

Urgency Ordinance Nos. 4320 & 4329

City of Pomona

Neighborhood Services Department

RSG, Inc.



**BETTER COMMUNITIES.
BOLDER FUTURES.**



Agenda

Introductions

- Purpose
- Community Participation

Urgency Ordinance No. 4320 & Urgency Ordinance No. 4329 Overview

- Key Provisions
- Evictions and Exemptions
- Petition Process

Resource Overview

Questions and Answers

Urgency Ordinance No. 4320

- The City of Pomona adopted an Urgency Ordinance establishing rent stabilization measures.
- The new Ordinance became effective August 1, 2022.
- Ordinance amended April 17, 2023.



Urgency Ordinance No. 4329

- Specific changes to Relocation Assistance
- New definitions





What is the Urgency Ordinance No. 4320?

A local rent
stabilization law

Protects tenants from
unlawful evictions



Key Provisions

Rent Increase Limit

Eviction Protections

- No Fault
- Relocation Assistance

Petitions

- Landlord
- Tenant

Exemptions

Rent Increase Limit

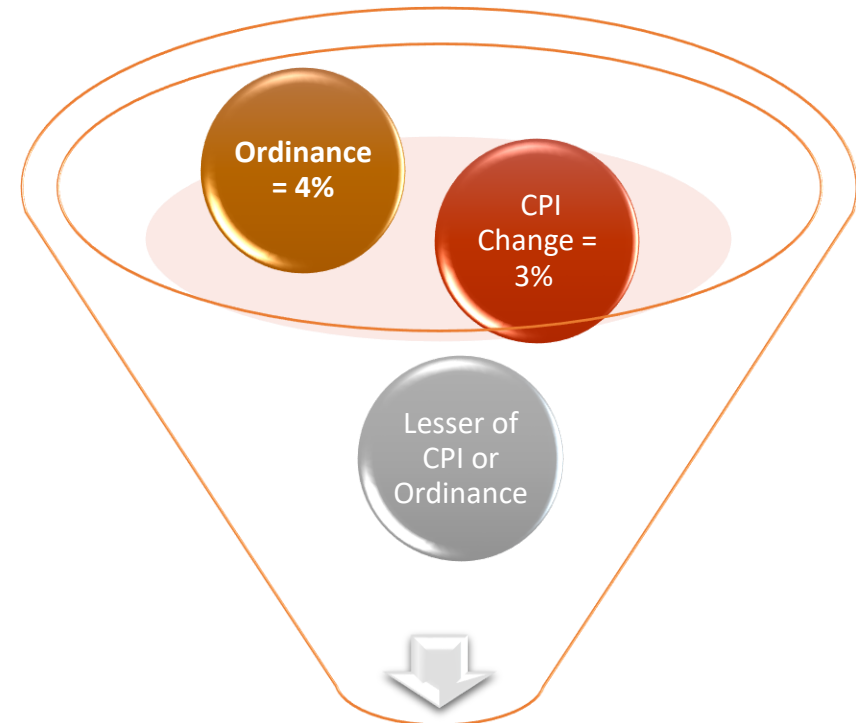


Allowable Annual Increase:

- Lesser of:
 - 4% annual increase or
 - Change in Consumer Price Index (CPI).

If CPI change is negative, no rent increase permitted that year.

Example



Allowable Increase = 3%

What is the CPI?

Consumer Price Index

Is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services purchased by households.



Notice of Termination of Tenancy

Tenant Notice of Termination

Notice must comply with California Code of Civil Procedure Section 1162

Landlord Process

- Notifies City Within 5 calendar days of issuance
- Provides Notice of Termination with proof of service on the tenant



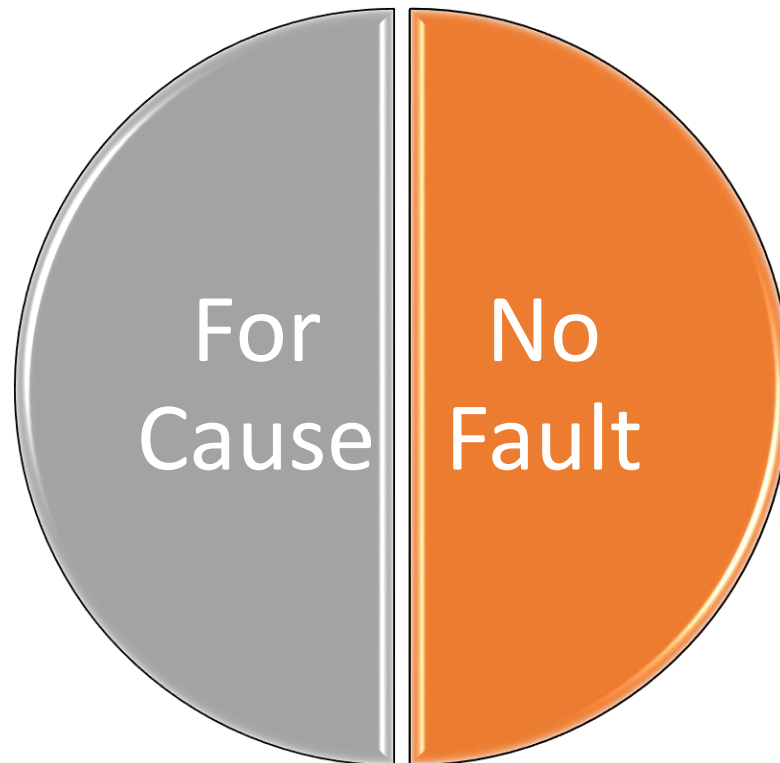
Evictions

The Ordinance is a local law that provides protections for most tenants that continuously and lawfully occupy a residential real property.

The Ordinance defines what causes are allowable to seek eviction of a tenant.



Types of Eviction

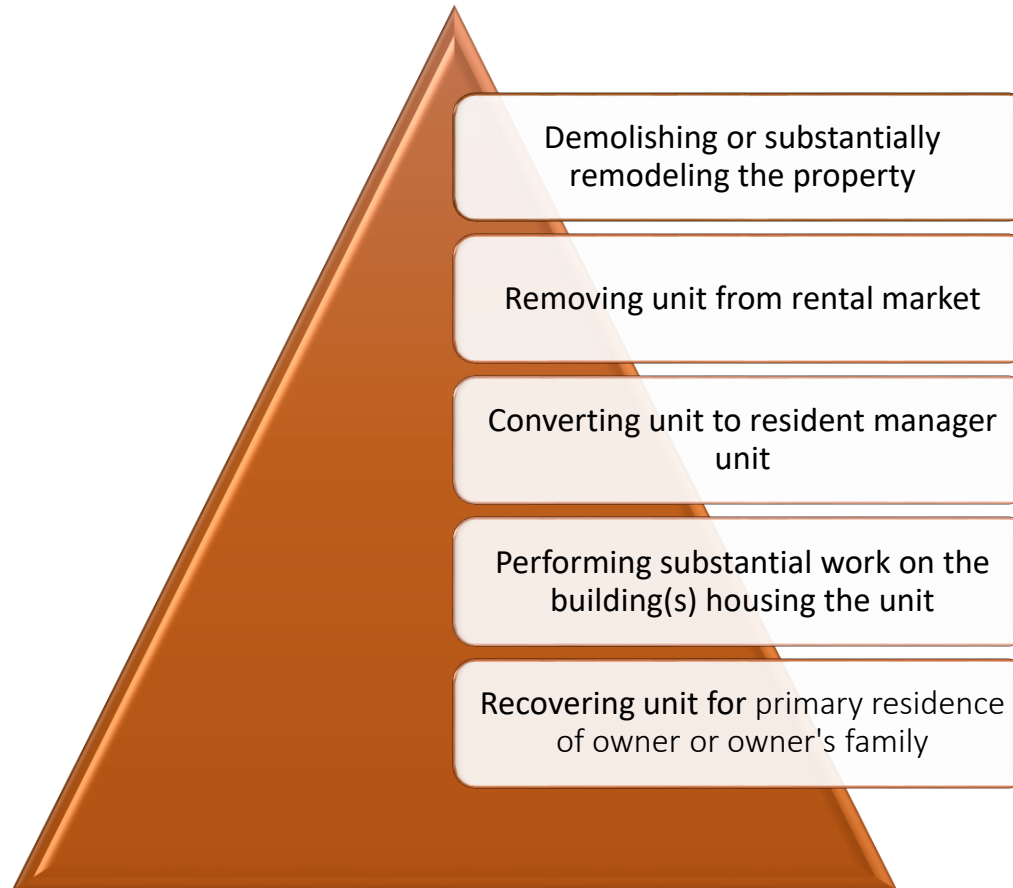




For Cause Terminations of Tenancy

- Failure to pay rent.
- Material breach of the rental agreement.
- Refusing to allow owner reasonable access to the premises.
- Maintaining, committing, or permitting a nuisance.
- Using the premises for unlawful purposes.

No Fault Terminations of Tenancy



No Fault Terminations of Tenancy

Convert to primary residence for the owner or immediate family member



Tenant that requires an occupancy agreement and intake, case management, or counseling as part of the tenancy



Government agency's order to vacate



Contractual agreement relating to the qualifications of tenancy with a government entity

Landlord may NOT recover possession if:

Tenant has continuously resided in unit for 10 years

- 62 years of age or older; or
- Disabled: Title 42 US Code Section 423
- Handicapped: Section 50072 CA Health and Safety Code

Terminally Ill

- Certified by CA licensed physician



Relocation Assistance Fee No Fault Tenancy Termination

Qualified Tenant

- 62 years of age or older
- Handicapped as defined by State and Federal law
- Household has one or more minor dependent Children

Eligible Tenant

- All other tenants not defined under Qualified Tenant



Relocation Assistance Fee No Fault Tenancy Termination

Occupied Unit for Less than 3 years

- Qualified Tenants: \$12,998
- Eligible Tenants: \$ 6,164

Occupied Unit for 3 or more years

- Qualified Tenants: \$15,377
- Eligible Tenants: \$ 8,074

Tenants with Household Incomes is 80% or Below Area Median Income Regardless of Term of Tenancy

- Qualified Tenants: \$15,377
- Eligible Tenants: \$ 8,074

Potential Reduced Fee

Who may Qualify for Reduced Relocation Fees?

- Building has 4 or fewer units; and
- Relocation fee not paid in previous 3 years; and
- Owns 4 or fewer units of residential property and a single-family home on a separate lot; and
- Eligible relative for whom landlord is recovering possession of rental unit does not own any residential property in City

Reduced Relocation Fee

- Qualified Tenant: \$11,960
- Eligible Tenants: \$5,926

Relocation Assistance Fee No Fault Tenancy Termination

If a rental unit is eligible for more than one fee, the landlord must pay the highest applicable fee

Relocation Assistance Fee does not relieve landlords of their obligations under the Uniform Relocation Act or California Relocation Assistance Act

Tenants claiming eligibility for relocation assistance based on their income must file a statement with the City verifying their income

- Tenant can appeal eligibility decisions to City within 15 days

Median Household Income



A median household income refers to the **income level** earned by a given household where half of the homes in the area earn more and half earn less.

LA/Long Beach/Glendale Area Median Income: \$91,100

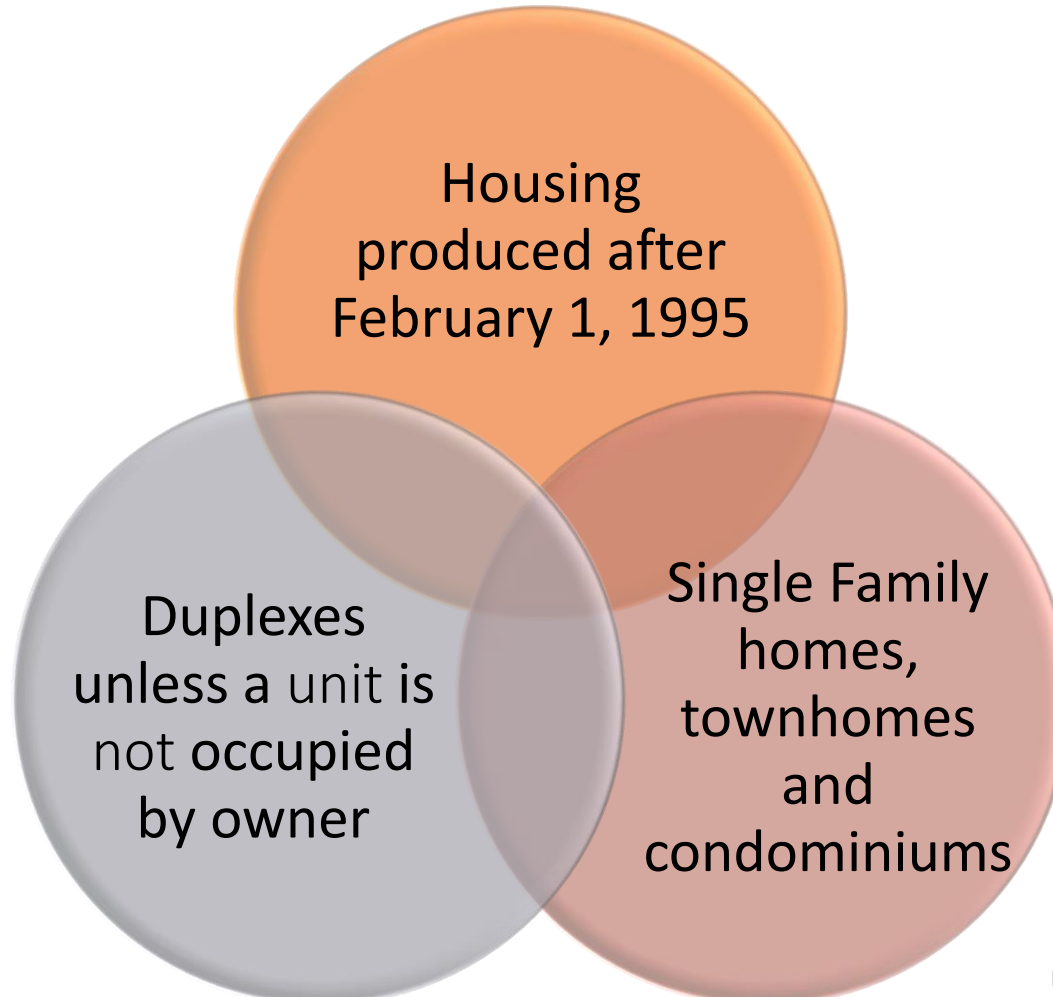
Source: US Department of Housing and Urban Development (2022)

Family Size: 4 Persons

Exemption Provisions of the Ordinance



Exemptions to the Ordinance



Exemptions to the Ordinance

<p>Deed-restricted affordable housing</p> <ul style="list-style-type: none">• Includes Housing Choice Vouchers	<p>Hotel and transient occupancy</p>
<p>Other shared living quarters</p>	<p>Hospital and care facilities</p>
<p>Dormitories</p>	<p>Additional exemptions apply</p> <ul style="list-style-type: none">• Refer to the Ordinance for a complete list of exempted properties.



Related California State Laws

Costa Hawkins Rental Housing Act

- Protects a landlord's right to raise the rent to market rate on a unit once a tenant moves out.
- Prevents cities from establishing rent restrictions on units constructed after 1995.
- Exempts single-family homes and condos.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1954.50

Tenant Protection Act of 2019 (AB 1482)

- Limits rent increases to 5% plus CPI or 10%, whichever is less.
- Defines "Just Cause" for evictions.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482

Petition Process

- Petition for Relief from Urgency Ordinance (Landlord)
- Petition for Noncompliance (Tenant)



Petitions

Landlord: Petition for Relief

- Landlord desires to increase greater than 4%
- Fair and Reasonable Return
- Applicant is responsible for cost associated with the petitions



Petitions

Tenant: Petition for Noncompliance

- Tenant contends that a proposed or actual Rent increase is not in compliance with the Ordinance.



Hearing Procedure

The Hearing Officer will set a hearing date.

Hearing Officer can allow for more time.

Written notice must be provided to impacted parties.

Opportunity to testify, call witnesses and present evidence.

Hearing Officer may hear testimony from the Tenants in the affected units.

Hearing Officer may hear testimony from the Landlord.

Hearing Procedure

The Hearing Officer may continue the hearing and request additional information.

All hearings shall be open to the public.

The Hearing Officer may grant a continuance.

Hearing Officer shall consider all relevant factors.

Hearing Officer Decision

Within 20 calendar days after the conclusion, the Hearing Officer will issue a written decision about the petition.

- Deny
- Affirm
- Modify

The Hearing Officer will provide written findings in support of the decision.



Enforcement and Administrative Fines



Citations, Appeals, Civil Action

City may take steps to enforce the Ordinance

Administrative fines up to \$1,000

Citations may be appealed/reviewed

- Hearing Officer
- Judicial Review of the Hearing Officer's decisions

Civil Action

Civil Remedies

Any tenant aggrieved by a violation of the Urgency Ordinance may bring a civil suit in the courts.

Nothing in the Ordinance shall deprive a landlord of the ability to earn a fair and reasonable return or preclude a landlord from terminating a tenancy in accordance with the Urgency Ordinance and the California Code of Civil Procedure section 1161.

Permanent Rent Stabilization Ordinance

The **long-term implementation** of the rental stabilization program is currently being evaluated

City staff and consultants are evaluating **community needs and best practices** in other jurisdictions on various provisions that may be part of a permanent ordinance

Landlords and tenants will have an **opportunity to provide feedback** on topics to be evaluated at a Council Study Session in the summer of 2023

Council to consider potential changes beginning of 2024



Tenant Assistance

Neighborhood Legal Services of Los Angeles (NLSLA)

747-270-7575 PomonaClinic@nlsla.org

Pomona Self Help Center 909-620-3150



Owner/Landlord Assistance

Owners/landlords are encouraged to seek private legal counsel regarding interpretation of the Ordinance.

Pomona Self Help Center (909) 620-3150



Resources

- The full text of the adopted ordinance is available at the City's website at <https://www.pomonaca.gov/rs> in English and Spanish.
- The City has also prepared user-friendly information for both tenants and rental property owners, including answers to Frequently Asked Questions in English and Spanish.
- If tenants or rental property owners have any questions, please e-mail us at RentStabilization@pomonaca.gov or call 909-620-3777 to speak with one of our representatives.





Questions?