

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: TERESA L. STRICKER, INTERIM CITY ATTORNEY

SUBJECT: ADOPTION OF AN URGENCY ORDINANCE CORRECTING
CLERICAL ERRORS IN ORDINANCE NO. 4067, A NINETY DAY
MORATORIUM ON CERTAIN RESIDENTIAL RENT INCREASES
IN THE CITY OF SANTA ROSA

AGENDA ACTION: URGENCY ORDINANCE ADOPTION

RECOMMENDATION

It is recommended that the Council adopt an urgency ordinance correcting clerical errors in Ordinance No. 4067, a ninety day moratorium on certain residential rent increases in the City of Santa Rosa.

EXECUTIVE SUMMARY

On July 7, 2016, the Santa Rosa City Council adopted Ordinance No. 4067 imposing a ninety (90) day moratorium on rent increases for certain residential property within the City of Santa Rosa that superseded Ordinance No. 4063.

It was subsequently discovered that due to a drafting error, the ordinance failed to include an exception for duplexes and an exception for triplexes where one of the units is occupied by the owner from the rent restrictions that were included in Ordinance No. 4063.

To address this issue, staff proposes the adoption of an urgency ordinance correcting clerical errors in Ordinance No. 4067.

CITY COUNCIL GOALS

This work effort is included within Council Goal #1 Create a Strong, Sustainable Economic Base, Strategic Objective #2, Evaluate Housing Initiatives.

BACKGROUND

On May 10, 2016, the City Council adopted Ordinance No. 4063 imposing a 45 day moratorium on certain residential rent increases in the City of Santa Rosa.

On July 7, 2016, in order to preserve and extend the moratorium restricting rent increases and to avoid any gap in coverage of the original moratorium, the Santa Rosa City Council adopted urgency Ordinance No. 4067 imposing a ninety (90) day moratorium on rent increases for certain residential property within the City of Santa Rosa that superseded Ordinance No. 4063.

It was subsequently discovered that due to a drafting error, the ordinance failed to include an exception for duplexes and an exception for triplexes where one of the units is occupied by the owner from the rent restrictions that were included in Ordinance No. 4063.

To address this issue, staff proposes the adoption of an urgency ordinance correcting clerical errors in Ordinance No. 4067.

PRIOR CITY COUNCIL REVIEW

July 7, 2016 – Adoption of a ninety (90) day urgency moratorium on certain residential rent increases within the City of Santa Rosa

May 10, 2016 – Adoption of a 45 day moratorium on certain residential rent increases in the City of Santa Rosa

May 3, 2016 – Direction to Prepare Rent Stabilization Ordinance and Temporary Rent Moratorium Ordinance

January 26, 2016 – Study Session Rent Stabilization Options

October 20, 2015 – Contract award to Management Partners

September 1, 2015 – Study Session Rent Stabilization

ANALYSIS

The omission of the duplex and triplex exceptions was an inadvertent clerical error and not consistent with the intent of the Council in adopting Ordinance No. 4067. If allowed to go uncorrected, however, this error will result in additional units being subject to the rent increase restrictions contrary to staff's understanding of Council's intent to carry forward all of the then existing exceptions. To lessen any potential impact of this clerical error, staff recommends that Council act as quickly as possible to adopt an amendment to Ordinance No. 4067 correcting the error and including the exceptions that were inadvertently eliminated.

If the Council adopts the proposed ordinance to correct clerical errors as an urgency ordinance, the ordinance will take effect immediately. There is a basis for resolving this issue through the adoption of an urgency ordinance to avoid public confusion and

AN ORDINANCE TO IMPOSE A MORATORIUM ON RENT INCREASES
PAGE 3 OF 3

anxiety that may result from the inadvertent omission of the duplex and triplex exceptions.

An urgency ordinance requires a five-sevenths vote (5 votes) of the City Council for adoption.

FISCAL IMPACT

There is no fiscal impact anticipated from correcting the drafting error in the existing 90 day moratorium.

ENVIRONMENTAL IMPACT

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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

NOTIFICATION

Not applicable.

ATTACHMENTS

- Urgency Ordinance

CONTACT

Teresa Stricker, Interim City Attorney
Molly Dillon, Assistant City Attorney