

ORDINANCE NO. 4069

AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
CORRECTING CLERICAL ERRORS IN ORDINANCE NO. 4067, A NINETY (90 DAY)
MORATORIUM ON CERTAIN RESIDENTIAL RENT INCREASES IN THE CITY OF
SANTA ROSA

WHEREAS, Government Code Section 36937 allows a city, including a charter city, to adopt, as an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health or safety upon a finding of facts constituting the urgency thereof; 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, as provided further herein, this Ordinance shall be in effect immediately upon adoption; and

WHEREAS, On May 17, 2016, the Santa Rosa City Council adopted Ordinance No. 4063, which put in place a forty-five day moratorium on rent increases greater than 3% annually for certain residential units subject to said ordinance, which became effective on June 23, 2016 and is set to expire on August 6, 2016, unless extended by the City Council; and

WHEREAS, in order to preserve and extend the moratorium restricting rent increases and to avoid any gap in coverage of the moratorium, 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a ninety (90) day moratorium on rent increases for certain residential property within the City of Santa Rosa that superseded Ordinance No. 4063; and

WHEREAS, Ordinance No. 4067, went into effect immediately upon adoption, but it was later 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; and

WHEREAS, the omission of these exceptions was an inadvertent clerical error and not consistent with the intent of the Council in adopting Ordinance No. 4067, but if allowed to go uncorrected, will result in additional units being subject to the rent increase restrictions in contravention of the Council's intent; and

WHEREAS, the Council finds and determines that, without an expedited correction of this omission, there will be greater public confusion and anxiety, including but not limited to confusion about whether landlords have the right to impose rent restrictions over the 3% annual cumulative limit for duplex and certain triplex units; and

WHEREAS, for reasons set forth above, this ordinance is declared by the City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency.

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

Section 2. From the effective date of this urgency ordinance and continuing so long as Ordinance No. 4067 is in effect, the following exceptions are added to Section 4 of Ordinance No. 4067 as exempt under the moratorium established thereunder: 8) duplexes; 9) triplexes where at least one unit is owner occupied.

Section 3. Except as expressly amended hereinabove, Ordinance No. 4067 shall remain in effect without further change.

Section 4. This ordinance is enacted pursuant to the City of Santa Rosa's general police powers, Section 8 of the Charter of the City of Santa Rosa, Article XI of the California Constitution, and Government Code Section 36937.

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.

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

IN COUNCIL DULY PASSED AND ADOPTED this 19th day of July, 2016.

AYES: (5) Mayor Sawyer, Council Members Carlstrom, Combs, Coursey, Wysocky
NOES: (2) Vice Mayor Schwedhelm, Council Member Olivares
ABSENT: (0)
ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Interim City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney