

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.



AGENDA
OXNARD CITY COUNCIL
Meeting Location: Council Chambers, 305 West Third Street
January 25, 2024
SPECIAL COUNCIL MEETING
7:00 PM

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

1. Dial Phone Number: (888) 475-4499
2. Enter Meeting ID: 836 2516 1162
3. Passcode: 844043

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/](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. PROVIDE PUBLIC COMMENT REMOTELY DURING THE MEETING
 - a. Follow Zoom details listed above.

- 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

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council
CONSIDERATION OF TELECONFERENCE PARTICIPATION PURSUANT TO ASSEMBLY BILL 2449.

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. PUBLIC COMMENTS ONLY ON ITEMS ON THE AGENDA

1. During a special public meeting, public comments will be heard only on matters appearing on the agenda. The presiding officer shall limit public comments to three minutes.

D. REPORTS

1. City Attorney Department

SUBJECT: No-Fault Just Cause Eviction Ordinances.

RECOMMENDATION: That the City Council:

1. Adopt an urgency ordinance titled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT
JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR
SUBSTANTIAL REMODEL

2. Approve the first reading by title only and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST CAUSE
EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR SUBSTANTIAL
REMODEL

3. Find that these ordinances are not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that these ordinances will not result in a direct or reasonably foreseeable indirect physical change in the environment, and are further and independently exempt from CEQA pursuant to Section 15061(b)(3) in that it can be seen with certainty there is no possibility these ordinances will have a significant effect on the environment.

Please click the following link to view the required Measure M pre-recorded presentation
video: <https://youtu.be/iWYyEYFU-sk>

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

E. ADJOURNMENT



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. D.1

DATE: January 25, 2024
TO: City Council
FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org
SUBJECT: No-Fault Just Cause Eviction Ordinances.

RECOMMENDATION

That the City Council:

1. Adopt an urgency ordinance titled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

2. Approve the first reading by title only and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

3. Find that these ordinances are not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that these ordinances will not result in a direct or reasonably foreseeable indirect physical change in the environment, and are further and independently exempt from CEQA pursuant to Section 15061(b)(3) in that it can be seen with certainty there is no possibility these ordinances will have a significant effect on the environment.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/iWAYEYFU-sk>

BACKGROUND

Under the Tenant Protection Act of 2019 (Assembly Bill 1482; hereafter, "State Law"), owners of residential real property are prohibited from terminating a tenancy without just cause, subject to certain narrow exceptions. These just cause eviction provisions expressly permit an owner to evict a tenant to "substantially remodel" the rental unit. "Substantially remodel" in both State law and in the Oxnard City Code ("OCC") is defined as:

"the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days" (Civ. Code § 1946.2(b)(2)(D)(ii) and OCC Sec. 27-4(D))

Both State law and the OCC specify that:

“[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.”
(*Id.*)

Loopholes in AB 1482 have led to abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform a substantial remodel. Without more protective local just cause eviction provisions, “substantial remodel” evictions that do not actually qualify as substantial remodel evictions will result in displacing tenants, some of whom may become homeless.

Effective April 1, 2024, Assembly Bill 567 will require, among other things, an owner who proposed to displace a tenant to substantially remodel or demolish a unit to first provide the tenant with written notice with specified information, including a description of the substantial remodel to be completed and the expected duration of the repairs, or the expected date by which the property will be demolished, and a copy of permits required to undertake the substantial remodel or demolition, as specified.

DISCUSSION

In order to address the loopholes in AB 1482, staff recommends that the City Council amend specific provisions of the City’s Just Cause Eviction and Tenant Protection Ordinance. State law allows the City to adopt more stringent tenant protection regulations if they are “more protective” than the provisions of AB 1482. The ability to impose the new more protective regulations is separate and apart from the provisions of AB 567, which goes into effect on April 1, 2024.

In order to provide maximum protection for the City’s residents who are renters, staff recommends that the City Council amend the Oxnard City Code through both an urgency ordinance and a non-urgency ordinance.

Urgency Ordinance

Government Code Section 36937 subd.(b) authorizes the adoption of an urgency ordinance for the immediate preservation of public peace, health, or safety with a four-fifths vote of the City Council (affirmative votes by six members of the City Council). If the City Council adopts an urgency ordinance, it becomes effective immediately.

The proposed Urgency Ordinance is based on the following findings:

1. The City of Oxnard is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.
2. When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), the household has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, rent burdened households are more likely to become homeless.
3. Starting in April 2020, Oxnard’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures that effectively provided for a moratorium on all evictions; and (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)). These eviction protections are no longer in place.
4. The City has determined, through direct residential tenant complaints, that tenants throughout the City of Oxnard have reported experiencing a surge of no-fault eviction notices and threats of eviction.
5. In recent months, Housing Department staff has been informed of a number of evictions occurring due to purported substantial remodeling of residential properties where permits have not been sought, or approved, for the work to be undertaken.
6. Adoption of a regular ordinance requires two readings and will not take effect until 30 days after its second reading. As a result, absent the Urgency Ordinance that may be passed and effective immediately, there could be a window of time when Oxnard’s residential tenants do not have heightened protection from illegitimate substantial remodel

evictions under State law. More concerning, this window of time could prompt landlords to proceed with substantial remodel evictions simply to take advantage of a period when substantial remodel evictions do not require corroboration. In other words, adopting a regular ordinance without an urgency ordinance to fill the potential gap could have the unintended consequence of temporarily prompting more substantial remodel evictions.

Under current regulations, when a property owner proposes to evict a tenant to perform a substantial remodel, the owner must provide 60 days advance written notice to the tenant. This notice must disclose the tenant's ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner. In the event that an owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, an owner must provide the evicted tenant with the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises.

If adopted, the ordinance would provide additional tenant protections by requiring a written notice terminating a tenancy for just cause pursuant to OCC Section 27-4(D) to include all of the following information:

1. A statement informing the tenant of the owner's intent to demolish the property or substantially remodel the rental unit property.
2. The following statement:
"If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer."
3. A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished, together with one of the following:
 - (i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.
 - (ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials at issue.
4. A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

Non-Urgency Ordinance

The non-urgency version of the proposed ordinance includes the same amendments to Oxnard City Code Section 27-4(D). Staff's recommendation is that the City Council introduce this ordinance at the January 25, 2024 City Council meeting and adopt the ordinance at the regular City Council meeting on February 6, 2024. If adopted, the non-urgency ordinance will become effective thirty days later.

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.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Stephen Fischer, City Attorney, Emilio Ramirez, Housing Director, Kenneth Rozell, Chief Assistant City Attorney, Jason Zaragoza, Deputy City Attorney

ATTACHMENTS

1. No Fault Just Cause Eviction Urgency Ordinance
2. redline_ No Fault Just Cause Eviction Urgency Ordinance
3. No Fault Just Cause Eviction Ordinance
4. redline_ No Fault Just Cause Eviction Ordinance
5. No Fault Just Cause Eviction PPT

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE
REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE
RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482 prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined); and

WHEREAS, AB 1482’s just cause eviction provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit (Civ. Code §1946.2(b)(2)(D)(i)); and

WHEREAS, AB 1482’s just cause eviction provisions define “substantially remodel” to mean:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482’s just cause eviction provisions specify that “[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

Urgency Ordinance _ No Fault Just Cause Eviction Regulations

WHEREAS, the Oxnard City Council adopted Ordinance 3012 on May 3, 2022, which among other things, codified AB 1482's definition of "substantially remodel" at Oxnard City Code Section 27-4(D); and

WHEREAS, loopholes in AB 1482 have led to widespread abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform the substantial remodel; and

WHEREAS, like many cities throughout California, the City of Oxnard is experiencing a housing affordability crisis and a homelessness crisis that would be exacerbated by the displacement of renters by property owners illegally evicting tenants; and

WHEREAS, the City is concerned that, without more protective local just cause eviction provisions, evictions designated for "substantial remodel" evictions that do not actually qualify as substantial remodel evictions will result in displaced tenants becoming homeless to the detriment of peace, health and safety; and

WHEREAS, upon adoption of this Urgency Ordinance all tenants currently residing in their units, would receive benefits of these regulations, including that property would then have to re-notice in compliance with the Oxnard City Code; and

WHEREAS, Government Code section 36937 subd.(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health, or safety.

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

PART 1. RECITALS

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Urgency Ordinance.

PART 2. ENVIRONMENTAL REVIEW

The City Council finds and determines that the adoption of this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that the adoption of this Urgency Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA

Urgency Ordinance _ No Fault Just Cause Eviction Regulations

Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the adoption of this Urgency Ordinance will have a significant effect on the environment.

PART 3. URGENCY FINDINGS

The City Council is authorized and hereby declares this Urgency Ordinance necessary as an emergency measure for the preservation of the public peace, health and safety. The adoption of this Urgency Ordinance is supported by the following findings in justifying its urgency to preserve the public peace, health and safety:

- (A) The city of Oxnard is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.
- (B) When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), the household has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, rent burdened households are more likely to become homeless.
- (C) Starting in April of 2020, Oxnard’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures that effectively provided for a moratorium on all evictions; and (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)). These eviction protections are no longer in place.
- (D) The City has determined, through direct residential tenant complaints, that tenants throughout the City of Oxnard have reported experiencing a surge of no-fault eviction notices and threats of eviction.
- (E) In recent months, Housing Department staff has been informed of a number of evictions occurring due to purported substantial remodeling of residential properties where permits have not been sought for the work to be undertaken.
- (F) Adoption of a regular ordinance requires two readings and will not take effect until 30 days after its second reading. As a result, absent an urgency ordinance that may be passed and effective immediately, there could be a window of time when Oxnard’s residential tenants do not have heightened protection from illegitimate substantial remodel evictions under State law or an amount of tenant relocation assistance that is appropriate for Oxnard’s housing market. More concerning, this window of time could prompt landlords to proceed with substantial remodel evictions simply to take advantage of a period when substantial remodel evictions do not require corroboration. In other words, adopting a regular ordinance without an urgency ordinance to fill the potential gap could have the unintended consequence of temporarily prompting more substantial remodel evictions.

In accordance with AB 1482’s just cause eviction provisions set forth in subsection (g)(1)(B) of Section 1946.2 of the California Civil Code, the City Council hereby finds that the tenant

Urgency Ordinance _ No Fault Just Cause Eviction Regulations

protections in this Urgency Ordinance are “more protective” than AB 1482’s just cause eviction provisions, set forth in Section 1946.2 of the California Civil Code. The City Council further finds that this Urgency Ordinance is consistent with Section 1946.2. This Urgency Ordinance provides additional tenant protections that are not prohibited by any other provision of law. The above-identified facts constitute a need for an emergency measure to prevent irreparable injury to residential tenants in the Oxnard community and the community in general, including without limitation, housing insecurity and homelessness for displaced tenants.

PART 4. CODE AMENDMENT

CHAPTER 27, ARTICLE I, SECTION 27-4 (D) of the Oxnard City Code is hereby amended to read as follows:

“(D) *Intent to demolish or to substantially remodel the residential real property.* For purposes of this section, “substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, State, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

A tenant is not required to vacate the residential real property on any days where a tenant could continue living in the residential real property without the violation of health, safety, and habitability legal requirements.

(1) A written notice terminating a tenancy for a just cause pursuant to this Section 27-4(D) shall include all of the following information:

(a) A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.

(b) The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”

Urgency Ordinance _ No Fault Just Cause Eviction Regulations

(c) A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished, together with one of the following:

(i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.

(ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials.

(d) A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

(2) The owner shall provide 60 days advance written notice to the tenant of the ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner; and

(3) In the event the owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, the evicted tenant shall have the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises pursuant to this subsection.

(4) An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action."

Part 5. EFFECTIVE DATE

This Urgency Ordinance shall be introduced, passed and adopted at one and the same meeting and shall become effective immediately upon the adoption thereof.

Part 6. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council

Urgency Ordinance _ No Fault Just Cause Eviction Regulations

hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Urgency Ordinance are declared to be severable.

Part 7. VOTING REQUIREMENTS AND PUBLICATION

This Urgency Ordinance requires a four-fifths vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption. This Urgency Ordinance shall be published once within fifteen (15) days of its adoption in accordance with Government Code Section 36933.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

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OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE
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RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482 prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined); and

WHEREAS, AB 1482’s just cause eviction provisions are intended to “help families afford to keep a roof over their heads, and... provide California with important new tools to combat our state’s broader housing and affordability crisis;” and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit (Civ. Code §1946.2(b)(2)(D)(i)); and

WHEREAS, AB 1482’s just cause eviction provisions define “substantially remodel” to mean:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, AB 1482’s just cause eviction provisions specify that “[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation” (Civ. Code § 1946.2(b)(2)(D)(ii)); and

WHEREAS, the Oxnard City Council adopted Ordinance 3012 on May 3, 2022, which among other things, codified AB 1482’s definition of “substantially remodel” at Oxnard City Code Section 27-4(D); and

WHEREAS, loopholes in AB 1482 have led to widespread abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform the substantial remodel; and

WHEREAS, like many cities throughout California, the City of Oxnard is experiencing a housing affordability crisis and a homelessness crisis that would be exacerbated by the displacement of renters by property owners illegally evicting tenants; and

WHEREAS, the City is concerned that, without more protective local just cause eviction provisions, evictions designated for “substantial remodel” evictions that do not actually qualify as substantial remodel evictions will result in displaced tenants becoming homeless to the detriment of peace, health and safety; and

WHEREAS, upon adoption of this Urgency Ordinance all tenants currently residing in their units, would receive benefits of these regulations, including that property would then have to re-notice in compliance with the Oxnard City Code; and

WHEREAS, Government Code section 36937 subd.(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health, or safety.

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

PART 1. RECITALS

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PART 2. ENVIRONMENTAL REVIEW

The City Council finds and determines that the adoption of this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that the adoption of this Urgency Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA

Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the adoption of this Urgency Ordinance will have a significant effect on the environment.

PART 3. URGENCY FINDINGS

The City Council is authorized and hereby declares this Urgency Ordinance necessary as an emergency measure for the preservation of the public peace, health and safety. The adoption of this Urgency Ordinance is supported by the following findings in justifying its urgency to preserve the public peace, health and safety:

- (A) The city of Oxnard is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.
- (B) When a household spends more than 30 percent of its income on housing costs (i.e., is “rent burdened”), the household has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, rent burdened households are more likely to become homeless.
- (C) Starting in April of 2020, Oxnard’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures that effectively provided for a moratorium on all evictions; and (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)). These eviction protections are no longer in place.
- (D) The City has determined, through direct residential tenant complaints, that tenants throughout the City of Oxnard have reported experiencing a surge of no-fault eviction notices and threats of eviction.
- (E) In recent months, Housing Department staff has been informed of a number of evictions occurring due to purported substantial remodeling of residential properties where permits have not been sought for the work to be undertaken.
- (F) Adoption of a regular ordinance requires two readings and will not take effect until 30 days after its second reading. As a result, absent an urgency ordinance that may be passed and effective immediately, there could be a window of time when Oxnard’s residential tenants do not have heightened protection from illegitimate substantial remodel evictions under State law or an amount of tenant relocation assistance that is appropriate for Oxnard’s housing market. More concerning, this window of time could prompt landlords to proceed with substantial remodel evictions simply to take advantage of a period when substantial remodel evictions do not require corroboration. In other words, adopting a regular ordinance without an urgency ordinance to fill the potential gap could have the unintended consequence of temporarily prompting more substantial remodel evictions.

In accordance with AB 1482’s just cause eviction provisions set forth in subsection (g)(1)(B) of Section 1946.2 of the California Civil Code, the City Council hereby finds that the tenant

protections in this Urgency Ordinance are “more protective” than AB 1482’s just cause eviction provisions, set forth in Section 1946.2 of the California Civil Code. The City Council further finds that this Urgency Ordinance is consistent with Section 1946.2. This Urgency Ordinance provides additional tenant protections that are not prohibited by any other provision of law. The above-identified facts constitute a need for an emergency measure to prevent irreparable injury to residential tenants in the Oxnard community and the community in general, including without limitation, housing insecurity and homelessness for displaced tenants.

PART 4. CODE AMENDMENT

CHAPTER 27, ARTICLE I, SECTION 27-4 (D) of the Oxnard City Code is hereby amended to read as follows:

“(D) *Intent to demolish or to substantially remodel the residential real property.* For purposes of this section, “substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, State, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

A tenant is not required to vacate the residential real property on any days where a tenant could continue living in the residential real property without the violation of health, safety, and habitability legal requirements.

(1) A written notice terminating a tenancy for a just cause pursuant to this Section 27-4(D) shall include all of the following information:

(a) A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.

(b) The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”

(c) A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished, together with one of the following:

(i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.

(ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials.

(d) A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

~~(24)~~ The owner shall provide 60 days advance written notice to the tenant of the ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner; and

~~(32)~~ In the event the owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, the evicted tenant shall have the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises pursuant to this subsection.

(4) An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action."

Part 5. EFFECTIVE DATE

This Urgency Ordinance shall be introduced, passed and adopted at one and the same meeting and shall become effective immediately upon the adoption thereof.

Part 6. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council

hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Urgency Ordinance are declared to be severable.

Part 7. VOTING REQUIREMENTS AND PUBLICATION

This Urgency Ordinance requires a four-fifths vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption. This Urgency Ordinance shall be published once within fifteen (15) days of its adoption in accordance with Government Code Section 36933.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE
REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE
RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482 prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined); and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit (Civ. Code §1946.2(b)(2)(D)(i)); and

WHEREAS, the Oxnard City Council adopted Ordinance 3012 on May 3, 2022, which among other things, codified AB 1482’s definition of “substantially remodel” at Oxnard City Code Section 27-4(D); and

WHEREAS, loopholes in AB 1482 have led to widespread abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform the substantial remodel; and

WHEREAS, the Oxnard City Council desires to update the City’s no-fault just cause eviction regulations to close these loopholes, and provide more protective just cause regulations than AB 1482.

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

PART 1. ENVIRONMENTAL REVIEW

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that the adoption of this Ordinance will not result in a direct or reasonably

Ordinance _ No Fault Just Cause Eviction Regulations

foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

PART 2. CODE AMENDMENT

CHAPTER 27, ARTICLE I, SECTION 27-4 (D) of the Oxnard City Code is hereby amended to read as follows:

“(D) *Intent to demolish or to substantially remodel the residential real property.* For purposes of this section, “substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, State, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

A tenant is not required to vacate the residential real property on any days where a tenant could continue living in the residential real property without the violation of health, safety, and habitability legal requirements.

- (1) A written notice terminating a tenancy for a just cause pursuant to this Section 27-4(D) shall include all of the following information:
 - (a) A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.
 - (b) The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”
 - (c) A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the

Ordinance _ No Fault Just Cause Eviction Regulations

expected date by which the property will be demolished, together with one of the following:

- (i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.
- (ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials.
- (d) A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

(2) The owner shall provide 60 days advance written notice to the tenant of the ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner; and

(3) In the event the owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, the evicted tenant shall have the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises pursuant to this subsection.

(4) An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action."

Part 3. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Part 4. 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 _ No Fault Just Cause Eviction Regulations

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 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-
FAULT JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A
DEMOLITION OR SUBSTANTIAL REMODEL

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482 prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined); and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit (Civ. Code §1946.2(b)(2)(D)(i)); and

WHEREAS, the Oxnard City Council adopted Ordinance 3012 on May 3, 2022, which among other things, codified AB 1482’s definition of “substantially remodel” at Oxnard City Code Section 27-4(D); and

WHEREAS, loopholes in AB 1482 have led to widespread abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform the substantial remodel; and

WHEREAS, the Oxnard City Council desires to update the City’s no-fault just cause eviction regulations to close these loopholes, and provide more protective just cause regulations than AB 1482.

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

PART 1. ENVIRONMENTAL REVIEW

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that the adoption of this Ordinance will not result in a direct or reasonably

foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

PART 2. CODE AMENDMENT

CHAPTER 27, ARTICLE I, SECTION 27-4 (D) of the Oxnard City Code is hereby amended to read as follows:

“(D) *Intent to demolish or to substantially remodel the residential real property.* For purposes of this section, “substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, State, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

A tenant is not required to vacate the residential real property on any days where a tenant could continue living in the residential real property without the violation of health, safety, and habitability legal requirements.

(1) A written notice terminating a tenancy for a just cause pursuant to this Section 27-4(D) shall include all of the following information:

(a) A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.

(b) The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”

(c) A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the

expected date by which the property will be demolished, together with one of the following:

(i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.

(ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials.

(d) A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

~~(21)~~ The owner shall provide 60 days advance written notice to the tenant of the ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner; and

~~(32)~~ In the event the owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, the evicted tenant shall have the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises pursuant to this subsection.

(4) An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action."

Part 3. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Part 4. 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 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

NO FAULT JUST CAUSE EVICTION ORDINANCE

Jason Zaragoza
Office of the City Attorney
City Council
January 25, 2024

RECOMMENDATIONS

1. Adopt an urgency ordinance titled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

2. Approve the first reading by title only and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR SUBSTANTIAL REMODEL

3. Find that these ordinances are not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) and are further and independently exempt from the CEQA Section 15061(b)(3).

TENANT PROTECTIONS

Under the Tenant Protection Act of 2019 (Assembly Bill 1482), owners of residential real property are prohibited from terminating a tenancy without just cause, subject to certain narrow exceptions. These just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit. “Substantially remodel” in both State law and in the Oxnard City Code (“OCC”) is defined as:

“the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days” (Civ. Code § 1946.2(b)(2)(D)(ii) and OCC Sec. 27-4(D))

Both State law and the OCC specify that:

“[c]osmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.”

AB 1482 AND AB 567

Loopholes in AB 1482 have led to abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform a substantial remodel. Without more protective local just cause eviction provisions, “substantial remodel” evictions that do not actually qualify as substantial remodel evictions will result in displacing tenants, some of whom will become homeless.

URGENCY ORDINANCE

Government Code Section 36937 subd.(b) authorizes the adoption of an urgency ordinance for the immediate preservation of public peace, health, or safety with a four-fifths vote of the City Council (affirmative votes by six members of the City Council). If adopted, the ordinance is effective immediately.

The urgency findings include, but are not limited to: the City is experiencing a housing affordability crisis and a homelessness crisis; the City has received a number of no fault just cause eviction notices and threats of eviction due to purported substantial remodeling of residential properties where permits have not been sought to undertake the work; and adopting a regular ordinance without an urgency ordinance to fill the potential gap could have the unintended consequence of temporarily prompting more substantial remodel evictions.

ADDITIONAL TENANT PROTECTIONS

State law allows the City to adopt additional tenant protection regulations if they are “more protective” than the provisions of AB 1482.

If adopted, the ordinance would provide additional tenant protections by requiring a written notice terminating a tenancy for just cause pursuant to OCC Section 27-4(D) to include all of the following information:

1. A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.

2. The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”

ADDITIONAL TENANT PROTECTIONS

3. A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished, together with one of the following:

- (i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.
- (ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials at issue.

4. A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

NON-URGENCY ORDINANCE

The non-urgency version of the proposed ordinance includes the same amendments to Oxnard City Code Section 27-4(D). Staff's recommendation is that the City Council introduce this ordinance at tonight's City Council meeting and adopt the ordinance at the regular City Council meeting on February 6, 2024. If adopted, the non-urgency ordinance will become effective thirty days later.



QUESTIONS?