

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
TEMPORARILY REGULATING RESIDENTIAL TENANT EVICTIONS IN THE CITY OF
SANTA ROSA

WHEREAS, beginning in the earliest hours of October 9, 2017, a series of wildfires swept in from the east into Sonoma County and the City of Santa Rosa. The fires continued for days, ultimately becoming the most destructive wildfire event in California history; and

WHEREAS, the fires burned more than 90,000 acres in Sonoma County and, within the City of Santa Rosa alone, destroyed or damaged approximately 3000 residential units and numerous commercial structures. Thousands of households were suddenly displaced; and

WHEREAS, on October 9, 2017, at 3:17 a.m., the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa; and

WHEREAS, later on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; and

WHEREAS, on October 10, 2017, the President of the United States declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by the fires; and

WHEREAS, on October 13, 2017, the City Council adopted Resolution No. RES-2017-201, ratifying the City Manager's proclamation of the existence of a local emergency; and

WHEREAS, the sudden and substantial loss of residential units, both rental and owner-occupied, exacerbated the City's already existing housing shortage and further disrupted an already unstable rental market; and

WHEREAS, Council has received evidence that some landlords are taking advantage of the exceptional circumstances to evict existing lower income tenants, including a number of tenants holding Federal Section 8 Housing Choice Vouchers, in order to rent, at significantly higher rates, to households displaced by the fires; and

WHEREAS, extremely low vacancy rates and the sudden spike in rents make it difficult, if not impossible, for lower income tenants to find affordable rental housing within Santa Rosa; and

WHEREAS, the evictions may thus result in homelessness and the displacement of low income families, thereby threatening the public peace, health or safety of the community; and

WHEREAS, Section 8 of the Santa Rosa City Charter allows the City to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of peace, health or safety upon a finding of facts constituting the urgency thereof; and

WHEREAS, such an urgency measure requires a five-sevenths vote (5 votes) of the City Council for adoption; and

WHEREAS, the City Council finds and determines that, without the immediate and temporary regulation of residential tenant evictions, the public health, safety and welfare will be threatened throughout the term of the state of emergency within Santa Rosa; and

WHEREAS, in 2016, the City Council adopted a generally-applicable ordinance requiring just cause for tenant evictions in the City of Santa Rosa. That ordinance was challenged through referendum and was overturned by the voters on June 5, 2017; and

WHEREAS, the City Council acknowledges that Elections Code section 9241 precludes the City Council from re-adopting the same ordinance for a period of one year from the date of the vote; and

WHEREAS, in light of (a) the federal, state and local declarations of emergency that now cover the City, (b) the City's dramatically changed circumstances resulting from the loss of approximately 3000 housing units, (c) the limited scope of this ordinance, and (d) the temporary nature of the ordinance, the City Council finds that this ordinance is not substantially the same as the ordinance rejected by the voters last June, but rather is a targeted, tailored and temporary ordinance, drafted to bring some stability to the residential rental market to address the specific and immediate impacts of the October 2017 wildfires.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Findings.

The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

Section 2. Definitions.

The following definitions apply to the administration and enforcement of this temporary ordinance:

"Landlord" means an owner, lessor, sublessor or any other person or entity entitled to offer any residential unit for rent or entitled to receive rent for the use and occupancy of any rental-unit.

"Resident manager" means a person who resides on the premises and is employed to perform or to be responsible for the operation and/or maintenance of the rental units on the premises.

"Rental unit" means a room or a group of rooms designed, intended, or used as a rental for human habitation for periods of 30 consecutive days or more at any time during the

term of this ordinance. Rental units include apartments, condominiums, stock cooperatives, single family dwelling units, and hotel units rented for periods of 30 consecutive days or more at any time during the term of this ordinance.

"*Tenancy*" means the right or entitlement of a tenant to use or occupy a rental unit.

Section 3. Temporary Restrictions on the Termination of Residential Tenancies.

For so long as the City of Santa Rosa remains subject to a state or federal declaration of emergency arising from the wildfires of 2017, a residential tenancy shall not be terminated, nor shall its renewal be refused, except for one or more of the following reasons:

- (a) **Nonpayment of Rent.**
- (b) **Repeated Late Payment of Rent.** During the term of this ordinance, the tenant, on two or more separate occasions, pays the rent late or pays with a check which is subsequently returned because there are insufficient funds in the checking account.
- (c) **Violation of Obligation of Tenancy.** The tenant has violated a lawful and material obligation or covenant of the tenancy and has failed to cure such violation after having received notice thereof from the landlord, other than the obligation to surrender possession under proper notice, unless pursuant to subsection (f) below.
- (d) **Nuisance.** The tenant is committing a nuisance or permitting a nuisance in, or is causing damage to, the rental unit or to the appurtenances thereof or to the common areas of the housing complex containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the housing complex or the surrounding neighborhood.
- (e) **Illegal Use.** The tenant is using or permitting the rental unit to be used for an illegal purpose.
- (f) **Refusal to Renew Lease.** The tenant has refused to agree to a new lease upon expiration of the prior lease, after written request by the landlord, but only where the new lease contains provisions that are substantially the same as those in the prior lease and is not inconsistent with local, state or federal laws.
- (g) **Refusal to Provide Access.** The tenant has refused to give the landlord reasonable access to the rental unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental-unit to any prospective purchaser or mortgagee.
- (h) **Correction of Violations; Government Order.** The landlord, after having obtained all necessary permits from the City of Santa Rosa, seeks to recover possession of the rental unit for necessary repair or construction when removal of the tenant is

reasonably necessary to accomplish the repair or construction work or the landlord seeks to recover possession as required under order of any government agency.

- (i) **Withdrawal of Residential Rental Structure from the Rental Market.** The landlord intends to take action to terminate a tenancy to (1) demolish the rental unit and to remove the property from residential housing use; or (2) withdraw the rental unit from rent or lease with the intent of completing the withdrawal process and going out of the residential rental business permanently, consistent with section 7060 of the Government Code.
- (j) **Owner or Relative Occupancy.** Any of the following individuals plans to occupy the rental unit as that person's principal residence, provided that the landlord must in good faith intend for the person to occupy the rental unit within 90 days and thereafter to occupy the rental unit as the person's principal residence for at least one year: (1) the landlord; (2) the landlord's spouse or registered domestic partner; (3) the landlord's parent, grandparent, brother, sister, child or grandchild, whether that person is related to the landlord by blood, birth, adoption, marriage or registered domestic partnership; or (4) a resident manager.

Section 4. Notice to Tenant. Any landlord who seeks to terminate a tenancy pursuant to any of the grounds set forth in section 3 above shall provide the tenant a written notice to quit or terminate which recites the grounds under which the landlord is proceeding. The landlord shall provide the notice prior to or at the same time as the written notice of termination set forth in Civil Code section 1946, or a three-day notice described in Code of Civil Procedure sections 1161 and 1161a, is served on the tenant.

Section 5. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 7. Effective Date. This ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney