



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance to Add Chapter 19.71 of Title 19 of the Sunnyvale Municipal Code Creating a Residential Tenant Protections Program (Study Issue)

SUMMARY OF COMMISSION ACTION

The Housing and Human Services Commission considered this item on March 22, 2023. There were two members of the public who spoke at the meeting, one supporting the staff's recommendation and one opposing it. The meeting minutes can be found as Attachment 7 to this report. The Commission voted to recommend to City Council to introduce an ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 ("Zoning") of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with the following modifications: (1) language clarifying that relocation assistance be available only to those named on the lease; (2) only one month of relocation assistance would be required; and (3) language asserting that relocation assistance would not vary based on income of the tenant(s). The vote was 6-0-1, with Commissioner Davis absent.

The Planning Commission considered this item on April 10, 2023. There were two members of the public who spoke at the meeting, one supporting the staff recommendation and one opposing it. The Commission voted to recommend to City Council to introduce an ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 ("Zoning") of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with the following modifications: (1) if feasible, the lease addendum containing applicable information on the proposed ordinance must be made available to tenants in Spanish, and (2) a tenant can agree to waive their right to relocation assistance, equal to two months of rent, in exchange for other accommodations provided by the property owner (e.g., storage for their household items, differential rental payment for temporary lodging, guarantee that the tenant may return to their unit under the same lease terms, etc.), and any such arrangement must be memorialized in a written agreement signed by the tenant and their property owner. The vote was 6-1.

Public Comment letters are provided in Attachment 5 to the report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

ALTERNATIVES

1. Introduce an Ordinance (Attachment 6) to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 ("Zoning") of the Sunnyvale Municipal Code creating a Residential

- Tenant Protections Program.
2. Introduce an Ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 (“Zoning”) of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with modifications.
 3. Do not introduce an Ordinance and provide direction to staff.

Housing and Human Services Commission Recommendation

4. Introduce an Ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 (“Zoning”) of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with the following modifications: language clarifying that relocation assistance would be available only to those named on the lease; only one month of relocation assistance would be required; and language asserting that relocation assistance would not vary based on income of tenant(s).

Planning Commission Recommendation

5. Introduce an Ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 (“Zoning”) of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with the following modifications: if feasible, the lease addendum containing applicable information on the proposed ordinance must be made available to tenants in Spanish; and a tenant can agree to waive their right to relocation assistance, equal to two months of rent, in exchange for other accommodations provided by the property owner (e.g., storage for their household items, differential rental payment for temporary lodging, guarantee that the tenant may return to their unit under the same lease terms, etc.), and any such arrangement must be memorialized in a written agreement signed by the tenant and their property owner.

STAFF RECOMMENDATION

Alternative 1: Introduce an Ordinance (Attachment 6) to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 (“Zoning”) of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program.

Alternative 1 meets the City’s goal of providing enhanced tenant protections while being cognizant of the landlords and property owners who already provide affordable housing in terms of affordable market rate rent. Additionally, the proposed Ordinance would provide tenants and landlords/property owners with the stability and clarity that were identified in the Study Issue. While the Housing and Human Services Commission and Planning Commission recommendations provide protection for differing support for tenants, staff continues to recommend Alternative 1 to ensure the extent of substantial relocation costs can be covered by the proposed two-month relocation assistance and clarity of the Ordinance and landlord requirements are retained. The recommendation to provide formal lease or lease addendum materials in Spanish (or other languages for that matter) may already be covered by Civil Code section 1632. Under section 1632, if a landlord and tenant negotiated primarily in Spanish, Chinese, Tagalog, Vietnamese, or Korean regarding a tenancy agreement, then the landlord is legally obligated to provide the tenant a translation of the agreement in the language that was used to negotiate the agreement between the parties.

The City does not recommend requiring a landlord to provide a translation of a tenancy agreement, including a lease addendum, beyond the scope of Civil Code section 1632 (i.e., provide a translation even though the negotiation of the tenancy agreement was conducted in English or another language

not specified by the statute), even if the language used to translate the agreement is the preferred language of the tenant. Under such a requirement, the City would be requiring all landlords to provide all lease documents in a variety of languages at their expense and, more critically, could not ensure the accuracy of the translation or the involvement of a competent translator. City staff can, however, provide City-only outreach materials on the City's website in various languages as needed.

Prepared by: Ernie Defrenchi, Affordable Housing Manager
Reviewed by: Jenny Carloni, Housing Officer
Reviewed by: Trudi Ryan, Director, Community Development
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Report to Planning Commission [23-0485, April 10, 2023] (without attachments, same as Report to Housing and Human Services Commission)
2. Excerpt of Final Minutes of the Housing and Human Services Commission Meeting of September 21, 2022
3. Survey Results - Surrounding Jurisdictions
4. Survey Results - Stakeholders/General Public
5. Correspondence Received from the Public
6. Draft Ordinance

Additional Attachments for Report to Council

7. Excerpt of Draft Minutes of the Housing and Human Services Commission Meeting of March 22, 2023
8. Excerpt of Draft Minutes of the Planning Commission Meeting of April 10, 2023