

## 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 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 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. In addition, this chapter shall not apply to residential tenancies in a building or in a complex of commonly-owned buildings with nine (9) 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:

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);
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 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.

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 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 three (3) months of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy.

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.

#### **8.34.040 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.

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Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont

APPROVED AS TO FORM:

  
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City Attorney, City of Claremont