

# **RESIDENTIAL LANDLORD AND TENANT RELATIONS**

## **UNION CITY MUNICIPAL CODE CHAPTER 5.50**

**Effective: May 10, 2017**

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## **Background**

- On April 11, 2017, the City Council approved an ordinance requiring cause for termination of tenancy and prohibiting harassment of tenants (the “Ordinance”)
- Ordinance contains two main elements:
  - 1) Cause for Termination of Tenancy
  - 2) Anti-Harassment

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## Termination of Tenancy Overview

- The Ordinance prohibits a landlord from terminating a lease/tenancy unless certain pre-conditions have been satisfied
- The Ordinance applies to most rental units in the City, with limited exceptions, such as units controlled by the state or federal government
  - Includes single-family homes and condominiums

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Refer to Union City Municipal Code Section 5.50.030

## Termination of Tenancy

In order to terminate tenancy, a landlord must satisfy **all** of the following:

- 1) Have a valid business license and registered rental unit;
- 2) Provided the tenant with a Notice of Rights;
- 3) Provided the tenant with a Notice of Termination;
- 4) Has not continued to accept rent beyond the termination date; **and**
- 5) Established the existence of at least one cause for termination

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## Notice of Rights

- Landlords must provide tenant with a notice of tenant rights in **all** of the following situations:
  1. No later than July 9, 2017;
  2. When entering a new lease or rental agreement;
  3. When renewing a lease or rental agreement;
  4. When serving a notice of termination
- An example notice is available online

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*Refer to Union City Municipal Code Section 5.50.070 for required notice*

## Proof of Service

- Each Notice of Tenants Rights must include a proof of service
- An example proof of service is available online
- Landlords do not need to submit the proof of service to the City
- Proof of service should be retained in personal record

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*Refer to Union City Municipal Code Section 5.50.070 for required notice*

## Notice of Termination

- In order terminate a tenancy, a landlord must send the tenant a notice of termination that contains the cause for termination
- This requirement is ***in addition*** to any other notice requirements imposed by California law.

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*Refer to Union City Municipal Code Section 5.50.060*

## Cause for Termination

The Ordinance establishes 10 specific causes for termination

- |                                                             |                                                                                       |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. Non-payment of rent                                      | 6. Unit will be substantially renovated                                               |
| 2. Tenant violated a material term of the lease             | 7. Landlord returning from deployment                                                 |
| 3. Tenant has used unit for illegal purposes                | 8. Condo conversion                                                                   |
| 4. Tenant has violated applicable health and safety code(s) | 9. Landlord will remove unit from market (includes selling unit to a bona fide buyer) |
| 5. Tenant rejected extending their existing lease           | 10. Landlord or landlord's parents or children will move into unit                    |

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*Refer to Union City Municipal Code Section 5.50.040(E)*

## Right of Return

- The landlord must provide the tenant with a right to return if the landlord terminates tenancy in order to:
  - Perform renovations
  - Remove the unit from the rental market, or
  - Landlord moves into the unit

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*Refer to Union City Municipal Code Sections 5.50.040(E)(6), (9), (10), and (F)*

## Right of Return Continued

- When/if the landlord returns the unit to the rental market, the tenant has the right to receive an offer to return if the tenant has:
  - Provided landlord with a current mailing address; **and**
  - Provides a written acceptance within 30 days of landlord's offer to return
- Landlord does not have to offer previous rental rate
- Tenant's right to return terminates after 5 years

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*Refer to Union City Municipal Code Sections 5.50.040(E)(6), (9), (10), and (F)*

## Anti-Harassment

- Ordinance prohibits landlords from engaging in certain conduct in bad faith, with ulterior motive, or without honest intent, including, but not limited to:
  - Failing to perform repairs or maintenance
  - Interfering with the tenant's right to quiet use and enjoyment of the rental unit
  - Refusing to accept or acknowledge receipt of lawful rent
  - Removing tenant's personal property from the rental unit
  - Influencing a tenant to vacate through fraud, intimidation or coercion

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## Enforcement

- Tenants have a right to enforce ordinance through civil proceedings in court for money damages or injunctive relief
- If Landlord can't demonstrate that it satisfied all pre-conditions for service of notice or termination, the notice of termination is invalid
- The City will not enforce the Ordinance

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## Property Registration & Fee

- Landlords will be required to register and pay an annual fee for each rental unit within the City
  - In addition to the business license fee
- City is developing the registration system and fee amount
- **Interim:** having a valid business license will meet the Ordinance's registration requirements

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## Other Resources

### Additional Info

[www.unioncity.org/rent-requirements](http://www.unioncity.org/rent-requirements)

### Tenant/Landlord Counseling & Fair Housing Services

ECHO Housing

(855) ASK-ECHO

[www.echofairhousing.org](http://www.echofairhousing.org)

### Legal Services

#### ***Alameda County Bar Association – Volunteer Legal Services***

- (510) 302-2222 (*Dial Option 4*)
- Must income qualify to receive services

#### ***Bay Area Legal Aid***

- Toll Free: (800) 551-5554
- Alameda County: (510) 250-5270
- Must income qualify to receive services

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## Business License

### When do I need a business license?

Every person engaged in the business of renting dwelling units located in the City shall pay an annual business license fee

### A property management company oversees all of my rentals, and they already have a license. Do I also need a license?

- **Yes.** Both the property management company and the property owner are required to obtain a business license annually.
- The property management company provides the service of property management while the property owner earns rental income from their rentals.
- Note: Property management companies fall under a different rate structure

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*Refer to Union City Municipal Code Sections: 5.16.010 and 5.20.070*

## Business License

### How do I apply for a business license?

- Download an application at:  
<http://www.unioncity.org/departments/administrative-services/licenses>

**or**

- Hard copies are available at City Hall  
34009 Alvarado-Niles Road  
Union City, CA 94587  
Mon – Thurs: 8:00am to 6:00pm  
Friday: 8:00am to 5:00pm  
City Hall is **CLOSED ALTERNATE FRIDAYS**

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## Business License

### What is the Business License Tax Rate?

- **Company Owned**

- \$132 + \$11 for each rental unit after 4 units
- Plus \$10 application fee

- **Individual Owned**

- \$132 + \$11 for each rental unit after 4 units
- No application fee

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## Questions?



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