

CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE J

AMENDMENTS TO 2010 RENT STABILIZATION AND JUST CAUSE FOR EVICTION ORDINANCE ² ₁

This ordinance, placed on the ballot by the City Council, would amend the East Palo Alto Rent Stabilization and Just Cause for Eviction Ordinance of 2010 to simplify and clarify various processes and procedures. Input on the revisions has been received from both tenant and landlord representatives.

The revisions would:

- Define "maximum allowable rent" (MAR) which is currently not defined in the ordinance. In addition, the provisions of the ordinance the amount of rent must comply with are expressly set forth. The definition states the MAR shall not allow an overall rent increase exceeding 10% in any twelve month period.
- Reduce paperwork by eliminating annual rent registration and certification of each unit. Units will only need to be registered when there is a change in tenancy, and a certificate will be issued at that time or upon request.
- Change "registration fee" to "program fee" since annual registration is eliminated.
- Include current monthly pass-through registration fee amount of \$9.75 in the MAR amount, since fee pass-through provisions are being eliminated and will no longer be treated as a separate amount. The separate pass-through fee was a source of confusion to many landlords and tenants.
- Streamline annual general adjustment calculations to eliminate the detailed provisions related to banking and instead emphasize overall limitations on allowable rent increases. Clarify that only one rent increase per year is allowed and in no instance may rents rise about 10% annually.
- Strengthen informational notice provisions.
- More clearly articulate Rent Stabilization Board authority with regard to requiring notices and other informational requirements.
- Allow for nuisance-based tenancy termination, especially where a rental unit is a single family dwelling, and the disorderly conduct affects the peace, quiet, comfort or safety of the owner or residents of an adjacent property.
- Authorize the City Council to revise the Ordinance in those limited instances when the Ordinance is found to be in conflict with federal or state law. Under this provision, the only changes which could be made by the City Council are those required by law; otherwise, future revisions to the Ordinance still will be subject to approval by the voters.

Without this provision, because the Rent Stabilization Ordinance was adopted by the 10 voters, only the voters can revise it. 7

- Simplify and make consistent the language related to the various changes so all terms 14 in the Ordinance are clear and there are no inconsistencies. 10
- Clarify that program data may be shared for taxing purposes in light of the provisions of 16 Measure J. 1

A "yes" vote would revise the 2010 Rent Stabilization and Just Cause for Eviction Ordinance as 8 set forth above. 3

A "no" vote would leave the 2010 Rent Stabilization and Just Cause for Eviction Ordinance 7 unchanged. 1

Rafael E. Alvarado Jr.

415 words

City Attorney

FILED IN THE OFFICE OF THE
CHIEF ELECTIONS OFFICER
OF SAN MATEO COUNTY, CALIF.

AUG 19 2016

MARK CHURCH, CHIEF ELECTIONS OFFICER
By _____
DEPUTY CLERK