



# City of San Leandro

Meeting Date: March 16, 2015

## Staff Report

---

**File Number:** 15-143

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.E.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for an Ordinance Amending San Leandro Municipal Code Section 1-3-1400 to Permit Both of the Landlord Rent Review Board Members to Reside Outside of the City of San Leandro and to Clarify that Tenant Rent Review Board Members and the Non-Tenant/Non-Landlord Rent Review Board Member Must Reside in the City of San Leandro

---

### SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Ordinance amending San Leandro Municipal Code Section 1-3-1400 to eliminate provisions of the Municipal Code that require one landlord Rent Review Board Member to reside inside the City of San Leandro (so that both landlord Rent Review Board members may reside outside of the City) and to clarify that both tenant Rent Review Board Members and the non-tenant/non-landlord Rent Review Board Member must reside in the City of San Leandro.

### BACKGROUND

The City of San Leandro Rent Review Board is a five member body comprised of two tenants, two landlords that own rental property in San Leandro and one individual that is neither a tenant nor a landlord. The Municipal Code currently requires that at least one of the two landlord members reside in the City.

### Analysis

The City of San Leandro Rent Review Board has had a vacancy for one landlord board member since Spring 2013. The resident-landlord requirement has hindered the Rent Review Board's operations for almost two years. Staff has engaged in diligent outreach efforts but has not received an application from a potential landlord Rent Review Board Member that resides in the City of San Leandro. Landlords of properties in the City of San Leandro who reside outside the City of San Leandro, however, have expressed interest.

The purpose of the Rent Review Board as stated in the Rent Review Ordinance is to balance views from both landlord and tenant board members when cases are heard. Staff believes that the goals of the Rent Review Ordinance can be best met with a full complement of opinions and viewpoints, and therefore recommends the Ordinance be revised to eliminate the resident requirement.

The proposed Ordinance eliminates the requirement that one Rent Review Board Member be a resident-landlord. The proposed Ordinance also clarifies that the tenant board members must reside in San Leandro and that the non-tenant, non-landlord member must reside in San Leandro.

**ATTACHMENT**

- Attachment A - Redline Amendments to Rent Review Board Membership

**PREPARED BY:** Steve Hernandez, Housing Specialist II, Community Development Department

CHAPTER 1-3 BOARDS AND COMMISSIONS

**ARTICLE 14  
RENT REVIEW BOARD**

**1-3-1400  
MEMBERSHIP**

The Rent Review Board shall consist of five (5) members. Two (2) members of the Board shall be tenants [that rent residential property in San Leandro](#), two (2) members shall be landlords that own rental property in San Leandro, and one member shall be [a San Leandro resident that is neither a tenant nor a landlord](#). ~~One of the landlord members may reside outside the City of San Leandro.~~

2395416.1



# City of San Leandro

Meeting Date: March 16, 2015

## Ordinance

---

**File Number:** 15-144 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE Amending San Leandro Municipal Code Section 1-3-1400 to Permit Both Landlord Rent Review Board Members to Reside Outside the City of San Leandro and to Clarify that Tenant Rent Review Board Members and the Non-Tenant/ Non-Landlord Rent Review Board Member must Reside in the City of San Leandro

---

The City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. PURPOSE.** The City of San Leandro Rent Review Board (Board) consists of five members comprised of two tenants, two landlords that own rental property in San Leandro and one individual that is neither a tenant nor a landlord. The Board is currently required to have one landlord member reside in the City of San Leandro.

The Board has had a vacancy for one landlord board member since Spring 2013. Staff has not received any applications from any potential landlord board members that reside in the City of San Leandro despite diligent outreach efforts. The City desires to permit both landlord Rent Review Board Members to reside outside the City of San Leandro because the Rent Review Board can operate more effectively without vacant positions and the goals of the Rent Review Ordinance can still be met with two landlords that do not reside in the City of San Leandro but are still qualified to serve the purposes of the Rent Review Ordinance.

**SECTION 2. AMENDMENT OF CODE.** Section 1-3-1400 shall be amended in its entirety to read as follows:

The Rent Review Board shall consist of five (5) members. Two (2) members of the Board shall be tenants that rent residential property in San Leandro, two (2) members shall be landlords that own rental property in San Leandro, and one member shall be a San Leandro resident that is neither a tenant nor a landlord.

**SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, paragraph,

sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.