

ORDINANCE NO. 2219-C-S

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADDING TITLE 11, CHAPTER 1 TO THE ANTIOCH MUNICIPAL CODE ESTABLISHING RENT STABILIZATION REGULATIONS INCLUDING PROHIBITING RESIDENTIAL REAL PROPERTY RENTAL RATE INCREASES THAT EXCEED THE LESSER OF THREE PERCENT (3%) OR SIXTY PERCENT (60%) OF THE CONSUMER PRICE INDEX ANNUALLY

WHEREAS, the City Council of the City of Antioch (“City”) hereby finds, determines, and declares as follows:

- A. The increased cost burdens of rent and increased risk of displacement and overcrowding faced by many residents in the City threaten public health, safety, and welfare. Many City residents are struggling to pay for rent, food, clothing, and medical care for themselves and their families. The specter of eviction and increased homelessness for inability to pay rent looms as a further threat to public health, safety, and welfare in the City.
- B. The Area Median Income (“AMI”) for a household of four in the Oakland-Fremont Metro Area is \$125,600.¹ Households that earn less than 30% AMI are considered “extremely low-income,” and 18.5% or 6,233 households in the City meet this criteria. Most are renters. Conversely, the 41.5% of households in the City that earn more than 100% AMI also constitute the largest proportion of homeowners. The City is home to 49,236 employed residents, two-thirds of whom earn less than \$50,000 per year.
- C. Household income disparity is even more prevalent for City seniors, 41.2% of which are people of color, who often live on fixed incomes and are more likely to have disabilities, chronic health conditions, and/or reduced mobility. Approximately 44% of seniors making less than 30 percent of AMI are spending the majority of their income on housing, while 91% of seniors making more than 100% of AMI spend less than 30% of their income on housing and thus are not considered cost burdened. The largest proportion of senior households who rent are extremely low-income.
- D. Large family households, defined by the U.S. Census Bureau as households containing five or more persons, are also cost burdened at a higher rate due to the higher costs required for homes with multiple bedrooms and which can increase the risk of housing insecurity. Approximately 40% of large family households in the City are cost burdened, almost half of which is “severely cost burdened,”

¹Data sources and additional information can be found in Chapter 2, Housing Needs Assessment, of the Draft Antioch Housing Element 2023-2031. Implementing Program 5.1.9 in Chapter 7 of the draft Housing Element, entitled “Tenant Protections” and pertaining to Goal 5, Fair Housing, further provides that the City will “[p]ursue the development of citywide tenant protection policies for consideration by the City Council” to address, among other things, rent stabilization.

meaning the households pay more than half of their income on housing. Citywide, 21.3% of all households spend more than 50% of their income on housing.

- E. Households headed by women are also disproportionately impacted by increasing housing costs. This segment constitutes 20.4% of all households in the City, which is significantly higher than the country (12.2% of households) and the larger Bay Area region (10.4% of households). Pervasive gender equality may result in lower wages for these households, and women with children face the added barrier of childcare costs to securing adequate employment. As a result, 32.7% of households in the City headed by women with children fall below the Federal Poverty Line compared to 8.1% percent households headed by women *without* children.
- F. The City's housing stock consists of 34,028 units, approximately a quarter of which are attached to another unit. Of the 97% of total units that are occupied, 40% are occupied by a renter. Rental prices increased by 50.8% from 2009 to 2019. To rent a typical apartment in the City without cost burden, defined by the U.S. Department of Housing and Urban Development (HUD) as less than 30% of household income, a household would need to make \$64,560 per year.
- G. No neighborhoods in the City are identified as "Highest Resource" or "High Resource" areas by State-commissioned research, while 89.6% of residents live in areas identified by this research as "Low Resource" or "High Segregation and Poverty" areas. These neighborhood designations are based on a range of indicators, including education, poverty, proximity to jobs and economic opportunities, low pollution levels, and other factors. Research reveals 31.3% of households in the City live in neighborhoods that are susceptible to or experiencing displacement, and 19.2% live in areas at risk of or undergoing gentrification.
- H. The housing rent burden faced by many residents in the City threatens the health, safety, and welfare of its residents, particularly when resulting in eviction and displacement. Studies have shown that evictions play an impactful role in the lives of low-income renter households, contribute to poverty through disruptive effects such as job loss, adverse health effects, and negative consequences for children, and impacts renters' credit histories and ability to rent and find employment opportunities. Increasing the number of City residents who are unhoused, particularly elderly residents who may need medical or other care, could create a public health and safety risk.
- I. The Costa-Hawkins Rental Housing Act, California Civil Code Section 1954.50, *et seq.*, limits the applicability of local rent stabilization policies, including prohibiting local jurisdictions from applying rent stabilization to certain residential rental properties. It is the intent of the City Council that this ordinance complies with the Costa-Hawkins Rental Housing Act, and all other applicable state and federal laws.
- J. The economic conditions and recognized housing shortage in the Bay Area have the potential to detrimentally impact a substantial number of City residents and

impose a particular hardship on senior citizens, persons living on fixed incomes, and other vulnerable persons living in the City.

- K. The City has not previously regulated the setting and increasing of rents for residential real property. Given the concerns discussed herein, the City Council desires to establish rent stabilization policies protecting residents while ensuring that the Landlords of residential real property may earn a fair and reasonable return on their property.
- L. At the City Council meetings on June 14, 2022, June 28, 2022, and July 27, 2022, the City Council discussed and received public comment concerning tenant protections, including policies regulating rent increases on residential properties in the City.
- M. Pursuant to the City's police power, as granted broadly under Article XI, section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, health, and welfare of the City and its residents.
- N. Based on the foregoing facts, and the facts presented to the City Council at the meetings at which this ordinance was introduced and adopted, the City Council finds that allowing Landlords of residential real property to have unfettered discretion to increase rents would pose a threat to the public health, safety, and welfare, and that a prohibition of rent increases, except as allowed herein, is therefore necessary.
- O. The City Council hereby adopts these regulations in order to address the threats set forth below.
 - 1. Absent the adoption of this ordinance, as a result of the economic conditions and recognized housing shortage in the Bay Area, including the East Bay and Contra Costa County, significant rent increases will impact a substantial number of residents in the City and constitute a threat to public health, safety, and welfare, and a particular hardship for senior citizens, persons living on fixed incomes, and other vulnerable persons living in the City;
 - 2. For the preservation of the public peace, health, and safety, the City Council finds that it is necessary to adopt an ordinance stabilizing rents for all of the reasons set forth in the recitals above, which are hereby incorporated by reference;
 - 3. Certain aspects of public health, safety, and welfare are not adequately protected due to the City's lack of rent stabilization mechanics or controls on residential real property generally, and it is in the interest of the City, property owners, residents, and the community as a whole that the City adopt regulations to protect affordable housing within the City, including, but not limited to, rent stabilization regulations applicable to residential real property generally; and

4. The City Council finds that a rent rollback to August 23, 2022, the date a draft of this ordinance was first introduced by the City Council, and the application of the limitation of one increase per twelve months to increases occurring prior to the effective date of this ordinance are necessary to counteract any rent increases imposed in anticipation of the adoption of rent stabilization in the City and to more fully effectuate the legislative and public purposes of this ordinance.
- P. This recitals for this ordinance, any amendments or supplements, and oral testimony provided on June 14, 2022, June 28, 2022, July 27, 2022, August 23, 2022, September 13, 2022, and September 27, 2022 shall be incorporated herein by this reference, and, shall constitute the necessary findings for this ordinance.
- Q. The City Council finds, determines, and declares that the threat to the public health, safety, and welfare of the City and its residents necessitates the enactment of the ordinance.

The City Council of the City of Antioch does ordain as follows:

Section 1 The recitals and statements of fact set forth in the preamble to this ordinance, above, are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by reference.

Section 2 Title 11, entitled “Tenant Protections,” is hereby added to the Antioch Municipal Code.

Section 3 Chapter 1, entitled “Rent Stabilization,” is hereby added to Title 11, Tenant Protections, of the Antioch Municipal Code to read as follows:

**CHAPTER 1
RENT STABILIZATION**

§ 11-1.01. TITLE; REFERENCE TO CHAPTER.

This Chapter 1 shall be known as the “Rent Stabilization Ordinance”.

§ 11-1.02. APPLICATION.

The provisions of this Rent Stabilization Ordinance are applicable to any building or part of a building that is used for residence and that is rented to a tenant as a dwelling place, except those units exempted by § 11-1.08 (“**Rental Unit**”). This Rent Stabilization Ordinance shall be interpreted and administered in a manner consistent with the Costa-Hawkins Rental Housing Act codified in California Civil Code Section 1954.50, *et seq.* (“**Costa-Hawkins**”), if any conflict exists between the provisions of Costa-Hawkins and this ordinance, Costa-Hawkins shall prevail.

§ 11-1.03. DEFINITIONS.

(A) The following terms shall have the meaning provided below when used in this Rent Stabilization Ordinance, whether plural or singular.

- (1) **“Housing Services”** means all amenities and services related to the use or occupancy of a Rental Unit and common areas that are provided by the Landlord. Housing Services includes without limitation hot and cold water, heat, utilities, painting, elevator service, refuse removal, janitorial service, maintenance, repairs, replacement, recreational areas (including pools or gyms), laundry facilities, furnishings, storage space, parking (including one or more automobiles), employee services, security services, insurance, the payment of property taxes, and any other benefits or privileges permitted to the tenant by agreement, whether express or implied, including the right to have a specific number of occupants and the right to one-for-one replacement of roommates, regardless of any prohibition against subletting and/or assignment. Housing Services also includes those basic housing services required by California Civil Code Section 1941.1. Housing Services includes a proportionate part of services provided to common facilities of the building and property in which the Rental Unit is contained.
- (2) **“Landlord”** shall mean an owner of record, lessor, sublessor or any other person, entity, or nonnatural person entitled to receive Rent for the use or occupancy of any dwelling place subject to this Rent Stabilization Ordinance, or an agent representative, affiliate, member, shareholder, trustee, or successor of any of the foregoing. If an owner of a Rental Unit is other than a single natural person, then all entities and persons that share ownership and/or control (direct or indirect) of the units under this Rent Stabilization Ordinance shall be considered one and the same Landlord.
- (3) **“Rent”** means the sum of all consideration demanded accepted, or retained for the use or occupancy of a Rental Unit or for Housing Services provided, or both. Rent includes all periodic payments and all nonmonetary consideration, including, but not limited to, the fair market value of goods or services rendered to or for the benefit of the Landlord, under an agreement concerning the use or occupancy of residential real property.

(B) Terms defined in other sections of this Rent Stabilization Ordinance shall have such meaning when used in this Rent Stabilization Ordinance, whether singular or plural.

§ 11-1.04. LIMIT ON RENTAL RATE INCREASES.

(A) Increases in Rent on residential real property in the City may not exceed the lesser of three percent (3%) or sixty percent (60%) of the most recent 12-month increase in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-Hayward Area published by the Bureau of Labor Statistics. Only one Rent increase in any twelve (12) month period is permitted. A reduction in Housing Services is an increase in Rent.

(B) Subdivision (A) of this section shall apply to all Rent increases occurring on or after August 23, 2022.

(1) In the event that a Landlord has increased the Rent by more than the amount permissible under subdivision (A) between August 23, 2022 and the effective date of this Rent Stabilization Ordinance, the applicable Rent on the effective date of this Rent Stabilization Ordinance shall be the Rent as it existed on August 23, 2022 plus the maximum permissible increase authorized under subdivision (A) of this section and applicable State law, if any.

(2) A Landlord has no duty to refund otherwise lawful Rent received prior to the effective date of this Rent Stabilization Ordinance in excess of the amount authorized by this section.

(C) The twelve (12) month period referenced in subdivision (A) of this section shall begin on the date of the last Rent increase regardless of whether the last increase occurred prior to the effective date of the Rent Stabilization Ordinance.

(D) The City Council finds that the limited retroactive effect enacted by subdivisions (B) and (C) of this section are necessary to counteract any Rent increases imposed in anticipation of the adoption of rent stabilization in the City of Antioch and to more fully effectuate the legislative and public purposes of this Rent Stabilization Ordinance.

§ 11-1.05. REASONABLE RATE OF RETURN.

This Rent Stabilization Ordinance allows for an annual adjustment of residential real property Rent of up to the exceed the lesser of three percent (3%) or sixty percent (60%) of the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-Hayward Area published by the Bureau of Labor Statistics pursuant to § 11-1.04. Such an increase is found and determined to provide a just and reasonable return on a Landlord's property, and has been adopted to encourage good management, reward efficiency, and discourage the flight of capital, as well as to be commensurate with returns on comparable investments, but not so high as to defeat the purpose of curtailing excessive rents and rental increases. Notwithstanding the foregoing, any Landlord who contends that the limit on rental increases set forth in § 11-1.04 will prevent the Landlord from receiving a fair and reasonable return on the property may petition for relief from the limit set forth in § 11-1.04 pursuant to the procedures set forth in § 11-1.07.

§ 11-1.06. TENANT PETITION FOR RENT REDUCTION.

(A) A tenant may petition for a reduction of rent (“**Rent Reduction Petition**”) if the tenant believes that the Landlord has demanded, accepted, or retained from the tenant any Rent in excess of the Rent permitted by this Rent Stabilization Ordinance. The Landlord shall be informed of the tenant’s complaint and shall have the opportunity to respond to the tenant’s claim of rent overcharge.

- (1) Such Rent Reduction Petition shall be on an application form prescribed by the City Attorney or designee and shall be decided by a Hearing Officer subject to § 1-6.01 designated by the City Attorney.
- (2) The tenant shall provide a copy of any Rent Reduction Petition submitted to the City to the applicable Landlord and shall provide the City with proof of completing such service to the applicable Landlord. The Landlord shall have thirty (30) days from the date of receiving the Rent Reduction Petition to reply or provide additional materials to the City in response to the Rent Reduction Petition.
- (3) The tenant shall bear the burden of establishing that a rent reduction is necessary to comply with the City’s Rent Stabilization Ordinance by providing information including the type of dwelling, dates of tenancy, dates of rent increases, amount of rent increases, dates of charges, and amounts of charges.

(B) The factors the Hearing Officer may consider in deciding a Rent Reduction Petition shall be matters related to the Landlord’s failure to comply with the City’s Rent Stabilization Ordinance and regulations. For example, the amount of Rent that the Landlord has actually demanded, accepted, or retained from the tenant exceeds the amount of Rent that the Landlord could lawfully charge. The Hearing Officer may also consider a Landlord’s decrease of Housing Services.

(C) A Rent Reduction Petition shall be decided by the Hearing Officer within sixty (60) calendar days of the date that the application has been deemed complete, including submission of proof of service of the Rent Reduction Petition on the applicable Landlord(s), unless an extension of this time has been agreed upon by the parties. The decision shall be sent by mail and shall be emailed with proof of mailing to the applicable tenant(s), the designated representative of the tenant(s), the subject Landlord, and the Landlord’s designated representative(s) for the Rent Reduction Petition, if any. The decision of the Hearing Officer shall be the final decision.

§ 11-1.07. LANDLORD PETITION FOR RENT INCREASE.

(A) A Landlord may petition for a Rent increase in excess of that provided in § 11-1.04 in order to obtain a fair and reasonable return on the Landlord’s property (“**Fair Return Petition**”).

- (1) Such Fair Return Petition shall be on an application form prescribed by the City Attorney or designee and shall be decided by a Hearing Officer subject to § 1-6.01 designated by the City Attorney.
- (2) The Landlord shall provide a copy of any Fair Return Petition submitted to the City to the applicable tenant(s) and shall provide the City with proof of completing such service to the applicable tenant(s). The tenant(s) shall have thirty (30) days from the date of receiving the Fair Return Petition to reply or provide additional materials to the City in response to the Fair Return Petition.
- (3) The Landlord shall bear the burden of establishing that a rate increase in excess of that provided in § 11-1.04 is necessary to provide the Landlord with a fair and reasonable return on the property, including by providing an independent financial report and verified financial data demonstrating that without such an increase, the Landlord will not realize a fair and reasonable return on the property.
- (4) The Landlord shall be responsible for all costs associated with the City's review of the Fair Return Petition. Upon receipt of a Fair Return Petition, the Hearing Officer shall determine the anticipated costs of review and if the employment of expert(s) will be necessary or appropriate for a proper analysis of the Landlord's request. If the Hearing Officer so determines, the Hearing Officer shall also determine the anticipated costs of employing such expert(s). The resulting figure shall be communicated to the Landlord, and the Fair Return Petition shall not be processed until the Landlord has paid to the City the estimated cost of the complete analysis. City will provide the Landlord with an invoice of all costs incurred after the review of the Fair Return Petition. Any unused portion of the advance payment for analysis shall be refunded to the Landlord. If additional funds are required, payment will be required before the Landlord receives the determination on the Fair Return Petition from the City.

(B) The factors the Hearing Officer may consider in deciding a Fair Return Petition include, but are not limited to, the following:

- (1) Changes in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-Hayward Area published by the Bureau of Labor Statistics arising after commencement of the tenancy.
- (2) The length of time since the last determination by a Hearing Officer on a Rent increase application, or the last Rent increase if no previous Rent increase application has been made, after commencement of the tenancy.

- (3) The completion of any capital improvements to the residential real property specified in the Fair Return Petition, and the cost thereof, including materials, labor, construction interest, permit fees, and other items the Hearing Officer deems appropriate, arising after commencement of the tenancy and averaged on a per-unit basis and amortized over a period of not less than sixty (60) months.
- (4) Documented rehabilitation work averaged on a per-unit basis and amortized over a period of not less than thirty-six (36) months.
- (5) Changes in property taxes or other taxes related to the subject residential real property arising after commencement of the tenancy.
- (6) Changes in the utility charges for the subject residential real property by the Landlord, and the extent, if any, of reimbursement from the tenants arising after commencement of the tenancy.
- (7) Changes in reasonable operating and maintenance expenses arising after commencement of the tenancy.
- (8) The need for repairs caused by circumstances other than ordinary wear and tear arising after commencement of the tenancy.
- (9) The amount and quality of services provided by the Landlord to the affected tenant(s) arising after commencement of the tenancy.

(C) A Fair Return Petition shall be decided by the Hearing Officer within ninety (90) calendar days of the date that the application has been deemed complete, including submission of proof of service of the Fair Return Petition on the applicable tenant(s), unless the Landlord has failed to pay all applicable costs associated with the City's review of the Fair Return Petition or an extension of this time has been agreed upon by the parties. The decision shall be sent by mail and shall be emailed with proof of mailing to the subject Landlord, the Landlord's designated representative(s) for the Fair Return Petition, the applicable tenant(s), and the designated representative of the tenant(s), if any. The decision of the Hearing Officer shall be the final decision.

§ 11-1.08. EXEMPTIONS.

(A) Pursuant to Costa-Hawkins, the provisions of this Rent Stabilization Ordinance regulating the amount of Rent that a Landlord may charge shall not apply to the following:

- (1) Any residential real property that has a certificate of occupancy issued after February 1, 1995 (California Civil Code Section 1954.52(a)(1));
- (2) Any residential real property that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision,

as specified in subdivision (b), (d), or (f) of Section 11004.5 of the California Business and Professions Code.

- (3) Any other residential real property for which Rent may not be regulated by the City pursuant to Costa-Hawkins.

(B) The provisions of this Rent Stabilization Ordinance regulating the amount of Rent that a Landlord may charge shall not apply to the following:

- (1) A unit owned, operated, or managed by a governmental unit, agency, or authority, or that is specifically exempted from municipal Rent regulation by state or federal law or regulation.
- (2) Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.
- (3) Mobile homes located in mobile home parks.
- (4) A unit in a hotel, motel, inn, tourist home, or rooming and boarding house which is rented primarily to transient guests for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days; and other transient occupancies as defined in California Civil Code Section 1940, subdivision (b).
- (5) A unit in an institutional facility, including a hospital, medical care facility, residential care facility, asylum, group home for seniors or the disabled, or transitional housing program that assists homeless persons as defined in California Civil Code Section 1954.12.
- (6) A unit that the Landlord or the Landlord's immediate family occupied as their principal place of residence at the beginning of the tenancy so long as the Landlord or the Landlord's immediate family continues in occupancy.
- (7) A unit within a dwelling unit, if the dwelling unit is the principal residence of a Landlord, and Landlord shares the bathroom or kitchen facilities with the tenant.

§ 11-1.09. RENT INCREASE INEFFECTIVE; NO WAIVER.

(A) No Rent increase shall be effective if the Landlord:

- (1) Fails to substantially comply with all provisions of this Rent Stabilization Ordinance, as that Ordinance may be amended from time to time, and with any other applicable policies, regulations or resolutions concerning Rent, including without limitation the service of the tenant with a legally required notice of a rent increase under State law, the registration of all Rental Units within the City, and the

payment of all Rent Program Fees set forth in the City's Master Fee Schedule; or

- (2) Fails to maintain the residential real property in compliance with California Civil Code Sections 1941.1 et seq. and California Health and Safety Code sections 17920.3 and 17920.10; or
- (3) Fails to make repairs ordered by the City or court of competent jurisdiction.

(B) Any waiver or purported waiver by a tenant of rights granted under this article prior to the time when such rights may be exercised shall be void as contrary to public policy.

(C) If a tenant reasonably believes a Landlord has increased the tenant's Rent in violation of this section, the tenant may submit to the City a Petition to Determine Compliance for consideration by a Hearing Officer designated by the City Attorney. The Landlord shall have an opportunity to respond to the Petition to Determine Compliance and to participate in the administrative proceeding. The City Attorney shall promulgate administrative regulations to effectuate this section, in addition to those authorized by § 1-6.01 (Antioch Municipal Code). The decision of the Hearing Officer shall be final and not appealable.

§ 11-1.10. NOTICE REQUIREMENTS.

(A) On or before the date of commencement of a tenancy, the Landlord of any residential real property subject to this Rent Stabilization Ordinance shall deliver to the tenant written notice of the following in a form prescribed by the City:

- (1) The tenancy is regulated by this Rent Stabilization Ordinance, Antioch Municipal Code, Title 11, Chapter 1; and
- (2) The tenant has a right to submit a complaint to the City pursuant to § 11-1.13 or a Rent Reduction Petition pursuant to § 11-1.06 for Rent charged in violation of this Rent Stabilization Ordinance; and
- (3) The Landlord has a right to respond to any Rent Reduction Petition filed by the tenant with the City pursuant to § 11-1.06.
- (4) The tenant has a right to respond to any Fair Return Petition filed by the Landlord with the City pursuant to § 11-1.07.

(B) At the same time and with any notice to increase Rent, the Landlord must deliver written notice of the following:

- (1) The tenancy is regulated by this Rent Stabilization Ordinance, Antioch Municipal Code, Title 11, Chapter 1; and

- (2) The tenant has a right to submit a complaint to the City pursuant to the procedures established pursuant to § 11-1.13 or a Rent Reduction Petition pursuant to § 11-1.06 for Rent charged in violation of this Rent Stabilization Ordinance; and
- (3) The tenant has a right to respond to any Fair Return Petition filed by the Landlord with the City pursuant to § 11-1.07; and
- (4) No Rent increase is effective unless and until the requirements of this Rent Stabilization Ordinance have been met.

(C) When a Landlord and tenant have entered into a written lease, the Landlord must give notices to the tenant in the language primarily used in the lease. When a Landlord and tenant have not entered into a written lease, the Landlord must give notices to the tenant in the language that a Landlord and tenant used primarily when negotiating the terms of the tenancy.

§ 11-1.11. VIOLATIONS; REMEDIES.

(A) It shall be unlawful for any person to violate or fail to comply with any provision of this Rent Stabilization Ordinance, including charging increased Rent in violation of this Rent Stabilization Ordinance or a determination by a Hearing Officer.

(B) Any person who violates or aids or incites another person to violate the provisions of this Rent Stabilization Ordinance is liable for each and every such offense for actual damages suffered by an aggrieved party (including damages for mental or emotional distress); or for statutory damages in the sum of three times the amount by which the payment demanded, accepted, or retained exceeds the maximum amount that could be lawfully demanded, accepted, or retained, or for statutory damages in the sum of one thousand dollars (\$1,000), whichever is greater; and whatever other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award may be trebled if the trier of fact finds that the Landlord acted in knowing violation of or in reckless disregard of this Rent Stabilization Ordinance. The trier of fact may also award punitive damages to any plaintiff, including the City, in a proper case as defined by Civil Code Section 3294.

(C) Any person who is convicted of violating this Rent Stabilization Ordinance shall be guilty of a misdemeanor and upon conviction 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.

(D) Any person, including the City, may enforce the provisions of this Rent Stabilization Ordinance by means of a civil action. The burden of proof in such cases shall be by preponderance of the evidence. The prevailing party in any civil action brought pursuant to this section shall be entitled to recover reasonable attorneys' fees and costs. A violation of this Rent Stabilization Ordinance may be asserted as an affirmative defense in an unlawful detainer action.

(E) Any person who commits an act, proposes to commit an act, or engages in any pattern and practice that violates this Rent Stabilization Ordinance 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 of the protected class.

(F) This Rent Stabilization Ordinance may be enforced as provided in Chapter 2 of Title 1 of this code in addition to the remedies provided herein, which shall be in addition to any other existing remedies which may be available.

§ 11-1.12. RENT PROGRAM FEE AND REGISTRATION REQUIREMENT.

For the sole purpose of reimbursing the City for the costs of administering this Rent Stabilization Ordinance, there is hereby imposed on each Rental Unit, subject to the provisions of this Rent Stabilization Ordinance, a regulatory fee (“**Rent Program Fee**”) to cover the costs to provide and administer the programs created by this Chapter in such amount as the City Council may establish by resolution from time to time. Landlords subject to this Rent Stabilization Ordinance shall register all units subject to this ordinance with the City and pay the Rent Program Fee at such time and in such manner as established by City Council resolution.

§ 11-1.13. IMPLEMENTATION.

The City Manager and City Attorney shall take or cause to be taken such actions necessary to implement this Rent Stabilization Ordinance and effectuate the intent of the City Council in adopting this Rent Stabilization Ordinance, including the preparation of informational materials and forms and promulgation of administrative regulations. The City Manager shall designate a City department to provide information and receive tenant complaints pertaining to violation of this ordinance.

Section 4 Chapter 6, entitled “Hearing Procedures, Hearing Officers’ Decisions and Administrative Regulations,” is hereby added to Title 1, General Administration, of the Antioch Municipal Code to read as follows:

CHAPTER 6 ADMINISTRATIVE HEARINGS; REGULATIONS

§ 1-6.01. HEARING PROCEDURES, DECISIONS, AND ADMINISTRATIVE REGULATIONS.

(A) In any administrative proceeding conducted under this code by a Hearing Officer or Hearing Examiner:

- (1) The Hearing Officer or Hearing Examiner shall have no authority to consider the constitutionality of any Federal, State, or local law or regulation.

(2) The Hearing Officer or Hearing Examiner, in the performance of duties, shall comply with all applicable Federal, State, and local laws, regulations and codes of conduct.

(B) No administrative decision issued by a Hearing Officer or Hearing Examiner shall establish legal precedent applicable beyond the case presented by the decision.

(C) No administrative decision shall be cited as controlling or persuasive legal precedent in any subsequent administrative hearing in a separate case.

(D) This section shall not preclude the use of an administrative decision to establish factual issues, such as showing a pattern or practice in any proceeding.

(E) The City Attorney or designee may promulgate administrative regulations to implement the administrative hearing procedures set forth in this Chapter. Such regulations may set forth instructions relating to topics such as conflicts of interest, disqualification and selection of Hearing Officer or Hearing Examiners.

Section 5 The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a “project”, as defined in Section 15378 of the State CEQA Guidelines.

Section 6 If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

Section 7 This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 27th of September 2022, and passed and adopted at a regular meeting thereof, held on the 11th day of October 2022, by the following vote:

AYES: Council Members District 1 Torres-Walker, District 4 Wilson, and Mayor Thorpe

NOES: Mayor Pro Tem (District 2) Barbanica, Council Member District 3 Ogorchock

ABSTAIN: None

ABSENT: None

/s/ LAMAR A. THORPE
LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:

/s/ ELIZABETH HOUSEHOLDER
ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH