

ORDINANCE NO. 2024-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 21.07 “JUST CAUSE EVICTION ABOVE AB 1482 REQUIREMENTS” OF THE CITY OF SANTA CRUZ MUNICIPAL CODE TO EXTEND AB 1482 RENTAL INCREASE PROTECTIONS UPON EXPIRATION OF AFFORDABLE HOUSING RENTAL RESTRICTIONS

**BE IT ORDAINED, by the City Council of the City of Santa Cruz as follows:**

**SECTION 1.** Chapter 21.07 “Just Cause Eviction Above AB 1482 Requirements” is hereby amended to read as follows:

**“Chapter 21.07  
TENANT PROTECTIONS ABOVE AB 1482 REQUIREMENTS**

**21.07.010 EXTENDING AB 1482 PROTECTIONS TO SECTION 8 TENANTS.**

Notwithstanding the language of California Civil Code Section 1946.2(e)(9), the no-fault just cause eviction protections of Section 1946.2 shall be applicable to tenants receiving subsidy through the Section 8 Housing Choice Voucher Program or the Section 8 Project Based Voucher Program. A full month’s rent shall be provided for relocation assistance, including both the tenant’s portion of the payment and the voucher amount. Any rent control protections that Section 8 Housing Choice Voucher holders are afforded by AB 1482 shall also be applied to such Section 8 Housing Choice tenants.

**21.07.020 EXTENDING AB 1482 RENT INCREASE PROTECTIONS UPON EXPIRATION OF RENTAL RESTRICTIONS.**

A. Notwithstanding the language of California Civil Code Section 1947.13(a)(1) and (2), for housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or for housing subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes, the limitations on gross rental rate increases set forth in California Civil Code Section 1947.12 shall apply to: (1) any tenancy in existence prior to when the one-year notice of expiration of rental restrictions is provided to affected tenants in accordance with California Government Code Section 65863.10(b), or (2) if multiple one-year notices are required to be provided under the Government Code due to multiple affordability agreements impacting the property, then any tenancy in existence prior to when the final required one-year notice of expiration of rental restrictions is provided to affected tenants in accordance with California Government Code Section 65863.10(b).

- B. In accordance with California Civil Code Section 1947.12, for any tenancy described in subsection A., above, an owner of residential real property shall not, over the course of any 12-month period, increase the gross rental rate for a dwelling or a unit more than 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase. In determining the lowest gross rental amount pursuant to this section, any rent discounts, incentives, concessions, or credits offered by the owner of such unit of residential real property and accepted by the tenant shall be excluded. The gross per-month rental rate and any owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement.
- C. For the purposes of this section, the annual “percentage change in the cost of living” shall be defined in accordance with subsection (g)(3) of California Civil Code Section 1947.12.
- D. This section shall not apply to a dwelling or unit which is exempt from rent control requirements under California Civil Code Section 1954.52.
- E. Upon the expiration of rental restrictions, and before establishing a gross rental rate consistent with Subdivision B above, the owner of an assisted housing development, as defined by Gov Code § 65863.10, must demonstrate compliance with all applicable provisions of Sections 65863.10, 65863.11, and 65863.13 of the Government Code and any other applicable federal, state, or local law, or regulation, including, but not limited to, Chapter 21.05 of the Santa Cruz Municipal Code.

**21.07.030 CIVIL REMEDIES.**

Failure by a landlord to comply with the terms of this chapter shall be an affirmative defense to any unlawful detainer action pending or filed on or after its effective date. In addition, tenant may bring a civil suit in the courts of the state for injunctive relief and damages, alleging that a landlord has violated any of the provisions of this chapter. In a civil suit, a landlord found to violate this chapter shall, in addition to injunctive relief, be liable to the tenant for all actual damages, as well as an award of reasonable attorneys’ fees and costs. Additionally, upon a showing that the landlord has acted willfully or with oppression, fraud, or malice, the tenant shall be awarded treble damages. No administrative remedy need be exhausted prior to filing suit pursuant to this section.”

**SECTION 2.** This ordinance shall take effect and be in force thirty (30) days after final adoption.

ORDINANCE NO. 2024-16

PASSED FOR PUBLICATION this 10<sup>th</sup> day of September , 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;  
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Fred Keeley, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 24<sup>th</sup> day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Fred Keeley, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2024-16 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator