Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE
Council Chambers, 305 West Third Street
March 25, 2025
Regular Meeting - 8:30 PM to 10:00 PM

Zoom details to call-in for public comment during a meeting:

1. Dial Phone Number: (888) 475-4499
2. Enter Meeting ID: 846 7945 0708
3. Passcode: 772133

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press *6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.

IN ACCORDANCE WITH ASSEMBLY BILL 2449, MEMBERS OF THE LEGISLATIVE BODY MAY MEET IN-PERSON OR REMOTELY. TO PARTICIPATE REMOTELY VISIT WWW.OXNARD.ORG.

To find out how you may provide public comment, please refer to the instructions below or at **www.https://www.oxnard.org/city-meetings/**.

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.

2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING

    a. Submit a request to speak remotely by 3 p.m. on the day of the meeting by using the form available at **www.oxnard.org/citymeetings**.
    b. Submit an email to **cityclerk@oxnard.org** by 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
    c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING

    a. Follow Zoom details listed above.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)

b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at www.oxnard.org/city-meetings.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

Consideration of Teleconference Participation pursuant to Assembly Bill 2449.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

C. CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee approve the minutes of the March 11, 2025 regular meeting as presented.

Contact: Luly Lopez, (805) 385-7805

D. REPORTS

1. Housing Department

SUBJECT: Just Cause Evictions and Tenant Protections (Just Cause) Code Amendments and Resolution Establishing Administrative Regulations to Implement the Rent Stabilization and Just Cause Ordinances. (20 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee:

1. Review the proposed ordinance that will amend the Oxnard City Code regarding the Just Cause Evictions and Tenant Protect Ordinance, and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 27-3, 27-4 AND 27-10 AND ADDING SECTION 27-13 TO THE OXNARD CITY CODE"; and
2. Review and recommend that the City Council approve the proposed resolution establishing administrative regulations to implement the provisions of the Just Cause Evictions and

Tenant Protections Ordinance and Rent Stabilization Ordinance.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/0lLuSiZWEMw
Contact: Brenda Lopez, (805) 385-8092

2. Housing Department
SUBJECT: Tenant Anti-Harassment Ordinance. (20 minutes)
RECOMMENDATION:
That the Community Services, Public Safety, Housing & Development Committee:

1. Review and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE III TO CHAPTER 27 OF THE OXNARD CITY CODE ESTABLISHING TENANT ANTI-HARASSMENT PROTECTIONS"; and
2. Review and authorize two full-time equivalent (FTE) positions, and the associated budget, as part of the Fiscal Year 2025-2026 Budget for implementation of the proposed ordinance.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/7GeXyGn6k54
Contact: Brenda Lopez, (805) 385-8092

E. ITEMS FOR FUTURE AGENDAS

F. ADJOURNMENT

COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

CONSENT AGENDA
AGENDA ITEM NO. C.1

DATE: March 25, 2025

TO: Community Services, Public Safety, Housing & Development Committee

FROM: Luly Lopez, City Clerk, (805) 385-7805, luly.lopez@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee approve the minutes of the March 11, 2025 regular meeting as presented.

BACKGROUND

Approval of minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

Prepared by: Luly Lopez, City Clerk

ATTACHMENTS

1. Minutes of March 11, 2025 Community Services, Public Safety, Housing and Development

MINUTES
OXNARD CITY COUNCIL
COMMUNITY SERVICES, PUBLIC SAFETY,
HOUSING & DEVELOPMENT COMMITTEE
March 11, 2025

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

At 8:30 p.m., Chair Luis Mc Arthur called to order the regular meeting of the Oxnard City Council Community Services, Public Safety, Housing & Development Committee in the City Hall Council Chambers at 305 West Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Chair Luis Mc Arthur, Member Michaela Perez, and Member Bert E. Perello were present.

Member Perello led the flag salute.

Staff members present were Ashley Golden, Assistant City Manager; Kenneth Rozell, Chief Assistant City Attorney; Alexander Hamilton, Fire Chief; and Lourdes A. López, City Clerk.

Consideration of Teleconference Participation pursuant to Assembly Bill 2449.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments from Caller 4076 (fireworks).

C. CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee approve the minutes of the February 25, 2025 regular meeting as presented.

It was moved by Member Perez, seconded by Member Perello, to approve the recommended action as presented. VOTE: Perez, Perello, and Mc Arthur voted in favor; the motion passed 3-0.

D. REPORTS

1. Fire Department
SUBJECT: Resolution Acknowledging Receipt of the Fire Chief's Report on State-Mandated Fire Inspections. (10 minutes)
RECOMMENDATION: The Community Services, Public Safety, Housing & Development Committee recommends that the City Council adopt a resolution acknowledging receipt of the report prepared by the Oxnard Fire Department's Fire Chief regarding State-mandated inspections of specified occupancies, as required by Sections 13146.2 and 13146.3 of the California Health and Safety Code.

Alexander Hamilton, Fire Chief presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Chair Mc Arthur, seconded by Member Perello, to approve the recommended action as presented. VOTE: Mc Arthur, Perello, and Perez, voted in favor; the motion passed 3-0.

2. Fire Department
SUBJECT: Agreement Regarding Field Training for Paramedic Students. (10 minutes)
RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommends that the City Council authorize the City Manager to execute a Paramedic/Emergency Medical Technician (EMT) student education agreement (field internship) with the California Firefighter Joint Apprenticeship Committee (Cal-JAC) for a term ending December 31, 2027.

Alexander Hamilton, Fire Chief presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Chair Mc Arthur, seconded by Member Perez, to approve the recommended action as presented. VOTE: Mc Arthur, Perez, and Perello, voted in favor; the motion passed 3-0.

E. ITEMS FOR FUTURE AGENDAS

No requests were made.

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Chair Mc Arthur adjourned the meeting at 8:52 p.m.

_____ _____

LOURDES A. LÓPEZ
City Clerk

LUIS MC ARTHUR
Mayor

CITY OF OXNARD CALIFORNIA

COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

REPORTS
AGENDA ITEM NO. D.1

DATE: March 25, 2025

TO: Community Services, Public Safety, Housing & Development Committee

FROM: Brenda Lopez, Interim Housing Director, (805) 385-8092, brenda.lopez@oxnard.org

SUBJECT: Just Cause Evictions and Tenant Protections (Just Cause) Code Amendments and Resolution Establishing Administrative Regulations to Implement the Rent Stabilization and Just Cause Ordinances. (20 minutes)

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee:

1. Review the proposed ordinance that will amend the Oxnard City Code regarding the Just Cause Evictions and Tenant Protect Ordinance, and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 27-3, 27-4 AND 27-10 AND ADDING SECTION 27-13 TO THE OXNARD CITY CODE"; and
2. Review and recommend that the City Council approve the proposed resolution establishing administrative regulations to implement the provisions of the Just Cause Evictions and Tenant Protections Ordinance and Rent Stabilization Ordinance.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/0lLuSiZWEMw

BACKGROUND

On April 13, 2022, City Council approved the Just Cause Evictions and Tenant Protection (Just Cause) and Rent Stabilization Ordinances, which became effective on June 2, 2022. Key elements of the enacted ordinances include the limitation of annual rent increases, for specified properties to 4%, a mandate regarding tenant relocation assistance in cases of no-fault evictions of $5,000 or two months of rent, whichever, is greater, and the authorization for the city to enforce the ordinances through civil citations, misdemeanor prosecutions or civil injunction.

On January 25, 2024, City Council approved amending specific provisions of Section 27-4 of the Just Cause Ordinance regarding the no-fault just cause evictions occurring as a result of a demolition or substantial remodel. In order to provide maximum protection for renters, the provisions amended were adopted through an urgency ordinance (Ord. No. 3041) to become effective immediately and subsequently a non-urgency ordinance (Ord. No. 3042) which was adopted by the City Council on February 6, 2024. The non-urgency version of the ordinance included the same amendments as the urgency ordinance.

The ordinance amendments provided additional tenant protections by outlining the specific information that

must be included in a notice terminating a tenancy for just cause. The written notice must now include a description of the remodel, estimated project duration and a copy of building permits. If building permits are not required, then a signed copy of the contract with the contractor hired by the property owner for the complete remodel must be included. The ordinance also requires the property owner to offer the tenant the opportunity to re-rent the unit at the same terms as their most recent lease or rental agreement that was in effect at the time that they vacated.

On July 30, 2024, City Council approved an omnibus city code update that amended both ordinances. The update included the following: (a) eliminated a provision stating that an owner may terminate a tenancy on a no-fault basis if the tenant refuses to execute a tenancy with new terms; (b) clarified that a person is an employee for the purposes of the ordinances, only if that person entered occupancy of the rental unit in the first place as an employee; (c) clarified that a termination notice must: identify the person who is the owner or relative intending to move in and state where the person currently resides; (d) clarified that an owner does not have the right to establish a new initial rent if the previous tenancy was terminated on a no-fault basis; and (e) clarified that the City Manager may promulgate administrative regulations to implement the ordinances.

DISCUSSION

This report addresses ordinance amendments to the Just Cause Ordinance. In addition, it addresses the adoption of administrative regulations to both the Just Cause and Rent Stabilization ordinances which will provide clarity and guidance. During the past two years, staff have observed emerging issues that hinder the effectiveness of the Just Cause Ordinance (Ord. No. 3012). In response, staff recommends strengthening the ordinance by amending Section 27-3 and Section 27-4. A copy of the proposed ordinance amendments is attached to this report (Attachments 1 and 2). Staff recommends adoption of four (4) administrative regulations, which are summarized in this report and described in further detail in Attachments 3 through 6.

ORDINANCE AMENDMENTS

SECTION 27-3 AT-FAULT JUST CAUSE

Section 27-3 describes the various scenarios under which a property owner can terminate a tenancy under at-fault just cause reasons.

Staff has witnessed a steady increase in the number of at-fault based termination notices being issued by property owners when a roommate whose occupancy was allowed under the lease or rental agreement moves out and the remaining tenant(s) attempt to find and replace said roommate. By terminating the tenancy for an alleged at-fault based reason, property owners can circumvent the ordinance, avoid paying relocation assistance and establish a new, higher rental rate amount for the subsequent tenancy.

The proposed amendment clarifies that a property owner may not terminate the tenancy of a tenant who simply replaces one roommate with another, so long as the tenant continues to reside in the rental unit and replaces a departed roommate, who had a right to occupy the rental unit under a lease or rental agreement, on a one-for one basis. The amendment continues to afford property owners the ability to object to the replacement roommate, while also providing the remaining tenant a reasonable opportunity to find a new, authorized one, if the proposed roommate is denied by the property owner.

SECTION 27-4 (A) OWNER INTENDS TO REOCCUPY THE PROPERTY

Section 27-4 (A) describes a property owner's ability to take back possession of their rental unit to either re-occupy the rental unit themselves or house a close family member. If a property owner intends to take back possession, they must submit an affidavit to the city within ten (10) days of serving the tenant a termination notice. The code does not currently require the property owner to provide a copy of the affidavit to the tenant.

The affidavit requires a statement from the property owner confirming the rental unit will be occupied as a principal residence for 24 months, name and relationship of the person that intends to occupy the unit and their current principal address. A copy of the termination notice served to the tenant must also be filed with the City within five (5) days.

The proposed amendment will require owners to serve the tenant a copy of the affidavit and termination notice simultaneously. In addition, the proposed amendment will require both documents to be filed with the City within five (5) days (rather than 5 days for the termination notice and 10 days for the affidavit). This amendment eliminates the confusion caused by having two different deadlines for each document to be filed with the City.

Additionally, the proposed amendment clarifies the requirements for existing tenancies that predate the June 2, 2022 effective date of the Just Cause Tenant Protection and Rent Stabilization Ordinances. Leases that were executed prior to the date are not required to include provisions pertaining to re-possession of the rental unit, however, property owners are still required to submit to the City a written affidavit along with a copy of the termination notice served to the tenant within five (5) days.

SECTION 27-13. FEE ESTABLISHED

Section 27-10 (B) requires all owners subject to the ordinance pay a program fee as established by the City Council for the Just Cause Ordinance. Having this information contained in a subsection embedded within Section 27-10 makes it difficult for the public to locate. Finally, the language differs from the language used in the fee section of the Rent Stabilization Ordinance.

The proposed amendment would remove Section 27-10 (B) and add Section 27-13. As drafted, Section 27-13 mirrors the fee establishment language that is provided under the Rent Stabilization Ordinance. In addition to creating consistency the information will now be easier to locate by the public.

Separately, the City intends to present a Rent Stabilization and Just Cause Eviction Fee Study to the Council Committee and City Council in Spring 2025. That study provides the recommended staffing model for an effective rent stabilization and just cause eviction program pursuant to Oxnard City Code Chapter 27, and includes a cost and fee analysis for funding the program. Community outreach related to the establishment of the program fee(s) was conducted in 2024.

ADMINISTRATIVE REGULATIONS

Oxnard City Code Sections 27-10(A) and 27-28.1 authorize the City Manager to adopt administrative regulations for the Just Cause and Rent Stabilization ordinances. Staff recommends the adoption of four (4) administrative regulations to enhance clarity and provide administrative guidance.These administrative regulations are summarized below and described in further detail in Attachments 3 through 6 of this report.

1. REGISTRATION REGULATIONS

The City is launching a registry software program to account for, and manage properties subject to the ordinances. Section 27-29 requires owners of properties subject to the Rent Stabilization Ordinance to pay a fee to implement and enforce that ordinance. Additionally, proposed Section 27-13 (amended Section 27-10(B) described earlier in this report) requires owners of properties subject to the Just Cause Evictions and Tenant Protection Ordinance to pay a fee to implement and enforce that ordinance. The registry will assist staff with future adjustments to the program fees.

The proposed regulation will require all rental properties subject to Section 27-29 and Section 27-13 be registered with the City.

2. RIGHT OF FIRST REFUSAL REGULATIONS

Section 27-4 (D) outlines the rights and responsibilities of owners and tenants when a tenant is displaced due to a substantial remodel as defined by the Just Cause ordinance. The proposed right of first refusal regulations clarify that if an affected tenant has the right to, under Section 27-4 (D)(1)(b) or Section 27-4(D)(3), to return to the rental unit from which the tenant was displaced, the property owner must offer to re-rent the rental unit to the affected tenant. The proposed regulations require property owners to do the following:

1. at the same rental rate that would have applied if the tenants had never been displaced, if no rent increase has been proposed within the last twelve months, then return at the same rental rate plus 4%;
2. without requiring the tenant to complete or submit a new rental application or pay any type of fee; and
3. without imposing any other type of requirement that the owner could not have imposed during the affected tenancy before the tenant was displaced.

The proposed right of first refusal regulations are consistent with the intent of the ordinance as the proposed clarifications are consistent with state law and does not hinder an owner's ability to apply for a rent increase as provided for under the city's Fair Return Petition process.

3. FAIR RETURN PETITION

Section 27-23 provides owners the opportunity to petition the city for an increase in rents so that the owner may obtain "a fair and reasonable return." The ordinance currently provides for this process in conformity with the California Supreme Court's opinion in Birkenfeld v. City of Berkeley but sets forth no standard by which an owner's receipt, or nonreceipt, of a fair return is to be determined. The absence of such standard hampers the owners' ability to know what to include in a petition, the tenants' ability to evaluate whether to oppose or support an owner's petition, and presents the risk that different petitions will be assessed under different standards which violates the constitutional requirement that all persons similarly situated be treated by the government in similar fashion. The proposed regulations are necessary to establish a mandatory petition and decision-making process that establishes the formula that must be used by the City Manager, or their designee, to determine whether a petitioning owner is receiving a fair and reasonable return.

The proposed regulations will do the following: 1) Establish the formula that must be used by the City Manager, or their designee, to determine whether a petitioning owner is receiving a fair and reasonable return; and 2) Establish a mandatory petition and decision-making process. The proposed regulations are consistent with the intent of the ordinance by providing a clear and established process for processing fair return petitions.

4. ELLIS ACT REGULATIONS

The Ellis Act is a series of statutes, consisting of §§7060-7060.7 of the California Code, which prohibits local governments from stopping property owners from going "out of business" with respect to a rental property. The Ellis Act also allows local governments to adopt regulations that prevent owners from abusing the right to withdraw their properties from the rental market. Those protections exist only if adopted by a local jurisdiction. The proposed Ellis Act regulations are necessary to close loopholes that otherwise allow an owner to re-rent the unit at market level after a tenant moves out or withdraws the property and sells the home without following the proper Ellis Act procedures.

The City complies with the Ellis Act through Section 27-4 (B) which allows the termination of tenancies as provided for by the Ellis Act, however, the City has not adopted regulations that provide the ability to monitor and enforce compliance with these specific terminations. Staff have witnessed a trend in property owners claiming to "go out of business" but who instead turn around and re-rent their rental units at market rate rent or

sell their property without complying with the Ellis Act.

As the ordinance is currently drafted, an owner wanting to get around rent limitations, as well as any limitations on evictions, can simply give a notice of intent to withdraw under the Ellis Act, wait until the tenant moves out and re-rent the unit at market level. In addition, the owner can claim they are withdrawing the property via the Ellis Act and choose to sell the home, without following the proper procedures under the Ellis Act.

The proposed regulations will require property owners to adhere to the provisions of the Ellis Act. The proposed regulations are consistent with the intent of the ordinance by allowing property owners to withdraw their property from the market and by also allowing the city to monitor and enforce the provisions of the Ellis Act.

STRATEGIC PRIORITIES

This agenda item supports the Quality-of-Life strategy. The purpose of the Quality-of-Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no financial impact.

Prepared by: Brenda Lopez, Interim Housing Director

ATTACHMENTS

1. Attachment 1 - Redline Code Amendments
2. Attachment 2 - Clean Code Amendments
3. Attachment 3 - Registration Regulations
4. Attachment 4 - Right of First Refusal Regulation
5. Attachment 5 - Fair Rate of Return Regulations
6. Attachment 6 - Ellis Act Regulations
7. Attachment 7 - Resolution
8. Attachment 8 - Presentation

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 27-3, 27-4 AND 27-10 AND ADDING SECTION 27-13 TO THE OXNARD CITY CODE

WHEREAS, the Oxnard City Code ("OCC") needs to be reviewed and amended periodically to address changes in state law, correct clerical errors, and establish or strengthen regulations; and

WHEREAS, the proposed at-fault just cause amendment in this ordinance is intended to make it clear that an owner can't jump right to a notice to quit in the case of a swapped-out roommate but instead must give a reasonable opportunity to correct; and

WHEREAS, the proposed no-fault just cause amendment in this ordinance is intended to clarify that owners who intend to take back possession and re-occupy a property must complete an affidavit and require it to be served to the tenant at the same time as the termination notice. It also clarifies that the required affidavit must be submitted to the City within five (5) days of service. Lastly, the amendment clarifies the requirements under the existing ordinance for tenancies that predated our ordinance; and

WHEREAS, the proposed fee established addition in this ordinance is intended to authorize a fee for the administration and enforcement of the Just Cause Eviction ordinance just as there is a fee established for administration and enforcement of the Rent Stabilization Ordinance; and

WHEREAS, the City Council desires to enhance the City's current modify the City's Rent Stabilization and Just Cause Eviction ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Subdivision (B) of Section 27-3 of the Oxnard City Code is hereby amended to read as follows:

"(B)(1) A breach of a material term of the lease, as described in paragraph (3) of Section 1151 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation.
(2) A "breach of a material term" shall not include:
(a)1. The obligation to limit occupancy, provided that the additional occupant who joins the tenant of the residential real property thereby exceeding the limits on occupancy set forth in the lease is a dependent under age 18, or a replacement tenant who moved in after an approved tenant vacated the residential real property, so long as the addition does not exceed the limits set forth in the Uniform Housing Code.
2. The Owner shall have the right to approve or deny the prospective additional or replacement tenant, who is not a minor dependent child, provided that the Owner does not unreasonably withhold approval. If the Owner fails to respond to the tenant in writing with a description of

the reasons for the denial of the request within a reasonable ~~amount of~~ time ~~of~~ from receipt of the tenant's written request, the tenant's request shall be deemed approved by the Owner ~~if the lease is for a period of one (1) year or less~~.

3. Notwithstanding any other provision of this Ordinance, and notwithstanding any contrary provision of a rental agreement, an Owner shall take no action to terminate a tenancy based on the tenant's sublease of the unit if all of the following conditions are met:

(i) The tenant continues to reside in the unit;

(ii) The subleasee replaces a departed tenant, who had a right to occupy the rental unit under a rental agreement, on a one-for-one basis; and

(iii) The landlord has unreasonably withheld approval of the new tenant after a request was made by the tenant or, if no such request was made, the owner failed to provide the tenant with a reasonable opportunity to correct the violation. "

Part 2. Subdivision (A) of Section 27-4 of the Oxnard City Code is hereby amended to read as follows:

"(A) The intent to occupy the residential real property by the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents. ~~for a minimum 24 months, commencing within 90 days of the termination of tenancy.~~

(1) For leases entered into on or after the effective date of this article, this subsection shall apply only if

~~(a)~~ ~~T~~the tenant agrees, in writing, to the termination; or

~~(b)~~ ~~I~~if a provision of the lease allows the owner to terminate the lease because the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents unilaterally decides to occupy the residential real property for a period of at least 24 months, commencing within 90 days of the termination of tenancy as affirmed by the owner in a written affidavit submitted to the city~~.~~

~~(2)~~ ~~W~~within ~~ten~~ five days of serving a tenant with a notice of termination on the affected tenant. ~~under this subdivision (A), the owner must submit a sworn affidavit to the city, including the following:~~

(2) For leases entered into before the effective date of this Ordinance, an owner may terminate a tenancy so that the unit may be occupied by the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents without first obtaining the tenant's written permission and without a lease provision expressly providing for such a basis for termination. The owner or qualifying relative must intend in good faith to occupy the real property as their primary residence for a period of at least 24 months, as affirmed by the Owner in a written affidavit submitted to the city within five days of service of the notice on the affected tenant.

(3) The affidavit required by paragraphs (1) and (2) of this subdivision (A) must be on a form provided by the city and must, in addition to being submitted to the City, be provided to the tenant contemporaneously with the termination notice. The affidavit must include the following information.

(a) A statement that the owner or the owner's spouse, intends in good faith to occupy the unit as to which the tenancy is to be terminated and to reside in that unit as their principal place of residence for a minimum of 24 months, commencing within 90 days of the tenancy of the termination;

(b) The name, and the relationship to the owner, of the person for whose occupancy in the unit the tenancy is being terminated; and
(c) The address of the owner or owner's spouse's domestic partner's, child's, grandchild's, parent's, or grandparent's principal place of residence as of the date when the tenant was served the notice of termination."

Part 3. Section 27-10 of the Oxnard City Code is hereby amended to read as follows:

"(A) The city manager may adopt administrative procedures and regulations to implement the provisions of this article. Any regulation intended to clarify the meaning of any provision of this article, or to add substantive (as opposed to merely procedural) details necessary to its implementation, shall not become effective unless approved by resolution of the city council. If approved by the city council, the regulation shall be published in an appropriate location, along with any other regulations implementing this article, on the city's website. Any presentation to the city council pursuant to this subdivision (A) shall include:
(1) A succinct statement of why the regulation is necessary or desirable;
(2) A succinct statement of what the regulation would do;
(3) A succinct statement of how the proposed regulation is consistent with the intent of the ordinance provision to which it relations; and
(4) The complete text of the proposed regulation.
~~(B) Once established by the city council, all owners with rental units shall pay the tenant protection program fee, as established by city council resolution. The tenant protection program fee is to fund the city's cost to implement and enforce the provisions of this article.~~
~~(C)~~(B) It is illegal for an owner or representative to retaliate against a tenant for lawfully and peaceably exercising their legal rights, including but not limited to, the right to file a complaint with code compliance. No owner may take any action increasing any rental amount, reducing any service, causing the tenant to involuntarily quit the premises, or discriminating against the tenant because of the tenant's use of any remedy provided by this article.
~~(D)~~(C) Any provision of a rental housing agreement that purports to waive any provision of this article is void as against public policy.
~~(E)~~(D) An owner's failure to comply with any requirement of this article is an affirmative defense in an unlawful detainer or other action brought by the owner to recover possession of the rental unit."

Part 4. Section 27-13 is hereby added to Chapter 27 of the Oxnard City Code to read as follows:

"**Sec. 27-13. Fee Established**
Owners subject to this article shall pay the Just Cause Eviction fee as established by city council resolution. The Just Cause Eviction program fee is to implement and enforce the provisions of this article."

Part 4. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each

section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 5. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 6. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on _____, 2025, and finally adopted on _____, 2025, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Luis Mc Arthur, Mayor

ATTEST:

_____
Lourdes A. Lopez, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 27-3, 27-4 AND 27-10 AND ADDING SECTION 27-13 TO THE OXNARD CITY CODE

WHEREAS, the Oxnard City Code ("OCC") needs to be reviewed and amended periodically to address changes in state law, correct clerical errors, and establish or strengthen regulations; and

WHEREAS, the proposed at-fault just cause amendment in this ordinance is intended to make it clear that an owner can't jump right to a notice to quit in the case of a swapped-out roommate but instead must give a reasonable opportunity to correct; and

WHEREAS, the proposed no-fault just cause amendment in this ordinance is intended to clarify that owners who intend to take back possession and re-occupy a property must complete an affidavit and require it to be served to the tenant at the same time as the termination notice. It also clarifies that the required affidavit must be submitted to the City within five (5) days of service. Lastly, the amendment clarifies the requirements under the existing ordinance for tenancies that predated our ordinance; and

WHEREAS, the proposed fee established addition in this ordinance is intended to authorize a fee for the administration and enforcement of the Just Cause Eviction ordinance just as there is a fee established for administration and enforcement of the Rent Stabilization Ordinance; and

WHEREAS, the City Council desires to enhance the City's current modify the City's Rent Stabilization and Just Cause Eviction ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Subdivision (B) of Section 27-3 of the Oxnard City Code is hereby amended to read as follows:

"(B)(1) A breach of a material term of the lease, as described in paragraph (3) of Section 1151 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation.
(2) A "breach of a material term" shall not include:
(a)1. The obligation to limit occupancy, provided that the additional occupant who joins the tenant of the residential real property thereby exceeding the limits on occupancy set forth in the lease is a dependent under age 18, or a replacement tenant who moved in after an approved tenant vacated the residential real property, so long as the addition does not exceed the limits set forth in the Uniform Housing Code.
2. The Owner shall have the right to approve or deny the prospective additional or replacement tenant, who is not a minor dependent child, provided that the Owner does not unreasonably withhold approval. If the Owner fails to respond to the tenant in writing with a description of

the reasons for the denial of the request within a reasonable time from receipt of the tenant's written request, the tenant's request shall be deemed approved by the Owner.
3. Notwithstanding any other provision of this Ordinance, and notwithstanding any contrary provision of a rental agreement, an Owner shall take no action to terminate a tenancy based on the tenant's sublease of the unit if all of the following conditions are met:
(i) The tenant continues to reside in the unit;
(ii) The subleasee replaces a departed tenant, who had a right to occupy the rental unit under a rental agreement, on a one-for-one basis; and
(iii) The landlord has unreasonably withheld approval of the new tenant after a request was made by the tenant or, if no such request was made, the owner failed to provide the tenant with a reasonable opportunity to correct the violation."

Part 2. Subdivision (A) of Section 27-4 of the Oxnard City Code is hereby amended to read as follows:

"(A) The intent to occupy the residential real property by the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents.
(1) For leases entered into on or after the effective date of this article, this subsection shall apply only if the tenant agrees, in writing, to the termination; or if a provision of the lease allows the owner to terminate the lease because the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents unilaterally decides to occupy the residential real property for a period of at least 24 months, commencing within 90 days of the termination of tenancy as affirmed by the owner in a written affidavit submitted to the city within five days of serving a tenant with a notice of termination on the affected tenant.
(2) For leases entered into before the effective date of this Ordinance, an owner may terminate a tenancy so that the unit may be occupied by the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents without first obtaining the tenant's written permission and without a lease provision expressly providing for such a basis for termination. The owner or qualifying relative must intend in good faith to occupy the real property as their primary residence for a period of at least 24 months, as affirmed by the Owner in a written affidavit submitted to the city within five days of service of the notice on the affected tenant.
(3) The affidavit required by paragraphs (1) and (2) of this subdivision (A) must be on a form provided by the city and must, in addition to being submitted to the City, be provided to the tenant contemporaneously with the termination notice. The affidavit must include the following information.
(a) A statement that the owner or the owner's spouse, intends in good faith to occupy the unit as to which the tenancy is to be terminated and to reside in that unit as their principal place of residence for a minimum of 24 months, commencing within 90 days of the tenancy of the termination;
(b) The name, and the relationship to the owner, of the person for whose occupancy in the unit the tenancy is being terminated; and
(c) The address of the owner or owner's spouse's domestic partner's, child's, grandchild's, parent's, or grandparent's principal place of residence as of the date when the tenant was served the notice of termination."

Part 3. Section 27-10 of the Oxnard City Code is hereby amended to read as follows:

"(A) The city manager may adopt administrative procedures and regulations to implement the provisions of this article. Any regulation intended to clarify the meaning of any provision of this article, or to add substantive (as opposed to merely procedural) details necessary to its implementation, shall not become effective unless approved by resolution of the city council. If approved by the city council, the regulation shall be published in an appropriate location, along with any other regulations implementing this article, on the city's website. Any presentation to the city council pursuant to this subdivision (A) shall include:
(1) A succinct statement of why the regulation is necessary or desirable;
(2) A succinct statement of what the regulation would do;
(3) A succinct statement of how the proposed regulation is consistent with the intent of the ordinance provision to which it relations; and
(4) The complete text of the proposed regulation.
(B) It is illegal for an owner or representative to retaliate against a tenant for lawfully and peaceably exercising their legal rights, including but not limited to, the right to file a complaint with code compliance. No owner may take any action increasing any rental amount, reducing any service, causing the tenant to involuntarily quit the premises, or discriminating against the tenant because of the tenant's use of any remedy provided by this article.
(C) Any provision of a rental housing agreement that purports to waive any provision of this article is void as against public policy.
(D) An owner's failure to comply with any requirement of this article is an affirmative defense in an unlawful detainer or other action brought by the owner to recover possession of the rental unit."

Part 4. Section 27-13 is hereby added to Chapter 27 of the Oxnard City Code to read as follows:

"**Sec. 27-13. Fee Established**
Owners subject to this article shall pay the Just Cause Eviction fee as established by city council resolution. The Just Cause Eviction program fee is to implement and enforce the provisions of this article."

Part 4. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 5. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 6. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on _____, 2025, and finally adopted on _____, 2025, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Luis Mc Arthur, Mayor

ATTEST:

_____
Lourdes A. Lopez, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

Rent Stabilization and Just Cause Evictions and Tenant Protections (Just Cause) Regulations

Regulation 1: Registration

1.01 Purpose

1. The purpose of this regulation is to provide for the fair and effective implementation of the following two provisions of City Code Chapter 27, the Just Cause and Rent Stabilization Ordinances:
    a. Section 27-29, which requires owners of properties subject to the Rent Stabilization Ordinance to pay a fee to fund the city's cost to implement and enforce that ordinance; and
    b. 27-13, which requires owners of properties subject to the Just Cause Eviction and Tenant Protection Ordinance to pay a fee to fund the city's costs to implement and enforce that ordinance.
2. For purposes of this Regulation, all statutory references are to City Code Chapter 27 unless otherwise specified.
3. This regulation requires that all rental properties subject to Section 27-29 and Section 27-13 be registered with the City.
4. The information gathered through the property registration process will ensure that the city is able to properly determine the fee owed with respect to each subject property and to assess and collect that fee.

1.02 Registration Required; Form of Registration

1. By no later than April 1, 2025, the owner of every residential real property that is not exempt under both Section 27-24 and Section 27-7 must register that property with the city by completing, signing under penalty of perjury, and submitting to the Housing Department the form described in this section of this regulation.

2. The Housing Director shall cause to be created a form to be used for the registration of any residential real property that is subject to City Code Chapter 27.

    a. *Information Required*. The form shall require the following information:

        i. The address of the residential real property;

        ii. The number of dwelling units, as defined in California Civil Code section 1940(C), in the property as may be amended from time to time;

        iii. The name of the property's owner;

        iv. The owner's mailing address (residential or business address);

v. Name and mailing address of the owner's agent for matters related to the residential rental of the property, if different from the owner;

vi. The telephone number and email address at which the owner may most conveniently be reached;

b. *Penalty of Perjury*. The signature line of the form required by this regulation shall include a statement that the signer declares under penalty of perjury under the laws of the State of California that all information provided on the form is true and correct.

1.03 Owner's Continuing Obligation to Register

1. If any information that an owner provides in a registration form submitted to the Department is inaccurate, incomplete, or changes, the owner must timely correct the inaccurate, incomplete, or changed information by submitting a new registration form with correct and current information.
2. *Correction of Inaccurate or Incomplete Information Previously Provided*. If information provided in a previously submitted registration form is inaccurate or incomplete, the owner must submit a new registration form correcting the inaccurate or incomplete information within 10 days of discovering the inaccuracy or incompleteness;
3. *Correction of Changed Information*. If information provided in a previously submitted form has changed, the owner must submit a new registration form completely and accurately providing the new information within 10 days of the previously provided information having changed.

    a. If the changed information is the identity of the owner, it is the obligation of the new owner to provide the updated owner information within the time specified in this regulation.

    b. The predecessor of any new owner must promptly inform the new owner of the obligation to update the property registration form in conformity with this regulation; but a predecessor owner's failure to do so shall not excuse the new owner from the obligation to comply with this regulation.

1.04 Registration of Property that was Previously Exempt

1. The owner of a property that was not registered because the property was exempt under the provisions of Section 27-24 or 27-7 must register the property in accordance with this regulation no later than ten days from the date when the exemption ceased to apply.

EXHIBIT C

Rent Stabilization and Just Cause Evictions and Tenant Protections (Just Cause) Regulations

Regulation 2: Right of First Refusal

2.01 Purpose

1. The purpose of this regulation is to clarify the rights and responsibilities of owners and tenants when a tenant is displaced due to a substantial remodel of the tenant's unit as defined by Just Cause 27-4(D). Unless otherwise specified herein, all statutory references are to the Just Cause Ordinance.

2.02 Tenant's Right of First Refusal

1. If an affected tenant has the right, under Section 27-4(D)(1)(b) or Section 27-4(D)(3), to return to the rental unit from which the tenant was displaced, the owner must offer to re-rent the unit to the affected tenant:
    a. at the same rental rate that would have applied if the tenant had never been displaced; and
    b. without requiring the tenant to complete or submit a new rental application form or pay any type of fee; and
    c. without imposing any other type of requirement that the owner could not have imposed during the affected tenancy before the tenant was displaced.
2. The limitation on the owner's right to charge a higher rent than the lawful rent at the time of the tenant's displacement shall not be construed to limit an owner's right to apply for or obtain an increase in the lawful rent as provided for by Rent Stabilization Ordinance Section 27-23 (Fair Return Petition for Rent Increase).

EXHIBIT B

Part 1: Petition by Owner for Rent Increase to Achieve a Fair Return

Regulation 1.01. Purpose

1. Under Rent Stabilization Ordinance Section 27-23, an owner may petition the city for an increase in rents so that the owner may obtain "a fair and reasonable return." The ordinance provides for this process in conformity with the California Supreme Court's opinion in *Birkenfeld v. City of Berkeley* but sets forth no standard by which an owner's receipt, or nonreceipt, of a fair return is to be determined.

2. This regulation fills in this gap left by Rent Stabilization Ordinance Section 27-23 in the following two ways:

    a. It establishes the formula that must be used by the City Manager, or their designee, to determine whether a petitioning owner is receiving a fair and reasonable return; and

    b. It establishes a mandatory petition and decision-making process.

Regulation 1.02. Definitions

1. *Base Year.* "Base year" means 12-month period preceding May 2022.

2. *Current Year.* "Current year" means the 12-month period preceding the date on which the owner files a Fair Return Petition with the city.

3. *Fair and Reasonable Return.* A "fair and reasonable return" means an increase in the owner's net operating income as of the current year equal to 100 percent of the percentage increase in the Consumer Price Index for All Urban Consumers in the Los Angeles-Long Beach-Anaheim area over the owner's net operating income for the base year. (For example, if the Consumer Price Index has increased by ten percent since the base year, the owner receives a fair and reasonable return if the owner's net operating income for the current year has also increased by at least ten percent above the base year level).

    a. Net operating income generated by a property in the base year is presumed to have generated a fair and reasonable return because rents established that year were established by the owner free of substantial limitations beyond market forces.

    b. A petitioning owner may rebut the presumption that base year net operating income generated a fair return by submitting with his or her petition proof by a preponderance of evidence that the net operating income yielded in the base year did not generate a fair return. Base year net operating expense may be found not to have generated a fair return only if:

i. The landlord's operating and maintenance expenses in the base year were unusual in comparison to other years, in which case base year operating expenses shall be adjusted to reflect average expenses for the property over a reasonable period or, in the discretion of the City Manager or his or her designee, another year shall be designated the base year for purposes of the petition. In considering whether the base year operating and maintenance expenses were unusual, the City Manager or their designee shall consider the following factors:

1. Whether the owner made substantial capital improvements during the base year that were not reflected in the base year rent levels;

2. Whether substantial and necessary repairs were made due to damage caused by uninsured disaster or vandalism; or

3. Whether other expenses were unreasonably high or low, notwithstanding prudent business practice.

ii. The property's rental income for the base year was disproportionately low. Under this circumstance, the City Manager or his or her designee shall designate the Fair Return Petition a Vega Petition and shall follow the procedures set forth in Regulation 1.06. Under the California Court of Appeal opinion *Vega v City of West Hollywood*, such a petition for a rent increase may be granted only if base year rents were disproportionately low because:

1. there existed between the tenant and the owner a family relationship or close friendship;

2. the rent had not been increased for several years prior to the base date while rents in the community generally were increased;

3. the tenant or tenants performed services for the owner;

4. there was low maintenance of the property by the owner in exchange for low rent increases or no rent increases; or

5. there existed any other special circumstances which affected the rent level outside of market factors.

4. *Gross Income. "Gross income" means:*

a. Gross rents, computed on the basis of one hundred percent occupancy, with fair market rent attributed to any vacant unit, plus

b. Interest from security and cleaning deposits (unless the interest is payable to the tenants), plus

c. Income from services provided at the property, such as coin-operated laundry machines and the like, plus

d. All other income or consideration received or receivable for or in connection with the use or occupancy of rental units and housing services, minus

e. Uncollected rents due to vacancy and bad debts, to the extent that they are beyond the owner's control and the owner has made a good-faith attempt to collect them.

5. *Hearing Officer.* "Hearing Officer" means the City Manager or their designee.

6. *Operating Expenses.* "Operating expenses" means the total of all factors affecting expenses included in Rent Stabilization Ordinance Section 27-23(c) and paragraph (a) of this subdivision, but shall not include any expense included in paragraph (b) of this subdivision.

    a. Included expenses are:

        i. Fair Return Petition application fee, if the petition is found to be meritorious;

        ii. Annual program fee;

        iii. License fees, real property taxes, utility costs, insurance;

        iv. Normal repair and maintenance expenses, which shall include, but not be limited to, painting, normal cleaning, fumigation, landscaping, repair and replacement of all standard services, including electrical, plumbing, carpentry, furnished appliances, drapes, carpets and furniture. Owner-performed labor, like other labor, shall be included only to the extent that it is charged at fair market value for such labor;

        v. The cost of repairs the need for which was not caused by ordinary wear and tear;

        vi. Allowable legal expenses, and management expenses (contracted or owner performed), including necessary and reasonable advertising, accounting, and other managerial expenses. Management expenses are presumed to be six percent of gross income, unless established otherwise. Management expenses in excess of eight percent of gross income are presumed to be unreasonable and shall not be allowed unless it is established that such expenses do not exceed those ordinarily charged by commercial management firms for similar residential properties;

        vii. Attorney's fees and costs incurred in connection with successful good faith attempts to recover rents owing and successful good faith unlawful detainer actions not in violation of applicable law, to the extent that such fees and costs cannot be recovered from tenants;

viii. Building improvements, major repairs, replacement and maintenance, unless such costs are compensated by insurance proceeds. These costs shall not be included in their entirety as a given year's expense, but shall be amortized as provided in Regulation 1.05

ix. The expenses for experts and city review allowed under Rent Stabilization Ordinance 27-23(B) and actually paid by the owner.

b. Excluded expenses are:

i. Maintenance and repair work which resulted from the intentional deferral of other repairs or work, which deferral caused significant deterioration of the building, any of its amenities, or individual units;

ii. Avoidable and unnecessary expense increases since the base year;

iii. Mortgage interest and principal payments, excluding any such payments that are not contractually necessary, such as double payments, and excluding any payment that results from financing that is unreasonable or that was unnecessary for the acquisition of the property at fair market value;

iv. Fees, other than fees expressly authorized by paragraph (1) of this subdivision;

v. Penalties and interest awarded for violation of the Rent Stabilization Ordinance or any other law;

vi. Legal fees not expressly allowed under paragraph (1) of this subdivision; and

vii. Depreciation of the property.

7. *Net Operating Income*. "Net Operating Income" *means gross income minus operating expense.*

Regulation 1.03: Petition; Initial Petition Review; Petitioner Payment of Costs

A petition for a rent increase must be on a form prescribed by the City Manager and must include all required attachments, as well as an email address at which the Petitioner consents to receive service by the city of all communications and documents related to the petition. A petition that is not made on the form prescribed by the City Manager, is not completely filled in, or does not include all required attachments will not be accepted, but will be promptly returned to the petitioner with an explanation of the defect. OCC section 27-23(B) requires that the owner is responsible for all costs associated with the city's review of the fair return petition.

1. *Required Attachments*. A petitioner must include with a completed and signed Fair Return Petition form:

a. Records, such as receipts and financial statements, establishing the base year gross income and base year operating expenses, and demonstrating the base year net operating income;

b. Records, such as receipts and financial statements, establishing the current year gross income and current year operating expenses, and demonstrating the current year net operating income.

c. A financial report demonstrating that the records establishing base year and current year operating expenses show that, under the criteria set forth in Regulation 1.02, subdivision (3), the petitioning owner is entitled to an increase in rents in order to obtain a fair and reasonable return.

d. Proof that the owner provided all affected tenants with the complete petition, including all attachments, on or within no more than two days before the date when the petition was submitted to the city.

2. *Time for Initial Review*. Upon receipt of a complete Fair Return Petition form with all required attachments, the designated hearing officer shall:

a. Mail to all affected tenants a notice that the city has received a Fair Return Petition and informing them that they have until 30 days from the date when the owner served the tenant with a copy of the petition to respond to that petition, including by providing the city with additional materials, if they wish to contest the petition;

b. Determine whether it will be necessary for the city to employ any independent experts in order to reach a final decision about whether the owner is entitled to a rent increase and in what amount;

c. Within no more than 7 days from receipt of the petition form with all required attachments, inform the petitioner of the city's anticipated costs of reviewing, analyzing, and deciding the petition and the employment of any expert necessary to complete those things. If the city does not within 7 days inform the petitioner of anticipated costs of reviewing, analyzing, and deciding the petition, then such costs shall be deemed unnecessary.

3. *Petitioner Payment of Estimated Costs*. Within no more than 15 days of the city delivering the estimated costs to the petitioner, the petitioner must make payment to the city in the amount of the estimated costs.

4. *Standard for Determining When Petition is Complete*. A Fair Return Petition shall be deemed complete eight days after the petitioner has submitted to the city a completed Fair Return Petition form with all required attachments unless, within 7 days of such submission the city informs the petitioner of anticipated costs for reviewing, analyzing, and deciding the petition. In the latter case, the petition shall be deemed complete when such costs are fully paid to the city. The city will take no action on the petition, other than those specified in subdivision (2) of this regulation, until the petition is deemed complete.

EXHIBIT B

Regulation 1.04: Decision by Hearing Officer

As specified by Rent Stabilization Ordinance 27-23, a decision about whether to grant an increase in rents as requested in a Fair Return Petition shall be made by the City Manager or his or her designee, referred to within this Part IV of these Regulations as "Hearing Officer."

1. *Time for Decision*. The Hearing Officer shall issue a written decision granting or denying the petition within 60 days of the date when the petition is deemed complete under Regulation 1.03, subdivision (4).

2. *Procedures for Decision*. In deciding whether to grant or deny a Fair Return Petition, the Hearing Officer shall fairly consider all documentary evidence, to which the following procedures shall apply.

    a. By no later than the thirty-first day after the petitioner provided all affected tenants with a copy of the petition, the Hearing Officer shall send to the petitioner at the email address provided in the petition an electronic copy of any submission received by affected tenants. Such tenant submission shall be deemed received by the petitioner on the day that the Hearing Officer sends it.

    b. Within 5 days of receipt of submission from the Hearing Officer of any tenant submission, the petitioner may reply to such submission. The Hearing Officer shall forward any such reply to the affected tenants at an email address provided by such tenants for that purpose or, if no email address is provided, to the tenants' address by first class mail. There shall be no right of rebuttal or other reply by affected tenants.

    c. If it has been determined that it is necessary to engage the services of an expert, the Hearing Officer shall engage that expert without undue delay, and in no event later than 10 days after the date when the petition is deemed complete. The Hearing Officer shall require that the expert provide their written opinion within no more than an additional 14 days.

    d. The Hearing Officer shall require that the expert submit their opinion in an electronic format suitable for distribution by email.

    e. The Hearing Officer shall immediately send to the petitioner at the email address provided in the petition, and via first class mail or email to all affected tenants, a copy of the expert's opinion, to which the petitioner and tenants shall have 14 days to respond if they wish to do so.

    f. The hearing officer shall make their decision based only on the written submissions of the parties, the written opinions of any expert designated by the city after initial review of the petition, timely-submitted responses to such

submissions and opinions, and any relevant public records maintained by any government entity or agency.

g. In addition to sending their decision to all affected parties by email, the Hearing Officer shall convey the decision by first class mail with proof of mailing.

3. *Standards for Decision*. The Hearing Officer shall grant a Fair Return Petition only if the petitioning owner demonstrates that their current year net operating income does not equal at least the base year net operating expense plus 100% of the change in the Consumer Price Index since the end of the base year.

4. *Challenge to Decision*. A decision of the Hearing Officer granting or denying a Fair Return Petition may be challenged by writ of administrative mandamus.

Regulation 1.05: Amortization of Capital Improvement Costs

1. In amortizing capital improvements, the following schedule shall be used to determine the amortization period of the capital improvement:

Improvement	*Years*
Air conditioning or heating system	10
Other appliances	
Refrigerator	5
Stove	5
Garbage disposal	5
Water heater	5
Dishwasher	5
Microwave oven	5
Washer/dryer	5
Fans	6
Cabinets	10
Miscellaneous carpentry	10
Countertops	10
Doors	10

EXHIBIT B

Knobs	5
Screen doors	5
Earthquake expenses	
Architect/Engineer fees	5
Emergency services	5
Clean-up	5
Fencing and security	5
Management	5
Tenant assistance	5
Structural repair or retrofitting	
Foundation repair	10
Foundation replacement	20
Foundation bolting	20
Iron or steel work	20
Masonry/chimney repair	20
Shear wall installation	10
Electrical wiring	10
Elevator	20
Fencing and gates	
Chain link	10
Masonry	10
Wood	10
Wrought iron	
Fire alarm system	10
Fire sprinkler system	20

EXHIBIT B

Fire escape	10
Flooring/floor covering	
Hardwood	10
Tile or linoleum	5
Carpet	5
Carpet Pad	5
Subfloor	10
Fumigation tenting	5
Glass	
Windows	5
Doors	5
Mirrors	5
Insulation	10
Landscaping	
Planting	10
Sprinklers	10
Tree replacement	10
Lighting (interior or exterior)	10
Locks	5
Mailboxes	10
Meters	10
Plumbing	
Fixtures	10
Pipe replacement	10
Re-pipe entire building	20

EXHIBIT B

Shower doors	5
Paint	5
Paving or decking	10
Plastering	10
Railings	10
Roofing	10
Security systems or installations	10
Sidewalks and walkways	10
Stairs	10
Stucco	10
Sump pump	10
Tile work	10
Wallpaper	5
Window coverings	5

2. The costs of capital improvements shall be included in the calculation of a given year's operating expenses, and included in the calculation of any increase in each affected unit's monthly rent, according to the following formula: the total cost, divided by the amortization period, divided by 12.

3. Rent increases authorized pursuant to this section shall be allocated as follows:

    a. Rent increases for unit-specific capital improvements shall be allocated to that unit;

    b. Rent increases for building-wide or common area capital improvements shall be allocated equally among all units;

    c. Rent increases resulting from the Net Operating Income analysis shall be allocated equally among all units;

    d. Notwithstanding the subsections above, the hearing examiner or the Board, in the interests of justice, shall have the discretion to apportion the rent increases in a manner and to the degree necessary to ensure fairness. Such circumstances include, but are not limited to, units that are vacant or owner occupied.

EXHIBIT B

Regulation 1.06 Rent Increase Based on Disproportionately Low Base Year Rents (Vega Petition)

If the contents of a Fair Return petition make clear that the basis for the petition is that current rents cannot yield a fair return solely or principally because base year rents were disproportionately low under criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii), and if the petition has been deemed complete, the hearing examiner shall rule on the petition using the following criteria:

1. The petitioning owner must prove by documentary evidence, and by a preponderance of evidence:

    a. The level of fair market rents for units comparable to those as to which the petitioner seeks a rent increase. Units are comparable if they are in the same neighborhood of the city, of similar size, in substantially similar condition, and include substantially similar amenities; and

    b. That base year rents for the property that is the subject of the petition were determined not by market criteria, but as the result of one or more of the factors set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii);

2. If the petitioner satisfies the criteria of subdivision (1) of this Regulation, the hearing officer shall grant the petition and shall adjust affected units rents according to the following formula:

    a. Fair market rent for comparable units as of the base year plus 4% for each year since the base year during which the criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii) continued to apply.

    b. A 4% increase shall not be applied for any year after the base year during which the criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii) did not apply and the current or previous owner did not apply the permitted 4% increase.

Regulation 1.07. Limitation on Rent Increases Granted under this Part

1. No rent increase authorized as the result of a successful Fair Return petition may be imposed unless the owner complies with all state and local noticing requirements;

2. No monthly rent increase of more than the greater of 12%, twice the Employment Cost Index (ECI), or $100 shall be authorized for any unit occupied by a low- or moderate-income household if such an increase would result in severe economic hardship.

    a. The applicable figure for the ECI shall be the most recently reported calendar year figure as of the date when the petition was filed.

b. If the amount of a monthly rent increase affecting a low- or moderate-income household that would otherwise have been authorized as the result of a successful Fair Return petition would be greater than the limit specified in this subdivision (2), the full increase shall be granted over a period of years such that the increase is no greater than that limit in any given year.

c. Any low- or moderate-income household shall have 30 days from the date when the hearing officer's decision granting a rent increase is mailed to inform the owner and the city that the authorized increase would cause a severe economic hardship. That claim must be made in writing and must include:

    i. Proof of the household's low- or moderate-income status;

    ii. Proof that the authorized rent increase would cause a severe economic hardship. Economic hardship is severe if it would interfere either directly or indirectly with the household's ability to remain housed or afford other basic necessities of life.

d. If tenants of a household make a claim of severe economic hardship, the owner shall not impose any rent increase affecting that household, other than any 4% increase generally permitted annually by the Rent Stabilization Ordinance, until the Hearing Officer rules on the tenants' claim.

e. If tenants of a household make a claim of severe economic hardship, the petitioner shall have ten days from the date that the tenant made that written claim to both the owner and the city to file with the city any written objection to the claim. Any such objection must include all relevant supporting evidence.

f. The tenant shall have the burden to prove the existence of severe economic hardship by a preponderance of evidence.

g. The hearing examiner shall rule on the claim of severe economic hardship within 30 days of the tenant's having provided the claim to the owner and the city, and shall do so in the form of an addendum to the original decision.

h. If the hearing examiner determines that the originally-determined rent increase would cause a severe economic hardship, the affected unit's rent shall annually increase by the amount permitted under the ECI plus any applicable 4% annual general adjustment until the unit's rent reaches the level that it would have been under the original decision.

EXHIBIT D

Just Cause Evictions and Tenant Protections (Just Cause) Regulations
Part 1

Withdrawal of Residential Rental Real Property from Rental Market under the Ellis Act

Regulation 1.01 Purpose

This Part 1 of Just Cause Regulations has two interrelated purposes:

1. To fully implement the provision of Just Cause Eviction and Tenant Protections Ordinance Section 27-4(B), which permits owners to terminate tenancies as provided for by the Ellis Act, California Government Code Section 7060 et seq. This regulation is necessary because the Ellis Act includes various protections intended to prevent abuse of the right to terminate tenancies due to withdrawal from the rental market, those protections exist only if adopted by a local jurisdiction, and Section 27-4(B) does not include them.

2. To implement the requirements of California Government Code Sections 7060 through 7060.7, and shall be interpreted so as to provide the city with the broadest range of authority permitted under these provisions and to intrude the least into the city's authority in all other applications of its power. This Part shall not be construed to permit the conversion of any rental housing to condominiums, hotels or any other use, which conversions are otherwise regulated by the City of Oxnard City Code.

Regulation 1.02 No less than all of a building's rental units may be withdrawn.

Just Cause Ordinance Section 27-4(B) shall only apply to, and shall only be exercised for, the concurrent withdrawal of all rental units in all buildings or structures on a parcel of land from the rental market except where there is more than one building on a parcel and all buildings contain four or more rental units, in which case the owner may withdraw no less than all of the units in one or more of the buildings.

Regulation 1.03. Notice of Intent to Withdraw

Not less than one hundred twenty (120) days before the date when the owner intends to withdraw the rental units in a building or structure from the rental market the owner must do each of the following:

1. The owner must, by first class mail, postage prepaid, or by personal delivery, provide written notice under penalty of perjury to the city of such intent, which notice shall contain the following information:

    a. The address and legal description of the subject property;

    b. The number of rental units to be withdrawn from the residential rental market;

    c. The names of all tenants residing in the units to be withdrawn; and

d. The lawful rent applicable to each such unit.

2. The notice required by subdivision 1 of this regulation shall be accompanied by a fee in an amount to be determined by resolution of the City Council, to reimburse the city for the direct and actual costs of tenant counseling and relocation assistance associated with an eviction under this subsection Just Cause Ordinance 27-4 and this regulation.

Regulation 1.04. Recording of Notice of Intent to Withdraw

No less than 120 days before the date when the owner intends to withdraw the property from the rental market, the owner must record with the Ventura County Registrar-Recorder a written notice prepared by and containing such information as is prescribed by the city summarizing the owner's notice of intent and certifying that evictions have commenced or will commence in accordance with applicable law.

Regulation 1.05. Notice to Tenants of Termination of Tenancy Due to Intent to Withdraw

No less than 120 days from the date when the owner intends to withdraw units from the rental market at the subject property, the owner must provide written notice of termination of tenancy to all affected tenants, which notice shall contain the following information:

1. A statement that the owner is terming the tenant's tenancy pursuant to Just Cause Ordinance 27-4(B) and this Just Cause Regulation Part 1, and will provide the city with the written notice required Regulation 1.03, above;

2. A summary of the specific information to be provided to the city in that notice regarding the tenant's unit;

3. A notice to the tenant that, within thirty (30) days of receipt of notice to terminate, the tenant may notify the owner in writing that the tenant would be interested in re-renting the unit if any of the units are re-offered for rent at a future time and advising the tenant to notify the owner of future address changes. A tenant shall also provide the city with a copy of the written notice, but the tenant's failure to submit a copy of the written notice to the city does not affect the tenant's right of first refusal if the tenant properly notified the owner of the tenant's interest under this paragraph;

4. A description of the tenant's rights as set forth in subdivision 5 of this regulation and Regulation 1.06 below. The notice shall be accompanied by a relocation fee in accordance with Just Cause Ordinance 27-6; and

5. A notice that, if the tenant is at least sixty-two (62) years old or disabled and has lived in the unit at least one (1) year before the owner gave the city notice of intent to withdraw the unit from the rental market, the tenant may extend the time before he or she must vacate. The extension shall be to one (1) year from the date when the owner gave the city proper notice of intent to withdraw. In order to obtain the extension, the tenant must give the owner written notice that he or she is at least sixty-two (62) years old or disabled, and

must do so no more than sixty (60) days after the owner gave the city notice of intent to withdraw. Then, the following provisions shall apply:

a. The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the city of the notice of intent to withdraw, subject to any adjustments otherwise available under this title;

b. No party shall be relieved of the duty to perform any obligation under the lease or rental agreement;

c. The owner may elect to extend the date of withdrawal on any other accommodation within the same building up to one (1) year after the date of delivery to the city of the notice of intent to withdraw;

d. Within thirty (30) days of the notification by the tenant to the owner of his or her entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations for one (1) year after the date of delivery to the city of the notice of intent to withdraw;

e. Within ninety (90) days of the date of delivery to the city of the notice of intent to withdraw, the owner shall give written notice to the public entity and the affected tenant(s) of any extension of the date of withdrawal and the new date of withdrawal under paragraph.

Regulation 1.06. Return of Withdrawn Units to the Rental Market

1. *Return of Units Within Two Years After Withdrawal*. If any of the withdrawn units are re-offered for rent by the owner within two (2) years from the effective date of withdrawal, the owner must:
   a. Provide written notice of such action to the city not less than thirty (30) days before re-renting the units;
   b. Offer the units at the same rent as was the lawful rent as of the date of withdrawal plus any general across-the-board adjustment that would have applied had the units not been withdrawn;
   c. Give, to those tenants who provided a notice of interest in re-renting pursuant to Regulation 1.05(3) of this Part, the right to first refusal to re-rent the unit by certified or registered mail, postage prepaid, to the last address provided by the tenant, in which case the tenant shall have no less than thirty days within which to accept the offer, by personal service or certified or registered mail;
   d. Be liable in a civil action if commenced within three years of displacement to any tenant evicted due to withdrawal of a unit pursuant to this subsection (1.05) for actual damages which were the proximate result of the displacement, in accordance with the principles enunciated in California Government Code Sections 7262 and 7264, plus exemplary damages;

e. Be liable in a civil action, if commenced within three years of displacement, to the city for exemplary damages for each of the withdrawn units.

2. *Return of Units Within Five Years After Withdrawal*. If any of the withdrawn units are re-offered for rent by the owner within five (5) years after any notice of intent to withdraw the accommodation is filed with the city—even if the notice is later rescinded or not acted upon—or within five (5) years after the accommodations are withdrawn, whichever is later, the owner shall:
   a. Provide to the city not less than thirty (30) days written notice of the owner's intent to return the units to the residential rental market. This notice must be provided to the city no less than thirty (30) days before any unit is offered for rent.
   b. Offer the units at the same rent as was the lawful rent as of the date the notice of intent to withdraw is filed with the city, plus any general adjustments that would have applied under this title had the units not been withdrawn;

3. *Return of Units Within Ten Years After Withdrawal*. If any of the withdrawn units are re-offered for rent less than ten (10) years from the effective date of removal, the owner shall provide, to those tenants who provided notice of interest in re-renting pursuant to Regulation 1.05(3) of this Part, the right of first refusal to re-rent the unit, by certified or registered mail, postage prepaid, to the last address provided by the tenant, in which case the tenant shall have no less than thirty (30) days within which to accept the offer by personal service or certified or registered mail. Failure of the owner to provide the tenant with this right of first refusal shall render the owner liable in a civil action to the tenant in punitive damages in an amount not to exceed six months' rent. Payment of such amount shall not excuse the owner from complying with the requirement to comply with the requirements of this subdivision.

4. *Return of Units at Any Time After Withdrawal*. Any unit withdrawn from the rental market and later returned to the rental market shall be covered by any system of rent stabilization that is in effect at the time when the units are returned to the rental market.
   a. As provided by subdivisions 1 and 2 of this regulation, withdrawn units that are returned to the rental market within the first five (5) years after notice of intent to withdraw or actual withdrawal, whichever is later, must be rented for no more than the rent that could have been charged if the units had never been withdrawn and there had been no change in tenancy.
   b. If units are returned to the rental market five (5) or more years from the date of notice of intent to withdraw or actual withdrawal, whichever is later, while the units shall be subject to whatever system of rent stabilization is in effect at that time, the owner may establish a new initial rent for the new tenancy.

Regulation 1.07. Applicability of Other Laws and Contractual Obligations

Nothing in this Part of these Just Cause Regulations shall be construed to relieve an owner from complying with the requirements of any applicable state law, any lease or rental agreement, or any other type of lawful contractual obligation.

Regulation 1.08. Cumulative Remedies

The remedies provided for in this Part 1 of these Just Cause Regulations shall not be exclusive and shall not preclude a tenant from pursuing any alternative remedy available under the law. Failure by any owner to comply with the requirements of this Part shall constitute a defense in any unlawful detainer action brought to evict a tenant under Just Cause Ordinance Section 27-4(B).

Regulation 1.09 Definitions

For the purpose of this Part of Just Cause Regulations, the term "owner" shall be interpreted to include any and all successors-in-interest of any owner.

Regulation 1.10. Processing Fee Required

The notice to the city provided for in this subsection (1.05) shall be accompanied by a processing fee in an amount determined by resolution of the City Council.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ESTABLISHING ADMINISTRATIVE PROCEDURES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THE JUST CAUSE AND TENANT PROTECTION AND RENT STABILIZATION ORDINANCES

WHEREAS, Oxnard City Code ("OCC") Section 27-10(A) authorizes the City Manager to adopt procedures and regulations to implement the provisions of the Just Cause and Tenant Protection ordinance.; and

WHEREAS, OCC Section 27-28.1 authorizes the City Manager to adopt procedures and regulations to implement the provisions of the Rent Stabilization ordinance.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

1. Registration Regulations. The registration regulations, attached hereto and incorporated herein by this reference as **Exhibit A**, are hereby adopted.

2. Fair Rate of Return Petitions Regulations. The fair rate of return petitions regulations, attached hereto and incorporated herein by this reference as **Exhibit B**, are hereby adopted.

3. Right of First Refusal Regulations. The right of first refusal regulations, attached hereto and incorporated herein by this reference as **Exhibit C**, are hereby adopted.

4. Ellis Act Regulations. The Ellis Act regulations, attached hereto and incorporated herein by this reference as **Exhibit D**, are hereby adopted.

5. Updates to Regulations. The City Manager or designee may modify the regulations established in Exhibits A-D when the City Manager or designee deems necessary to effectuate the purpose and intent of such regulations.

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6. Effective Date. This resolution shall be effective upon adoption.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

_____
Luis Mc Arthur, Mayor

ATTEST:

_____
Lourdes A. Lopez, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

Rent Stabilization and Just Cause Evictions and Tenant Protections (Just Cause) Regulations

Regulation 1: Registration

1.01 Purpose

1. The purpose of this regulation is to provide for the fair and effective implementation of the following two provisions of City Code Chapter 27, the Just Cause and Rent Stabilization Ordinances:
    a. Section 27-29, which requires owners of properties subject to the Rent Stabilization Ordinance to pay a fee to fund the city's cost to implement and enforce that ordinance; and
    b. 27-13, which requires owners of properties subject to the Just Cause Eviction and Tenant Protection Ordinance to pay a fee to fund the city's costs to implement and enforce that ordinance.
2. For purposes of this Regulation, all statutory references are to City Code Chapter 27 unless otherwise specified.
3. This regulation requires that all rental properties subject to Section 27-29 and Section 27-13 be registered with the City.
4. The information gathered through the property registration process will ensure that the city is able to properly determine the fee owed with respect to each subject property and to assess and collect that fee.

1.02 Registration Required; Form of Registration

1. By no later than April 1, 2025, the owner of every residential real property that is not exempt under both Section 27-24 and Section 27-7 must register that property with the city by completing, signing under penalty of perjury, and submitting to the Housing Department the form described in this section of this regulation.

2. The Housing Director shall cause to be created a form to be used for the registration of any residential real property that is subject to City Code Chapter 27.

    a. *Information Required*. The form shall require the following information:

        i. The address of the residential real property;

        ii. The number of dwelling units, as defined in California Civil Code section 1940(C), in the property as may be amended from time to time;

        iii. The name of the property's owner;

        iv. The owner's mailing address (residential or business address);

v. Name and mailing address of the owner's agent for matters related to the residential rental of the property, if different from the owner;

vi. The telephone number and email address at which the owner may most conveniently be reached;

b. *Penalty of Perjury*. The signature line of the form required by this regulation shall include a statement that the signer declares under penalty of perjury under the laws of the State of California that all information provided on the form is true and correct.

1.03 Owner's Continuing Obligation to Register

1. If any information that an owner provides in a registration form submitted to the Department is inaccurate, incomplete, or changes, the owner must timely correct the inaccurate, incomplete, or changed information by submitting a new registration form with correct and current information.
2. *Correction of Inaccurate or Incomplete Information Previously Provided*. If information provided in a previously submitted registration form is inaccurate or incomplete, the owner must submit a new registration form correcting the inaccurate or incomplete information within 10 days of discovering the inaccuracy or incompleteness;
3. *Correction of Changed Information*. If information provided in a previously submitted form has changed, the owner must submit a new registration form completely and accurately providing the new information within 10 days of the previously provided information having changed.

    a. If the changed information is the identity of the owner, it is the obligation of the new owner to provide the updated owner information within the time specified in this regulation.

    b. The predecessor of any new owner must promptly inform the new owner of the obligation to update the property registration form in conformity with this regulation; but a predecessor owner's failure to do so shall not excuse the new owner from the obligation to comply with this regulation.

1.04 Registration of Property that was Previously Exempt

1. The owner of a property that was not registered because the property was exempt under the provisions of Section 27-24 or 27-7 must register the property in accordance with this regulation no later than ten days from the date when the exemption ceased to apply.

EXHIBIT B

Part 1: Petition by Owner for Rent Increase to Achieve a Fair Return

Regulation 1.01. Purpose

1. Under Rent Stabilization Ordinance Section 27-23, an owner may petition the city for an increase in rents so that the owner may obtain "a fair and reasonable return." The ordinance provides for this process in conformity with the California Supreme Court's opinion in *Birkenfeld v. City of Berkeley* but sets forth no standard by which an owner's receipt, or nonreceipt, of a fair return is to be determined.

2. This regulation fills in this gap left by Rent Stabilization Ordinance Section 27-23 in the following two ways:

    a. It establishes the formula that must be used by the City Manager, or their designee, to determine whether a petitioning owner is receiving a fair and reasonable return; and

    b. It establishes a mandatory petition and decision-making process.

Regulation 1.02. Definitions

1. *Base Year.* "Base year" means 12-month period preceding May 2022.

2. *Current Year.* "Current year" means the 12-month period preceding the date on which the owner files a Fair Return Petition with the city.

3. *Fair and Reasonable Return.* A "fair and reasonable return" means an increase in the owner's net operating income as of the current year equal to 100 percent of the percentage increase in the Consumer Price Index for All Urban Consumers in the Los Angeles-Long Beach-Anaheim area over the owner's net operating income for the base year. (For example, if the Consumer Price Index has increased by ten percent since the base year, the owner receives a fair and reasonable return if the owner's net operating income for the current year has also increased by at least ten percent above the base year level).

    a. Net operating income generated by a property in the base year is presumed to have generated a fair and reasonable return because rents established that year were established by the owner free of substantial limitations beyond market forces.

    b. A petitioning owner may rebut the presumption that base year net operating income generated a fair return by submitting with his or her petition proof by a preponderance of evidence that the net operating income yielded in the base year did not generate a fair return. Base year net operating expense may be found not to have generated a fair return only if:

i. The landlord's operating and maintenance expenses in the base year were unusual in comparison to other years, in which case base year operating expenses shall be adjusted to reflect average expenses for the property over a reasonable period or, in the discretion of the City Manager or his or her designee, another year shall be designated the base year for purposes of the petition. In considering whether the base year operating and maintenance expenses were unusual, the City Manager or their designee shall consider the following factors:

1. Whether the owner made substantial capital improvements during the base year that were not reflected in the base year rent levels;

2. Whether substantial and necessary repairs were made due to damage caused by uninsured disaster or vandalism; or

3. Whether other expenses were unreasonably high or low, notwithstanding prudent business practice.

ii. The property's rental income for the base year was disproportionately low. Under this circumstance, the City Manager or his or her designee shall designate the Fair Return Petition a Vega Petition and shall follow the procedures set forth in Regulation 1.06. Under the California Court of Appeal opinion *Vega v City of West Hollywood*, such a petition for a rent increase may be granted only if base year rents were disproportionately low because:

1. there existed between the tenant and the owner a family relationship or close friendship;

2. the rent had not been increased for several years prior to the base date while rents in the community generally were increased;

3. the tenant or tenants performed services for the owner;

4. there was low maintenance of the property by the owner in exchange for low rent increases or no rent increases; or

5. there existed any other special circumstances which affected the rent level outside of market factors.

4. *Gross Income. "Gross income" means:*

a. Gross rents, computed on the basis of one hundred percent occupancy, with fair market rent attributed to any vacant unit, plus

b. Interest from security and cleaning deposits (unless the interest is payable to the tenants), plus

c. Income from services provided at the property, such as coin-operated laundry machines and the like, plus

d. All other income or consideration received or receivable for or in connection with the use or occupancy of rental units and housing services, minus

e. Uncollected rents due to vacancy and bad debts, to the extent that they are beyond the owner's control and the owner has made a good-faith attempt to collect them.

5. *Hearing Officer.* "Hearing Officer" means the City Manager or their designee.

6. *Operating Expenses.* "Operating expenses" means the total of all factors affecting expenses included in Rent Stabilization Ordinance Section 27-23(c) and paragraph (a) of this subdivision, but shall not include any expense included in paragraph (b) of this subdivision.

    a. Included expenses are:

        i. Fair Return Petition application fee, if the petition is found to be meritorious;

        ii. Annual program fee;

        iii. License fees, real property taxes, utility costs, insurance;

        iv. Normal repair and maintenance expenses, which shall include, but not be limited to, painting, normal cleaning, fumigation, landscaping, repair and replacement of all standard services, including electrical, plumbing, carpentry, furnished appliances, drapes, carpets and furniture. Owner-performed labor, like other labor, shall be included only to the extent that it is charged at fair market value for such labor;

        v. The cost of repairs the need for which was not caused by ordinary wear and tear;

        vi. Allowable legal expenses, and management expenses (contracted or owner performed), including necessary and reasonable advertising, accounting, and other managerial expenses. Management expenses are presumed to be six percent of gross income, unless established otherwise. Management expenses in excess of eight percent of gross income are presumed to be unreasonable and shall not be allowed unless it is established that such expenses do not exceed those ordinarily charged by commercial management firms for similar residential properties;

        vii. Attorney's fees and costs incurred in connection with successful good faith attempts to recover rents owing and successful good faith unlawful detainer actions not in violation of applicable law, to the extent that such fees and costs cannot be recovered from tenants;

viii. Building improvements, major repairs, replacement and maintenance, unless such costs are compensated by insurance proceeds. These costs shall not be included in their entirety as a given year's expense, but shall be amortized as provided in Regulation 1.05

ix. The expenses for experts and city review allowed under Rent Stabilization Ordinance 27-23(B) and actually paid by the owner.

b. Excluded expenses are:

i. Maintenance and repair work which resulted from the intentional deferral of other repairs or work, which deferral caused significant deterioration of the building, any of its amenities, or individual units;

ii. Avoidable and unnecessary expense increases since the base year;

iii. Mortgage interest and principal payments, excluding any such payments that are not contractually necessary, such as double payments, and excluding any payment that results from financing that is unreasonable or that was unnecessary for the acquisition of the property at fair market value;

iv. Fees, other than fees expressly authorized by paragraph (1) of this subdivision;

v. Penalties and interest awarded for violation of the Rent Stabilization Ordinance or any other law;

vi. Legal fees not expressly allowed under paragraph (1) of this subdivision; and

vii. Depreciation of the property.

7. *Net Operating Income*. "Net Operating Income" *means gross income minus operating expense.*

Regulation 1.03: Petition; Initial Petition Review; Petitioner Payment of Costs

A petition for a rent increase must be on a form prescribed by the City Manager and must include all required attachments, as well as an email address at which the Petitioner consents to receive service by the city of all communications and documents related to the petition. A petition that is not made on the form prescribed by the City Manager, is not completely filled in, or does not include all required attachments will not be accepted, but will be promptly returned to the petitioner with an explanation of the defect. OCC section 27-23(B) requires that the owner is responsible for all costs associated with the city's review of the fair return petition.

1. *Required Attachments*. A petitioner must include with a completed and signed Fair Return Petition form:

a. Records, such as receipts and financial statements, establishing the base year gross income and base year operating expenses, and demonstrating the base year net operating income;

b. Records, such as receipts and financial statements, establishing the current year gross income and current year operating expenses, and demonstrating the current year net operating income.

c. A financial report demonstrating that the records establishing base year and current year operating expenses show that, under the criteria set forth in Regulation 1.02, subdivision (3), the petitioning owner is entitled to an increase in rents in order to obtain a fair and reasonable return.

d. Proof that the owner provided all affected tenants with the complete petition, including all attachments, on or within no more than two days before the date when the petition was submitted to the city.

2. *Time for Initial Review*. Upon receipt of a complete Fair Return Petition form with all required attachments, the designated hearing officer shall:

a. Mail to all affected tenants a notice that the city has received a Fair Return Petition and informing them that they have until 30 days from the date when the owner served the tenant with a copy of the petition to respond to that petition, including by providing the city with additional materials, if they wish to contest the petition;

b. Determine whether it will be necessary for the city to employ any independent experts in order to reach a final decision about whether the owner is entitled to a rent increase and in what amount;

c. Within no more than 7 days from receipt of the petition form with all required attachments, inform the petitioner of the city's anticipated costs of reviewing, analyzing, and deciding the petition and the employment of any expert necessary to complete those things. If the city does not within 7 days inform the petitioner of anticipated costs of reviewing, analyzing, and deciding the petition, then such costs shall be deemed unnecessary.

3. *Petitioner Payment of Estimated Costs*. Within no more than 15 days of the city delivering the estimated costs to the petitioner, the petitioner must make payment to the city in the amount of the estimated costs.

4. *Standard for Determining When Petition is Complete*. A Fair Return Petition shall be deemed complete eight days after the petitioner has submitted to the city a completed Fair Return Petition form with all required attachments unless, within 7 days of such submission the city informs the petitioner of anticipated costs for reviewing, analyzing, and deciding the petition. In the latter case, the petition shall be deemed complete when such costs are fully paid to the city. The city will take no action on the petition, other than those specified in subdivision (2) of this regulation, until the petition is deemed complete.

EXHIBIT B

Regulation 1.04: Decision by Hearing Officer

As specified by Rent Stabilization Ordinance 27-23, a decision about whether to grant an increase in rents as requested in a Fair Return Petition shall be made by the City Manager or his or her designee, referred to within this Part IV of these Regulations as "Hearing Officer."

1. *Time for Decision*. The Hearing Officer shall issue a written decision granting or denying the petition within 60 days of the date when the petition is deemed complete under Regulation 1.03, subdivision (4).

2. *Procedures for Decision*. In deciding whether to grant or deny a Fair Return Petition, the Hearing Officer shall fairly consider all documentary evidence, to which the following procedures shall apply.

    a. By no later than the thirty-first day after the petitioner provided all affected tenants with a copy of the petition, the Hearing Officer shall send to the petitioner at the email address provided in the petition an electronic copy of any submission received by affected tenants. Such tenant submission shall be deemed received by the petitioner on the day that the Hearing Officer sends it.

    b. Within 5 days of receipt of submission from the Hearing Officer of any tenant submission, the petitioner may reply to such submission. The Hearing Officer shall forward any such reply to the affected tenants at an email address provided by such tenants for that purpose or, if no email address is provided, to the tenants' address by first class mail. There shall be no right of rebuttal or other reply by affected tenants.

    c. If it has been determined that it is necessary to engage the services of an expert, the Hearing Officer shall engage that expert without undue delay, and in no event later than 10 days after the date when the petition is deemed complete. The Hearing Officer shall require that the expert provide their written opinion within no more than an additional 14 days.

    d. The Hearing Officer shall require that the expert submit their opinion in an electronic format suitable for distribution by email.

    e. The Hearing Officer shall immediately send to the petitioner at the email address provided in the petition, and via first class mail or email to all affected tenants, a copy of the expert's opinion, to which the petitioner and tenants shall have 14 days to respond if they wish to do so.

    f. The hearing officer shall make their decision based only on the written submissions of the parties, the written opinions of any expert designated by the city after initial review of the petition, timely-submitted responses to such

submissions and opinions, and any relevant public records maintained by any government entity or agency.

g. In addition to sending their decision to all affected parties by email, the Hearing Officer shall convey the decision by first class mail with proof of mailing.

3. *Standards for Decision*. The Hearing Officer shall grant a Fair Return Petition only if the petitioning owner demonstrates that their current year net operating income does not equal at least the base year net operating expense plus 100% of the change in the Consumer Price Index since the end of the base year.

4. *Challenge to Decision*. A decision of the Hearing Officer granting or denying a Fair Return Petition may be challenged by writ of administrative mandamus.

Regulation 1.05: Amortization of Capital Improvement Costs

1. In amortizing capital improvements, the following schedule shall be used to determine the amortization period of the capital improvement:

Improvement	*Years*
Air conditioning or heating system	10
Other appliances	
Refrigerator	5
Stove	5
Garbage disposal	5
Water heater	5
Dishwasher	5
Microwave oven	5
Washer/dryer	5
Fans	6
Cabinets	10
Miscellaneous carpentry	10
Countertops	10
Doors	10

EXHIBIT B

Knobs	5
Screen doors	5
Earthquake expenses	
Architect/Engineer fees	5
Emergency services	5
Clean-up	5
Fencing and security	5
Management	5
Tenant assistance	5
Structural repair or retrofitting	
Foundation repair	10
Foundation replacement	20
Foundation bolting	20
Iron or steel work	20
Masonry/chimney repair	20
Shear wall installation	10
Electrical wiring	10
Elevator	20
Fencing and gates	
Chain link	10
Masonry	10
Wood	10
Wrought iron	
Fire alarm system	10
Fire sprinkler system	20

EXHIBIT B

Fire escape	10
Flooring/floor covering	
Hardwood	10
Tile or linoleum	5
Carpet	5
Carpet Pad	5
Subfloor	10
Fumigation tenting	5
Glass	
Windows	5
Doors	5
Mirrors	5
Insulation	10
Landscaping	
Planting	10
Sprinklers	10
Tree replacement	10
Lighting (interior or exterior)	10
Locks	5
Mailboxes	10
Meters	10
Plumbing	
Fixtures	10
Pipe replacement	10
Re-pipe entire building	20

EXHIBIT B

Shower doors	5
Paint	5
Paving or decking	10
Plastering	10
Railings	10
Roofing	10
Security systems or installations	10
Sidewalks and walkways	10
Stairs	10
Stucco	10
Sump pump	10
Tile work	10
Wallpaper	5
Window coverings	5

2. The costs of capital improvements shall be included in the calculation of a given year's operating expenses, and included in the calculation of any increase in each affected unit's monthly rent, according to the following formula: the total cost, divided by the amortization period, divided by 12.

3. Rent increases authorized pursuant to this section shall be allocated as follows:

    a. Rent increases for unit-specific capital improvements shall be allocated to that unit;

    b. Rent increases for building-wide or common area capital improvements shall be allocated equally among all units;

    c. Rent increases resulting from the Net Operating Income analysis shall be allocated equally among all units;

    d. Notwithstanding the subsections above, the hearing examiner or the Board, in the interests of justice, shall have the discretion to apportion the rent increases in a manner and to the degree necessary to ensure fairness. Such circumstances include, but are not limited to, units that are vacant or owner occupied.

EXHIBIT B

Regulation 1.06 Rent Increase Based on Disproportionately Low Base Year Rents (Vega Petition)

If the contents of a Fair Return petition make clear that the basis for the petition is that current rents cannot yield a fair return solely or principally because base year rents were disproportionately low under criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii), and if the petition has been deemed complete, the hearing examiner shall rule on the petition using the following criteria:

1. The petitioning owner must prove by documentary evidence, and by a preponderance of evidence:

    a. The level of fair market rents for units comparable to those as to which the petitioner seeks a rent increase. Units are comparable if they are in the same neighborhood of the city, of similar size, in substantially similar condition, and include substantially similar amenities; and

    b. That base year rents for the property that is the subject of the petition were determined not by market criteria, but as the result of one or more of the factors set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii);

2. If the petitioner satisfies the criteria of subdivision (1) of this Regulation, the hearing officer shall grant the petition and shall adjust affected units rents according to the following formula:

    a. Fair market rent for comparable units as of the base year plus 4% for each year since the base year during which the criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii) continued to apply.

    b. A 4% increase shall not be applied for any year after the base year during which the criteria set forth in Regulation 1.02, subdivision (3) paragraph (b) subparagraph (ii) did not apply and the current or previous owner did not apply the permitted 4% increase.

Regulation 1.07. Limitation on Rent Increases Granted under this Part

1. No rent increase authorized as the result of a successful Fair Return petition may be imposed unless the owner complies with all state and local noticing requirements;

2. No monthly rent increase of more than the greater of 12%, twice the Employment Cost Index (ECI), or $100 shall be authorized for any unit occupied by a low- or moderate-income household if such an increase would result in severe economic hardship.

    a. The applicable figure for the ECI shall be the most recently reported calendar year figure as of the date when the petition was filed.

b. If the amount of a monthly rent increase affecting a low- or moderate-income household that would otherwise have been authorized as the result of a successful Fair Return petition would be greater than the limit specified in this subdivision (2), the full increase shall be granted over a period of years such that the increase is no greater than that limit in any given year.

c. Any low- or moderate-income household shall have 30 days from the date when the hearing officer's decision granting a rent increase is mailed to inform the owner and the city that the authorized increase would cause a severe economic hardship. That claim must be made in writing and must include:

    i. Proof of the household's low- or moderate-income status;

    ii. Proof that the authorized rent increase would cause a severe economic hardship. Economic hardship is severe if it would interfere either directly or indirectly with the household's ability to remain housed or afford other basic necessities of life.

d. If tenants of a household make a claim of severe economic hardship, the owner shall not impose any rent increase affecting that household, other than any 4% increase generally permitted annually by the Rent Stabilization Ordinance, until the Hearing Officer rules on the tenants' claim.

e. If tenants of a household make a claim of severe economic hardship, the petitioner shall have ten days from the date that the tenant made that written claim to both the owner and the city to file with the city any written objection to the claim. Any such objection must include all relevant supporting evidence.

f. The tenant shall have the burden to prove the existence of severe economic hardship by a preponderance of evidence.

g. The hearing examiner shall rule on the claim of severe economic hardship within 30 days of the tenant's having provided the claim to the owner and the city, and shall do so in the form of an addendum to the original decision.

h. If the hearing examiner determines that the originally-determined rent increase would cause a severe economic hardship, the affected unit's rent shall annually increase by the amount permitted under the ECI plus any applicable 4% annual general adjustment until the unit's rent reaches the level that it would have been under the original decision.

EXHIBIT C

Rent Stabilization and Just Cause Evictions and Tenant Protections (Just Cause) Regulations

Regulation 2: Right of First Refusal

2.01 Purpose

1. The purpose of this regulation is to clarify the rights and responsibilities of owners and tenants when a tenant is displaced due to a substantial remodel of the tenant's unit as defined by Just Cause 27-4(D). Unless otherwise specified herein, all statutory references are to the Just Cause Ordinance.

2.02 Tenant's Right of First Refusal

1. If an affected tenant has the right, under Section 27-4(D)(1)(b) or Section 27-4(D)(3), to return to the rental unit from which the tenant was displaced, the owner must offer to re-rent the unit to the affected tenant:
    a. at the same rental rate that would have applied if the tenant had never been displaced; and
    b. without requiring the tenant to complete or submit a new rental application form or pay any type of fee; and
    c. without imposing any other type of requirement that the owner could not have imposed during the affected tenancy before the tenant was displaced.
2. The limitation on the owner's right to charge a higher rent than the lawful rent at the time of the tenant's displacement shall not be construed to limit an owner's right to apply for or obtain an increase in the lawful rent as provided for by Rent Stabilization Ordinance Section 27-23 (Fair Return Petition for Rent Increase).

EXHIBIT D

Just Cause Evictions and Tenant Protections (Just Cause) Regulations
Part 1

Withdrawal of Residential Rental Real Property from Rental Market under the Ellis Act

Regulation 1.01 Purpose

This Part 1 of Just Cause Regulations has two interrelated purposes:

1. To fully implement the provision of Just Cause Eviction and Tenant Protections Ordinance Section 27-4(B), which permits owners to terminate tenancies as provided for by the Ellis Act, California Government Code Section 7060 et seq. This regulation is necessary because the Ellis Act includes various protections intended to prevent abuse of the right to terminate tenancies due to withdrawal from the rental market, those protections exist only if adopted by a local jurisdiction, and Section 27-4(B) does not include them.

2. To implement the requirements of California Government Code Sections 7060 through 7060.7, and shall be interpreted so as to provide the city with the broadest range of authority permitted under these provisions and to intrude the least into the city's authority in all other applications of its power. This Part shall not be construed to permit the conversion of any rental housing to condominiums, hotels or any other use, which conversions are otherwise regulated by the City of Oxnard City Code.

Regulation 1.02 No less than all of a building's rental units may be withdrawn.

Just Cause Ordinance Section 27-4(B) shall only apply to, and shall only be exercised for, the concurrent withdrawal of all rental units in all buildings or structures on a parcel of land from the rental market except where there is more than one building on a parcel and all buildings contain four or more rental units, in which case the owner may withdraw no less than all of the units in one or more of the buildings.

Regulation 1.03. Notice of Intent to Withdraw

Not less than one hundred twenty (120) days before the date when the owner intends to withdraw the rental units in a building or structure from the rental market the owner must do each of the following:

1. The owner must, by first class mail, postage prepaid, or by personal delivery, provide written notice under penalty of perjury to the city of such intent, which notice shall contain the following information:

    a. The address and legal description of the subject property;

    b. The number of rental units to be withdrawn from the residential rental market;

    c. The names of all tenants residing in the units to be withdrawn; and

d. The lawful rent applicable to each such unit.

2. The notice required by subdivision 1 of this regulation shall be accompanied by a fee in an amount to be determined by resolution of the City Council, to reimburse the city for the direct and actual costs of tenant counseling and relocation assistance associated with an eviction under this subsection Just Cause Ordinance 27-4 and this regulation.

Regulation 1.04. Recording of Notice of Intent to Withdraw

No less than 120 days before the date when the owner intends to withdraw the property from the rental market, the owner must record with the Ventura County Registrar-Recorder a written notice prepared by and containing such information as is prescribed by the city summarizing the owner's notice of intent and certifying that evictions have commenced or will commence in accordance with applicable law.

Regulation 1.05. Notice to Tenants of Termination of Tenancy Due to Intent to Withdraw

No less than 120 days from the date when the owner intends to withdraw units from the rental market at the subject property, the owner must provide written notice of termination of tenancy to all affected tenants, which notice shall contain the following information:

1. A statement that the owner is terming the tenant's tenancy pursuant to Just Cause Ordinance 27-4(B) and this Just Cause Regulation Part 1, and will provide the city with the written notice required Regulation 1.03, above;

2. A summary of the specific information to be provided to the city in that notice regarding the tenant's unit;

3. A notice to the tenant that, within thirty (30) days of receipt of notice to terminate, the tenant may notify the owner in writing that the tenant would be interested in re-renting the unit if any of the units are re-offered for rent at a future time and advising the tenant to notify the owner of future address changes. A tenant shall also provide the city with a copy of the written notice, but the tenant's failure to submit a copy of the written notice to the city does not affect the tenant's right of first refusal if the tenant properly notified the owner of the tenant's interest under this paragraph;

4. A description of the tenant's rights as set forth in subdivision 5 of this regulation and Regulation 1.06 below. The notice shall be accompanied by a relocation fee in accordance with Just Cause Ordinance 27-6; and

5. A notice that, if the tenant is at least sixty-two (62) years old or disabled and has lived in the unit at least one (1) year before the owner gave the city notice of intent to withdraw the unit from the rental market, the tenant may extend the time before he or she must vacate. The extension shall be to one (1) year from the date when the owner gave the city proper notice of intent to withdraw. In order to obtain the extension, the tenant must give the owner written notice that he or she is at least sixty-two (62) years old or disabled, and

must do so no more than sixty (60) days after the owner gave the city notice of intent to withdraw. Then, the following provisions shall apply:

a. The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the city of the notice of intent to withdraw, subject to any adjustments otherwise available under this title;

b. No party shall be relieved of the duty to perform any obligation under the lease or rental agreement;

c. The owner may elect to extend the date of withdrawal on any other accommodation within the same building up to one (1) year after the date of delivery to the city of the notice of intent to withdraw;

d. Within thirty (30) days of the notification by the tenant to the owner of his or her entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations for one (1) year after the date of delivery to the city of the notice of intent to withdraw;

e. Within ninety (90) days of the date of delivery to the city of the notice of intent to withdraw, the owner shall give written notice to the public entity and the affected tenant(s) of any extension of the date of withdrawal and the new date of withdrawal under paragraph.

Regulation 1.06. Return of Withdrawn Units to the Rental Market

1. *Return of Units Within Two Years After Withdrawal*. If any of the withdrawn units are re-offered for rent by the owner within two (2) years from the effective date of withdrawal, the owner must:
   a. Provide written notice of such action to the city not less than thirty (30) days before re-renting the units;
   b. Offer the units at the same rent as was the lawful rent as of the date of withdrawal plus any general across-the-board adjustment that would have applied had the units not been withdrawn;
   c. Give, to those tenants who provided a notice of interest in re-renting pursuant to Regulation 1.05(3) of this Part, the right to first refusal to re-rent the unit by certified or registered mail, postage prepaid, to the last address provided by the tenant, in which case the tenant shall have no less than thirty days within which to accept the offer, by personal service or certified or registered mail;
   d. Be liable in a civil action if commenced within three years of displacement to any tenant evicted due to withdrawal of a unit pursuant to this subsection (1.05) for actual damages which were the proximate result of the displacement, in accordance with the principles enunciated in California Government Code Sections 7262 and 7264, plus exemplary damages;

e. Be liable in a civil action, if commenced within three years of displacement, to the city for exemplary damages for each of the withdrawn units.

2. *Return of Units Within Five Years After Withdrawal*. If any of the withdrawn units are re-offered for rent by the owner within five (5) years after any notice of intent to withdraw the accommodation is filed with the city—even if the notice is later rescinded or not acted upon—or within five (5) years after the accommodations are withdrawn, whichever is later, the owner shall:
   a. Provide to the city not less than thirty (30) days written notice of the owner's intent to return the units to the residential rental market. This notice must be provided to the city no less than thirty (30) days before any unit is offered for rent.
   b. Offer the units at the same rent as was the lawful rent as of the date the notice of intent to withdraw is filed with the city, plus any general adjustments that would have applied under this title had the units not been withdrawn;

3. *Return of Units Within Ten Years After Withdrawal*. If any of the withdrawn units are re-offered for rent less than ten (10) years from the effective date of removal, the owner shall provide, to those tenants who provided notice of interest in re-renting pursuant to Regulation 1.05(3) of this Part, the right of first refusal to re-rent the unit, by certified or registered mail, postage prepaid, to the last address provided by the tenant, in which case the tenant shall have no less than thirty (30) days within which to accept the offer by personal service or certified or registered mail. Failure of the owner to provide the tenant with this right of first refusal shall render the owner liable in a civil action to the tenant in punitive damages in an amount not to exceed six months' rent. Payment of such amount shall not excuse the owner from complying with the requirement to comply with the requirements of this subdivision.

4. *Return of Units at Any Time After Withdrawal*. Any unit withdrawn from the rental market and later returned to the rental market shall be covered by any system of rent stabilization that is in effect at the time when the units are returned to the rental market.
   a. As provided by subdivisions 1 and 2 of this regulation, withdrawn units that are returned to the rental market within the first five (5) years after notice of intent to withdraw or actual withdrawal, whichever is later, must be rented for no more than the rent that could have been charged if the units had never been withdrawn and there had been no change in tenancy.
   b. If units are returned to the rental market five (5) or more years from the date of notice of intent to withdraw or actual withdrawal, whichever is later, while the units shall be subject to whatever system of rent stabilization is in effect at that time, the owner may establish a new initial rent for the new tenancy.

Regulation 1.07. Applicability of Other Laws and Contractual Obligations

Nothing in this Part of these Just Cause Regulations shall be construed to relieve an owner from complying with the requirements of any applicable state law, any lease or rental agreement, or any other type of lawful contractual obligation.

Regulation 1.08. Cumulative Remedies

The remedies provided for in this Part 1 of these Just Cause Regulations shall not be exclusive and shall not preclude a tenant from pursuing any alternative remedy available under the law. Failure by any owner to comply with the requirements of this Part shall constitute a defense in any unlawful detainer action brought to evict a tenant under Just Cause Ordinance Section 27-4(B).

Regulation 1.09 Definitions

For the purpose of this Part of Just Cause Regulations, the term "owner" shall be interpreted to include any and all successors-in-interest of any owner.

Regulation 1.10. Processing Fee Required

The notice to the city provided for in this subsection (1.05) shall be accompanied by a processing fee in an amount determined by resolution of the City Council.

JUST CAUSE EVICTIONS AND TENANT PROTECTIONS (JUST CAUSE) CODE AMENDMENTS AND RESOLUTION ESTABLISHING ADMINISTRATIVE REGULATIONS TO IMPLEMENT THE RENT STABILIZATION AND JUST CAUSE ORDINANCES

Brenda Lopez, Interim Director
Housing Department

Community Services, Public Safety, Housing & Development Committee
March 25, 2025

CITY OF OXNARD CALIFORNIA

BACKGROUND

1) On April 13, 2022, City Council adopted the Just Cause Evictions and Other Tenant Protections (Just Cause) Ordinances which became effective June 2, 2022.

2) On January 25, 2024, City Council approved amending specific provisions of Section 27-4 of the Just Cause Ordinance regarding the no-fault just cause evictions occurring as a result of demolition or substantial remodel. In order to provide maximum protection for renters, the provisions were adopted through a urgency ordinance (Ord. No. 3041) and subsequently a non-urgency ordinance (Ord. No. 3042) which was adopted on February 6, 2024.

3) On July 30, 2024, City Council approved an omnibus city code update that amended both ordinances.

DISCUSSION

1) During the past 2 years, staff have observed emerging issues that hinder the effectiveness of the Just Cause Ordinance (Ord. No. 3012). In response, staff recommend strengthening the ordinance by amending Section 27-3 and Section 27-4.

2) In addition to the proposed ordinance amendments, staff recommend the adoption of four (4) administrative regulations. The administrative regulations provide enhanced clarity and administrative guidance that support the implementation of both the Just Cause Ordinance and the Rent Stabilization Ordinance.

ORDINANCE AMENDMENT – SECTION 27-3

1) Section 27-3 describes the various scenarios under which a property owner can terminate tenancy under at-fault just cause reasons.
2) Staff have witnessed a steady increase in at-fault based termination notices being issued by property owners when a roommate whose occupancy was allowed under the lease or rental agreement moves out and the remaining tenant(s) attempt to replace the roommate who left.
3) By terminating the tenancy for an alleged fault-based reason, property owners can circumvent the Rent Stabilization Ordinance and establish a new, higher rent amount for the subsequent tenancy.
4) The proposed amendment clarifies that a property owner may not terminate the tenancy of a tenant who simply replaces one roommate with another, so long as the tenant continues to reside in the rental unit and replaces a departed roommate, who had a right to occupy the rental unit under a lease or rental agreement, on a one-for one basis.
5) Property owners will still have the ability to object to the replacement roommate.

ORDINANCE AMENDMENT – SECTION 27-4(A)

1) Section 27-4 (A) describes a property owner's ability to take back possession of their rental unit to either re-occupy the rental unit themselves or house a close family member.
2) If a property owner intends to take back possession they must submit an affidavit to the city within ten (10) days of serving the tenant a termination notice but does not require property owners to provide a copy to the tenant.
3) The proposed amendment will require owners who intend to take back possession and re-occupy the rental unit, to serve the tenant a copy of the affidavit and termination notice simultaneously. In addition, the proposed amendment will require both document to be filed with the City within five (5) days (rather than 5 days for the termination notice and 10 days for the affidavit).
4) This amendment eliminates the confusion caused by having two different deadlines for each document to be filed with the City.
5) The proposed amendment also clarifies the requirements for existing tenancies that predated the ordinance.

ORDINANCE AMENDMENT – SECTION 27-13

1) Section 27-10 (B) of the Just Cause Ordinance requires all owners subject to the ordinance pay a program fee as established by City Council. Having this information in a subsection embedded within Section 27-10 makes it difficult for the public to locate. Finally, the language differs from the language used in the fee section of the Rent Stabilization Ordinance.

2) The proposed amendment would remove Section 27-10 (B) and add Section 27-13. As drafted Section 27-13, mirrors the fee establishment language that is provided under the Rent Stabilization Ordinance. In addition to creating consistency, the information will now be easier to locate by the public.

ADMINISTRATIVE REGULATIONS

1) Oxnard City Code Sections 27-10(A) and 27-28.1 authorizes the City Manager to adopt administrative regulations that support the implementation of the Just Cause Ordinance and Rent Stabilization Ordinance.

2) Staff recommends adoption of four (4) administrative regulations to enhance clarity and provide administrative guidance.

REGISTRATION REGULATIONS

1) Section 27-29 requires owners of properties subject to the Rent Stabilization Ordinance to pay a fee to implement and enforce that ordinance; and proposed Section 27-13 (amended Section 27-10(B) described earlier in this presentation) requires owners of properties subject to the Just Cause Evictions and Tenant Protection Ordinance to pay a fee to implement and enforce that ordinance.

2) The proposed regulation will require all rental properties subject to Section 27-29 and Section 27-13 be registered with the City.

FIRST RIGHT OF REFUSAL REGULATIONS

1) The purpose of this regulation is to clarify the rights and responsibilities of owners and tenants when a tenant is displaced due to a substantial remodel as defined by the Just Cause Evictions and Tenant Protection Ordinance under Section 27-4 (D).

2) This regulation clarifies that if an affected tenant has the right to return to the rental unit from which the tenant was displaced, the property owner must offer to re-rent the unit to the affected tenant:

- at the same rental rate that would have applied if the tenant had never been displaced, if no rent increase has been proposed within the last twelve months, then return at the same rental rate plus 4%;
- without requiring the tenant to complete or submit a new rental application or pay any type of fee; and
- without imposing any other type of requirement that the owner could not have imposed during the affected tenancy before the tenant was displaced.

FAIR RATE OF RETURN PETITION

1) Under Rent Stabilization Ordinance Section 27-23, an owner may petition the city for an increase in rents so that the owner may obtain “a fair and reasonable return.”
2) The ordinance currently provides for this process in conformity with the California Supreme Court’s opinion in *Birkenfeld v. City of Berkeley* but sets forth no standard by which an owner’s receipt, or non receipt, of a fair return is to be determined.
3) The proposed regulation fills in this gap by:
    - Establishing the formula to determine whether a petitioning owner is receiving a fair and reasonable return.
    - Establishing a mandatory petition and decision-making process.

ELLIS ACT REGULATIONS

1) The Ellis Act (Act) prohibits local governments from stopping property owners from going “out of business” with respect to a rental property. It also allows local governments to further adopt regulations that prevent owners from abusing the right to withdraw their properties from the rental market.

2) The City complies with the Act, however; regulations that provide the ability to monitor and enforce compliance with these specific terminations have not been adopted.

3) Currently, owners can give a notice of intent to withdraw under the Act, wait for moveout, and re-rent the unit at market level. Owners can also claim they are withdrawing the property via the Act and choose to sell the home, without following the proper procedures under this Act.

4) The proposed regulations will close the loophole by adopting the tenant protections that the Ellis Act authorizes cities to adopt and will provide the ability to monitor and enforce these protections.

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee:

1. Review the proposed ordinance that will amend the Oxnard City Code regarding the Just Cause Evictions and Other Tenant Protections Ordinance, and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 27-3, 27-4 AND 27-10 AND ADDING SECTION 27-13 TO THE OXNARD CITY CODE"; and

2. Review and recommend that the City Council approve the proposed resolution establishing administrative regulations to implement the provisions of the Just Cause Evictions and Other Tenant Protections Ordinance and Rent Stabilization Ordinance.

CITY OF OXNARD CALIFORNIA

End of Presentation

CITY OF OXNARD CALIFORNIA

COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

REPORTS
AGENDA ITEM NO. D.2

DATE: March 25, 2025

TO: Community Services, Public Safety, Housing & Development Committee

FROM: Brenda Lopez, Interim Housing Director, (805) 385-8092, brenda.lopez@oxnard.org

SUBJECT: Tenant Anti-Harassment Ordinance. (20 minutes)

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee:

1. Review and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled:
   "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE III TO CHAPTER 27 OF THE OXNARD CITY CODE ESTABLISHING TENANT ANTI-HARASSMENT PROTECTIONS"; and
2. Review and authorize two full-time equivalent (FTE) positions, and the associated budget, as part of the Fiscal Year 2025-2026 Budget for implementation of the proposed ordinance.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/7GeXyGn6k54

BACKGROUND

Recently, there has been an increase in the number of cases reported against landlords who are employing coercive tactics in order to induce tenants to vacate their rent stabilized units. Rent stabilized units are subject to a limitation of annual rent increases, for specified properties to 4%.

Some of the reported tactics include: reducing housing services, issuing eviction notices based on false grounds, threatening to contact immigration authorities or refusing to complete repairs required by law. These tactics often force tenants to vacate their units, which in turn allows landlords to raise rents to market rate rent without abiding by the City's 4% rent caps, for applicable units, or going through the City's Fair Return Petition Process.

Several jurisdictions such as Santa Monica, West Hollywood, Oakland, San Jose and Los Angeles have seen similar trends, resulting in the adoption of tenant anti-harassment ordinances. It has been reported that the anti-harassment ordinances serve as a deterrent to illegal conduct and assist tenants in their legal defense against landlords who engage in such harassment.

In response to escalating reports of landlord harassment in Oxnard, Councilwomen Basua and Perez requested staff bring forth a Tenant Anti-Harassment Protections Ordinance for City Council's consideration.

DISCUSSION

Tenant Anti-Harassment Ordinance Research

Housing staff engaged Mr. Stephen Lewis, Esq. (Mr. Lewis) to prepare a Tenant Anti-Harassment Protections Ordinance. Mr. Lewis is an attorney with nearly 30 years of experience litigating in state and federal courts, including over two decades representing California local jurisdictions' rent stabilization programs. He served as primary counsel to the City of West Hollywood Rent Stabilization Commission from 1999 through 2010, and as General Counsel to the Santa Monica Rent Control Board from 2010 through 2020. He currently advises numerous rent stabilization jurisdictions throughout California and has been instrumental in Oxnard's implementation of the Rent Stabilization and Just Cause Evictions and Tenant Protections Ordinances.

When drafting the proposed ordinance, Mr. Lewis incorporated best practices from the various jurisdictions consulted, while also ensuring the ordinance did not violate any constitutional protections or published appellate opinions.

The proposed ordinance prohibits harassment by residential landlords and identifies specific acts and omissions by landlords that constitute prohibited harassment. Violations under the ordinance are a misdemeanor and may be criminally prosecuted by the City. Based on the experience of other jurisdictions with similar ordinances, only the most egregious cases are prosecuted as violations of tenant anti-harassment laws. The ordinance also allows an aggrieved tenant, the City, or an organization to pursue civil action for damages and the recovery of attorney fees. The ordinance would apply citywide to all residential tenancies within the City. A copy of the proposed ordinance is attached to this report (Attachment 1).

In preparation of implementing the proposed ordinance, staff reviewed over a dozen anti-harassment laws to better understand the staffing, budget and outcomes associated with the implementation of their respective laws.

All of the jurisdictions staff reviewed, except the City of Santa Monica, include anti-harassment laws in their Rent Stabilization or Tenant Protection Ordinances. Therefore, the enforcement of their anti-harassment laws coincide with the enforcement of their Rent Stabilization and Tenant Protection Ordinance. This approach has the drawback of limiting these protections to only rental units that are covered under those ordinances. Because of this limitation, and in consultation with Mr. Lewis, Staff recommends a standalone anti-harassment ordinance, similar to the City of Santa Monica, which covers all residential tenancies within the City.

The City of Santa Monica's Tenant Harassment Ordinance is administered by the City Attorney's - Consumer Protection Unit. The Consumer Protection Unit engages in affirmative litigation and community education to enforce and promote consumer protections including renters rights, fair housing and code enforcement. According to the City of Santa Monica Housing Element, this ordinance would apply to the 33,505 renters identified in the Housing Element. The unit is staffed by five lawyers, two investigators and support staff.

Their processes include receiving complaints online, once received, having an investigator review the complaints, analyzing supporting documentation, interviewing involved parties, and sending any substantive complaints to the City Attorney's office for review and or prosecution. The City of Santa Monica receives approximately 200 complaints a year and on average 5-10 of those result in litigation. Each of those complaints warrants a thorough investigation which often results in substantial staff time needed to prepare these cases prior to the City Attorney's office receiving them.

Additionally, tenants may also employ their own methods, which includes, litigation and mediation through a private attorney to exercise their rights under the city's ordinance. However, many residents face financial

constraints and are not able to utilize this method to address their violations. In those cases the tenants will seek utilization of the city's Anti-Harassment Ordinance Program.

Implementation of the Tenant Anti-Harassment Ordinance

The US Census Bureau's annual American Community Survey estimates that there are approximately 22,327 housing units within the City of Oxnard which would be subject to the city's ordinance. Adoption of the ordinance will result in an expansion of the number and types of complaints received, as well as in-person and phone inquiries. Adoption of a Tenant Anti-Harassment Protection Ordinance would be ineffective without adequate staffing and resources to enforce the ordinance. Based on research with other cities, to launch a citywide program at least two (2) positions are necessary: one (1) partially dedicated Assistant City Attorney and one (1) fully dedicated Housing Investigator.

The Assistant City Attorney would conduct legal research, prepare opinions and regulations, prosecute civil or criminal violations related to the Tenant Anti-Harassment Protections Ordinance and other municipal codes, and represent the city in a variety of litigation.

The Housing Investigator would investigate tenant complaints, conduct research, interview witnesses, prepare reports and make referrals for criminal prosecution, civil litigation or to non-profits organizations.

STRATEGIC PRIORITIES

This agenda item supports the Quality-of-Life strategy. The purpose of the Quality-of-Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promote safe neighborhoods, encourage community engagement, and support our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

Adoption of the proposed ordinance will have a fiscal impact on the General Fund. An annual budget of approximately $505,000 is needed to support the two positions, budgeted at mid-range of the salaries, including benefits and fixed charges such as workers compensation, liabilities, unfunded liabilities, etc. The current salary range for an Assistant City Attorney is: $156,976.56 - $216,831.68 and the salary range for a Housing Investigator is: $59,839 - $113,367

Prepared by: Albert Ramirez, Assistant Housing Director

ATTACHMENTS

1. Attachment 1 - Tenant Anti-Harassment Ordinance
2. Attachment 2 - Presentation

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE III TO CHAPTER 27 OF THE OXNARD CITY CODE ESTABLISHING TENANT ANTI-HARASSMENT PROTECTIONS

WHEREAS, a minority of landlords are reported to employ coercive tactics such as reducing housing services, issuing eviction notices based on false grounds, threatening to contact immigration authorities or refusing to conduct repairs required by law, in order to induce tenants to vacate their rent stabilized units; and

WHEREAS, several jurisdictions such as Santa Monica, West Hollywood, Oakland, San Jose and Los Angeles have seen similar trends, resulting in the adoption of tenant anti-harassment ordinances; and

WHEREAS, the City Council determines to adopt the proposed tenant anti-harassment protections ordinance intended to make it clear that an owner can't engage in harassment of any tenant of a residential rental housing unit; and

WHEREAS, specifically defining prohibited tenant harassment will help to put landlords and tenants on notice of their rights and obligations and may prevent harassment, including that which escalates to tenants being forced to move.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. A new Article III. – "Tenant Anti-Harassment Protections" is added to Chapter 27 of the City Code to read as follows:

"Article III – TENANT ANTI-HARASSMENT PROTECTIONS

27-40 TENANT HARASSMENT PROHIBITED.

No person renting out residential real property, including the owner of such real property or the owner's agent, property manager or representative, or master tenant renting to a subtenant shall, with respect to property used as a residential rental unit under any rental agreement or other tenancy or estate at will, however created, engage in harassment of any tenant of a residential rental housing unit.

27-41 DEFINITIONS.

A. Housing Service. Housing services include, but are not limited to, hot and cold water, heat, electricity, gas, refrigeration, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, telephone, parking, effective waterproofing and weather protection, painting, and any other benefit,

privilege or facility that has been provided by the landlord to the tenant with use or occupancy of any rental housing unit. Services to a rental housing unit shall include a proportionate part of services provided to common facilities of the building in which the rental housing unit is contained.

B. Owner. An owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of any rental housing unit, or an agent, representative or successor of any of the foregoing.

C. Rental Housing Agreement. An agreement, oral or written or implied, between a landlord and tenant for use or occupancy of residential real property.

D. Tenant. A tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a rental housing agreement to the use or occupancy of any rental housing unit.

27-42 PROHIBITION OF TENANT HARASSMENT.

A. Forms of harassment prohibited include, but are not limited to, the following conduct done with an intent to vex, annoy, injure, or intimidate a tenant:

1. A reduction or elimination of housing services as the term "housing service" is defined in this Article.

2. A reduction of maintenance or failure to perform and timely complete necessary repairs or maintenance as set forth by contract or by State, County or local housing, health or safety laws.

3. Abusing the right of access into a rental housing unit as established and limited by California Civil Code Section 1954. This includes:

(i) entries for pretextual inspections that are not related to necessary repairs or services;

(ii) entries or notices to enter that are excessive in number in violation of California Civil Code Section 1954;

(iii) entries that improperly target certain tenants or are used to collect evidence against the tenant for the purpose of finding a reason to terminate the tenant's tenancy;

(iv) entries that interfere with a tenant's right to privacy, including, but not limited to, entering or photographing portions of a rental housing unit that are beyond the scope of a lawful entry or inspection; or

(v) entries beyond the scope of an otherwise lawful entry.

4. Engaging in abusive conduct toward a tenant through the use of words which are offensive and inherently likely to provoke an immediate violent reaction.

5. Enticing a tenant to vacate a rental housing unit through an intentional misrepresentation(s) or the concealment of a material fact.

6. Threatening a tenant, by word or gesture, with physical harm.

7. Misrepresenting to a tenant that the tenant is required to vacate a rental housing unit.

8. Failing to exercise due diligence in performing and completing repairs to a rental housing unit after obtaining possession of the unit for the purpose of performing the repairs.

9. Engaging in an activity prohibited by federal, state or local law which prohibits housing discrimination on any basis including but not limited to sexual orientation, race, color, sex, ancestry, ethnic origin, national origin, religion, age, marital status, familial status, parenthood, pregnancy, disability, medical condition, occupancy by a minor child, or citizenship.

10. Threatening to terminate a tenancy, recover possession of a rental unit, or evict a tenant from a rental unit without a proper factual and legal basis. This subsection shall not apply to a threat that is made in connection with litigation that is actually pending or in good faith contemplated when the threat is made.

11. Engaging in any act or omission which interferes with the tenant's right to use and enjoy the rental unit.

12. Refusing to acknowledge or accept receipt of lawful rent payments as set forth in the lease agreement or as established by the usual practice of the parties.

13. Engaging in any act or omission constituting a disturbance of a tenant's possession of rental premises, whereby the premises are rendered unfit for occupancy, or the tenant is deprived of the beneficial enjoyment of the premises.

14. Engaging in construction or renovations at a property that creates conditions designed to encourage any tenant to vacate their rental unit.

15. Prohibiting entry by the tenant into a tenant's unit absent a judicial order permitting repossession by the landlord.

16. Inquiring as to the immigration or citizenship status of a tenant, prospective additional tenant, occupant, or prospective additional occupant of a rental unit, or requiring any of these people to make any statement, representation, or certification concerning their immigration or citizenship status, or disclosing or threatening to disclose to any person or entity information regarding the immigration or citizenship status of any of the foregoing individuals.

17. Interfering with a tenant's right to privacy, including, but not limited to, using cameras to view the interior of a tenant's rental unit, requesting information regarding residency or citizenship status, or requesting a Social Security number, except as authorized by law.

18. Retaliating, threatening, or interfering with tenant organizing activities, including forming or participating in tenant associations or unions, or for engaging in other political activities.

19. Retaliating against or threatening a tenant for inquiring with, or seeking assistance from, a government or social services agency.

B. The conduct described in paragraph (A) of this section shall not include conduct intended to communicate ideas or beliefs to the public at large which has only an incidental effect upon a person or persons.

27-43 PENALTIES.

A. Criminal Prosecution. Violation of this Article is a misdemeanor and may be prosecuted as such by the City. Upon conviction, any violator shall be punished by a fine of not greater than one thousand dollars ($1,000) or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

B. Civil Action for Damages. Any person, including the City, may enforce the provisions of this Article by means of a civil action. Any person or entity violating any of the provisions of this Article is liable for each and every such offense for actual damages suffered by the aggrieved party, or for statutory damages in the sum of ten thousand dollars ($10,000.00), whichever is greater, and for punitive damages, and shall be liable for attorneys' fees and costs. Any person or entity violating any of the provisions of this section is liable for additional statutory damages in the sum of five thousand dollars ($5,000.00) for each and every such offense if the aggrieved party is a senior citizen or disabled tenant when any of the harassing conduct occurred.

C. Injunctive Relief. Any person who commits an act, proposes to commit an act, or engages in any pattern and practice which violates this Article may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this subsection may be brought by an aggrieved person, by the City Attorney, or by any person or entity who will fairly and adequately represent the interest harmed tenant or tenants.

D. Remedies Not Exclusive. The remedies provided in this Article are not exclusive, and nothing in this section shall preclude any person from seeking any other remedies, penalties or procedures provided by law."

Part 2. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 3. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the

ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 4. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on _____, 2025, and finally adopted on _____, 2025, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Luis Mc Arthur, Mayor

ATTEST:

_____
Lourdes A. Lopez, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Tenant Anti-Harassment Ordinance

Brenda Lopez, Interim Director
Housing Department

Community Services, Public Safety, Housing
& Development Committee
March 25, 2025

CITY OF OXNARD CALIFORNIA

BACKGROUND

1) A minority of landlords are reported to employ coercive tactics in order to induce tenants to vacate their rent stabilized units. Reported tactics include: reducing housing services, issuing eviction notices based on false grounds, threatening to contact immigration authorities or refusing to conduct repairs required by law, subsequently leading to tenants being forced to vacate through these tactics, often times allowing landlords to raise rents to market rate rent without abiding by the City's 4% rent caps, for applicable units, or going through the City's Fair Return Petition Process.

2) Several jurisdictions such as Santa Monica, West Hollywood, Oakland, San Jose and Los Angeles have seen similar trends, resulting in the adoption of tenant anti-harassment ordinances. It is reported that these ordinances help serve as a deterrent to illegal conduct and assist tenants in their legal defense against landlords who engage in such harassment.

3) In response to escalating reports of landlord harassment in Oxnard, staff was asked to bring forth a Tenant Anti-Harassment Ordinance for City Council's consideration.

TENANT ANTI-HARASSMENT ORDINANCE

1) Housing Staff engaged Stephen Lewis, Esq. to prepare a Tenant Anti-Harassment Ordinance. Mr. Lewis is an attorney with nearly 30 years of experience related to Rent Stabilization and Just Cause Evictions and Tenant Protection ordinances.

2) When drafting the proposed ordinance, Mr. Lewis incorporated best practices from the various jurisdictions consulted, while also ensuring the ordinance did not violate any constitutional protections or published appellate opinions.

3) The proposed ordinance prohibits harassment by residential landlords and identifies specific acts and omissions by landlords that constitute prohibited harassment. Violations under the ordinance is a misdemeanor and *may* be criminally prosecuted by the city. Based on the experience of other jurisdictions with similar ordinances, only the most egregious cases are prosecuted as violations of tenant anti-harassment laws. The ordinance also allows an aggrieved tenant, the city, or an organization to pursue civil action for damages and the recovery of attorney fees.

4) The ordinance would apply citywide to all residential tenancies within the city.

TENANT ANTI-HARASSMENT ORDINANCE

5) In preparation of implementing the proposed ordinance, staff reviewed over a dozen anti-harassment laws.

6) All of the jurisdictions staff reviewed, except the City of Santa Monica, include anti-harassment laws in their Rent Stabilization or Tenant Protection Ordinances.

7) This approach has the drawback of limiting these protections to only rental units that are covered under those ordinances.

8) Because of this limitation, and in consultation with Mr. Lewis, Staff recommends a standalone anti-harassment ordinance, similar to the City of Santa Monica, which covers *all* residential tenancies within the City.

9) The City of Santa Monica's Tenant Harassment Ordinance is administered by the City Attorney's - Consumer Protection Unit. The Consumer Protection Unit engages in affirmative litigation and community education to enforce and promote consumer protections including renters rights, fair housing and code enforcement. According to the City of Santa Monica Housing Element, this ordinance would apply to the 33,505 renters identified in the Housing Element. The unit is staffed by five lawyers, two investigators and support staff.

TENANT ANTI-HARASSMENT ORDINANCE

10) Their processes include receiving complaints online, once received, having an investigator review the complaints, analyzing supporting documentation, interviewing involved parties, and sending any substantive complaints to the City Attorney's office for review and or prosecution.

11) The City of Santa Monica receives approximately 200 complaints a year and on average 5-10 of those result in litigation. Each of those complaints warrants a thorough investigation which often results in substantial staff time needed to prepare these cases prior to the City Attorney's office receiving them.

12) Additionally, tenants may also employ their own methods, which includes, litigation and mediation through a private attorney to exercise their rights under the city's ordinance. However, many residents face financial constraints and are not able to utilize this method to address their violations. In those cases the tenants will seek utilization of the city's Anti-Harassment Ordinance Program.

IMPLEMENTATION

1) Adoption of a Tenant Anti-Harassment Ordinance would be ineffective without adequate staffing and resources to enforce the ordinance. Staff estimates that approximately 22,327 housing units are subject to the ordinance.

2) Adoption of the ordinance will result in an expansion of the number and types of complaints received, as well as in-person and phone inquiries.

3) To launch a comprehensive citywide program, the Housing Department requests authorization to hire two (2) positions: one (1) partially dedicated Assistant City Attorney and one (1) fully dedicated Housing Investigator.

4) The Assistant City Attorney will conduct legal research, prepare opinions and regulations, prosecute civil or criminal violations related to the Tenant Anti-Harassment Ordinance and other municipal codes, and represent the city in a variety of litigation.

5) The Housing Investigator will investigate tenant complaints, conduct research, interview witnesses, prepare reports and make referrals for criminal prosecution or civil litigation or to non-profits organizations.

6) An annual budget of approximately $505,000 is needed to support the two positions, including benefits and fixed charges.

RECOMMENDATION

That the Community Services, Public Safety, and Housing and Development Committee:

1) Review and recommend that the City Council approve the first reading by title only and waive further reading of the proposed ordinance titled:
"ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE III TO CHAPTER 27 OF THE OXNARD CITY CODE ESTABLISHING TENANT ANTI-HARASSMENT PROTECTIONS"; and

2) Review and authorize two full-time equivalent (FTE) positions, and the associated budget, as part of the Fiscal Year 2025-2026 Budget for implementation of the proposed ordinance.

CITY OF OXNARD CALIFORNIA

End of Presentation