

Alameda Rent Review Ordinance Frequently Asked Questions

When does the Rent Review Ordinance take effect and what is the purpose of the Ordinance?

The Rent Review Ordinance (Alameda Municipal Code, Chapter VI, Article XIV, Section 6-57) **takes effect on October 1, 2015**. The purpose of the Ordinance is to strengthen the City's procedures in mediating landlord-tenant disputes over rent increases.

To what rental properties does the Rent Review Ordinance apply?

It applies to all residential rental property in Alameda, including single room rentals. There are only two exceptions: 1) housing units regulated by federal, state or local government programs, such as Section 8 Housing or the Housing Authority of the City of Alameda; and 2) housing units that are rented or leased for 30 days or less.

What are the landlord's responsibilities for noticing tenants of rent increases?

When noticing rent increases—regardless of how much the rent increase is—the City's Rent Review Ordinance requires that the Landlord must also notify the tenant about the availability of the City's rent review procedures.

The Rent Review Ordinance includes specific language that the landlord must use to notify tenants (see the other side of this page for AMC section 6-57.4 for how to provide notice and AMC section 6-57.5 with the required text).

What is the City's rent review/mediation process?

A tenant may request the City's Rent Review Advisory Committee (RRAC) to review the rent increase. The tenant and the landlord, or their authorized representatives, must appear before the RRAC for a public mediation process concerning the rent increase. Following the mediation, the RRAC will make a non-binding, advisory recommendation to resolve the disputed rent increase. For more information, see <http://alamedaca.gov/city-hall/rent-review-advisory-committee-rrac>

What is the penalty if a landlord does not comply with this ordinance?

If the property owner fails to properly notice the tenant, the rent increase is void and may not be enforced by the property owner until the property owner properly notices the tenant.

If the property owner, or an authorized representative, fails to appear at the hearing without good cause, the rent increase is void and may not be enforced by the property owner for one year.

Any rent increase in violation of this ordinance may be used as evidence in a tenant's defense to an unlawful detainer action based on a tenant's failure to pay an illegal rent increase.

6-57.4 Form and Contents of Notice

All notices of the availability of rent review procedures shall be in writing and shall provide the name, address, phone number and email address of the Housing Provider. The Housing Provider shall either personally deliver the notice to the Tenant or shall mail to the Tenant by first class mail, postage pre-paid, the notice, addressed to the Tenant's Residential Property. Service by mail shall be presumed complete within five days of mailing but the Tenant may rebut that presumption.

6-57.5 Text of Notice

In addition to all other information provided in the notice of availability of rent review established by this Chapter, each such notice shall state:

NOTICE: Under Civil Code, section 827(b), a Housing Provider must provide a Tenant with 30 days' notice prior to a rent increase of 10% or less and must provide a tenant with 60 days' notice of a rent increase of greater than 10%. Because the Housing Provider proposes a Rent Increase or because the Housing Provider proposes a Rent Increase within 12 months of the immediately preceding Rent Increase, under Article XIV of Chapter VI of the Alameda Municipal Code, a Housing Provider must at the same time provide this Notice of the availability of the City's rent review procedures before imposing any such Rent Increase.

You may request the Rent Review Advisory Committee to review the increase by submitting the request for review in writing within seven calendar days of your receipt of the notice of Rent Increase by personally delivering or mailing the request to the Housing Authority of the City of Alameda, 701 Atlantic Avenue, Alameda, CA 94501, or emailing the request to the Housing Authority of the City of Alameda at rrac@alamedahsg.org. You must submit along with your request a copy of the Notice of Rent Increase.

You and your Housing Provider will be required to appear before the Committee for a hearing concerning the Rent Increase. Following the hearing, the Committee will make a non-binding recommendation to you and your Housing Provider concerning your request.

It is illegal for a Housing Provider to retaliate against a Tenant for lawfully and peacefully exercising his or her legal rights including your request for the Committee to review the Rent Increase. Civil Code, Section 1942.5. A Housing Provider's efforts to evict a Tenant within six months of a Tenant's requesting a hearing may be used as evidence of a retaliatory eviction.