



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** April 21, 2020  
**TO:** Christine Daniel, City Manager  
**FROM:** Charles S. Bryant, Community Development Director  
**SUBJECT:** **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 Revise The Definition Of Covered Units; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)**

### RECOMMENDATION

Staff recommends that the City Council adopt the first reading of the above-referenced ordinance revising the definition of Covered Units and making other conforming changes to the Residential Landlord and Tenant Relations provisions in Chapter 40 of Title 5 of the Emeryville Municipal Code (“Chapter 40”).

### BACKGROUND

On October 1, 2014, the Housing Committee recommended that the City explore means of addressing disputes between residential landlords and tenants regarding residential rent increases and arbitrary terminations of tenancy. On May 5, 2015 the City Council directed staff to analyze various just cause eviction and anti-harassment protections for potential applicability for the City. The Housing Committee reviewed and provided further feedback on staff’s analysis of various protection measures for the purposes of increasing both certainty and fairness in the residential rental market in Emeryville. On June 7, 2016 in a special study session meeting, the City Council received, reviewed, amended and then approved the revised recommendations of the Housing Committee and staff regarding elements of a just cause eviction, anti-harassment, and relocation assistance ordinance, and directed that such an ordinance be drafted for future consideration by the City Council.

On November 1, 2016, the City Council considered the first reading of the Residential Tenant and Landlord Relations Ordinance. After hearing a staff presentation and taking public testimony, the City Council deliberated and directed staff to make several modifications to the draft ordinance , including an exemption of Single Room Occupancy buildings from being required to provide relocation assistance to tenants evicted for no cause.

The modifications necessitated another first reading of the ordinance, which was adopted by the City Council at its November 15, 2016 meeting. On December 6, 2016, the second reading of the ordinance was adopted by the City Council. As specified in the ordinance, it took effect on April 1, 2017.

On April 7, 2020 the City Council considered the first reading of an amendment of Chapter 40 that requires landlords to offer repayment plans for tenants unable to pay rent due to

impacts of the COVID-19 pandemic. During discussion of this item, the City Council expressed an interest in making further amendments to Chapter 40 to revise the definition of Covered Units to restore Single Room Occupancy buildings as Covered Units, thereby requiring such buildings to comply with all requirements of the Ordinance. The Council directed staff to include this amendment on its April 21, 2020 meeting agenda.

## **DISCUSSION**

The proposed ordinance amends Chapter 40 of Title 5 of the Emeryville Municipal Code, which governs residential landlord and tenant relations. Currently, the definition of a “Covered Unit” for purposes of Chapter 40 excludes “Group Residential Uses” as that term is defined by the Planning Regulations at Emeryville Municipal Code (EMC) Section 9-2.211. Section 9-2.211 defines Group Residential Uses as follows:

“Accommodations generally offered on a weekly or longer basis consisting of shared living quarters or single room occupancy (SRO) housing with more than one room or unit sharing kitchen and/or bathroom facilities. This classification includes boarding houses and dormitories. This use type excludes Residential Care Facilities, Supportive Housing, Transitional Housing, Emergency Shelters, and Lodging use types.

(a) Small. A Group Residential facility for six or fewer persons.

(b) Large. A Group Residential facility for seven or more persons.”

The exemption of Group Residential Uses is located at EMC Section 5-40.02(a); this section also includes exemption of hotels, motels and other short-term lodging uses that are subject to Chapter 25 of Title 5 of the EMC, the Hotels, Motels and Lodging Houses Ordinance (“Hotel Ordinance”). The Hotel Ordinance was adopted in 1982 and requires hotels, motels and similar uses to maintain a guest register.

Therefore, the current exemptions in EMC Section 5-40.02(a) refer to two separate parts of the EMC: the Planning Regulations and the Hotel Ordinance. Because the Hotel Ordinance is less precise in its definitions of uses, and to improve the clarity of Chapter 40 and respond to the City Council’s direction, staff proposes to amend EMC Section 5-40.02(a) to remove Group Residential as an exempted use and to refer the remaining exemption of hotels, motels and short term rentals to the Planning Regulations definition of “Lodging” at EMC Section 9-2.333.

Additionally, Sections 5-40.02(c) and 5-40.04(e) are proposed to be deleted, because these sections refer to Group Residential. The effect of these changes is that the Ordinance will now apply to Group Residential Uses, including Single Room Occupancy buildings.

## **FISCAL IMPACT**

The proposed Ordinance has no fiscal impact.

## **STAFF COMMUNICATION WITH THE PUBLIC**

As of the writing of this report, staff has had no communication with the public on this topic. Staff intends to notify the owners of existing Group Residential facilities prior to the April 21, 2020 City Council meeting.

## **CONCLUSION**

Staff recommends that the City Council:

- Introduce the proposed ordinance by title only.
- Take public comment on the proposed ordinance.
- Adopt the first reading of the proposed ordinance.

**PREPARED BY:** Chadrick Smalley, Economic Development and Housing Manager

## **APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:**



---

Christine Daniel, City Manager

## **ATTACHMENTS**

- Proposed Ordinance