



City Council Chambers  
3300 Capitol Avenue  
Fremont, CA

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## Fremont City Council

Lily Mei, Mayor  
Raj Salwan, Vice Mayor  
Vinnie Bacon  
Teresa Keng, District 1  
Rick Jones, District 2  
Jenny Kassan, District 3  
Yang Shao, District 4

## City Staff

Mark Danaj, City Manager  
Harvey E. Levine, City Attorney  
Karena Shackelford, Assistant City Manager  
Brian Stott, Assistant City Manager  
Christina Briggs, Economic Development Director  
Marilyn Crane, Interim CTO/IT Director  
Allen DeMers, Human Resources Director  
Susan Gauthier, City Clerk  
Curtis Jacobson, Fire Chief  
Hans Larsen, Public Works Director  
David Persselin, Finance Director  
Kimberly Petersen, Chief of Police  
Dan Schoenholz, Community Dev. Director  
Suzanne Shenfil, Human Services Director  
Suzanne Wolf, Community Services Director

# Fremont City Council Agenda and Report

April 02, 2019

## General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Agenda
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

## Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may they speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

## Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address, and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**The City Council Agendas may be accessed by computer at the following World Wide Web**

**Address:** [www.fremont.gov](http://www.fremont.gov)

## Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. City Council meetings are *open captioned* for the deaf in Council Chambers and *closed captioned* for home viewing.

## Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of our City's business is appreciated.*

**Agenda**  
**Fremont City Council Regular Meeting**  
**April 02, 2019**  
**City Council Chambers, 3300 Capitol Avenue, Building A**  
**7:00 PM**

**1. Preliminary**

- A. Call to Order**
- B. Salute the Flag**
- C. Roll Call**
- D. Announcements by Mayor / City Manager**

**2. Consent Calendar**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- A. Motion To:** Waive Further Reading of Proposed Ordinances  
*(This permits reading the title only in lieu of reciting the entire text.)*
- B. Approval of Minutes - None**
- C. SENIOR HOUSING COORDINATION CONTRACT - Request for Approval to Enter into Contract with Eden Housing Resident Services, Inc., to Provide Senior Service Coordination Services at Senior Housing Facilities in Fremont**

*Contact Persons:*

*Name: Karen L. Grimsich  
Title: Family Services Administrator  
Dept: Human Services Department  
Phone: 510-574-2062  
E-Mail: kgrimsich@fremont.gov*

**RECOMMENDATIONS:**

1. *Authorize the City Manager, or his designee, to execute an agreement with Eden Housing Resident Services, Inc., in an amount not to exceed \$180,681, for the City to provide supportive senior/disabled services at Cottonwood Senior Housing, Redwood Lodge Apartments, Sequoia Manor and Pauline Weaver Senior Apartments for the period of January 1, 2019 through December 31, 2019.*
2. *Authorize the City Manager, or his designee, to renew the agreement for up to three additional one-year terms (calendar years 2020, 2021 and 2022) in an amount not to exceed \$200,000 per year.*
3. *Appropriate an additional \$23,806 to the Eden Housing Fund (Fund 185).*

**D. FAMILY RESOURCE CENTER LEASE AGREEMENT WITH DOR - Authorize the City Manager to Execute Lease Amendment with the State of California for a Total of 5,916 Square Feet of Office and Common Area Space for the Department of Rehabilitation Located at the Family Resource Center; Exempt from CEQA Review as the Lease of Existing Facilities per CEQA Guidelines Section 15301**

Contact Persons:

Name:	Arquimides Caldera	Suzanne Shenfil
Title:	Deputy Director of Human Services	Director
Dept:	Human Services Department	Human Services Department
Phone:	510-574-2056	510-574-2051
E-Mail:	acaldera@fremont.gov	sshensif@fremont.gov

**RECOMMENDATION:** Authorize the City Manager or his designee to execute an amendment to extend the existing lease with the State Department of Rehabilitation for 5,916 square feet of office and common area space located at the Fremont Family Resource Center for two additional years as described in the staff report.

**3. Ceremonial Items**

- A. Presentation: Certificates of Appreciation for \$5000 donations to the Senior Center's Crab Feed**

**4. Public Communications**

- A. Oral and Written Communications**

**INDUSTRIAL DEVELOPMENT AUTHORITY - None**

**PUBLIC FINANCING AUTHORITY - None**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR**

**5. Scheduled Items - None**

**6. Report from City Attorney**

**7. Other Business**

- A. RENT REVIEW ORDINANCE - Introduce and Waive First Reading of an Ordinance Amending the Rent Review Ordinance**

Contact Persons:

Name:	Nancy Sa	Suzanne Shenfil
Title:	Management Analyst I	Director
Dept:	Human Services Department	Human Services Department
Phone:	510-574-2082	510-574-2051
E-Mail:	nsa@fremont.gov	sshensif@fremont.gov

**RECOMMENDATIONS:**

1. Find that the ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3) in that adoption of the ordinance does not have the potential for causing a significant effect on the environment.
2. Waive the first reading of Exhibit A, and introduce the proposed ordinance amending Chapter 9.60 Rent Review, Sections 9.60.020, 9.60.030, 9.60.040, and 9.60.050 and Chapter 2.20, Departments, Boards, and Commissions, Section 2.20.650.

or

3. Waive full reading of Exhibit B and introduce the proposed ordinance amending Chapter 9.60 Rent Review, Sections 9.60.020, 9.60.030, 9.60.040, 9.60.050, and 9.60.070 and Chapter 2.20, Departments, Boards, and Commissions, Section 2.20.650.

**8. Council Communications**

**A. Council Referrals - None**

**B. Oral Reports on Meetings and Events**

**9. Adjournment**



## ACRONYMS

ABAG	Association of Bay Area Governments	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTC	Alameda County Transportation Commission	HBA	Home Builders Association
		HCD	Housing and Community Development (State)
ACWD	Alameda County Water District	HRC	Human Relations Commission
ARB	Art Review Board	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS	California Public Employees' Retirement System	MTC	Metropolitan Transportation Commission
CBC	California Building Code	NEPA	National Environmental Policy Act
CDD	Community Development Department	NLC	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PDA	Priority Development Area
CNG	Compressed Natural Gas	PUC	Public Utilities Commission
COF	City of Fremont	PVAW	Private Vehicle Accessway
COPPS	Community Oriented Policing and Public Safety	PWC	Public Works Contract
CSAC	California State Association of Counties	RFP	Request for Proposals
CTC	California Transportation Commission	RFQ	Request for Qualifications
dB	Decibel	RHNA	Regional Housing Needs Allocation
DEIR	Draft Environmental Impact Report	ROP	Regional Occupational Program
DU/AC	Dwelling Units per Acre	RWQCB	Regional Water Quality Control Board
EBCE	East Bay Community Energy	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	STIP	State Transportation Improvement Program
EDAC	Economic Development Advisory Commission (City)	TCRDF	Tri-Cities Recycling and Disposal Facility
EIR	Environmental Impact Report (CEQA)	TOD	Transit Oriented Development
EIS	Environmental Impact Statement (NEPA)	TS/MRF	Transfer Station/Materials Recovery Facility
EVAW	Emergency Vehicle Accessway	UBC	See CBC
FAR	Floor Area Ratio	VMT	Vehicle Miles Travelled
FEMA	Federal Emergency Management Agency	VTA	Santa Clara Valley Transportation Authority
FFD	Fremont Fire Department	WMA	Waste Management Authority
FMC	Fremont Municipal Code	ZA	Zoning Administrator
FPD	Fremont Police Department	ZTA	Zoning Text Amendment
FRC	Family Resource Center		
FUSD	Fremont Unified School District		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b>Date</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>	<b>Cable Channel 27</b>
<b>April 9, 2019</b>	5:30 p.m.	Special Meeting / Work Session	Council Chambers	Live
<b>April 9, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>April 16, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>April 23, 2019</b>		No 7 PM City Council Meeting		
<b>April 23, 2019</b>		<i>CC/FUSD Liaison Committee Meeting **CANCELLED**</i>		
<b>April 30, 2019</b>		No 7 PM City Council Meeting		
<b>Monday, May 6, 2019</b>	5:30 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
<b>May 7, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>May 14, 2019</b>		<b>**CANCELLED**</b>		
<b>May 21, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>May 28, 2019</b>		No 7 PM City Council Meeting		
<b>May 28, 2019</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>FUSD</i>	<i>Live</i>
<b>June 4, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 11, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 18, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 25, 2019</b>		No 7 PM City Council Meeting		
<b>June 25, 2019</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>FUSD</i>	<i>Live</i>





## Fremont City Council

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 04/02/19 07:00 PM  
Div/Dept: Human Services Department  
Category: Agreements and Contracts

### STAFF REPORT (ID # 3708)

Sponsors:  
DOC ID: 3708

## SENIOR HOUSING COORDINATION CONTRACT - Request for Approval to Enter into Contract with Eden Housing Resident Services, Inc., to Provide Senior Service Coordination Services at Senior Housing Facilities in Fremont

### Contact Persons:

Name: Karen L. Grimsich  
Title: Family Services Administrator  
Div/Dept: Human Services Department                      Aging and Family Services  
Phone: 510-574-2062  
E-Mail: kgrimsich@fremont.gov

**Executive Summary:** Eden Housing Resident Services, Inc. (Eden) has requested to renew its service contract with the City of Fremont for the Human Services Department's Aging and Family Services Division to provide a Program Coordinator and related support staff and services to seniors and disabled residents residing at four affordable housing facilities located in Fremont: Cottonwood Senior Housing, Redwood Lodge Apartments, Sequoia Manor, and the newly built Pauline Weaver Senior Apartments located in Warm Springs. Staff requests a delegation of authority to the City Manager or designee to execute an agreement, in an amount not to exceed \$180,681, for the period of January 1, 2019 through December 31, 2019, and to renew the agreement for up to three additional one-year terms in an amount not to exceed \$200,000 per year. Staff also recommends the City Council appropriate an additional \$23,806 in the Eden Housing Fund (Fund 185) to match anticipated expenditures through the end of FY 18/19.

**BACKGROUND:** In April 2012, Eden Housing Resident Services, Inc. (Eden), an affiliate of Eden Housing, Inc., contracted with the City for the Human Services Department's Aging and Family Services (AFS) division to provide supportive senior services to residents at Cottonwood, its new senior affordable housing complex. The Senior Services Coordinator was initially part time and became full time in January 2013 when Eden and the City agreed to expand these services to two additional Fremont housing complexes: Redwood Lodge (for disabled residents) and Sequoia Manor (for seniors). Starting January 2019, Eden has requested an expansion of services to include supportive senior services for the newly built Pauline Weaver Senior Apartments located in the Warm Springs Area.

**DISCUSSION/ANALYSIS:** In order for seniors to successfully remain living independently in senior housing complexes, it is a best practice to have a senior service coordinator located on-site. The Human Services Department's staff has extensive experience in providing a variety of senior support services and referrals and can leverage existing program operations.

The contract will primarily support one FTE Program Coordinator, referred to as a Senior Services Coordinator, who has offices at the four complexes. The Coordinator provides information about senior services, including those services provided by AFS. The Coordinator also facilitates community-building activities such as educational workshops, trainings, discussion groups, and volunteer opportunities, which help to establish peer support systems; and develops service coordination plans for all residents who elect to

participate in on-site services. The Senior Service Coordinator works cooperatively with Eden's on-site property manager(s). To accommodate the expansion to a fourth site, the contract will also support a Senior Services Assistant, hired as Public Services Assistant II.

**FISCAL IMPACT:** Contract payments from Eden Housing to the City will be used to support 1 FTE Program Coordinator position, .875 FTE PSA II, City overhead expenses and program expenses. The contract amount is \$180,681 and covers twelve months, commencing January 1, 2019 through December 31, 2019.

In anticipation of this funding and as part of the fiscal year 2018/2019 adopted budget, the City Council appropriated \$136,194 to cover expected costs through June 30, 2019. With the increased contract, staff now estimates \$160,000 in expenses in Fiscal year 2018/19. Staff is recommending the City Council appropriate an additional \$23,806 to the Eden Housing Fund (Fund 185).

**ENVIRONMENTAL REVIEW:** N/A

**ATTACHMENTS:** None.

**RECOMMENDATIONS:**

1. Authorize the City Manager, or his designee, to execute an agreement with Eden Housing Resident Services, Inc., in an amount not to exceed \$180,681, for the City to provide supportive senior/disabled services at Cottonwood Senior Housing, Redwood Lodge Apartments, Sequoia Manor and Pauline Weaver Senior Apartments for the period of January 1, 2019 through December 31, 2019.
2. Authorize the City Manager, or his designee, to renew the agreement for up to three additional one-year terms (calendar years 2020, 2021 and 2022) in an amount not to exceed \$200,000 per year.
3. Appropriate an additional \$23,806 to the Eden Housing Fund (Fund 185).



## Fremont City Council

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 04/02/19 07:00 PM  
Div/Dept: Human Services Department  
Category: Agreements and Contracts

### STAFF REPORT (ID # 3715)

Sponsors:  
DOC ID: 3715

## **FAMILY RESOURCE CENTER LEASE AGREEMENT WITH DOR - Authorize the City Manager to Execute Lease Amendment with the State of California for a Total of 5,916 Square Feet of Office and Common Area Space for the Department of Rehabilitation Located at the Family Resource Center; Exempt from CEQA Review as the Lease of Existing Facilities per CEQA Guidelines Section 15301**

### **Contact Persons:**

Name:	Arquimides Caldera	Suzanne Shenfil
Title:	Deputy Director of Human Services	Director
Div/Dept:	Human Services Department	Human Services Department
Phone:	510-574-2056	510-574-2051
E-Mail:	acaldera@fremont.gov	sshensif@fremont.gov

**Executive Summary:** The purpose of this report is to recommend that the City Council authorize the City Manager to extend the City's lease with the State of California Department of Rehabilitation (DOR), at the Fremont Family Resource Center (FRC), for two years beyond the current termination date by executing a lease amendment through April 30, 2021. The DOR currently leases a total of 5,916 square feet of office and common area space located at 39155 Liberty Street, Suite F-630, and has requested the extension.

**BACKGROUND:** The Fremont Family Resource Center (FRC) is an innovative community institution comprised of 24 non-profit, city, county and state agencies that provide a variety of integrated services including employment, family economic success services (SparkPoint Fremont FRC), housing, child care, health education and social support. The City owns two buildings located at 39155 Liberty Street that house the FRC, and leases to, among other tenants, the State Department of Rehabilitation (DOR). The DOR administers the largest vocational rehabilitation program in the county and provides consultation, counseling and vocational rehabilitation to Alameda County residents. The DOR currently has a seven-year lease agreement for Suite F-630, which expires on April 30, 2019. The leasable space totals 5,916 square feet, including 4,771 square feet of exclusive office space and 1,145 square feet of shared common area space.

**DISCUSSION/ANALYSIS:** As noted above, DOR provides essential vocational rehabilitation services to Alameda County residents and their continued tenancy at the FRC is highly desired. In addition, staff considers the DOR to be an anchor tenant because it is the FRC's 3rd largest tenant, leasing approximately 12% of the FRC's total square footage.

The State is proposing to extend the current lease for two additional years ending April 30, 2021. The State is proposing that all of the current lease terms remain in effect during the two-year extension. This includes yearly lease rate adjustments based upon changes in the Consumer Price Index (CPI). The amendment also keeps in place provisions which allow either party to terminate the lease upon thirty days prior written notice.

**FISCAL IMPACT:** Staff estimates the amendment will provide approximately \$341,640 in lease revenue over a two-year period, or an average of \$14,235 per month. This estimate assumes lease rates and \$2.41 a square foot, based on annual CPI increases similar to the

past four years. Revenues and expenses associated with this lease amendment are incorporated in the FRC's 30-year model and are consistent with goal of keeping the FRC financially sustainable.

**ENVIRONMENTAL REVIEW:** The proposed lease agreement continues the use of the existing facility. The project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as the leasing of an existing facility that involves negligible or no expansion of use beyond that presently existing.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Authorize the City Manager or his designee to execute an amendment to extend the existing lease with the State Department of Rehabilitation for 5,916 square feet of office and common area space located at the Fremont Family Resource Center for two additional years as described in the staff report.



## Fremont City Council

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 04/02/19 07:00 PM  
Div/Dept: Human Services Department  
Category: Code Adoptions & Amendments

### STAFF REPORT (ID # 3688)

Sponsors:  
DOC ID: 3688

## RENT REVIEW ORDINANCE - Introduce and Waive First Reading of an Ordinance Amending the Rent Review Ordinance

### Contact Persons:

Name:	Nancy Sa	Suzanne Shenfil
Title:	Management Analyst I	Director
Div/Dept:	Human Services Department	Human Services Department
Phone:	510-574-2082	510-574-2051
E-Mail:	nsa@fremont.gov	sshensif@fremont.gov

**Executive Summary:** The purpose of this staff report is to seek Council adoption on the five amendments to the Rent Review Ordinance (RRO) as directed by the Council at the February 5, 2019 meeting. Staff is also presenting for Council to reconsider the approval of an amendment to prohibit source of income discrimination that was also presented at the meeting.

**BACKGROUND:** On February 5, 2019 staff presented the Rent Review Ordinance Annual Report, which provided an update on the status of the RRO implementation and operation since its inception, and an evaluation of the effectiveness of the rent review program. Staff also identified eight ordinance limitations and provided potential solutions for Council consideration. The Council voted to move forward with five of the eight potential solutions.

The proposed amendment to prohibit Source of Income Discrimination was one of the three solutions that Council discussed but did not direct staff to move forward to be included in the RRO amendment. Subsequent to the February 5<sup>th</sup> meeting, staff received communication from the Rental Housing Association (RHA) of Southern Alameda County informing staff that additional input received from its membership led to support of the inclusion of the Prohibition Against Source of Income provision. The RHA has a membership base of 560 housing providers that offer over 33,000 units of rental housing. As a result of this support from the RHA, staff is seeking Council's reconsideration to include a Prohibition Against Source of Income Discrimination amendment.

**DISCUSSION/ANALYSIS:** Staff has prepared two versions of an amended RRO: one that includes the five potential solutions that Council approved, found in Exhibit A, and one that also includes a Prohibition Against Source of Income Discrimination amendment, found in Exhibit B.

The five potential solutions that Council approved are as follows:

1. Responsible Party (FMC § 9.60.020)

Add language to the ordinance to strengthen the definition and role of the responsible party to require the person negotiating the rent increase to have final legal authority to adjust the rent without limitations.

2. Exempt Units (FMC § 9.60.050)

Change the ordinance so that rental units owned or operated by any government agency and rental units subsidized by a government agency and subject to a regulatory agreement are no longer exempt from the ordinance. However, the Ordinance should clarify that shared housing units and junior accessory dwelling are exempt units. Shared housing units and junior accessory dwelling units often have other agreements in place, such as service in lieu of payment. Due to the nature of shared housing agreements, staff recommends that these rental units be exempt from the RRO.

3. Clarification on Rent Increase Notice Delivery Requirement (FMC § 9.60.030(b) and FMC § 9.60.040(a))

Revise ordinance so that rent increase notices shall be personally delivered to the tenant or mailed to the tenant. This would align with California State noticing and mailing requirements.

4. Clarification on Rent Increase Notice Applicability to Rent Terms (FMC § 9.60.030(a))

Clarify that the notice of availability of rent review shall be provided to any tenant that receives an increase from their base rent, regardless of the length of tenancy.

5. Rent Review Board Terms (FMC § 2.20.650)

Revise the ordinance so that the Rent Review Board member terms are staggered.

Based on the feedback from the RHA, staff is seeking Council's reconsideration on a Prohibition Against Source of Income Discrimination amendment.

6. Prohibition Against Source of Income Discrimination (FMC § 9.60.070)

A Prohibition Against Source of Income Discrimination amendment would prohibit landlords from discriminating against applicants based on source of income. California law currently prohibits discrimination based on source of income, which is defined as legal, verifiable income paid directly to the tenant or their representative. Some examples of source of income include Social Security, Supplemental Security Income (SSI), CalWorks, and General Assistance. However, Section 8 Housing Choice Vouchers and other rental subsidies are not included as source of income.

Landlords today are not prohibited by state or federal law from rejecting a tenant application based solely on the fact that they possess a Section 8 housing choice voucher or other rental subsidies, because rental subsidies do not have to be considered as income. This puts tenants who rely on rental subsidies at a disadvantage when looking for housing because many landlords do not want to rent their units to a tenant with a voucher or subsidy.

A Prohibition Against Source of Income Discrimination amendment would redefine the definition of "source of income" to include all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. The amendment would prohibit landlords from rejecting a tenant based solely on the fact that they have a rental subsidy voucher. For example, landlords would no longer be able to advertise that "Section 8 is not allowed." There are currently nine other cities and counties in California that have passed ordinances that prohibit discrimination against a tenant based on source of income.

**FISCAL IMPACT:** There is no fiscal impact at this time

**ENVIRONMENTAL REVIEW:** The proposed action is not subject to the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

**ATTACHMENTS:**

- Draft Ordinance- Rent Review Exhibit A
- Draft Ordinance- Rent Review Exhibit B
- Statement of Support\_HACA

**RECOMMENDATIONS:**

1. Find that the ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3) in that adoption of the ordinance does not have the potential for causing a significant effect on the environment.
2. Waive the first reading of Exhibit A, and introduce the proposed ordinance amending Chapter 9.60 Rent Review, Sections 9.60.020, 9.60.030, 9.60.040, and 9.60.050 and Chapter 2.20, Departments, Boards, and Commissions, Section 2.20.650.

or

3. Waive full reading of Exhibit B and introduce the proposed ordinance amending Chapter 9.60 Rent Review, Sections 9.60.020, 9.60.030, 9.60.040, 9.60.050, and 9.60.070 and Chapter 2.20, Departments, Boards, and Commissions, Section 2.20.650.

EXHIBIT A

DRAFT

ORDINANCE NO. XX-2019

**AN ORDINANCE OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE CHAPTER 9.60 RENT REVIEW SECTIONS 9.60.020, 9.60.030, 9.60.040, AND 9.60.050 AND CHAPTER 2.20 DEPARTMENTS, BOARDS, AND COMMISSIONS, SECTION 2.20.650**

THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1.      FMC § 9.60.020, AMENDED

Fremont Municipal Code Section 9.60.020 is amended to read as follows:

**Sec. 9.60.020 Notice of rent increase requirements.**

*[All definitions remain unchanged]*

“Responsible party” means the person with the final legal authority to adjust rent increases without limitations and resolve tenant issues on behalf of the residential landlord. “Responsible party” shall include the agent or representative of the responsible party.

“Shared housing unit” means a habitable space that a homeowner rents to one or more individuals that is located in the home where the homeowner is currently residing as his or her primary residence.

*[All other definitions remain unchanged]*

SECTION 2.      FMC § 9.60.030, AMENDED

Fremont Municipal Code Section 9.60.030 is amended to read as follows:

**Sec. 9.60.030 Notice of rent increase requirements.**

(a) Every landlord of residential property shall provide a rent increase notice ~~in~~ compliance with that follows the procedure in Cal. Civ. Code § 827(b) regardless of the length of the tenancy and any other state law requirements before demanding or accepting any increase in rent. All landlords are encouraged to provide at least 90 calendar days’ notice of any rent increase in order to allow for orderly operation of the rent review procedures of this chapter. Rent increase notices seeking an increase of rent exceeding five percent shall also include a statement setting forth the reason for the rent increase.

(b) All rent increase notices shall be in writing, shall show the name, address and phone number of the responsible party and shall be personally delivered to the tenant or ~~posted and~~ mailed first-class to the tenant at the address of the tenant’s rental unit by first-class mail,

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postage prepaid. Service by mail shall be presumed complete within five calendar days of mailing. This presumption may be rebutted by the tenant.

*[Subsection (c) remains unchanged]*

**SECTION 3. FMC § 9.60.040, AMENDED**

Fremont Municipal Code Section 9.60.040 is amended to read as follows:

**Sec. 9.60.040 Notice of availability of rent review required.**

(a) In addition to any rent increase notice required by state law, landlord shall also provide tenants written notice of the availability of rent review as provided in this chapter and provide information regarding how a tenant can obtain a copy of this chapter. This obligation shall extend to rent increases in any amount and to all affected tenants. This notice may be provided by personal delivery, first-class mail, text or email. No rent increase shall be valid for any purpose whatsoever without full compliance with this section.

*[Subsections (b) – (e) remain unchanged]*

**SECTION 4. FMC § 9.60.050, AMENDED**

Fremont Municipal Code Section 9.60.050 is amended to read as follows:

**Sec. 9.60.050 Rent review program.**

(a) The provisions of this chapter shall apply to all residential rental units in the city. This chapter shall not apply to hotels, boarding houses, transient accommodations, dormitories, mobile home space renters, junior accessory dwelling units as defined in Section 18.25.1525, and shared housing units~~rental units owned or operated by any government agency or rental units subsidized by a government agency and subject to a regulatory agreement.~~

*[Subsections (b)-(f) remain unchanged]*

**SECTION 5. FMC § 2.20.650, AMENDED**

Fremont Municipal Code Section 2.20.650 is amended to read as follows:

**Sec. 2.20.650 Terms**

~~The term of each member~~Notwithstanding Section 2.20.030(c), for members appointed in January of 2018, the terms of one tenant representative and one landlord representative shall be two years so that the appointment of members can be staggered. The member serving a two-year term will be eligible to be re-appointed to serve two full terms. The selection of the representatives who will be limited to two-year terms will be determined by lot. The terms of all other members shall be four years. There is no term limit for the alternate members.

**SECTION 6. CEQA**

Attachment: Draft Ordinance- Rent Review Exhibit A (3688 : Rent Review Ordinance)

Exemption. The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA guidelines.

SECTION 7. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Fremont hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. EFFECTIVE DATE

Section 4 of this Ordinance shall take effect and will be enforced on July 1, 2019. All other sections of this Ordinance shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 9. PUBLICATION AND POSTING

The City Clerk has published at least five days before the date of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the ordinance to be published again with the names of those City Council members voting for and against the ordinance and shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

\* \* \*

The foregoing ordinance was introduced before the City Council of the City of Fremont at the regular meeting of the City Council, held on the \_\_\_<sup>th</sup> day of \_\_\_, 2019 and finally adopted at a regular meeting of the City Council held on the \_\_\_<sup>th</sup> day of \_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attachment: Draft Ordinance- Rent Review Exhibit A (3688 : Rent Review Ordinance)

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Sr. Deputy City Attorney

Attachment: Draft Ordinance- Rent Review Exhibit A (3688 : Rent Review Ordinance)

## EXHIBIT B

## DRAFT

**ORDINANCE NO. XX-2019****AN ORDINANCE OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE CHAPTER 9.60 RENT REVIEW SECTIONS 9.60.020, 9.60.030, 9.60.040, 9.60.050, AND 9.60.070 AND CHAPTER 2.20 DEPARTMENTS, BOARDS, AND COMMISSIONS, SECTION 2.20.650**

THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

**SECTION 1.** FMC § 9.60.020, AMENDED

Fremont Municipal Code Section 9.60.020 is amended to read as follows:

**Sec. 9.60.020 Notice of rent increase requirements.**

*[All definitions remain unchanged]*

“Responsible party” means the person with the final legal authority to adjust rent increases without limitations and resolve tenant issues on behalf of the residential landlord. “Responsible party” shall include the agent or representative of the responsible party.

“Shared housing unit” means a habitable space that a homeowner rents to one or more individuals that is located in the home where the homeowner is currently residing as his or her primary residence.

*[All other definitions remain unchanged]*

**SECTION 2.** FMC § 9.60.030, AMENDED

Fremont Municipal Code Section 9.60.030 is amended to read as follows:

**Sec. 9.60.030 Notice of rent increase requirements.**

(a) Every landlord of residential property shall provide a rent increase notice ~~in compliance with that follows the procedure in~~ Cal. Civ. Code § 827(b) regardless of the length of the tenancy and any other state law requirements before demanding or accepting any increase in rent. All landlords are encouraged to provide at least 90 calendar days’ notice of any rent increase in order to allow for orderly operation of the rent review procedures of this chapter. Rent increase notices seeking an increase of rent exceeding five percent shall also include a statement setting forth the reason for the rent increase.

(b) All rent increase notices shall be in writing, shall show the name, address and phone number of the responsible party and shall be personally delivered to the tenant or ~~posted and~~ mailed first-class to the tenant at the address of the tenant’s rental unit by first-class mail,

postage prepaid. Service by mail shall be presumed complete within five calendar days of mailing. This presumption may be rebutted by the tenant.

*[Subsection (c) remains unchanged]*

**SECTION 3.** FMC § 9.60.040, AMENDED

Fremont Municipal Code Section 9.60.040 is amended to read as follows:

**Sec. 9.60.040 Notice of availability of rent review required.**

(a) In addition to any rent increase notice required by state law, landlord shall also provide tenants written notice of the availability of rent review as provided in this chapter and provide information regarding how a tenant can obtain a copy of this chapter. This obligation shall extend to rent increases in any amount and to all affected tenants. This notice may be provided by personal delivery, first-class mail, text or email. No rent increase shall be valid for any purpose whatsoever without full compliance with this section.

*[Subsections (b) – (e) remain unchanged]*

**SECTION 4.** FMC § 9.60.050, AMENDED

Fremont Municipal Code Section 9.60.050 is amended to read as follows:

**Sec. 9.60.050 Rent review program.**

(a) The provisions of this chapter shall apply to all residential rental units in the city. This chapter shall not apply to hotels, boarding houses, transient accommodations, dormitories, mobile home space renters, junior accessory dwelling units as defined in Section 18.25.1525, and shared housing units~~rental units owned or operated by any government agency or rental units subsidized by a government agency and subject to a regulatory agreement.~~

*[Subsections (b)-(f) remain unchanged]*

**SECTION 5.** FMC § 9.60.070, AMENDED

**Sec. 9.60.070 ~~Reserved~~Income discrimination prohibited.**

(a) For purposes of this subsection, ‘source of income’ means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, including, but not limited to, Housing Choice Voucher Program (Section 8) assistance. Source of income includes any requirement of any such program or source of income or rental assistance.

(b) It is unlawful for any person to do any of the following as wholly or partially based on source of income:

(1) To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including, but not limited to, the rental thereof; to require different terms for

such transaction; or falsely to represent that an interest in real property is not available for transaction;

- (2) To include in the terms or conditions of a transaction in real property any clause, condition or restriction;
- (3) To refuse or restrict facilities, services, repairs or improvements for any tenant or lessee;
- (4) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on source of income. For purposes of this subsection, "source of income" means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. Source of income includes any requirement of any such program or source of income or rental assistance.

(c) It is unlawful for any person to use a financial or income standard for the rental of housing that does either of the following:

- (1) Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;
- (2) Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together.

#### SECTION 6. FMC § 2.20.650, AMENDED

Fremont Municipal Code Section 2.20.650 is amended to read as follows:

#### **Sec. 2.20.650 Terms**

~~The term of each member~~Notwithstanding Section 2.20.030(c), for members appointed in January of 2018, the terms of one tenant representative and one landlord representative shall be two years so that the appointment of members can be staggered. The member serving a two-year term will be eligible to be re-appointed to serve two full terms. The selection of the representatives who will be limited to two-year terms will be determined by lot. The terms of all other members shall be four years. There is no term limit for the alternate members.

#### SECTION 7. CEQA

Exemption. The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California

Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA guidelines.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Fremont hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9. EFFECTIVE DATE

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SECTION 10. PUBLICATION AND POSTING

The City Clerk has published at least five days before the date of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the ordinance to be published again with the names of those City Council members voting for and against the ordinance and shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

\* \* \*

The foregoing ordinance was introduced before the City Council of the City of Fremont at the regular meeting of the City Council, held on the \_\_\_<sup>th</sup> day of \_\_\_, 2019 and finally adopted at a regular meeting of the City Council held on the \_\_\_<sup>th</sup> day of \_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Sr. Deputy City Attorney

Attachment: Draft Ordinance- Rent Review Exhibit B (3688 : Rent Review Ordinance)





Housing Authority of the  
County of Alameda

22941 Atherton Street, Hayward, CA 94541

Tel. 510.538.8876 TDD 510.727.8551 Fax 510.727.8554 www.haca.net

March 26, 2019

City of Fremont City Council  
City Hall  
3300 Capitol Ave  
Fremont, CA 94538

Re: Statement of Support  
Rent Review Ordinance Section 9.60.070 of the Fremont Municipal Code

Dear City Council Members:

This letter is in support of the City of Fremont's proposal to prohibit income discrimination in the rental of real property as outlined in the proposed language for Fremont Municipal Code Section 9.0.070.

California law prohibits discrimination based on source of income. Landlords, property managers, real estate brokers, home sellers, mortgage companies and banks may not refuse to deal with, or treat differently, individuals because their income includes sources other than wages. California law also states that minimum income can only be assessed based on the portion of the rent to be paid by the tenant.

The City of Fremont's proposed income discrimination prohibition includes rental assistance programs. We support this provision as it aligns well with our mission to deliver housing assistance to low-, very low- and extremely low-income families, veterans, the elderly and persons with a disability to enable them to live as independently as possible within their economic resources.

Thank you for your consideration of this statement of support. Please contact Jennifer Cado, Senior Administrative Analyst, at jenniferca@haca.net or (510) 727-8514 if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Christine Gouig', is written over a faint, illegible printed name.

Christine Gouig  
Executive Director