles.
2	Mine-resistant ambush-protected vehicles or armored personnel carriers.
3	High mobility multi-purpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that are a breaching or entry apparatus.
4	Tracked armored vehicles that provide ballistic protection to their occupants.
5	Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6	Weaponized aircraft, vessels, or vehicles of any kind.
7	Battering rams, slugs, and breaching apparatuses that are explosive in nature.
8	Firearms of .50 caliber or greater, excluding standard-issue shotguns.
9	Ammunition of .50 caliber or greater, excluding standard-issue shotgun ammunition.
10	Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code 30510 and Penal Code 30515, with the exception of standard-issue service weapons and ammunition of less than .50 caliber.
11	Any firearm or firearm accessory that is designed to launch explosive projectiles.

12	“Flashbang” grenades and explosive breaching tools, munitions containing tear gas or O.C., excluding standard, service-issued hand-held pepper spray.
13	Taser Shockwave, microwave weapons, water cannons, and long-range acoustic devices.
14	40mm projectile launchers, kinetic energy weapons and munitions.
15	Any other equipment as determined by a governing body or a state agency to require additional oversight.

Existing Equipment

Category 3 - High mobility multi-purpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that are a breaching or entry apparatus.

During the Grand Prix Fire, the Department found it lacked vehicles that could operate in some of the more challenging terrains of the Claremont Hills Wilderness Park and adjacent hillsides and neighborhoods. Several years ago, it also identified concerns about emergency responses following a large-scale earthquake that may severely damage roadways.

Through the 1033 Program, the Police Department acquired two high-mobility multi-purpose vehicles commonly referred to as "Humvees." These vehicles are not armor-equipped. Their high-wheeled design allows them to traverse flooded areas, uneven surfaces, and damaged roadways common in earthquakes and other natural disasters. They provide the City with specialized response vehicles that can access areas of the Claremont Hills Wilderness Park and traverse damaged roadways that cannot be accessed by standard-equipped vehicles in the City's fleet.

In addition to this capability, these vehicles are also equipped to tow any of the four ruggedized trailers, also acquired through the 1033 Program, stocked with first aid supplies, sleeping bags, stretchers, and water for evacuation centers or field sites.

Quantity: 2

Fiscal Impact: The Department acquired these two vehicles under the 1033 Program. The vehicles themselves were obtained at no cost. The Department was responsible for the shipping costs, totaling \$5,000 (\$2,500 each). Each year, the Department sets aside \$1,500 in its budget for repairs, maintenance, and fuel for these two vehicles.

Training: There is no specialized training required to operate these vehicles.

Legal & Procedural Rules: Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

Category 5 - Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

The City's Mobile Emergency Operations Center was purchased in 2012 following approval at the November 13, 2012 City Council meeting. This specialized vehicle was designed to be the City's primary Emergency Operations Center (EOC). This purchase and development of a community-focused EOC included partners from the Claremont Unified School District (CUSD) and The

Claremont Colleges Services (formerly Claremont University Consortium). Any large-scale emergency response would likely involve one or both of these community partners.

The vehicle itself is a truck tractor and trailer capable of being moved anywhere needed. It includes extensive phone, video, radio, satellite, computer systems, and an integrated dispatch system that can take the place of the Police Department's current dispatch center should the center become inoperable.

The EOC provides the City, CUSD, and the Claremont Colleges with extensive emergency and critical incident response capabilities for fires, floods, earthquakes, windstorms, and other man-made and natural disasters.

Note: Specialized custom-built trailer - no manufacturer description. The truck is Kenworth 2013 T660.

Quantity: 1

Fiscal Impact:

The Mobile EOC was funded using a 2009 COPS Technology Grant (\$1,092,039), 2009 and 2010 State Homeland Security Grant Program grants (\$182,902), the sale of the Police Department's previous command post (\$100,000), funding from the Police Department's impound lot (\$300,000), funding from the Claremont Unified School District (\$60,000), and funding from the Claremont Colleges (\$123,682). Total Cost: \$1,858,623.

Annual costs to maintain the systems are included in the City's Emergency Management budget. They include \$10,000 for phone, satellite, and data systems.

Training:

City staff receives annual training in emergency operations, and at least one tabletop exercise is held in the mobile EOC annually to keep staff current in the operations. Two police officers have completed training for their Class A commercial driver's licenses, and backup drivers can be pulled from the fleet of drivers in the City's Sanitation Division. The dispatch center and equipment are identical to the Police Department's 9-1-1 center systems, so there is no requirement to provide ongoing training in these systems.

Legal & Procedural Rules:

Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

Lifespan: No lifespan indicated by the manufacturer. Dependent on operational usage and wear.

Category 12 - Munitions containing tear gas or Oleoresin Capsicum (O.C.), excluding standard, service-issued hand-held pepper spray.

The Police Department uses tools in this category to provide officers with additional resources. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury.

Chemical agents in this category are only utilized with the authorization of the Watch Commander, then only by specially trained officers (see training).

Han-Ball Grenade CS - Manufacturer Description

The Han-Ball™ Grenade CS is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 inches tall, including the fuze head, and 3.1 inches in diameter. This launchable grenade holds approximately 1.6 ounces of active agent, which is expelled through three ports around the equator of the ball. Due to the intense heat generated by this grenade, it should not be used inside a building or near flammable material.

Spede-Heat Grenade CS - Manufacturer Description

The Spede-Heat™ Grenade CS is a high-volume, continuous burn grenade. It expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 inches by 2.62 inches and holds approximately 2.9 ounces of active agent.

Triple Chaser Grenade CS - Manufacturer Description

The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart, allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 inches by 2.7 inches and holds approximately 3.2 ounces of active agent payload. It has an approximate burn time of 20-30 seconds.

MK-9 Pepper Spray - Manufacturer Description

The MK-9 Pepper Spray features an easy-to-use trigger handle and is intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 feet. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff. Non-flammable / Electronic Discharge Weapon (EDW) safe.

40mm Long Range Spede-Heat CS - Manufacturer Description

The Spede-Heat™ CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher downrange up to 150 yards. The Spede-Heat™ is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

40mm Muzzle Blast CS - Manufacturer Description

The 40mm Muzzle Blast CS Round is widely used as a crowd management tool for immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a compliance round, it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersal lines or engaging crowds at close distances.

40mm Skat-Shell CS - Manufacturer Description

The Skat-Shell® 40mm CS multiple chemical projectile round is designed to deliver multiple CS canisters from a 40mm launcher. It is designed for outdoor use and has fire-producing capability and has a maximum effective range of 80-100 yards. It is widely used as a crowd-management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat-Shell contains four separate sub-munitions and provides a wide area of coverage.

Fiscal Impact:

\$5,800 for the purchase of one "Crowd Control Chemical Agents Munitions Module," which consists

of (10) Han Ball Grenades CS, (20) Spede-Heat Grenades CS, (10) 40mm Skat-Shell Rounds CS, (10) 40mm Long Range Spede-Heat Rounds CS, (1) MK-9 Pepper Spray OC, (20) Large Max Smoke Grenades HC-S, and (10) Triple Chaser Grenades CS.

Training: Must have completed a California Commission on Peace Officers Standards and Training (POST) or National Tactical Officers Association (NTOA) Less-lethal or Chemical Agents User or Instructor training course. Instructor-certified officers may present specific training to a limited number of designated officers.

Legal & Procedural Rules:

Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy. California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control.

Lifespan: Combined Tactical Systems (CTS) Chemical Agent Canisters and Munitions - Five -year limited warranty. Five-year shelf life.

Defense Technology Chemical Agent Canisters and Munitions - Five-year limited warranty. Five-year shelf life.

Category 14 - Kinetic energy weapons and munitions.

The Police Department uses tools in this category to provide officers with additional resources that can be used as a less-lethal force option when needed. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury.

It is critically important for law enforcement to have less-lethal tools when dealing with violent individuals as a force option before having to resort to deadly force. The 40mm is a rifle-type launcher used specifically to deliver 40mm less-lethal projectile-style munitions. These munitions include the Department's primary less-lethal Exact Impact round.

The Exact Impact is a spin-stabilized (for accuracy) sponge-nosed round used by officers when confronting aggressive, non-compliant individuals. When used properly, they are less likely to result in serious bodily injury or death.

A 40mm launcher is carried in each patrol vehicle. It allows officers to create distance between themselves and aggressive individuals and armed individuals (other than firearms). Officers can use this distance and time to employ de-escalation techniques and the additional reaction time to evaluate alternative solutions that could otherwise turn into a deadly and tragic situation. The 40mm provides officers with an alternate tool where appropriate, so they do not have to resort to deadly force.

The Department moved to this equipment following several publicized incidents dating back over a decade in which less-lethal alternatives were not immediately available when officers at other departments were confronted by persons armed with knives, swords, and other types of weapons. These incidents ended in the use of deadly force when they could have been resolved using a less-lethal tool.

Following these incidents, the Police Department equipped each vehicle with "Bean Bag" munitions

as a less-lethal alternative. The bean-bag munitions were effective at ending incidents with less force, however, as more uses occurred, law enforcement agencies started to experience penetrating injuries and accuracy issues. Some law enforcement agencies experienced incidents where shotguns loaded with lethal ammunition were confused with bean-bag shotguns and the incidents ended in tragedy. The Police Department transitioned from the bean bag munitions to the 40mm launcher.

40mm launchers are not utilized indiscriminately against individuals, groups who merely fail to disperse, or individuals who do not appear to present a public safety threat to officers or the community.

The head, neck, throat, spine, heart, kidneys, and groin are not intentional target areas, except when an officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others and lethal force may be required.

The 40mm launchers are also used to deliver crowd and riot control munitions. These munitions include chemical agents, often called "tear gas" by the public and Kinetic Energy munitions. Any use of chemical agent munitions requires specialized training (listed in Category 12).

Def-Tec 40mm Single Shot Launcher- Manufacturer Description

The 40mm launcher from Defense Technology, part of the Safariland brand, is designed to fire any of the company's 40mm less-lethal munitions. The barrel is fully rifled, which increases the accuracy potential of the less-lethal round.

Penn Arms PGL65-40 Tactical Shot Launcher - Manufacturer Description

Designed for riot and tactical situations, the Penn Arms PGL65-40 Tactical 6-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy-to-carry launcher. It features a mounted front grip, and a unique direct-drive system to advance the magazine cylinder.

Quantity: Two Multi-launchers and twelve single-shot launchers.

Fiscal Impact:

Multi-launchers were purchased at the cost of \$1,975 each. The single launcher's purchase price was \$969 each. Annual training costs are less than \$500. The service life of these launchers is a minimum of 15 years with proper care and maintenance.

Training:

Officers complete an annual 40mm range qualification that includes reviewing the Use of Force Policy, Control Devices, and Techniques Policy, and practical scenario-type training.

Legal & Procedural Rules: Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

The Police Department utilizes the following kinetic energy munitions:

40mm .60 Caliber Rubber Pellet Rounds

The Stinger 40mm .60-Caliber Round is widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen .60-Caliber rubber balls. It utilizes smokeless powder as the propellant.

40mm Exact Impact Marking Rounds

The 40mm Exact Impact Marking Round is a point-of-aim, point-of-impact direct-fire round. The marking agent can be used to indicate the aggressor in a riot situation to the team on the ground.

40mm Rubber Baton Rounds

The 40mm Rubber Baton Round is used as a crowd management tool. The round contains three rubber projectiles and utilizes smokeless powder as the propellant. It is suitable for administering a means of compliance over a greater distance than most of its counterparts.

40mm Exact Impact Rounds

The eXact iMact™ 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consists of a plastic body and sponge nose that is spin-stabilized via the incorporated rifling collar and the 40mm launcher rifled barrel. The round utilizes smokeless powder as the propellant and has extremely consistent velocities. Used for crowd control, patrol, and tactical applications.

Fiscal Impact:

Crowd Control Munitions Module - \$3,500 (Exact Impact Rounds, 40mm Rubber Baton Rounds, Exact Impact Marking Rounds, and 40mm Pellet Rounds).

Five-year limited warranty. Five-year shelf life.

A limited number of 40mm sponge rounds are rotated out of service each year to ensure freshness and stay under the five-year shelf life. In addition to this, a training kit is used for annual in-service training that uses a reusable sponge round. Annual 40mm Exact Impact munition replacement and training rounds are approximately \$800 per year.

Training:

Officers trained in the 40mm sponge round must undergo thorough classroom and live-fire training in its use. Additionally, officers must pass annual qualifications to maintain proficiency.

California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control. In-Service training by POST/NTOA certified instructors.

Legal & Procedural Rules: Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

New Requests

Category 2 - Armored personnel carriers.

In 2019, the Claremont Police Department became a member of the Foothill Special Enforcement Team (FSET), which is comprised of officers from Glendora, La Verne, Monrovia, and Sierra Madre Police Departments. This team provides each member city the ability to use a well-trained team that can be used for high-risk operations such as hostage situations, barricaded subject calls, high-risk search and/or arrest warrants, dignitary protection, and rescue operations related to active shooter situations. This team has a higher level of training than the average police officer on the street. Several of the member agencies have some type of armored vehicle that can be used to transport FSET members into a high-risk situation as well as extract victims from harm's way. Often, these high-risk situations require multiple armored vehicles to complete the mission safely. Claremont is

the easternmost city in Los Angeles County and we currently do not have any armored vehicles. By obtaining an armored vehicle, the Claremont Police Department will be able to rely upon itself to deploy Claremont FSET members into high-risk situations more quickly than having to wait for neighboring cities to respond to assist. The addition of this armored personnel carrier will provide the FSET team a safety multiplier by having an additional vehicle available for the team to use.

The Claremont Police Department, if successful in acquiring an armored personnel carrier, will train its officers in the use and deployment of this vehicle in emergencies. This vehicle does not require special licensing to operate and can be driven by anyone with a Class C license. This vehicle will save valuable time by providing the ability to rapidly deploy to the scene of an emergency where there is a firearm actively being used. These situations can include evacuations, citizen rescues, and emergency medical treatment, where traditional Fire/EMS will not respond, due to safety concerns. The armored vehicle will allow personnel to render critical life-saving measures to civilians and officers. The vehicle does not and will not have any sort of weapon systems mounted to the exterior of the vehicle. It will be equipped with medical supplies, such as mass casualty first aid supplies, stokes litters, and other medical equipment. If approved, any use of this vehicle will be documented and presented in future annual reports.

Through the 1033 Program, the Police Department has the ability to acquire an armored personnel carrier free of charge. The City of Simi Valley currently has an armored personnel carrier that they no longer need because a new replacement vehicle was purchased. The available 1033 Program surplus vehicle is a 4-wheel drive V-150, which was manufactured in 1994 by the Cadillac-Gage Corporation. This vehicle is also amphibious. Simi Valley acquired this vehicle in 2002 and it was valued at \$65,070. The original production cost for this vehicle was approximately \$460,000. Alternative vehicles such as the Lenco Bearcat or the IAG Sentinel Armored Rescue Vehicle cost approximately \$300,000. The vehicle dimensions are as follows: weight is 24,000 pounds, 6'6" tall, 7'6" wide, 18'6" long, with four (4) 4'6" tires, All-wheel drive, diesel-powered, seats 12 persons, top speed of 60 mph on a flat surface and 3 mph in water, and equipped with ½ inch thick armored plated steel, capable of defeating rounds up to 7.62 x 51mm or a .308 caliber round.

Quantity: 1

Fiscal Impact: The Department would acquire this vehicle under the 1033 Program. The vehicle itself would be obtained at no cost. The Department will include \$2,000 each year in its budget for repairs, maintenance, and fuel for this vehicle.

Training: There is no specialized training required to operate this vehicle.

Legal & Procedural Rules: Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

Category 12 - "Flashbang" Grenades.

The Police Department uses tools in this category to provide officers with additional resources. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury. Flashbang grenades in this category are only utilized with the authorization of the Watch Commander, then only by specially trained officers (see training).

Diversionsary Devices (Flashbangs) - Manufacturer Description

The Defense Technology Noise-light Diversionary Device is a non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. They are ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. Flashbang grenades produce atmospheric overpressure and brilliant white light and, as a result, can cause a short-term (6-8 seconds) physiological sensory deprivation to give officers a tactical advantage.

The Tactical Diversionary Device utilizes a M201A1 type fuze with a single-use aluminum body. This compact unit is designed around a 6.5 gram water resistant charge, capable of producing an effective, yet reduced 162dB stimuli.

Fiscal Impact:

\$500 for the purchase of one "Bang Box" which contains (12) "Flashbang" grenades.

Training: Must have completed a California Commission on Peace Officers Standards and Training (POST) or National Tactical Officers Association (NTOA) Less-lethal Instructor training course. Instructor-certified officers may present specific training to a limited number of designated officers.

Legal & Procedural Rules:

Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy. California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control.

Lifespan: Five-year shelf life.

1033 Federal Surplus Property Program (1033 Program)

In 1990-91, Congress, through the National Defense Authorization Act (NDAA), authorized the transfer of excess Department of Defense (DOD) property to federal, state, and local law enforcement agencies. In 1997, Congress later passed the NDAA allowing law enforcement agencies to acquire property for bona fide law enforcement purposes, particularly those associated with counter-drug and counter-terrorism activities. Later, those purposes were amended to include disaster preparedness and recovery operations.

The Defense Logistics Agency (DLA) is responsible for disposing of obsolete/unneeded excess property turned in by US Military units worldwide. The type of property turned in ranges from military-specific equipment and vehicles to generic office furniture, computers, medical items, and shop equipment. One of the DLA's primary missions is property disposition, including reutilization by other military units, federal agencies and donating through programs like computers for school, destruction of scrap metal, and resale to the public.

The DLA requires that law enforcement agencies receive approval from their relevant governing body to request and obtain property. The Police Department received approval from the City Council to participate in the 1033 Program at its February 8, 1994 meeting.

Additional information on the 1033 Program and types of equipment received was provided to the City Council at its joint City Council and Claremont Unified School District Board meeting on February 29, 2012. Emergency preparedness equipment acquired through this program was also highlighted in the Police Department's Annual Report (2012) and to the Police Commission and the City Council.

Once law enforcement agencies have been approved to participate in the 1033 Program by the State Coordinator and the Law Enforcement Support Office (LESO), the law enforcement agencies appoint officials to screen for property online or visit their local DLA Disposition Services Site.

Screeners search for excess property and place requests for specific items by submitting requisitions on the Enterprise Business Portal RTD webpage. The item must have a specific justification and be approved by both the State Coordinator and the LESO staff. Law enforcement agencies that receive approval for property are required to cover all maintenance, transportation, and shipping costs. As of June 2020, there are approximately 8,200 federal, state, and local law enforcement agencies from 49 states and four U.S. territories participating in the program.

For more than two decades, the Police Department has been actively involved in the 1033 Program. The Department's focus has been on saving City dollars by identifying, securing, and repurposing equipment that would normally be purchased using City funds and securing equipment where City funding was limited.

For example, the Police Department acquired helmets to issue to officers at no cost. A standard-issue item to officers, this acquisition resulted in savings of more than \$18,000. Other items include range safety glasses, safety goggles for wind and fire events, night vision, and metal detectors. In addition to acquiring items normally funded out of the Police Department's budget, the Department has acquired items for citywide disaster response and recovery. These acquisitions far exceed the City's emergency preparedness budget.

The Department's acquisition of 1033 Program property allowed the City to secure \$1,665,022 in military property since 2012 at a shipping cost of \$23,344. The property includes Humvees, emergency response trailers, water purification systems, cots, tents, sleeping bags, first aid supplies, body bags, and stretchers.

The City could not previously deploy an overnight evacuation center. It can now host up to seven hundred displaced persons and be more prepared to respond to and recover from a large-scale disaster such as a wildland fire or an earthquake because of the equipment acquired through the 1033 Program.

The reutilization of equipment and items under the 1033 Program provides the City with cost-effective resources and items that would otherwise have a drain on the City's financial resources.

Complaint Policy

AB 481 and the Department's Military Equipment Use policy require a procedure for a person to register a complaint or concern, or how that person may submit questions about the use of military equipment including how the Department will respond in a timely manner.

Pursuant to California Government Code 7070(d)(7), a procedure was added to the Military Equipment Policy.

Yearly Reporting Requirements

Pursuant to California Government Code 7072(a)(1)-(4), the Claremont Police Department shall include a summary of how the military equipment was used and the purpose of its use; any complaints or concerns received concerning the military equipment; the results of any internal audits

regarding violations of the use of military equipment and any actions taken in response; and the annual cost associated with the use of the military equipment.

During the 2022 calendar year, the Claremont Police Department's Military Equipment was not required or utilized for any type of police or disaster response. There were no complaints filed regarding the Military Equipment currently held by the Claremont Police Department. Lastly, there were no violations found regarding the use of Military Equipment by Claremont Police Department personnel.

The annual costs incurred in 2022 were \$1,118 for maintenance and fuel costs associated with the two Humvee vehicles. The funds utilized were included in the operating budget of the Police Department.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following: Council Priorities, General Plan, the 2022-24 Budget, and the Youth and Family Master Plan.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA).

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

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