



Claremont City Council

Agenda Report

File #: 4425

Item No: 10.

TO: CITY COUNCIL
FROM: ADAM PIRRIE, CITY MANAGER
DATE: OCTOBER 25, 2022

Reviewed by:
City Manager: AP
Finance Director: NB

SUBJECT:

TENANT PROTECTION ORDINANCES - (1) ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING AND INTRODUCTION OF AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NO FAULT, SUBSTANTIAL REMODEL EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; (2) ADOPTION OF A TEMPORARY URGENCY ORDINANCE AND FIRST READING AND INTRODUCTION OF A PERMANENT ORDINANCE IMPOSING HEIGHTENED TENANT PROTECTIONS FOR NO FAULT, SUBSTANTIAL REMODEL EVICTIONS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT; AND (3) ADOPTION OF A TEMPORARY URGENCY ORDINANCE IMPOSING HEIGHTENED RENT STABILIZATION REQUIREMENTS FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT (FUNDING SOURCE: GENERAL FUND)

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.

Several Claremont residents who are long-time renters in large apartment complexes report that their landlords are threatening to evict them when the County of Los Angeles’s eviction moratorium expires so that they can “substantially remodel” their units and raise rents. These residents have requested that the City Council consider a “No Fault Eviction Ordinance” and “Rent Stabilization Ordinance” that provide stronger tenant protections than AB 1482. Unless extended, the County’s eviction moratorium will expire on December 31, 2022. The County also could terminate the moratorium earlier if it so desires.

At its regular meeting on October 11, 2022, the City Council considered the two ordinances described above and determined they needed additional time to study the appropriate tenant protections for Claremont. To that end, the City Council continued its deliberations on the tenant protection ordinances and directed staff to prepare ordinances that would place a temporary moratorium on substantial remodel evictions (“Temporary Eviction Moratorium Ordinances”). At its October 25, 2022 meeting, the City Council can either: (1) adopt one or both of the Temporary Eviction Moratorium Ordinances (Attachments A-B), which would give staff and the City Council more time to study permanent local tenant protections; or (2) adopt one or more of the tenant protection ordinances that were on its agenda at the October 11th meeting (Attachments C-E).

Staff has prepared five draft ordinances for the City Council’s consideration. Please note that approval of the urgency ordinances (Attachments A, C, and E) would require a declaration of facts constituting urgency and a four-fifths vote of the City Council. If only four Councilmembers are present and eligible to vote, then the urgency ordinances will require unanimous approval. The regular ordinances (Attachments B and D) require approval of a simple majority of the City Council (i.e., three or more votes). The urgency ordinances would go into effect immediately, and the regular ordinances would require two readings (i.e., introduction and adoption) and would not go into effect until thirty days after their second reading.

As requested by the City Council on October 11, two of these ordinances would impose a temporary moratorium on substantial remodel evictions for certain residential tenancies. Staff recommends that this temporary moratorium be in place for six months, but the City Council can direct staff to adjust the time period if they wish.

The City Council previously considered the other three ordinances at its October 11th meeting. Two of the ordinances provide heightened tenant protections for substantial remodel evictions - an urgency ordinance (Attachment C), and a permanent ordinance (Attachment D). The last ordinance is an urgency ordinance (Attachment E) that, if adopted, would require heightened rent stabilization while the City Council explores whether to adopt permanent rent stabilization requirements.

It is important to note that many types of residential rental properties are exempt from AB 1482’s tenant protections and would also be exempt from the proposed ordinances. 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.

The proposed Temporary Eviction Moratorium Ordinances would also provide an exemption for complexes with twenty or fewer residential rental units in the City of Claremont.

RECOMMENDATION

Staff recommends that the City Council either:

- A. Consider adopting AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN “NO FAULT” RESIDENTIAL EVICTIONS DUE TO A PROPERTY OWNER’S INTENT TO SUBSTANTIALLY REMODEL THE TENANT’S UNIT IN THE CITY OF CLAREMONT (*requires a four-fifths vote*); and
- B. Consider approving the first reading and introduction of AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN “NO FAULT” RESIDENTIAL EVICTIONS DUE TO A PROPERTY OWNER’S INTENT TO SUBSTANTIALLY REMODEL THE TENANT’S UNIT IN THE CITY OF CLAREMONT (*requires a simple majority vote*); and

or

- C. Consider adopting AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY 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 (*requires a four-fifths vote*);
- D. Consider approving the first reading and introduction of 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 (*requires a simple majority vote*); and
- E. Consider adopting AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY ADDING CHAPTER 8.36 (“RESIDENTIAL RENT STABILIZATION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, TO LIMIT INCREASES IN RENT FOR CERTAIN RESIDENTIAL TENANCIES IN THE CITY OF CLAREMONT (*requires a four-fifths vote*).

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, 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.

FINANCIAL REVIEW

The staff cost to prepare this report is estimated at \$1,356. The legal costs to prepare these

ordinances are estimated to be \$7,500. These costs are included in the operating budget of the Administrative Services Department.

ANALYSIS

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 to 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 to 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. Based on the concerns of several residents, staff previously prepared rent stabilization and eviction control ordinances that are more protective than AB 1482. The draft ordinances included as Attachments C, D, and E are largely identical to and, therefore, consistent with AB 1482. The areas where the draft ordinances are more protective than AB 1482 are designated with purple font.

On October 11, 2022, the City Council considered the “no fault eviction” and “rent stabilization” ordinances. Numerous members of the community provided written and verbal public comment on the draft ordinances. Some commenters (mainly tenants) expressed concern that the proposed ordinances are not protective enough. Others (mainly property owners and associations of landlords) expressed concern that the proposed ordinances are too protective. The City Council determined it needed more time to study the appropriate level and type of local tenant protections. To that end, the City Council directed staff to prepare ordinances that would impose a temporary moratorium on substantial remodel evictions for certain residential tenancies (“Temporary Eviction Moratorium Ordinances”). If the City Council decides to adopt one or both of the Temporary Eviction Moratorium Ordinances (Attachments A and B), it should not adopt the “No Fault Eviction Ordinances” (Attachments C and D) or the “Rent Stabilization Ordinance” (Attachment E) at this time. Doing so would result in overlapping and contradictory tenant protections. The purpose of the temporary moratorium is to research options for permanent “no fault eviction” and “rent stabilization” ordinances.

AB 1482 Exemptions

As noted above, many types of residential properties are exempt from AB 1482. In accordance with AB 1482, the following properties would also be exempt from all of the proposed ordinance(s) by the City Council (i.e. the moratorium or additional protections would not apply to these types of residences):

- 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.
- 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.
- Housing subject to affordability covenants.

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

Temporary Eviction Moratorium Ordinances

Unless extended, the County's eviction moratorium (which was implemented in response to the COVID-19 pandemic) will expire on December 31, 2022. The County also could terminate the moratorium earlier if it so desires. Several Claremont residents who are long-time renters in large apartment complexes report that their landlords are threatening to evict them when the County of Los Angeles's eviction moratorium expires so that they can "substantially remodel" their units and raise rents.

Moratorium

In response to these concerns, at their regular meeting of October 11, 2022, the City Council directed staff to draft an ordinance that would impose a temporary moratorium on no fault evictions due to substantial remodeling ("Temporary Eviction Moratorium Ordinances"). For the City Council's consideration are two versions of this ordinance - an urgency ordinance and a regular ordinance. The urgency ordinance would go into effect immediately and would require a four-fifths vote of the City Council, whereas the permanent ordinance would require a simple majority vote plus two readings and thirty days to take effect. As they are currently drafted, the ordinances would expire on June 30, 2023 (i.e., 6 months after the anticipated effective date of the regular ordinance). The City Council may modify this expiration date as it sees fit. The time of the temporary moratorium would be used to research options for permanent no fault eviction and rent stabilization ordinances.

Exemptions

The Temporary Eviction Moratorium Ordinances would not apply to any property that is exempt from AB 1482. (See previous section of this report and California Civil Code § 1946.2(e).)

As currently drafted, the Temporary Eviction Moratorium Ordinances also would not apply to residential tenancies in complexes with twenty or fewer rental units. The purpose of this exception is to respond to concerns raised by the community about impacts to small landlords (and in particular, "mom and pop" landlords). City staff has not received any reports that tenants in small apartment complexes, duplexes, condominiums, or single family homes are being threatened with substantial remodel evictions. The City Council may request changes to this exception to make it more broad or more narrow.

As currently drafted, the Temporary Eviction Moratorium Ordinances also would not apply to substantial remodel evictions where the work is necessary to either bring the property into compliance with applicable codes and laws affecting health and safety of tenants of the building, or

under outstanding notice of code violation(s) affecting the health and safety of tenants of the building. In those circumstances, the property owner could not terminate the tenancy until the landlord has: (1) secured all necessary building permits for the work; (2) provided copies of those permits to the tenant (s); and (3) provided the tenant(s) 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 30 days.

Effect of Moratorium on Evictions in Progress

If adopted as drafted, the Temporary Eviction Moratorium Ordinances will apply to all non-exempt residential rental units, including where a notice to vacate or to quit the rental unit has been served prior to the effective date of the ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this ordinance. If desired, the City Council could direct staff to modify the ordinance(s) so that evictions that are already in progress are not subject to the ordinance (s)' new requirements.

No Fault Eviction Ordinances

Many cities and counties (including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona) have adopted measures to heighten protection for tenants 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,” and
- Increasing the amount of relocation assistance property owners must provide tenants in connection with a no fault eviction.

As discussed below, if adopted by City Council, the draft no fault eviction ordinances (Attachments C [urgency] and D [permanent]) would include all of these protections.

Substantial Remodels

AB 1482 currently defines “substantial remodel” as “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 thirty days. 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 as substantial rehabilitation.” (CA Civil Code § 1946.2.)

The proposed no fault eviction ordinances would require the cost of the substantial remodel to equate to no less than eight months' value of the current rental rate, and would require the landlord to obtain building permits from the City prior to issuing a notice to terminate tenancy. The ordinances would also require that tenants be provided with copies of the building permit(s) and a detailed written 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 days. These safeguards

provide a way for tenants to corroborate that their eviction is justified by a “substantial remodel” that meets the qualifications of AB 1482, as refined by the proposed City ordinances.

Tenant Relocation Assistance

AB 1482 establishes that tenants evicted as a result of any no fault eviction are entitled to relocation assistance or rent waiver equal to “one month of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy.”

The proposed ordinance would increase the amount of relocation assistance or rent waiver to three months of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy.

Effect of No Fault Eviction Ordinances on Evictions in Progress

If adopted as drafted, the no fault eviction ordinances will apply to all non-exempt residential rental units, including where a notice to vacate or to quit the rental unit has been served prior to the effective date of the ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this ordinance. If desired, the City Council could direct staff to change the ordinance(s) so that evictions that are already in progress are not subject to the ordinance(s)’ new requirements.

Rent Stabilization Urgency 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 landlords may raise rent five to ten percent in any twelve month period.

Numerous local agencies have adopted rent control and rent stabilization measures, including the County of Los Angeles and the Cities of Berkeley, Beverly Hills, East Palo Alto, Hayward, Los Angeles, Los Gatos, Oakland, Palm Springs, San Francisco, San Jose, Santa Monica, and West Hollywood. Those agencies’ measures pre-date AB 1482’s rent stabilization measures.

In August of 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. If adopted, the draft urgency ordinance (Attachment E) would temporarily adopt a limit of three percent plus inflation or six percent, whichever is lower, for the City of Claremont.

Because staff has determined, more study would be required to make informed recommendations on long-term rent stabilization measures for Claremont’s unique housing market, staff did not prepare a permanent rent stabilization ordinance for the City Council’s consideration. As written, the temporary rent stabilization measures would automatically sunset July 1, 2023 (or earlier if the City Council repeals them or adopts a permanent ordinance).

Urgency Ordinances & Eviction Moratoriums

Adoption of an urgency ordinance requires heightened findings and a four-fifths vote of the City Council. The ordinance must contain a declaration of facts constituting urgency that makes findings the ordinance is necessary for the immediate preservation of the public peace, health, and/or safety

as those terms are used in Government Code Section 36937, subdivision (b). Section 3 of the draft urgency ordinances addresses these heightened findings.

If an urgency ordinance is approved by the City Council, it will take effect immediately.

To give the City Council time to consider the adoption of permanent ordinances (which require two readings and 30 days to take effect), the three urgency ordinances are proposed to be in effect until the earlier of:

- (1) The date a permanent ordinance addressing the same subject matter adopted by the City Council takes effect;
- (2) The date the urgency ordinance is rescinded or terminated by the City Council; or
- (3) June 30, 2023 (for the eviction moratorium) and July 1, 2023 (for the no fault eviction and rent stabilization urgency ordinances).

The City Council could direct staff to change the length of the term of one or both of the urgency ordinances.

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 proposed ordinances are exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2). The adoption of any or all of the 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 the adoption of any of the ordinances 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. Public comment received after the October 11, 2022 City Council and before publication of this staff report are included as Attachment F.

Submitted by:

Adam Pirrie

Prepared by:

Katie Wand

Attachments:

- A - Temporary Eviction Moratorium Urgency Ordinance
- B - Temporary Eviction Moratorium Ordinance
- C - Temporary No Fault Eviction Urgency Ordinance
- D - No Fault Eviction Permanent Ordinance
- E - Temporary Rent Stabilization Urgency Ordinance
- F - Public Comment Received after the 10/11/22 City Council Meeting

ORDINANCE NO. 2022-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN “NO FAULT” RESIDENTIAL EVICTIONS DUE TO A PROPERTY OWNER’S INTENT TO SUBSTANTIALLY REMODEL THE TENANT’S UNIT IN THE CITY OF CLAREMONT

WHEREAS, effective January 1, 2020, the Tenant Protection Act 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 “Eviction Control Provisions”); and

WHEREAS, AB 1482’s Rent Stabilization Provisions and Eviction Control 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 Eviction Control 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)) (hereafter “Substantial Remodel Evictions”); and

WHEREAS, AB 1482’s Eviction Control 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, therefore, 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 Eviction Control Provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are “more protective” than AB 1482’s Eviction Control 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, after the adoption of AB 1482 in October of 2019, the Los Angeles County region saw an increase in the amount of evictions purporting to qualify as Substantial Remodel Evictions; and

WHEREAS, in Claremont specifically, numerous tenants of residential real property have recently reported that their landlords are threatening to evict them for the alleged purpose of substantially remodeling their units; however, with few exceptions, the City has not received applications for permits (e.g., building permits, grading permits, and the like) for remodeling work in those units; and

WHEREAS, the City is concerned that, without “more protective” local eviction control provisions, some landlords will exploit the Substantial Remodel Eviction exception to evict tenants and raise rent in a manner that is not consistent with AB 1482; and

WHEREAS, since March of 2020, the United States, the State of California, the County of Los Angeles, and the City of Claremont have all been in an ongoing state of emergency due to the COVID-19 pandemic that has resulted in severe financial hardship for many of Claremont’s residents; and

WHEREAS, this City is concerned that displacing tenants from habitable residences during the COVID-19 emergency and/or as they recover from the COVID-19 emergency will result in some tenants becoming unsheltered because they cannot find and/or afford replacement housing; and

WHEREAS, pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, as set forth in more detail in the declaration of the facts constituting the urgency in Section 3 below, the threatened displacement of renters at unprecedented levels poses numerous threats to the public peace, health, or safety; and

WHEREAS, a temporary moratorium on no-fault, “substantial remodel” evictions while the City Council considers permanent local protections will prevent further homelessness and displacement.

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 Urgency Ordinance is exempt from 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. Declaration of Facts Constituting Urgency

The City Council has the power to enact an urgency 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 section 36937, subdivision (b). The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety as those terms are used in Government Code Section 36937, subdivision (b) in at least the following respects:

- A. Since March of 2020, international, national, state, and local health and governmental authorities have been responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes has been named “Coronavirus Disease 2019,” abbreviated COVID-19 (“COVID-19”):
 1. On March 4, 2020, the Governor of the State of California declared a State of Emergency in response to COVID-19.
 2. On March 4, 2020, the Health Officer of Los Angeles County determined that the COVID-19 outbreak has created an imminent and proximate threat to the public health of in Los Angeles County and declared a Local Health

Emergency, and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles.

3. On March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic.
4. On March 13, 2020, the President of the United States declared a National Emergency due to the continuing spread and the effects of COVID-19.
5. On March 14, 2020, the Director of Emergency Services for the City of Claremont proclaimed the existence of a local emergency due to the spread and potential further spread of COVID-19, which the City Council for the City of Claremont ratified at a special meeting on March 19, 2020.

B. According to the Center on Budget and Policy Priorities (a nonpartisan research and policy institute) (“CBPP”), the COVID-19 pandemic has resulted in “economic fallout” that “caused significant hardship.” (CBPP’s COVID Hardship Watch – “Tracking the COVID-19 Economy’s Effects on Food, Housing, and Employment Hardships,” <https://www.cbpp.org/sites/default/files/8-13-20pov.pdf>.) CBPP reports:

“In the early months of the crisis, tens of millions of people lost their jobs. While employment began to rebound within a few months, unemployment remained high throughout 2020. Improving employment and substantial relief measures helped reduce the very high levels of hardship seen in the summer of 2020. Nonetheless, considerable unmet need remained near the end of 2021, with 20 million households reporting having too little to eat in the past seven days and 10 million households behind on rent. In early 2022, some 3 million fewer people are employed than before the pandemic, though steady progress has been made, including in recent months.”

(*Id.*)

C. 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.

D. 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.)

E. 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.

F. 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).

G. 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.

H. 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. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.

I. 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 eviction notices and threats of eviction premised on AB 1482's Substantial Remodel Eviction exception. In response to such threats and notices, other Los Angeles County cities, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona, have adopted urgency ordinances or are actively considering urgency ordinances aimed at protecting tenants from

illegitimate Substantial Remodel Evictions and/or increasing the amount of tenant relocation assistance landlords must provide for Substantial Remodel Evictions.

J. 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 expire for the alleged purpose of substantially remodeling their units. Many of these tenants provided public comment at the City Council's regular meeting on October 11, 2022. However, with few exceptions, the City has not received applications for permits (e.g., building permits, electrical permits, plumbing permits, and the like) for remodeling work in those units. This raises questions about the legitimacy of the property owners' reliance on the AB 1482's Substantial Remodel Eviction exception.

K. At its regular meeting on October 11, 2022, the City Council expressed a desire to study, develop, and consider adopting "more protective" local standards for Substantial Remodel Evictions to ensure these evictions fully comply with AB 1482. The City Council directed staff to prepare ordinances that, if adopted, would impose a temporary moratorium on Substantial Remodel Evictions in qualifying residential units in the City of Claremont while the City Council studies, develops, and considers permanent local protections, such as corroboration that the work on the unit meets AB 1482's definition of "substantial remodel" and a requirement provide a higher amount of tenant relocation assistance that what is required by AB 1482.

L. As noted above, the County of Los Angeles's tenant protections are currently due to expire December 31, 2022. If desired, the County could terminate them earlier. Adoption of a temporary moratorium through a regular ordinance requires two readings and will not take effect until 30 days after its second reading. (Gov. Code §§ 36934, 36937.) As a result, absent a moratorium adopted through a temporary urgency ordinance that may be passed immediately, there could be a window of time when Claremont's residential tenants do not have heightened protection from illegitimate Substantial Remodel Evictions or an amount of tenant relocation assistance that is appropriate for Claremont's housing market. More concerning, this window of time could prompt landlords to proceed with Substantial Remodel Evictions simply to take advantage of a period when Substantial Remodel Evictions do not require corroboration or heightened relocation assistance. In other words, adopting this moratorium through a regular ordinance without an urgency ordinance to fill the potential gap could have the unintended consequence of temporarily prompting more Substantial Remodel Evictions.

The above-identified facts constitute a current and immediate threat to the public peace, health, and safety of the City, within the meaning of Government Code section 36937, subdivision (b). In light of these facts, the City Council finds that an urgency ordinance is necessary and essential to prevent the irreparable injury tenants and the community in general would suffer due to Substantial Remodel Evictions, including

without limitation, housing insecurity and homelessness for the displaced tenants. The City Council declares that this urgency ordinance is necessary for immediate preservation of the public peace, health, and safety of the community.

SECTION 4. Temporary Moratorium on Certain “No Fault” Evictions

A temporary moratorium on no-fault evictions of certain residential tenants is hereby approved, adopted, and imposed as follows:

- A. Moratorium. During the period this moratorium is in effect, a landlord shall not terminate the tenancy of a residential tenant based on an intent to “substantially remodel” the residential real property, as “substantially remodel” is defined in Section 1946.2(b)(2)(D) of the California Civil Code.

For ease of reference, as of the effective date of this Urgency Ordinance, Section 1946.2(b)(2)(D)(ii) defines “substantially remodel” as follows: “‘substantially remodel’ means 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. 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 as substantial rehabilitation.”

- B. Exceptions.

1. This moratorium shall not apply to the termination of a tenancy if the tenant does not qualify for the protections of Assembly Bill 1482 (2019-2020) (“AB 1482”), as codified in Section 1946.2(a) of the California Civil Code.

For ease of reference, as of the effective date of this Urgency Ordinance, Section 1946.2(a) applies to the following tenants:

a. A tenant who “has continuously and lawfully occupied a residential real property for 12 months”; and

b. If “any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months,” then this moratorium shall only apply if either of the following are satisfied:

i. “All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more”; or

ii. "One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more."

2. This moratorium shall not apply to any type of residential real property or residential circumstance that is exempt from AB 1482's just cause eviction requirements, as codified in Section 1946.2(e) of the California Civil Code.

For ease of reference, as of the effective date of this Urgency Ordinance, these exceptions include, without limitation, any of the types of housing listed below. To the extent this list conflicts with Section 1946.2(e) of the California Civil Code, Section 1946.2(e) shall prevail.

a. Units that were built within the past 15 years (Civ. Code § 1946.2(7));

b. Single family homes and condominiums unless the owner is one of the following:

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

(ii) a corporation; or

(iii) a limited liability company in which at least one member is a corporation;

And the tenants have been provided notice that the unit are not subject to AB 1482's rent limits and just cause eviction requirements. (Civ. Code § 1946.2(8))

c. Affordable housing for persons and families of very low, low, or moderate income, including housing subject to an agreement that provides housing subsidies for affordable housing. (Civ. Code § 1946.2(9))

d. Room rentals where the property owner lives in the unit (Civ. Code § 1946.2(e)(4));

e. An accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) where the property owner lives on site in one of the units Civ. Code § 1946.2(e)(5)(A)); and

f. A duplex where the owner lives in one of the units (Civ. Code § 1946.2(e)(6)); and

g. Dormitories (Civ. Code § 1946.2(e)(3)).

3. This moratorium shall not apply to terminations of tenancies so the property owner can perform work that meets AB 1482's definition of "substantial remodel" and is necessary to either to bring the property into compliance with applicable codes and laws affecting health and safety of tenants of the building, or under an outstanding notice of code violations affecting the health and safety of tenants of the building. A tenancy shall not be terminated pursuant to this exception unless and until all of the following prerequisites have been met:

- (a) Building permits (and/or any other applicable permits) have been secured from the City of Claremont;

- (b) The tenant has been provided with copies of the permit(s); and

- (c) 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 30 days.

4. This moratorium shall not apply to residential tenancies in a complex with twenty (20) or fewer rental units.

- C. Affirmative Defense. If a landlord initiates an unlawful detainer (eviction) action against a residential tenant in the City of Claremont who is protected by this Urgency Ordinance, the tenant may assert this Urgency Ordinance as an affirmative defense in that action.

SECTION 5. Relationship to AB 1482

The City Council of the City of Claremont finds and declares that this Urgency Ordinance is more protective than Section 1946.2 of the Civil Code. Consistent with AB 1482 and, as authorized by subsection (g) of Section 1946.2, this Urgency Ordinance will temporarily prohibit certain no-fault evictions to allow the City time to study, develop, and consider adoption of permanent requirements, such as 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.

It is the City's intent that its residential tenants be afforded the strongest protections available under the law. 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 Urgency Ordinance.

SECTION 6. Effective Date.

This Ordinance is declared to be an Urgency Ordinance by authority conferred on the City Council of the City of Claremont by Government Code Sections 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council. The provisions of this Urgency 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 Urgency Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Urgency Ordinance.

SECTION 7. Term of Urgency Ordinance.

This Urgency Ordinance shall be in effect until the earlier of: (1) the date an ordinance addressing “just cause” evictions adopted by the City Council of the City of Claremont goes into effect; (2) the date this Urgency Ordinance is rescinded or terminated by the City Council of the City of Claremont; or (3) June 30, 2023.

SECTION 8. Expiration or Termination

If the term of the Urgency Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency 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 Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency 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 Urgency Ordinance are declared to be severable.

SECTION 10. Posting of Ordinance.

The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Urgency Ordinance to be published or posted as required by law.

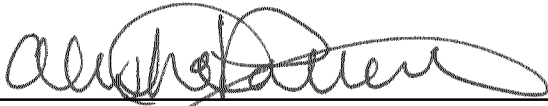
PASSED, APPROVED AND ADOPTED this day of , 2022.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

ORDINANCE NO. 2022-

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN “NO FAULT” RESIDENTIAL EVICTIONS DUE TO A PROPERTY OWNER’S INTENT TO SUBSTANTIALLY REMODEL THE TENANT’S UNIT IN THE CITY OF CLAREMONT

WHEREAS, effective January 1, 2020, the Tenant Protection Act 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 “Eviction Control Provisions”); and

WHEREAS, AB 1482’s Rent Stabilization Provisions and Eviction Control 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 Eviction Control 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)) (hereafter “Substantial Remodel Evictions”); and

WHEREAS, AB 1482’s Eviction Control 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, therefore, 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 Eviction Control Provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are “more protective” than AB 1482’s Eviction Control 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, after the adoption of AB 1482 in October of 2019, the Los Angeles County region saw an increase in the amount of evictions purporting to qualify as Substantial Remodel Evictions; and

WHEREAS, in Claremont specifically, numerous tenants of residential real property have recently reported that their landlords are threatening to evict them for the alleged purpose of substantially remodeling their units; however, with few exceptions, the City has not received applications for permits (e.g., building permits, grading permits, and the like) for remodeling work in those units; and

WHEREAS, the City is concerned that, without “more protective” local eviction control provisions, some landlords will exploit the Substantial Remodel Eviction exception to evict tenants and raise rent in a manner that is not consistent with AB 1482; and

WHEREAS, since March of 2020, the United States, the State of California, the County of Los Angeles, and the City of Claremont have all been in an ongoing state of emergency due to the COVID-19 pandemic that has resulted in severe financial hardship for many of Claremont’s residents; and

WHEREAS, this City is concerned that displacing tenants from habitable residences during the COVID-19 emergency and/or as they recover from the COVID-19 emergency will result in some tenants becoming unsheltered because they cannot find and/or afford replacement housing; and

WHEREAS, a temporary moratorium on no-fault, “substantial remodel” evictions while the City Council considers permanent local protections will prevent further homelessness and displacement.

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 exempt from 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 of Fact

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 is furthers the preservation of the public peace, health, and safety in at least the following respects:

- A. Since March of 2020, international, national, state, and local health and governmental authorities have been responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes has been named "Coronavirus Disease 2019," abbreviated COVID-19 ("COVID-19"):
 1. On March 4, 2020, the Governor of the State of California declared a State of Emergency in response to COVID-19.
 2. On March 4, 2020, the Health Officer of Los Angeles County determined that the COVID-19 outbreak has created an imminent and proximate threat to the public health of in Los Angeles County and declared a Local Health Emergency, and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles.
 3. On March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic.

4. On March 13, 2020, the President of the United States declared a National Emergency due to the continuing spread and the effects of COVID-19.
5. On March 14, 2020, the Director of Emergency Services for the City of Claremont proclaimed the existence of a local emergency due to the spread and potential further spread of COVID-19, which the City Council for the City of Claremont ratified at a special meeting on March 19, 2020.

B. According to the Center on Budget and Policy Priorities (a nonpartisan research and policy institute) (“CBPP”), the COVID-19 pandemic has resulted in “economic fallout” that “caused significant hardship.” (CBPP’s COVID Hardship Watch – “Tracking the COVID-19 Economy’s Effects on Food, Housing, and Employment Hardships,” <https://www.cbpp.org/sites/default/files/8-13-20pov.pdf>.) CBPP reports:

“In the early months of the crisis, tens of millions of people lost their jobs. While employment began to rebound within a few months, unemployment remained high throughout 2020. Improving employment and substantial relief measures helped reduce the very high levels of hardship seen in the summer of 2020. Nonetheless, considerable unmet need remained near the end of 2021, with 20 million households reporting having too little to eat in the past seven days and 10 million households behind on rent. In early 2022, some 3 million fewer people are employed than before the pandemic, though steady progress has been made, including in recent months.”

(*Id.*)

C. 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.

D. 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.)

E. 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.

F. 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).

G. 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.

H. 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. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.

I. 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 eviction notices and threats of eviction premised on AB 1482's Substantial Remodel Eviction exception. In response to such threats and notices, other Los Angeles County cities, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona, have adopted urgency ordinances or are actively considering urgency ordinances aimed at protecting tenants from illegitimate Substantial Remodel Evictions and/or increasing the amount of tenant relocation assistance landlords must provide for Substantial Remodel Evictions.

J. 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 expire for the alleged purpose of substantially remodeling their units. Many of these tenants provided public

comment at the City Council's regular meeting on October 11, 2022. However, with few exceptions, the City has not received applications for permits (e.g., building permits, electrical permits, plumbing permits, and the like) for remodeling work in those units. This raises questions about the legitimacy of the property owners' reliance on the AB 1482's Substantial Remodel Eviction exception.

K. At its regular meeting on October 11, 2022, the City Council expressed a desire to study, develop, and consider adopting "more protective" local standards for Substantial Remodel Evictions to ensure these evictions fully comply with AB 1482. The City Council directed staff to prepare ordinances that, if adopted, would impose a temporary moratorium on Substantial Remodel Evictions in qualifying residential units in the City of Claremont while the City Council studies, develops, and considers permanent local protections, such as corroboration that the work on the unit meets AB 1482's definition of "substantial remodel" and a requirement provide a higher amount of tenant relocation assistance than what is required by AB 1482.

SECTION 4. Temporary Moratorium on Certain "No Fault" Evictions

A temporary moratorium on no-fault evictions of certain residential tenants is hereby approved, adopted, and imposed as follows:

- A. Moratorium. During the period this moratorium is in effect, a landlord shall not terminate the tenancy of a residential tenant based on an intent to "substantially remodel" the residential real property, as "substantially remodel" is defined in Section 1946.2(b)(2)(D) of the California Civil Code.

For ease of reference, as of the effective date of this Ordinance, Section 1946.2(b)(2)(D)(ii) defines "substantially remodel" as follows: "substantially remodel" means 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. 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 as substantial rehabilitation."

- B. Exceptions.

1. This moratorium shall not apply to the termination of a tenancy if the tenant does not qualify for the protections of Assembly Bill 1482 (2019-2020) ("AB 1482"), as codified in Section 1946.2(a) of the California Civil Code.

For ease of reference, as of the effective date of this Ordinance, Section 1946.2(a) applies to the following tenants:

- a. A tenant who “has continuously and lawfully occupied a residential real property for 12 months”; and
 - b. If “any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months,” then this moratorium shall only apply if either of the following are satisfied:
 - i. “All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more”; or
 - ii. “One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.”
2. This moratorium shall not apply to any type of residential real property or residential circumstance that is exempt from AB 1482’s just cause eviction requirements, as codified in Section 1946.2(e) of the California Civil Code.

For ease of reference, as of the effective date of this Urgency Ordinance, these exceptions include, without limitation, any of the types of housing listed below. To the extent this list conflicts with Section 1946.2(e) of the California Civil Code, Section 1946.2(e) shall prevail.

- a. Units that were built within the past 15 years (Civ. Code § 1946.2(7));
- b. Single family homes and condominiums unless the owner is one of the following:
 - (i) a real estate investment trust, as defined in Section 856 of the Internal Revenue Code;
 - (ii) a corporation; or
 - (iii) a limited liability company in which at least one member is a corporation;

And the tenants have been provided notice that the unit are not subject to AB 1482’s rent limits and just cause eviction requirements. (Civ. Code § 1946.2(8))

- c. Affordable housing for persons and families of very low, low, or moderate income, including housing subject to an agreement that provides housing subsidies for affordable housing. (Civ. Code § 1946.2(9))
 - d. Room rentals where the property owner lives in the unit (Civ. Code § 1946.2(e)(4));
 - e. An accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) where the property owner lives on site in one of the units Civ. Code § 1946.2(e)(5)(A)); and
 - f. A duplex where the owner lives in one of the units (Civ. Code § 1946.2(e)(6)); and
 - g. Dormitories (Civ. Code § 1946.2(e)(3)).
3. This moratorium shall not apply to terminations of tenancies so the property owner can perform work that meets AB 1482's definition of "substantial remodel" and is necessary to either to bring the property into compliance with applicable codes and laws affecting health and safety of tenants of the building, or under an outstanding notice of code violations affecting the health and safety of tenants of the building. A tenancy shall not be terminated pursuant to this exception unless and until all of the following prerequisites have been met:
- (a) Building permits (and/or any other applicable permits) have been secured from the City of Claremont;
 - (b) The tenant has been provided with copies of the permit(s); and
 - (c) 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 30 days.
4. This moratorium shall not apply to residential tenancies in a complex with twenty (20) or fewer rental units.
- C. Affirmative Defense. If a landlord initiates an unlawful detainer (eviction) action against a residential tenant in the City of Claremont who is protected by this Ordinance, the tenant may assert this Ordinance as an affirmative defense in that action.

SECTION 5. Relationship to AB 1482

The City Council of the City of Claremont finds and declares that this Ordinance is more protective than Section 1946.2 of the Civil Code. Consistent with AB 1482 and, as authorized by subsection (g) of Section 1946.2, this Ordinance will temporarily prohibit certain no-fault evictions to allow the City time to study, develop, and consider adoption of permanent requirements, such as 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.

It is the City’s intent that its residential tenants be afforded the strongest protections available under the law. 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 Ordinance.

SECTION 6. 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 7. Term of Moratorium

This moratorium shall be in effect until the earlier of: (1) the date a permanent ordinance addressing “just cause” evictions adopted by the City Council of the City of Claremont goes into effect; (2) the date this Ordinance is rescinded or terminated by the City Council of the City of Claremont; or (3) June 30, 2023.

SECTION 8. Expiration or Termination

If the term of this Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 9. 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 10. 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.

PASSED, APPROVED AND ADOPTED this day of , 2022.

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 attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of the City of Claremont at a regular meeting of said Council held on the 25th day of October, 2022, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

City Clerk, City of Claremont

ORDINANCE NO. 2022-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY 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 “Eviction Control Provisions”); and

WHEREAS, AB 1482’s Rent Stabilization Provisions and Eviction Control 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 Eviction Control 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 Eviction Control 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 Eviction Control 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; however, AB 1482 does not require a landlord to provide a tenant with corroboration that the work performed in the tenant's unit meets AB 1482's definition of "substantially remodel"; and

WHEREAS, AB 1482's Eviction Control Provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are "more protective" than AB 1482's Eviction Control 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, after the adoption of AB 1482 in October of 2019, the Los Angeles County region saw an increase in the amount of no-fault eviction notices and/or threats of eviction based on the "substantial remodel" exception; and

WHEREAS, in Claremont specifically, numerous tenants of residential real property have recently reported that their landlords are threatening to evict them for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, grading permits, and the like) for remodeling work in those units; and

WHEREAS, the City is concerned that, without "more protective" local eviction control provisions, some landlords will exploit the "substantial remodel" exception to evict tenants and raise rent in a manner that is not consistent with AB 1482; and

WHEREAS, pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, as set forth in more detail in the declaration of the facts constituting the urgency in Section 3 below, the threatened displacement of renters at unprecedented levels poses numerous threats to the public peace, health, or safety; and

WHEREAS, protecting renters from no-fault, "substantial remodel" evictions while the City Council considers the adoption of a permanent ordinance will prevent further homelessness and displacement.

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 Urgency Ordinance is exempt from 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. Declaration of Facts Constituting Urgency

The City Council has the power to enact an urgency 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 section 36937, subdivision (b). The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety as those terms are used in Government Code Section 36937, subdivision (b) 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. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.

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 Los Angeles County cities, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona, have adopted urgency ordinances or are actively considering urgency 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 expire for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, electrical permits, plumbing permits, and the like) for remodeling work in those units. This raises questions about the legitimacy of the landlords' reliance on the AB 1482's "substantial remodel" exception.

I. As noted above, the County of Los Angeles's tenant protections are currently due to expire December 31, 2022, and if desired, the County could terminate them earlier. Adoption of a permanent tenant protection ordinance

requires two readings and will not take effect until 30 days after its second reading. (Gov. Code §§ 36934, 36937.) As a result, absent an urgency ordinance that may be passed immediately, there could be a window of time when Claremont's residential tenants do not have heightened protection from unsubstantiated "substantial remodel" no-fault evictions. More concerning, this window of time could encourage landlords to proceed with "substantial remodel" no-fault evictions simply to take advantage of a period when "substantial remodel" no-fault evictions do not require documentation. In other words, adopting a permanent tenant protection ordinance without an urgency tenant protection ordinance could have the unintended consequence of temporarily encouraging more evictions.

The above-identified facts constitute a current and immediate threat to the public peace, health, and safety of the City, within the meaning of Government Code section 36937, subdivision (b). In light of these facts, the City Council finds that an urgency ordinance is necessary and essential to prevent the irreparable injury tenants would suffer due to evictions based on unsubstantiated "substantial remodels" and/or demolitions. The City Council declares that this urgency ordinance is necessary for immediate preservation of the public peace, health, and safety of the community.

SECTION 4. Temporary Code Amendment

For the term of this Urgency Ordinance, Chapter 8.34 ("Just Cause for Eviction")¹ is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

Chapter 8.34 Just Cause for Eviction

8.34.000 No Evictions Without Just Cause

Notwithstanding any other law, if a tenant has continuously and lawfully occupied a residential real property for 12 months, the owner of the residential real property shall not terminate the tenancy without just cause, which shall be stated in the written notice to terminate tenancy, as described in Sections 8.34.030 and 8.34.040, below. If any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this subdivision shall only apply if either of the following are satisfied:

- (1) All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more; or
- (2) One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

8.34.010 Definition of "Just Cause"

¹ This chapter parallels AB 1482's Eviction Control Provisions, specifically Section 1946.2 of the Civil Code. Places where this chapter differ from AB 1482 are in purple font.

For purposes of this chapter, “just cause” includes either of the following:

(1) At-fault just cause, which is any of the following:

(A) Default in the payment of rent.

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

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

(D) Committing waste as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

(E) The tenant had a written lease that terminated on or after January 1, 2020 — or January 1, 2022, if the lease is for a tenancy in a mobilehome — and after a written request or demand from the owner, 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 section or any other provision of law.

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

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

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

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

(J) The employee, agent, or licensee’s failure to vacate after being terminated as an employee, agent, or a licensee, as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.

(K) When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in California Civil Code section 1946

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

(2) No-fault just cause, which includes any of the following:

(A)

(i) Intent to occupy the residential real property by the owner or the owner's spouse, domestic partner, children, grandchildren, parents, or grandparents.

(ii) For leases entered into on or after July 1, 2020 — or July 1, 2022, if the lease is for a tenancy in a mobilehome — clause (i) shall apply only if the tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the residential real property. Addition of a provision allowing the owner to terminate the lease as described in this clause to a new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1).

(B) Withdrawal of the residential real property from the rental market.

(C)

(i) The owner complying with any of the following:

(I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.

(II) An order issued by a government agency or court to vacate the residential real property.

(III) A local ordinance that necessitates vacating the residential real property.

(IV) Intent to demolish or to substantially remodel the residential real property.

(ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in paragraph (3) of subdivision (d).

(D) Intent to demolish or to substantially remodel the residential real property in accordance with the requirements in Section 8.34.020 below.

8.34.020 Heightened Requirements for Evictions Based on Intent to Demolish or Substantially Remodel the Residential Real Property

(1) For the purposes of this chapter, work on residential real property does not qualify as a “substantially remodel” unless it meets all of the following requirements:

(A) The work consists of 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;

(B) The 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

(C) Such work costs not less than the product of eight (8) times the amount of the monthly rent times for the rental unit on which the work is being performed. For purposes of this section, the monthly rent shall be the average of the preceding twelve (12) month period.

(2) 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 as a substantial remodel.

(3) No “no-fault just cause” eviction for “substantial remodel” or demolition of residential real property shall be effective unless and until all of the following prerequisites have been met:

(A) Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont;

(B) The tenant has been provided with copies of the building and/or demolition permit(s); and

(C) 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 30 days.

(4) An owner’s failure to strictly comply with this section shall render the notice of termination void.

8.34.030 Notice to Terminate a Tenancy for At-Fault Just Cause

Before an owner of residential real property issues a notice to terminate a tenancy for “at-fault just cause” based on a curable lease violation, the owner shall first give notice of the violation to the tenant with an opportunity to cure the violation pursuant to paragraph (3) of Section 1161 of the California Code of Civil Procedure. If the violation is not cured

within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may thereafter be served to terminate the tenancy.

8.34.040 Notice to Terminate Tenancy for No-Fault Just Cause; Relocation Assistance

(1) For a tenancy for which “just cause” is required to terminate the tenancy (as defined in Section 8.34.010), if an owner of residential real property issues a termination notice based on a “no-fault just cause” (as defined in paragraph (2) of Section 8.34.010), the owner shall, regardless of the tenant’s income, at the owner’s option, do one of the following:

(A) Assist the tenant to relocate by providing a direct payment to the tenant as described in Paragraph (2) below; or

(B) Waive in writing the payment of rent for the final **three months** of the tenancy, prior to the rent becoming due.

(2) If an owner issues a notice to terminate a tenancy for “no-fault just cause,” the owner shall notify the tenant of the tenant’s right to relocation assistance or a rent waiver pursuant to Paragraph (1), above. If the owner elects to waive the rent for the **final three months** of the tenancy as described in subparagraph (B) of Paragraph (1), the notice shall state the amount of rent waived and that no rent is due for the **final three months** of the tenancy.

(3)

(A) The amount of relocation assistance or rent waiver shall be equal to **three months** of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy. Any relocation assistance shall be provided within 15 calendar days of service of the notice.

(B) If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided pursuant to this subdivision shall be recoverable as damages in an action to recover possession.

(C) The relocation assistance or rent waiver required by this subdivision shall be credited against any other relocation assistance required by any other law.

(4) An owner’s failure to strictly comply with this section shall render the notice of termination void.

8.34.050 Exceptions

This chapter shall not apply to the following types of residential real properties or residential circumstances:

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

(2) Housing accommodations in a nonprofit hospital, 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 California State Department of Social Services.

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

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

(5) Single-family owner-occupied residences, including both of the following:

(A) A residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit; and

(B) A mobilehome.

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

(7) Housing that has been issued a certificate of occupancy within the previous 15 years, unless the housing is a mobilehome.

(8) Residential real property, including a mobilehome, that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

(A) The owner is not any of the following:

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

(ii) A corporation.

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

(iv) Management of a mobilehome park, as defined in Section 798.2.

(B) The tenants have been provided written notice that the residential property is exempt from this chapter in accordance with subparagraph (B) of paragraph (8) of subsection (e) of Section 1946.2 of the Civil Code.

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

(10) A homeowner of a mobilehome, as defined in Section 798.9 of the Civil Code.

(11) Any other residential real property or residential circumstance that is not subject to AB 1482.

8.34.060 Notice of Tenant Protections

(1) If the City of Claremont has not adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant in accordance with subsection (f) of Section 1946.2 of the Civil Code, provided however, the statement required by paragraph (3) of subsection (f) of Section 1946.2 shall be modified as follows:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Chapter 8.34 of the Claremont Municipal Code.”

(2) If the City of Claremont has adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant as follows:

(A)

(i) Except as provided in clause (ii), for any tenancy commenced or renewed on or after July 1, 2020, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(ii) For a tenancy in a mobilehome commenced or renewed on or after July 1, 2022, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(B)

(i) Except as provided in clause (ii), for a tenancy existing prior to July 1, 2020, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(ii) For a tenancy in a mobilehome existing prior to July 1, 2022, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(C) The notification or lease provision shall be in no less than 12-point type, and shall include the following:

“The City of Claremont’s Municipal Code and California law limit the amount your rent can be increased. See Chapter _____ of the Claremont Municipal Code and Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code and California law also provide that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Chapter 8.34 of the Claremont Municipal Code and Section 1946.2 of the Civil Code for more information.”

(3) The provision of the notice shall be subject to Section 1632 of the Civil Code.

8.34.070 Relationship to AB 1482

The City Council of the City of Claremont finds and declares that this chapter is more protective than Section 1946.2 of the Civil Code. This chapter is consistent with AB 1482 and, 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.

It is the City’s intent that its residential tenants be afforded the strongest protections available under the law. 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.

8.34.090 No Waiver of Rights Under this Chapter

Any waiver of the rights under this chapter shall be void as contrary to public policy.

8.34.090 Additional Definitions

(1) “AB 1482” means 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, as amended from time to time or replaced with a successor statute.

(2) “Owner” and “residential real property” have the same meaning as those terms are defined in Section 1954.51 of the California Civil Code.

(3) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

8.34.100 Expiration of Temporary Urgency Ordinance

Unless repealed or extended, this chapter shall remain in effect until [July 1, 2023](#), and as of that date is repealed.

SECTION 5. Effective Date.

This Ordinance is declared to be an Urgency Ordinance by authority conferred on the City Council of the City of Claremont by Government Code Sections 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council. The provisions of this Urgency 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 Urgency Ordinance, but where an unlawful detainer judgment has not been issued as of the effective date of this Urgency Ordinance.

SECTION 6. Term of Urgency Ordinance.

This Urgency Ordinance shall be in effect until the earlier of: (1) the date a permanent ordinance addressing “just cause” evictions adopted by the City Council of the City of Claremont goes into effect; (2) the date this Urgency Ordinance is rescinded or terminated by the City Council of the City of Claremont; or (3) July 1, 2023.

SECTION 7. Expiration or Termination

If the term of the Urgency Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 8. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency 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 Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency 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 Urgency Ordinance are declared to be severable.

SECTION 9. Posting of Ordinance.

The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Urgency Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this day , 2022.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

ORDINANCE NO. 2022-

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 “Eviction Control Provisions”); and

WHEREAS, AB 1482’s Rent Stabilization Provisions and Eviction Control 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 Eviction Control 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 Eviction Control 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 Eviction Control 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; however, AB 1482 does not require a landlord to provide a tenant with corroboration that the work performed in the tenant's unit meets AB 1482's definition of "substantially remodel"; and

WHEREAS, AB 1482's Eviction Control Provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are "more protective" than AB 1482's Eviction Control 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, after the adoption of AB 1482 in October of 2019, the Los Angeles County region saw an increase in the amount of no-fault eviction notices and/or threats of eviction based on the "substantial remodel" exception; and

WHEREAS, in Claremont specifically, numerous tenants of residential real property have recently reported that their landlords are threatening to evict them for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, grading permits, and the like) for remodeling work in those units; and

WHEREAS, the City is concerned that, without "more protective" local eviction control provisions, some landlords will exploit the "substantial remodel" exception to evict tenants and raise rent in a manner that is not consistent with AB 1482; and

WHEREAS, protecting renters from no-fault, "substantial remodel" evictions while the City Council considers the adoption of a permanent ordinance will prevent further homelessness and displacement.

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 exempt from 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 of Fact

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 is 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. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.

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 Los Angeles County cities, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, South Pasadena, and Pomona, have adopted ordinances or are actively considering 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 expire for the alleged purpose of substantially remodeling their units; however, the City has not received any applications for permits (e.g., building permits, electrical permits, plumbing permits, and the like) for remodeling work in those units. This raises questions about the legitimacy of the landlords' reliance on the AB 1482's "substantial remodel" exception.

In light of these facts, the City Council finds that an ordinance is necessary and essential to prevent the irreparable injury tenants would suffer due to evictions based on unsubstantiated "substantial remodels" and/or demolitions.

SECTION 4. Code Amendment

Chapter 8.34 (“Just Cause for Eviction”)¹ is added to Title 8 (“Health and Safety”) of the Claremont Municipal Code to read as follows:

Chapter 8.34 Just Cause for Eviction

8.34.000 No Evictions Without Just Cause

Notwithstanding any other law, if a tenant has continuously and lawfully occupied a residential real property for 12 months, the owner of the residential real property shall not terminate the tenancy without just cause, which shall be stated in the written notice to terminate tenancy, as described in Sections 8.34.030 and 8.34.040, below. If any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this subdivision shall only apply if either of the following are satisfied:

- (1) All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more; or
- (2) One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

8.34.010 Definition of “Just Cause”

For purposes of this chapter, “just cause” includes either of the following:

- (1) At-fault just cause, which is any of the following:

(A) Default in the payment of rent.

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

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

(D) Committing waste as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.

¹ This chapter parallels AB 1482’s Eviction Control Provisions, specifically Section 1946.2 of the Civil Code. Places where this chapter differ from AB 1482 are in purple font.

(E) The tenant had a written lease that terminated on or after January 1, 2020 — or January 1, 2022, if the lease is for a tenancy in a mobilehome — and after a written request or demand from the owner, 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 section or any other provision of law.

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

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

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

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

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

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

(2) No-fault just cause, which includes any of the following:

(A)

(i) Intent to occupy the residential real property by the owner or the owner's spouse, domestic partner, children, grandchildren, parents, or grandparents.

(ii) For leases entered into on or after July 1, 2020 — or July 1, 2022, if the lease is for a tenancy in a mobilehome — clause (i) shall apply only if the tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents,

unilaterally decides to occupy the residential real property. Addition of a provision allowing the owner to terminate the lease as described in this clause to a new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1).

(B) Withdrawal of the residential real property from the rental market.

(C)

(i) The owner complying with any of the following:

(I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.

(II) An order issued by a government agency or court to vacate the residential real property.

(III) A local ordinance that necessitates vacating the residential real property.

(IV) Intent to demolish or to substantially remodel the residential real property.

(ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in paragraph (3) of subdivision (d).

(D) Intent to demolish or to substantially remodel the residential real property in accordance with the requirements in Section 8.34.020 below.

8.34.020 Heightened Requirements for Evictions Based on Intent to Demolish or Substantially Remodel the Residential Real Property

(1) For the purposes of this chapter, work on residential real property does not qualify as a “substantially remodel” unless it meets all of the following requirements:

(A) The work consists of 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;

(B) The 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

(C) Such work costs not less than the product of eight (8) times the amount of the monthly rent times for the rental unit on which the work is being performed. For purposes of this section, the monthly rent shall be the average of the preceding twelve (12) month period.

(2) 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 as a substantial remodel.

(3) No “no-fault just cause” eviction for “substantial remodel” or demolition of residential real property shall be effective unless and until all of the following prerequisites have been met:

(A) Building permits (for a substantial remodel) and/or demolition permits (for a demolition) have been secured from the City of Claremont;

(B) The tenant has been provided with copies of the building and/or demolition permit(s); and

(C) 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 30 days.

(4) An owner’s failure to strictly comply with this section shall render the notice of termination void.

8.34.030 Notice to Terminate a Tenancy for At-Fault Just Cause

Before an owner of residential real property issues a notice to terminate a tenancy for “at-fault just cause” based on a curable lease violation, the owner shall first give notice of the violation to the tenant with an opportunity to cure the violation pursuant to paragraph (3) of Section 1161 of the California Code of Civil Procedure. If the violation is not cured within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may thereafter be served to terminate the tenancy.

8.34.040 Notice to Terminate Tenancy for No-Fault Just Cause; Relocation Assistance

(1) For a tenancy for which “just cause” is required to terminate the tenancy (as defined in Section 8.34.010), if an owner of residential real property issues a termination notice based on a “no-fault just cause” (as defined in paragraph (2) of Section 8.34.010), the owner shall, regardless of the tenant’s income, at the owner’s option, do one of the following:

(A) Assist the tenant to relocate by providing a direct payment to the tenant as described in Paragraph (2) below; or

(B) Waive in writing the payment of rent for the final **three months** of the tenancy, prior to the rent becoming due.

(2) If an owner issues a notice to terminate a tenancy for “no-fault just cause,” the owner shall notify the tenant of the tenant’s right to relocation assistance or a rent waiver pursuant to Paragraph (1), above. If the owner elects to waive the rent for the **final three months** of the tenancy as described in subparagraph (B) of Paragraph (1), the notice shall state the amount of rent waived and that no rent is due for the **final three months** of the tenancy.

(3)

(A) The amount of relocation assistance or rent waiver shall be equal to **three months** of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy. Any relocation assistance shall be provided within 15 calendar days of service of the notice.

(B) If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided pursuant to this subdivision shall be recoverable as damages in an action to recover possession.

(C) The relocation assistance or rent waiver required by this subdivision shall be credited against any other relocation assistance required by any other law.

(4) An owner’s failure to strictly comply with this section shall render the notice of termination void.

8.34.050 Exceptions

This chapter shall not apply to the following types of residential real properties or residential circumstances:

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

(2) Housing accommodations in a nonprofit hospital, 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 California State Department of Social Services.

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

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

(5) Single-family owner-occupied residences, including both of the following:

(A) A residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit; and

(B) A mobilehome.

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

(7) Housing that has been issued a certificate of occupancy within the previous 15 years, unless the housing is a mobilehome.

(8) Residential real property, including a mobilehome, that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

(A) The owner is not any of the following:

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

(ii) A corporation.

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

(iv) Management of a mobilehome park, as defined in Section 798.2.

(B) The tenants have been provided written notice that the residential property is exempt from this chapter in accordance with subparagraph (B) of paragraph (8) of subsection (e) of Section 1946.2 of the Civil Code.

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

(10) A homeowner of a mobilehome, as defined in Section 798.9 of the Civil Code.

(11) Any other residential real property or residential circumstance that is not subject to AB 1482.

8.34.060 Notice of Tenant Protections

(1) If the City of Claremont has not adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant in accordance with subsection (f) of Section 1946.2 of the Civil Code, provided however, the statement required by paragraph (3) of subsection (f) of Section 1946.2 shall be modified as follows:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Chapter 8.34 of the Claremont Municipal Code.”

(2) If the City of Claremont has adopted local limits on rent increases, then an owner of residential real property with a tenancy existing prior to December 31, 2019 and subject to this chapter shall provide written notice to the tenant as follows:

(A)

(i) Except as provided in clause (ii), for any tenancy commenced or renewed on or after July 1, 2020, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(ii) For a tenancy in a mobilehome commenced or renewed on or after July 1, 2022, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(B)

(i) Except as provided in clause (ii), for a tenancy existing prior to July 1, 2020, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(ii) For a tenancy in a mobilehome existing prior to July 1, 2022, by written notice to the tenant no later than **January 1, 2023**, or as an addendum to the lease or rental agreement.

(C) The notification or lease provision shall be in no less than 12-point type, and shall include the following:

“The City of Claremont’s Municipal Code and California law limit the amount your rent can be increased. See Chapter _____ of the Claremont Municipal Code and Section 1947.12 of the Civil Code for more information. The Claremont Municipal Code and California law also provide that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy.

See Chapter 8.34 of the Claremont Municipal Code and Section 1946.2 of the Civil Code for more information.”

(3) The provision of the notice shall be subject to Section 1632 of the Civil Code.

8.34.070 Relationship to AB 1482

The City Council of the City of Claremont finds and declares that this chapter is more protective than Section 1946.2 of the Civil Code. This chapter is consistent with AB 1482 and, 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.

It is the City’s intent that its residential tenants be afforded the strongest protections available under the law. 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.

8.34.090 No Waiver of Rights Under this Chapter

Any waiver of the rights under this chapter shall be void as contrary to public policy.

8.34.090 Additional Definitions

(1) “AB 1482” means 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, as amended from time to time or replaced with a successor statute.

(2) “Owner” and “residential real property” have the same meaning as those terms are defined in Section 1954.51 of the California Civil Code.

(3) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

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.

PASSED, APPROVED AND ADOPTED this day of , 2022.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

ORDINANCE NO. 2022-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY ADDING CHAPTER 8.36 (“RESIDENTIAL RENT STABILIZATION”) TO TITLE 8 (“HEALTH AND SAFETY”) OF THE CLAREMONT MUNICIPAL CODE, TO LIMIT INCREASES IN RENT FOR CERTAIN RESIDENTIAL TENANCIES 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 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

WHEREAS, AB 1482’s Rent Stabilization 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, 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, in Claremont specifically, numerous tenants of residential real property have recently reported that they cannot afford the rental increases permitted under AB 1482; and

WHEREAS, the City is concerned that, without “more protective” local rent stabilization provisions, some tenants will be unable to continue to pay their rent, resulting in at-fault evictions; and

WHEREAS, pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, as set forth in more detail in the declaration of the facts constituting the urgency in Section 3 below, the threatened displacement of renters at unprecedented levels poses numerous threats to the public peace, health, or safety; and

WHEREAS, protecting renters from rent increases that they cannot afford while the City Council considers the adoption of a permanent ordinance will prevent further homelessness and displacement.

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 Urgency Ordinance is exempt from 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. Declaration of Facts Constituting Urgency

The City Council has the power to enact an urgency 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 section 36937, subdivision (b). The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety as those terms are used in Government Code Section 36937, subdivision (b) 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. However, with the exception of the County's Tenant Protections Resolution, those measures have now expired or have been lifted. The County can terminate its tenant protections at any time. Unless the County extends its Tenant Protections Resolution, it is due to automatically expire December 31, 2022.
- G. Starting in or around the fall of 2022, numerous residential tenants in Claremont reported that they cannot continue to afford the rent increases permitted under AB 1482 and, without more stringent rent stabilization protections, they will soon be priced out of their rental units or will be forced to choose between paying rent or paying for other necessities (e.g., food, medical care, etc.).

The above-identified facts constitute a current and immediate threat to the public peace, health, and safety of the City, within the meaning of Government Code section 36937, subdivision (b). In light of these facts, the City Council finds that an urgency ordinance is necessary and essential to prevent the irreparable injury tenants would suffer due to unsustainable rent increases. The City Council declares that this urgency ordinance is necessary for immediate preservation of the public peace, health, and safety of the community.

SECTION 4. Temporary Code Amendment

For the term of this Urgency Ordinance, Chapter 8.36 ("Residential Rent Stabilization")¹ is added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

¹ This chapter parallels AB 1482's Rent Stabilization Provisions, specifically Section 1947.12 of the Civil Code. Places where this chapter differ from AB 1482 are in purple font.

Chapter 8.36 Residential Rent Stabilization

8.36.000 Intent

The City finds and declares that the unique circumstances of the current housing crisis require a local response to address rent gouging by establishing heightened local limitations on gross rental rate increases. It is the intent of the City that this chapter should apply only for the limited time needed to address the current housing crisis.

8.36.010 Residential Rent Increases

(a)(1) Subject to subdivision (b), an owner of residential real property shall not, over the course of any 12-month period, increase the gross rental rate for a dwelling or a unit by more than **three percent (3%) and the percentage change in the Consumer Price Index or six percent (6%), 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 determining the lowest gross rental amount pursuant to this section, any rent discounts, incentives, concessions, or credits offered by the owner of such unit of residential real property and accepted by the tenant shall be excluded. The gross per-month rental rate and any owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement.

(2) If the same tenant remains in occupancy of a unit of residential real property over any 12-month period, the gross rental rate for the unit of residential real property shall not be increased in more than two increments over that 12-month period, subject to the other restrictions of this subdivision governing gross rental rate increase.

(b) For a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property, the owner may establish the initial rental rate not subject to subdivision (a). Subdivision (a) is only applicable to subsequent increases after that initial rental rate has been established.

(c) A tenant of residential real property subject to this section shall not enter into a sublease that results in a total rent for the premises that exceeds the allowable rental rate authorized by subdivision (a). Nothing in this subdivision authorizes a tenant to sublet or assign the tenant's interest where otherwise prohibited.

8.36.020 Exceptions

This chapter shall not apply any residential real properties that qualify for the exceptions to AB 1482's rent stabilization provisions listed in subdivisions (d) and (j) of Section 1947.12 of the Civil Code.

8.36.030 Notices of Rent Increases

An owner shall provide notice of any increase in the rental rate, pursuant to Section 8.36.010 above, to each tenant in accordance with Section 827 of the Civil Code.

8.36.040 Definitions

For the purposes of this chapter, the following definitions shall apply:

(1) "Consumer Price Index for All Urban Consumers for All Items" means the Consumer Price Index for All Urban Consumers for All Items (CPI-U) for the Los Angeles-Long Beach-Anaheim metropolitan area, as published by the United States Bureau of Labor Statistics, or any successor metropolitan area index.

(2) "Owner" includes any person, acting as principal or through an agent, having the right to offer residential real property for rent, and includes a predecessor in interest to the owner.

(3)

(A) "Percentage change in the cost of living" means the percentage change, computed pursuant to subparagraph (B), in the applicable, as determined pursuant to paragraph (1), Consumer Price Index for All Urban Consumers for All Items.

(B)

(i) For rent increases that take effect before August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of the immediately preceding calendar year and April of the year before that.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage

change in the amount published for March of the immediately preceding calendar year and March of the year before that.

(ii) For rent increases that take effect on or after August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of that calendar year and April of the immediately preceding calendar year.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage change in the amount published for March of that calendar year and March of the immediately preceding calendar year.

(iii) The percentage change shall be rounded to the nearest one-tenth of 1 percent.

(4) “Residential real property” means any dwelling or unit that is intended for human habitation, including any dwelling or unit in a mobile home park.

(5) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

8.36.050 Scope

This chapter shall apply to all rent increases subject to Section 18.36.010, above occurring on or after [October 11, 2022](#).

8.36.060 No Waiver of Rights Under this Chapter

Any waiver of the rights under this chapter shall be void as contrary to public policy.

8.36.070 Expiration of Temporary Urgency Ordinance

Unless repealed or extended, this chapter shall remain in effect until [July 1, 2023](#), and as of that date is repealed.

SECTION 5. Effective Date.

This Ordinance is declared to be an Urgency Ordinance by authority conferred on the City Council of the City of Claremont by Government Code Sections 36934 and

36937, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council.

SECTION 6. Term of Urgency Ordinance.

This Urgency Ordinance shall be in effect until the earlier of: (1) the date a permanent ordinance addressing “just cause” evictions adopted by the City Council of the City of Claremont goes into effect; (2) the date this Urgency Ordinance is rescinded or terminated by the City Council of the City of Claremont; or (2) July 1, 2023.

SECTION 7. Expiration or Termination

If the term of the Urgency Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 8. Rent Stabilization Study

During the term of this Urgency Ordinance, City staff is directed to further study and analyze whether a long-term rent stabilization program is warranted.

SECTION 9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency 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 Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency 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 Urgency Ordinance are declared to be severable.

SECTION 10. Posting of Ordinance.

The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Urgency Ordinance be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this day of , 2022.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

Jamie Costanza

Subject: FW: Proposed Rent Control and Tenant Protection Ordinances**From:** Pattie Harris <pattie@aoausa.com>**Date:** October 20, 2022 at 9:30:23 AM PDT**To:** Jed Leano <jleano@ci.claremont.ca.us>, Sal Medina <smedina@ci.claremont.ca.us>, Ed Reece <ereece@ci.claremont.ca.us>, Jennifer Stark <jstark@ci.claremont.ca.us>, Corey Calaycay <ccalaycay@ci.claremont.ca.us>**Subject:** Proposed Rent Control and Tenant Protection Ordinances

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 and City Council Members:

As you are probably aware, many housing providers have not received rent for two years. The costs to provide housing and to operate the property are increasing every year. They still have property taxes, increasing mortgage payments, insurance, water and power, gas, trash, gardener, and maintenance for the property.

It was unfair and discriminatory to expect a small property owner to bear the financial rental losses by being targeted during the time of COVID and to think of an extending tenant protection ordinances and more rent control laws stealing their property rights is just criminal.

Please do not take any more money out of their pockets. Please vote no on these issues. Thank you.

Best regards,

Patricia A. Harris
Senior Editor, Apartment Owners Association of CA, Inc.
(818) 988-9200
www.aoausa.com



Jamie Costanza

Subject: FW: PUBLIC COMMENT: Mark Warren - Renter Protections

On Oct 17, 2022, at 4:29 PM, City of Claremont <contact@ci.claremont.ca.us> 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.

Message submitted from the <City of Claremont> website.

Site Visitor Name: Mark Warren

Site Visitor Email:

I am having difficulty obtaining insurance on my apartment buildings. Insurance companies want to know the age of the building. If it is older (1960's), they want to know the dates the electrical, plumbing and roofs were updated. If they were not recently upgraded, they won't renew or issue a policy. These types of upgrades the insurance companies want are very disruptive cannot be done in an occupied unit. Please understand that AB1482 has protections for tenants and Claremont does not need to add another layer of government to an already overburdened industry. I am sympatric to the residents of Monarch Terrace but they were given subsidized rent from the deceased owner for years. The residents are smart. They know they were given a good deal for years...but did nothing to protect themselves financially. Now they are asking you to protect them. They already have protections is AB1482. Please tell them sorry, the City can't help you. Thanks for your consideration. Mark Warren 909-224-0359