

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF BURLINGAME
REQUIRING JUST CAUSE FOR EVICTIONS FROM RESIDENTIAL TENANCIES AS
DEFINED IN THE TENANT PROTECTION ACT OF 2019, AB 1482, FOR WHICH NOTICE IS
ISSUED ON OR AFTER OCTOBER 8, 2019**

As authorized by Government Code Section 65858(a), the City Council of the City of Burlingame **ORDAINS** as follows:

SECTION 1. FINDINGS.

WHEREAS, the “Tenant Protection Act of 2019” (“AB 1482”) was enacted by the California Legislature on September 11, 2019 and signed by the Governor on October 8, 2019; and

WHEREAS, effective January 1, 2020, AB 1482 will add provisions to California landlord tenant law requiring just cause for evictions and imposing limits on rent increases; and

WHEREAS, AB 1482 requires that any rent increases occurring between March 15, 2019 and its effective date in January 2020 must be rolled back to the extent that they exceed the rent increases permitted under the new law; and

WHEREAS, AB 1482 does not contain a similar protection for no-fault evictions occurring during the same time period, thereby creating a potential incentive for landlords to evict tenants who are paying less than market rents prior to January 2020; and

WHEREAS, the City Council possesses broad authority to protect the health, safety and general welfare of the City’s residents; and

WHEREAS, longtime renters are valued members of the Burlingame community, whose displacement would injure both the families directly affected and the fabric of the community at large; and

WHEREAS, a shortage of locally available affordable housing means that eviction from a below-market unit creates a greater likelihood of displacement outside of the Burlingame community for households of limited means; and

WHEREAS, the vast majority of Burlingame landlords do not appear to be acting on the opportunity to use no-fault evictions to correct to market rent prior to January 2020; and

WHEREAS, the City has been approached by individuals who have received no-fault eviction notices since AB 1482 was signed; and

WHEREAS, the City lacks any means to ascertain the actual scope of the potential problem of no-fault evictions in a time frame that would be meaningful for action prior to January 2020; and

WHEREAS, AB 1482, as enacted, creates a substantial risk of harm to lower income households that are paying below market rent between its passage and effective date and, given the immediacy of the risk, the City is empowered to act to protect against the potential harm to its residents and community; and

WHEREAS the issue of the potential incentive to evict below market rate tenants was raised at the Council’s November 4, 2019 meeting and discussed at a special study session on

November 12, at which direction was given to agendize an urgency ordinance for potential action at the next regular meeting;

NOW, THEREFORE, the City Council of the City of Burlingame finds and declares as follows:

SECTION 2. REGULATION: JUST CAUSE EVICTION PROTECTIONS. The following regulation is imposed. This regulation shall prevail over any conflicting provisions of the Burlingame Municipal Code or the other ordinances, resolutions, policies, and regulations of the City of Burlingame. This regulation applies only where the affected tenants are still in possession of their residential units as of the effective date of this Ordinance.

a. Any no-fault eviction for a residential tenancy which notice is/was provided after October 7, 2019 and before January 1, 2020 must comply with the just cause for eviction provisions of AB 1482, as enacted in California Civil Code Section 1946.2(a)-(c).

b. This ordinance does not apply to the residential real properties or circumstances specified in AB 1482, as enacted in California Civil Code Section 1946.2(e).

SECTION 3. ENFORCEMENT. An owner's failure to comply with any requirement of this ordinance is a complete affirmative defense in an unlawful detainer or other action brought by the owner to recover possession of the rental unit. This ordinance shall not be otherwise enforced under Title 1 of the Burlingame Municipal Code.

SECTION 4. EFFECTIVE DATE. Enforcement of this interim urgency ordinance shall commence on November 18, 2019. It shall be effective for 45 days, through January 1, 2020.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted this Ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 6. This is an interim urgency ordinance and requires a 4/5 vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption.

SECTION 7. This interim urgency ordinance shall be published once within fifteen (15) days of its adoption. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

Donna Colson, Mayor

ATTEST:

Meaghan Hassel-Shearer, City Clerk

APPROVED AS TO FORM:

Kathleen Kane, City Attorney

I hereby certify that foregoing **Interim Urgency Ordinance No. _____**
was adopted at a regular meeting of the Burlingame City Council on _____, 2019
by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Meaghan Hassel-Shearer, City Clerk