

ORDINANCE NO. 20-\_\_\_\_\_

**An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code “Residential Landlord And Tenant Relations” To Modify Definition Of “Covered Unit” And Related Modifications; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)**

**WHEREAS**, the City Council finds and determines that regulating the relations between certain residential landlords and residential tenants will increase certainty and fairness within the residential rental market in the City and thereby serve the public peace, health, safety, and welfare; and

**WHEREAS**, on December 6, 2016, the City Council adopted Ordinance No. 16-011, codified as Chapter 40 of Title 5 of the Emeryville Municipal Code, to regulate the relations between certain residential landlords and residential tenants; and

**WHEREAS**, the City Council now desires to clarify that landlords of group residential homes and similar situations are subject to Chapter 40 of Title 5 of the Emeryville Municipal Code; and

**WHEREAS**, this Ordinance is adopted pursuant to the City's police powers, afforded by the state constitution and state law to protect the health, safety, and welfare of the public;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE. AMENDING SECTION 5-40.02(a)(1) OF THE EMERYVILLE MUNICIPAL CODE**

Section 5-40.02(a)(1) of the Emeryville Municipal Code is hereby amended as follows. Additions are in **bold underline** text. Deletions are in ~~strikeout~~ text. Those portions not specifically amended remain unchanged.

Dwelling units in hotels, motels, **and short-term rentals, as described in Section 9-2.333 of the Emeryville Municipal Code** ~~lodging houses, and Group Residential subject to Chapter 25 of Title 5 of the Emeryville Municipal Code~~ are exempt from this Chapter so long as the tenant(s) in a given dwelling unit do not reside in that unit for more than 30 consecutive days. Terminating a tenancy or requiring an occupant to move, or to check out and reregister before the expiration of 30 days' occupancy is prohibited if a purpose is to avoid the effects of this Chapter, in accordance with California Civil Code Section 1940.1.

## **SECTION TWO. DELETING SECTION 5-40.02(c) OF THE EMERYVILLE MUNICIPAL CODE**

Section 5-40.02(c) of the Emeryville Municipal Code is hereby deleted as follows. Deletions are in ~~strikeout~~ text. All sub-sections following sub-section (c) of Section 5-40.02 shall be re-lettered according.

~~(c) —“Group residential” shall have the same meaning as set forth in Section 9-2.211 and as may be amended.~~

## **SECTION THREE. AMENDING SECTION 5-40.02(d)(2) OF THE EMERYVILLE MUNICIPAL CODE**

Section 5-40.02(d)(2) of the Emeryville Municipal Code is hereby amended as follows. Additions are in **bold underline** text. Those portions not specifically amended remain unchanged.

“Small landlord” means a landlord of four (4) or fewer covered units, **or a landlord of a Group Residential facility of any size, as that term is defined in Section 9-2.211,** in the City of Emeryville.

## **SECTION FOUR. DELETING SECTION 5.40.04(e) OF THE EMERYVILLE MUNICIPAL CODE**

Section 5-40.04(e) of the Emeryville Municipal Code is hereby deleted as follows. Deletions are in ~~strikeout~~ text. Those portions not specifically amended remain unchanged.

~~(e) —A landlord of group residential covered units shall be exempt from paying any relocation assistance.~~

## **SECTION FIVE. CEQA DETERMINATION**

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

## **SECTION SIX. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses or phrases.

**SECTION SEVEN. EFFECTIVE DATE**

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

**SECTION EIGHT. CODIFICATION**

Sections One, Two, Three, and Four of this Ordinance shall be codified. Sections Five, Six, Seven, and Eight shall NOT be codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, April 21, 2020, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, May 5, 2020 by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY