



Rent Program Regulations

**Special Regulation for
Tenancies Existing Before January 1, 2023**

This Special Regulation was updated on February 23, 2023 to revise Section IV herein regarding the effective date of the registration requirement.

I. Purpose of Special Regulation.

- A. The Rent Stabilization Ordinance became effective on November 11, 2022 and applies to Rent increases occurring on or after August 23, 2022.
- B. This Special Regulation is intended to provide guidance and instructions for Landlords and Tenants whose tenancies existed before December 15, 2022. Specifically, this Special Regulation addresses:
 - 1. Rent increases that occurred on or after August 23, 2022;
 - 2. Requirements to provide Notice to Tenants using City forms not yet available; and
 - 3. Future registration and fee requirements.
- C. The Rent Stabilization Ordinance and related Regulations apply to rental units that are not exempt from the Ordinance ("Rental Units"). See § 11-1.08 of the Ordinance for the list of exempt units. The capitalized terms used in this Regulation are defined in the Ordinance.

II. Rent Increases—On or After August 23, 2022.

- A. *Maximum Annual Increase.*
 - 1. Lesser of 3% or 60% of CPI. Section 11-1.04, subd. (A) of the Rent Stabilization Ordinance prohibits increases in Rent in excess of the lesser of 3% or 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.
 - 2. Actual Amount. For the period beginning August 23, 2022 through the end of December 2022, the actual maximum increase is three percent (3%) based on the Consumer Price Index for All Urban Consumers in

the San Francisco-Oakland-Hayward Area reports published prior to the adopted of this Special Regulation.

3. Frequency of Increases. Section 11-1.04 also prohibits more than one Rent increase in any 12-month and provides that a reduction in Housing Services is an increase in rent.

B. *Limited Retroactive Application*. Although the effective date of the Rent Stabilization Ordinance was November 11, 2022, § 11-1.04, subd. (B) of the Ordinance applies the Rent increase restrictions to Rent increases occurring on or after August 23, 2022. Section 11-1.04, subd. (C) further provides that the prohibition of more than one Rent increase during any 12-month period begins on the date of the last Rent increase regardless of when it occurred.

C. *Increases On or After August 23, 2022*.


1. Except as provided in Section II.C.4, below, if a Rent increase occurring on or after August 23, 2022 did not exceed 3% of the Rent as it existed on August 23, 2022, no adjustment or refund is needed.
2. If a Rent increase occurring on or after August 23, 2022 exceeded 3% of the Rent as it existed on August 23, 2022, the Rent must be reduced as of November 11, 2022 to no more than the amount of Rent as it existed on August 23, 2022 plus any increase available pursuant to the Rent Stabilization Ordinance. Any Rent overage on or after November 11, 2022 should be refunded to the Tenant as soon as possible. A Landlord may credit Rent overage paid against future Rent only with the consent of the Tenant.
3. In other words, for the period beginning August 23, 2022 and ending November 14, 2022, no refund of Rent overage is required. Beginning November 11, 2022, Rent must comply with the Rent Stabilization Ordinance, and any Rent charged or collected for November 11, 2022 and after must be refunded. If a Tenant paid Rent for the month of November in a lump sum at the beginning of the month, the refund amount would be the Rent overage prorated for November 15 through 30. Landlords and Tenants should keep records of adjustments, refunds, and/or credits made in compliance with the Rent Stabilization Ordinance.
4. Notwithstanding any of the foregoing, a Landlord will not be entitled to a Rent increase on or after August 23, 2022 if the Landlord is in violation of § 11-1.09, subds. (A)(2) or (A)(3) at the time a Rent increase was imposed.

- B. Complete and compliant Notices delivered by December 31, 2022 for tenancies existing as of that date will be deemed compliant with the requirements of § 11-1.10 of the Rent Stabilization Ordinance.
- C. For each tenancy existing on or before December 21, 2022, the Landlord must deliver to each Tenant a Notice of Tenant Rights—New Tenancy one time on or before December 31, 2022. Delivery of such notice will fulfill the requirements of § 11-1.10, subd. (A). Additional Notice is required pursuant to § 11-1.10, subd. (B) each time rent is increased. See Article 1 of the Rent Program Regulations.
- D. Beginning January 1, 2023, any Notice that is not delivered within the time required will be in violation of the Rent Stabilization Ordinance.

IV. Registration of Rental Unit.

- A. Section 11-1.12 of the Rent Stabilization Ordinance establishes a Rent Program Fee for the purpose of funding the administration of the Rent Program. Although the fee was established, the amount of the fee has not yet been adopted by the City Council. For this reason, no fee is due at this time.
- B. Section 11-1.12 of the Rent Stabilization Ordinance also establishes a registration requirement for units subject to the Ordinance. The Rental Unit Registry is under development and will be connected to the Residential and Multi Family Landlord Business License application and renewal procedures. The effective date of the registration requirement will be established by an amendment to Article 1 of these Rent Program Regulations, which will have the revised title of "Notice of Registration." For this reason, the registration requirement is not yet in effect. (Rev. Feb. 23, 2023.)

Adopted this 23rd day of February, 2023 pursuant to sections 1-6.01, 11-1.09, and 11-1.13 of the Antioch Municipal Code. This Regulation shall take effect upon adoption and publication on the City of Antioch website and supersedes prior inconsistent regulations.


Thomas Lloyd Smith
City Attorney, City of Antioch