

Introduced by Vice Mayor Hampton

ORDINANCE NO. 7352

**AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA
ADOPTING THE TENANT PROTECTION ACT OF 2019 RELATING TO
THE PROHIBITION OF NO-FAULT TERMINATIONS OF TENANCY AND
EVICTIONS AND LIMITING RENT INCREASES FOR RESIDENTIAL
REAL PROPERTY THROUGH DECEMBER 31, 2019**

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the City and its residents;

WHEREAS, Assembly Bill 1482, the Tenant Protection Act of 2019 ("AB 1482") was passed by the California Legislature in September 2019, and was approved by the Governor and chaptered by the Secretary of State on October 8, 2019. AB 1482 added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code, effective beginning January 1, 2020, which, among other things and with certain exceptions, would (1) prohibit owners of residential property with a certificate of occupancy issued through December 31, 2004--units built in the last 15 years are exempt--from terminating a tenancy without "just cause" when the tenant has continuously and lawfully occupied the residential property for 12 months, (2) require, for "no-fault" terminations, that the owner either assist certain tenants to relocate by providing one month's rent to the tenant or waive the payment of rent for the final month of the tenancy, and (3) until January 1, 2030, prohibit owners of certain residential rental property from increasing rents each year more than five percent plus the percentage change in the cost of living or 10 percent, whichever is lower;

WHEREAS, AB 1482 was passed to address a key cause of California's affordable housing crisis by preventing rent gouging and arbitrary evictions. The Act becomes effective on January 1, 2020;

WHEREAS, in advance of the implementation of AB 1482, the City has become aware of a surge in no-fault terminations, eviction notices, and threats of eviction;

WHEREAS, the City of Pasadena is experiencing a housing affordability crisis, which contributes to homelessness and displacement of residents to an unprecedented scale;

WHEREAS, rapidly escalating real estate values provide an incentive to landlords to evict long-term, lower-income tenants, without cause, to raise rents and attract wealthier tenants before AB 1482 becomes effective. Therefore, it is imperative that the City implement temporary strategies to address these actions;

WHEREAS, the City Council of the City of Pasadena desires to protect renters of "residential real property" (as defined in AB 1482) from no-fault terminations and evictions and exorbitant rent increases without just cause from the effective date of this ordinance through December 31, 2019, in advance of AB 1482's effective date, by the adoption of the terms and provisions of AB 1482;

WHEREAS, it is the intent of the City Council that this uncodified ordinance should apply for the limited time commencing as of the effective date of this ordinance and remaining in effect until January 1, 2020, at which time AB 1482 shall become operative; and

WHEREAS, staff discussions, testimony, and documentary evidence presented in a public forum support the basis of the findings and actions set forth in this ordinance.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PASADENA DO ORDAIN
AS FOLLOWS:**

SECTION 1. This ordinance, due to its length and corresponding cost of publication will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"SUMMARY

Ordinance No. 7352 will protect renters of "residential real property", as defined in Assembly Bill 1482, known as the Tenant Protection Act of 2019, from no-fault terminations and evictions and exorbitant rent increases without just cause from the effective date of this ordinance through December 31, 2019, in advance of Assembly Bill 1482's effective date, by the adoption of the terms and provisions of AB 1482.

Ordinance No. 7352 shall take effect upon publication."

SECTION 2. The above recitals are true and correct and are a substantive part of this Ordinance.

SECTION 3. With the exceptions set forth herein below, the provisions of AB 1482, the Tenant Protection Act of 2019, is hereby adopted in full, and shall apply to "residential real property" or "residential circumstances" (as those terms are defined in AB 1482) within the City of Pasadena.

Notwithstanding anything contained in AB 1482 to the contrary, this ordinance and all of its terms shall become operative as of the effective date of this ordinance, meaning that any section or reference in AB 1482 that specifies that a term or provision thereof shall become operative on January 1, 2020 shall, instead, be read to mean and become

operative on the effective date of this ordinance. Any failure to comply with this ordinance does not constitute a criminal offense.

This ordinance shall not be read in any way to adversely affect and/or abrogate the rights of tenants under Chapter 9.75 of the Pasadena Municipal Code (Tenant Protection).

SECTION 4. As applied to notices of termination issued prior to the effective date of this ordinance, this ordinance shall apply to tenancies where, as of the effective date of this ordinance, said tenant remains in possession and/or any eviction lawsuit has not reached a final judgment or issuance of a final order, after all appeals have been exhausted. This ordinance may be asserted as an affirmative defense in an unlawful detainer action. This ordinance shall not be read to prohibit any terminations of tenancy with just cause, as these terms are used in AB 1482.

SECTION 5. This ordinance shall remain in effect until January 1, 2020 at which time AB 1482 will become effective and thereafter govern the subject matter of this ordinance, and, as of that date, is repealed; provided, however, that this ordinance shall be applicable to facts, conditions, conduct or transactions existing before its repeal unless such matters that pre-date the implementation of AB 1482 are already governed by AB 1482.

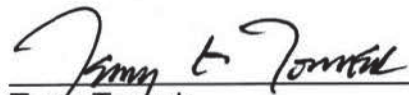
SECTION 6. Severability. If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions, and to this end, the provisions of this chapter are declared to be severable. The City Council hereby declares that it would have adopted this ordinance

and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This Ordinance shall take effect upon publication.

Signed and approved this 5th day of November, 2019.



Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on 5th day of November 2019 by the following vote:

AYES: Councilmembers Kennedy, Madison, Masuda, McAustin,
Wilson, Vice Mayor Hampton, Mayor Tornek

NOES: None

ABSENT: Councilmember Gordo


ABSTAIN: None

Date Published: November 7, 2019



Mark Jomsky, CMC
City Clerk

Approved as to form:



Theodore J. Reynolds
CSW – Deputy City Attorney



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: November 4, 2019

FROM: CITY ATTORNEY

**SUBJECT: ORDINANCE ADOPTING THE TENANT PROTECTION ACT OF 2019
THROUGH DECEMBER 31, 2019**

TITLE OF PROPOSED ORDINANCE

**AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA ADOPTING THE
TENANT PROTECTION ACT OF 2019 RELATING TO THE PROHIBITION OF NO-
FAULT TERMINATIONS OF TENANCY AND EVICTIONS AND LIMITING RENT
INCREASES FOR RESIDENTIAL REAL PROPERTY THROUGH DECEMBER 31, 2019**

PURPOSE OF ORDINANCE

This ordinance protects renters of "residential real property" (as defined in the Tenant Protection Act of 2019, also known as AB 1482) from no-fault terminations and evictions and rent increases from the date of its publication through December 31, 2019, in advance of AB 1482's January 1, 2020 effective date, by adopting the terms and provisions of AB 1482.

REASON WHY LEGISLATION IS NEEDED

AB 1482 was approved by the Governor and chaptered by the Secretary of State on October 8, 2019, and the law becomes effective on January 1, 2020. This ordinance is needed because, in advance of the implementation of AB 1482, renters of qualified residential real property in the City are not protected from no-fault terminations and evictions and rent increases; hence the desire to make AB 1482 applicable in the City before January 1, 2020.

MEETING OF 11/04/2019

AGENDA ITEM NO. 9

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

This ordinance may be asserted by tenants as an affirmative defense in an unlawful detainer action. As such, no City departments will be required to implement the proposed ordinance.

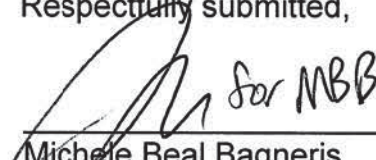
FISCAL IMPACT

This ordinance will not have any fiscal impact.

ENVIRONMENTAL DETERMINATION


On this same date, the Council will be asked to find that the ordinance is exempt from the California Environmental Quality Act.

Respectfully submitted,



Michele Beal Bagneris
City Attorney

Prepared by:



Theodore J. Reynolds
CSW - Deputy City Attorney

Concurred by:



Steve Mermell
City Manager

TJR:drc
10-31-19
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