



CHAPTER 9.30

RENTAL RIGHTS PROGRAM
AMENDMENTS

JAN. 30, 2024

AREAS OF CONSIDERATION

Council instructed staff to conduct a thorough review of three crucial aspects of the ordinance.

These areas of consideration were:

1. Defining a Qualified Tenant

Council instructed staff to refine the definition of qualified tenants, focusing on disability, age, low-income status, and families with school-aged children.

2. Carve-out options for small property owners ("Mom and Pop")

Council requested further exploration regarding carve-out options tailored for small property owners.

3. Adjustments to Just Cause Eviction for Renovation

Council requested further exploration of options for Just Cause Eviction for Renovation, specifically regarding uninhabitable period.

QUALIFIED TENANT

Council requested new proposals centered around the precise definition of "Qualified Tenants." This category aimed to establish a comprehensive definition encompassing various criteria essential for identifying such tenants.

The segment of "Qualified Tenant" comprises of four distinct primary areas, each crucial in its definition and coverage:

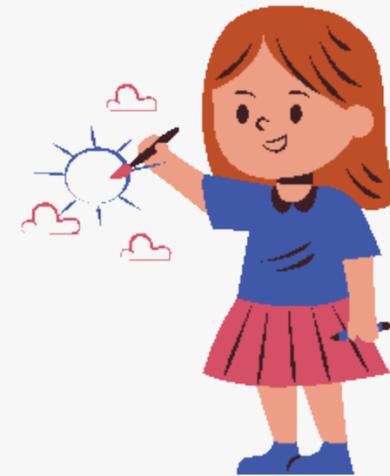
Defining Seniors



Identifying Disabled Individuals



Addressing School-Aged Families



Clarifying Low-Income Households



DEFINING SENIORS

In the proposed ordinance, the term "senior" was initially defined as anyone aged over 62. However, during Council's deliberation, there was consensus that setting the threshold at 62 might be perceived as unreasonable, as this age was considered relatively young and indicative of a workforce-capable demographic.



OPTIONS

A. 65 years or older

B. 70 years or older

C. 75 years or older

D. 80 years or older

E. Remove Age from Qualified Tenant

F. Any other age limit as determined by Council

IDENTIFYING DISABLED INDIVIDUALS

In the proposed ordinance, the term "disability" is specifically defined in alignment with Title 42 United States Code Section 423.

When defining disability for tenants, it's crucial to note that state and federal governments have set specific definitions. Staff strongly advises against the Council's pursuit of creating an additional or more specific definition due to potential implications on fair housing regulations and the risk of litigation. Attempting intricate details could lead to complications and legal challenges.



OPTIONS

- A. Exclude disabled individuals from definition of Qualified Tenant.

- B. Include disabled individuals and use State and Federal definitions.

SCHOOL-AGED FAMILIES

With regards to defining "School-Aged Families," the proposed ordinance states that any a school-aged (grades Pre-K-12) child enrolled in a school located in the public school district to which the Rental Unit is located would be considered a Qualified Tenant.

This section could essentially encompass the majority of tenants in Glendale, unintentionally including all residents as Qualified Tenants. To address this concern, staff focused on crafting more precise and detailed definitions specifically tailored to encapsulate the concept of school-aged families.



OPTIONS

A. School-Aged Families are households that include a child under the age of 18 years **with a physical or developmental disability demonstrably proven through medical evidence.** The Rental Unit serves as the primary residence for school-aged child, enrolled in grades Pre-K through 12, attending a school within the public school district corresponding to the Rental Unit's assignment.

B. School-Aged Families encompass households that include a child under the age of 18 years **with one or more deceased or absent parents, currently under the care of a single parent, designated caretaker, or a sole adopting parent.** The Rental Unit serves as the primary residence for school-aged child, enrolled in grades Pre-K through 12, attending a school within the public school district corresponding to the Rental Unit's assignment.

C. Remove School-Aged Families as a criteria for Qualified Tenant.

D. Any other definition determined by Council.

Qualified Tenant

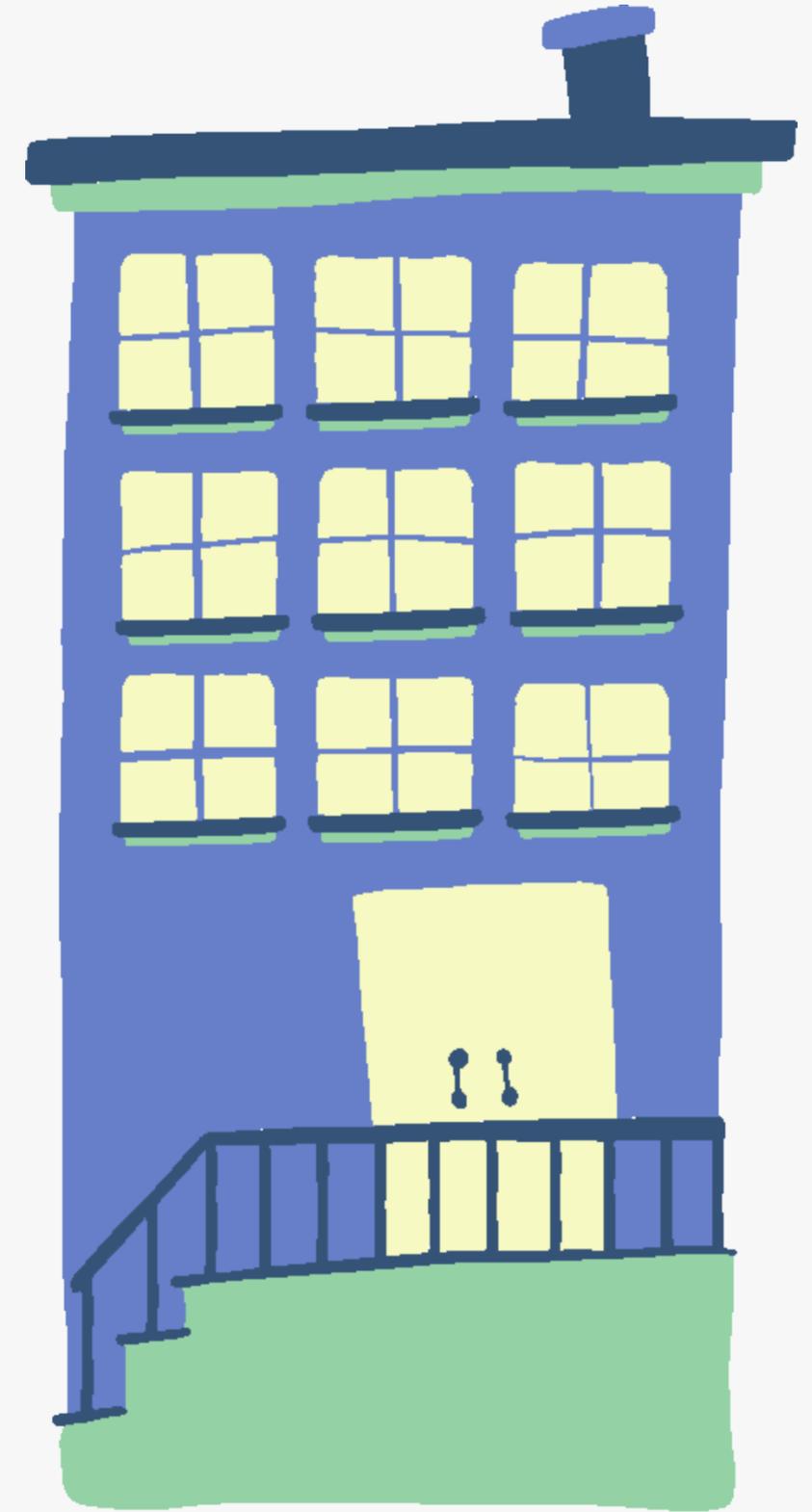
LOW-INCOME HOUSEHOLDS

The proposed ordinance uses federal definitions to describe lower income. The following criteria define low income. Individuals or families with incomes below the Income Limits would be considered low income.

Income Limits based on Persons in Family					
	1	2	3	4	5
Very Low	\$44,150	\$50,450	\$56,750	\$63,050	\$68,100

CARVE-OUT OPTIONS FOR SMALL PROPERTY OWNERS

Council requested further exploration regarding carve-out options tailored for small property owners, often referred to as "mom-and-pop" owners, defined in this context as property owners of properties with four or fewer units.



Carve-out Options

OPTIONS

- A. Exempt properties from all aspects of the ordinance where the owner resides on-site or within the same building of a property with 4 or fewer units.
- B. Retain Current Carve-Out: Our current ordinance exempts properties with 4 or fewer units from the one year lease requirement and requires a relocation fee of only "3 X Current Rent" as opposed to the proposed "3 X proposed Rent."
- C. Retain Current Carve-Out and additional Carve-Out for areas of intentional disrepair. Landlords who resides on-site or within the same building would be exempt from all aspects of intentional disrepair.
- D. Fully exempt all properties between 2 to 4 units. (SFH are already exempt)
- E. No Carve-Out for Small Property owners.
- F. Any other option considered by Council.



JUST CAUSE EVICTION FOR RENOVATION

Another significant area of discussion revolved around the prerequisites for landlords undertaking major rehabilitation.

Council expressed interest in exploring new options for the following areas.

- Uninhabitable Duration
- Other Options to Consider



UNINHABITABLE DURATION

Uninhabitable duration is the number of days a unit would need to be rendered uninhabitable due to renovation, for the landlord to proceed with tenant eviction.

For units undergoing major rehabilitation, in the proposed revisions, is set at 90 days. Some stakeholders and Council members express reservations, citing this 90-day requirement as a potential substantial barrier.

OPTIONS

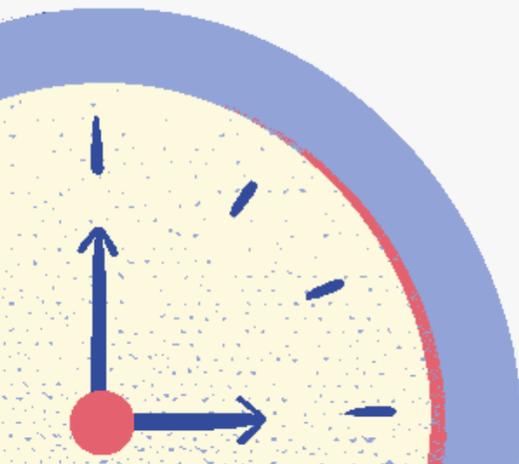
A. 30 days: The unit would need to be uninhabitable for 30 days

B. 45 days: The unit would need to be uninhabitable for 45 days

C. 60 days: The unit would need to be uninhabitable for 60 days

D. 90 days: The unit would need to be uninhabitable for 90 days.

E. Any other option considered by Council.



QUALIFIED TENANT MULTIPLIER

An area where the status of a Qualified Tenant becomes significant pertains to the amount of relocation assistance they might receive.

For Just Cause eviction, the proposed calculation is "3 times the greater of Fair Market Rent (FMR) or the tenant's current rent plus \$2000." Meanwhile, relocation assistance for increases surpassing 7% is proposed at "3 times the proposed rent."

A qualified tenant, depending on the type of relocation, in the proposed ordinance would receive two times the specified calculation. For instance, in the case of an eviction, the formula would be 2 times (3 times FMR or the greater of the tenant's current rent plus \$2000).

OPTIONS

- A. Relocation fee multiplied by 2
- B. Relocation fee multiplied by 1.5
- C. Relocation fee plus an additional \$3,500, (or other dollar amount agreed to).
- D. No additional protections for Qualified Tenant, (Remove Qualified Tenant definition).



OTHER OPTIONS TO CONSIDER

Council extensively discussed various changes, particularly focusing on Major Rehabilitation. In light of this, Council expressed an interest in further exploration, seeking additional ideas from staff to strengthen this particular area.



Other Areas of Consideration

A. Extended Notice Periods

Upon thorough review and contemplation, the City Attorney's Office maintains the position that the City is preempted in this matter.

B. Financial Assistance Programs

Create financial assistance programs to help tenants facing evictions, providing temporary relief or rental assistance. Eligibility criteria based on income levels, family size, and other relevant factors. Depending on the scope of the program costs could go anywhere from Estimated total annual budget: \$115,000 - \$850,000.

C. Legal Aid and Representation

Increase access to legal aid and representation for tenants facing eviction, ensuring they have proper representation in eviction proceedings.

Partnering with outside Organizations: Collaborate with established legal aid agencies to handle cases for low-income tenants facing eviction.

Attorney Fee Coverage: Offer financial assistance to cover attorney costs for eligible tenants.

Staff estimates these costs to be anywhere from \$100,000 to \$250,000 annually. Further research would have to be conducted for a more accurate estimate.

Other Areas of Consideration

D. Pre-Renovation Assessment

Mandate a comprehensive inspection of the property by certified inspectors before approving eviction for renovations. This assessment would determine the urgency and extent of renovations required, ensuring they are essential for the property's safety or habitability.

E. Appeals Process for Rehab Evictions

Establish a mechanism allowing tenants to appeal major rehab evictions if they believe the necessity of the remodel is misrepresented or unjustified.

F. City Oversight of Permit

Mandate landlords to note on permits if evictions are tied to major renovations. Appoint an oversight role to review these permits for eviction-related renovations. This person ensures compliance, informs tenants of their rights, and ensures a fair process.



Other Areas of Consideration

G. Renovation Impact Assessments

After further review, staff concluded that this provision is excessively complex and would introduce an intricate layer of bureaucracy, leading to a more subjective decision-making rather than what's intended.

H. Notice to City and Tenant

Require landlords to provide notice to both the city and tenants when issuing eviction notices. This measure can ensure the City is informed of evictions, allowing staff to track and potentially intervene in cases where tenants might face unjust or unwarranted eviction.

I. Additional Enforcement Provisions

Provide for the ability for the City Attorney to institute a civil proceeding for damages for displacement of tenants.

The California Health and Safety Code (HSC) Section 50072

Handicapped

“Handicapped” means a family in which the head of the household is suffering from an orthopedic disability impairing personal mobility or a physical disability affecting his or her ability to obtain employment or a single person with such a physical disability, where the family or person requires special care or facilities in the home. “Handicapped” also includes a family in which the head of household suffers from a developmental disability specified in [subdivision \(a\) of Section 38010](#) or a mental disorder which would render him or her eligible to participate in programs of rehabilitation or social services conducted by or on behalf of a public agency, or a single person with such a developmental disability or mental disorder. “Handicapped” also includes an elderly or handicapped household, as defined in [Section 19903](#) and subject to Part 4.5 (commencing with [Section 19902](#)) of Division 13.

Title 42 of the United States Code, Section 423

Disability

(1) The term "disability" means— (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or (B) in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Government Code Section 12926-12926.1

Mental disability

(j) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Government Code Section 12926-12926.1

Physical disability

(m) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Income Limits based on Persons in Family					
	1	2	3	4	5
Extremely Low	\$26,500	\$30,300	\$34,100	\$37,850	\$40,900
Very Low	\$44,150	\$50,450	\$56,750	\$63,050	\$68,100
Low	\$70,650	\$80,750	\$90,850	\$100,900	\$109,000

Just Cause Ejection for Renovation

QUALIFIED TENANT MULTIPLIER

Formula

3 times the greater of Fair Market Rent (FMR) or the tenant's current rent plus \$2,000

$$1 \text{ Bed FMR} = \$2,006$$

$$(3 \times \$2,006) + \$2,000 = \$8,018$$

OPTIONS

A. Relocation fee multiplied by 2

$$2 \times \$8,018 = \$16,036$$

C. Relocation fee plus an additional \$3,500, (or other dollar amount agreed to).

$$\$8,018 + \$3,500 = \$11,518$$

B. Relocation fee multiplied set at 1.5

$$1.5 \times \$8,018 = \$12,027$$

D. No additional protections for Qualified Tenant, (Remove Qualified Tenant definition).

$$\$8,018$$

Year	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FY 2024 FMR	\$1,777	\$2,006	\$2,544	\$3,263	\$3,600
FY 2023 FMR	\$1,534	\$1,747	\$2,222	\$2,888	\$3,170