CITY OF ALAMEDA ORDINANCE NO. 3132

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 2-23 TO ARTICLE II OF CONCERNING THE CREATION OF A RENT REVIEW ADVISORY COMMITTEE

WHEREAS, although there has been in existence for some time a Rent Review Advisory Committee, that Committee has neither been created by Ordinance nor its duties well defined; and

WHEREAS, the City Council is desirous of creating this Committee by Ordinance, establishing the member's terms of office and better defining its duties and responsibilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda as follows:

Section 1. Section 2-23 is hereby added to Article II of the Alameda Municipal Code to read as follows:

"**Section 2-23 Rent Review Advisory Committee**

2-23.1 Rent Review Advisory Committee created; purpose

There is hereby created a committee which shall be known as the Rent Review Advisory Committee ("Committee") whose purpose is to review requests from tenants concerning certain rent increases and make recommendations to the tenants and their housing providers concerning such increases.

2-23.2 Membership; appointment; term of office; removal; vacancies

a. The Committee shall consist of five members, all of whom shall at the time of their appointment and continuously during their incumbency be residents of the City. At the time of their appointment, two of the members shall be tenants in the City, two of the members shall be housing providers as that term is defined in subsection 2-57.2 (h) of this Code and one member shall be a residential property owner but not a housing provider.

b. Upon nomination of the Mayor, the City Council shall appoint such members as are necessary to maintain full membership on the Committee, with terms for all members to begin on July 1 and, as to two members, continuing for two years thereafter until the successor of such member is qualified and appointed and, as to three members, continuing for four years thereafter until the successor of such member is qualified and appointed.

c. No person shall be eligible to serve more than two consecutive terms. The initial two year term as to two members referenced in paragraph b above, one

of whom shall be a housing provider and one of whom shall be a tenant, shall be deemed one term. Thereafter, any appointment the term of which is two years or less shall not be deemed one term.

d. A vote of a majority of the Council may remove a member from the Committee.

e. A vacancy shall occur if a member is no longer a resident of the City, if the member's status as a tenant, housing provider or residential property owner but not a housing provider changes, the member resigns or the Council removes the member. The vacancy shall be filled as provided in paragraph b and the person appointed shall serve the unexpired term of office.

2-23.3 Meetings; officers; voting.

a. The Committee shall meet as necessary to perform its duties outlined in subsection 2-23.4 but in no case less than monthly if a hearing has been scheduled. The Committee has the power to establish rules for its proceedings. A member's failure to attend 75% of the meetings in a 12 month period shall be grounds for removal by the City Council.

b. The Committee shall select from its membership a Chairperson and Vice-Chairperson who shall be selected in July of each year and serve a one year term. No member may serve as Chair more than two consecutive terms.

c. To take any action or to make a Committee recommendation to the housing provider and tenant (which recommendation is advisory only) shall require three votes.

2-23.4 Duties of the Committee

It shall be the duty of the Committee to hold hearings in response to a request for a rent increase review. The Committee will afford the parties involved in the request an opportunity to explain their respective positions. The Committee as a whole and individual members of the Committee shall not act as an advocate of either the housing provider or the tenant. After hearing the parties, and taking into consideration such factors as the financial hardship to the tenant, the frequency and the amount of previous rent increases, the housing provider's deed of trust payments and other costs associated with owning and maintaining the property, the housing provider's expectation of earning a reasonable rate of return on the investment, and any other factors that may assist the Committee in determining a fair resolution of the matter, the Committee will make a non-binding, advisory recommendation to the parties for resolution of the matter."

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions

of the Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 3. This Ordinance shall be in full force and effect from and after the expiration of 30 days from the date of its final passage.

Mayor of the City of Alameda

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 1st day of September, 2015, by the following vote to wit:

AYES:	Councilmembers Daysog, Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 5.
NOES:	None.
ABSENT:	None.
ABSTENTIONS:	None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of September, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda