



RENT REVIEW ORDINANCE

Effective November 2, 2018

On June 4, 2018, the Albany City Council approved an ordinance that will add Section 5-25 “Rent Review” to the Albany Municipal Code establishing a rent review program. The ordinance regulates most residential rental units in Albany and provides a mediation process for qualifying rent increases. Landlord participation in the rent review process is mandatory, but all recommendations are non-binding.

The Rent Review Program directed by the City Council on June 4, 2018 is currently under development. The Rent Review Ordinance and associated rent review program will be effective November 2, 2018. All Rent Review Program forms will be available on November 2, 2018 at albanyca.org/rentreview.

Frequently Asked Questions (FAQ)

The following FAQ answers frequently asked questions to help landlords and tenants understand and comply with the upcoming Albany Rent Review Program. This is a general guide and resource, and does not constitute legal advice, nor does it address every issue. It may be updated from time to time, as deemed appropriate by the City. The full text of the ordinance can be found at albanyca.org/rentreview.

1. When does the Ordinance become effective?

Answer: The rent review ordinance becomes effective November 2, 2018

2. What will landlords need to tell tenants about the Ordinance?

Answer: Landlords must provide notice of the availability of the rent review procedure in the three predominant languages spoken.

- At the time a rental agreement is entered into; and
- At the time the landlord provides notice of any rent increase exceeding five percent (5%).

The City will be preparing a Notice of Availability of Rent Review form (including the translation into the three predominant languages) that landlords may use to satisfy this requirement. It will be available November 2 online at albanyca.org/rentreview

3. How will landlords provide tenants with the Notice of Availability of Rent Review?

Answer: All notices of the availability of rent review shall be in writing and must be personally delivered or mailed to the tenant at the address of the tenant's residential property, or transmitted by email. Service by mail shall be presumed complete within five (5) calendar days of mailing.

4. Does the Ordinance prevent a landlord from raising a tenant's rental amount?

Answer: No.

5. Are landlords required to file copies of the rent increase notices with the City?

Answer: No.

6. How does a landlord register a rental unit with the City?

Answer: Starting November 2, 2018, landlord will be required to register each rental unit with the City on forms provided by the City at albanyca.org/rentreview.

7. Will there be a fee charged to administer this Ordinance?

Answer: For the sole purpose of reimbursing the City for a portion of actual reasonable costs of implementing the rent review ordinance, including costs associated with conciliation and mediation,

the landlord of each residential property shall pay an annual fee in an amount to be set by resolution of the City Council for each residential property.

the tenant who requests rent review shall pay a fee at the time the request is submitted, in an amount to be set by resolution of the City Council.

8. Does the Ordinance apply to single-family homes or condominium?

Answer: The Ordinance applies to all rental units in the City, with the exception of any housing unit that is subject to a recorded regulatory agreement that requires that the housing be rented to a tenant at specific income levels as defined by the regulatory agreement and any housing unit outside of the scope of the City's regulatory authority, including but not limited to any housing unit owned by the University of California and utilized for student housing, as well as any housing unit owned by the federal government.

9. How does Rent Review work?

Answer: Rent Review is a two-phased process consisting of 1) conciliation and 2) mediation (if required). The goal of rent review is to help tenants and landlords settle rent disputes. The Conciliation phase will typically be conducted by phone and/or email. The mediation consists of an in-person meeting with the tenant, landlord and mediator.

10. How will a tenant request Rent Review?

Answer: A tenant must complete the Rent Review Request Form and submit along with the required fee to the City within fifteen calendar days of the tenant's receipt of the notice of rent increase. The request must include a copy of the landlord's notice of rent increase with the Rent Review Request Form. The Rent Review Request Form will be available at albanyca.org/rentreview on November 2, 2018 when the Ordinance is in effect.

11. When can a tenant request rent review?

Answer: A tenant may seek rent review when:

- a) A tenant has received a rent increase that is more than 5% of the base rent; **OR**
- b) A tenant receives two or more rent increases in a 12-month period and the total of all rent increases exceeds 5% of the base rent paid prior to the first increase of the 12-month period.

12. What is considered the "base rent"?

Answer: The base rent means the rent paid to the landlord, for occupancy and use of the residential property, in the month immediately preceding the effective date of the rent increase. Base rent excludes pass through and ancillary costs that are paid separately to the landlord such as parking, storage, utilities, water, garbage, or any other similar fee or charge associated with the residential property.

13. If a tenant has requested rent review, what is the landlord required to do?

Answer: After receiving a rent review request, the City's Program Administrator will attempt to contact the landlord. The landlord must acknowledge the rent review request orally or in writing within fifteen (15) calendar days. Failure of the landlord to respond to the rent review request, without a good cause, shall void the rent increase.

14. Is participation in conciliation mandatory?

Answer: Yes. The landlord and tenant shall participate in conciliation which includes

providing relevant information, exchanging proposals, reasonably consider proposals by opposite parties, and engaging in discussions regarding the rent increase and issues related to the rent increase. Failure of a landlord to participate in conciliation shall void the rent increase. Failure of the tenant to participate shall bar the tenant from seeking mediation.

15. When can a tenant request mediation?

Answer: If the tenant and landlord do not resolve the rent dispute during conciliation and conciliation has concluded, the tenant can request mediation within ten (10) calendar days of the conclusion of conciliation. The City's Program Administrator will notify the landlord and tenant when the conciliation process has concluded.

16. Is participation in mediation mandatory?

Answer: Yes. If the landlord fails to attend mediation when requested, without good cause, the rent increase shall be void and the landlord may not take any action to enforce the invalid rent increase. If the tenant fails to attend mediation, without good cause, or if both the tenant and landlord fail to attend mediation, without good cause, then the case is dismissed, and the tenant will be barred from subsequently challenging such increase. Good cause for failure to participate shall include, but not be limited to serious illness, unanticipated absence from the office, emergency, jury duty, non-refundable travel expenses, or other similar circumstances.

If you have additional questions, please go to albanyca.org/rentreview, email cityhall@albanyca.org or call (510) 528-5710