

ORDINANCE NO. 21-XX

AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADDING CHAPTER 19.50 “RESIDENTIAL TENANT ANTI-HARASSMENT PROTECTION”

WHEREAS, City of Concord renters comprise 40 percent of the City’s population and are an essential part of the community fabric; and

WHEREAS, such renter households include thousands of low- and very low-income households, including seniors, young children, and persons with special needs; and

WHEREAS, the City is committed to remaining a diverse and inclusive community; and

WHEREAS, in response to community concerns regarding the potential for landlord harassment of residential tenants, the City Council referred the topic an anti-harassment ordinance to the Council Committee on Housing & Economic Development (HED Committee) for discussion; and

WHEREAS, the HED Committee held meetings on September 29, 2021 and October 6, 2021 to address the topic and where the public, tenant advocates, and landlord representatives provided input on the scope and content of a potential anti-harassment ordinance, and the HED Committee instructed staff to draft certain residential tenant anti-harassment protections based on the outcome of the HED Committee meeting, for City Council consideration; and

WHEREAS, the City Council, after giving all public notices required by state law and the Concord Municipal Code, held a duly noticed public hearing on December 14, 2021, on this ordinance including the proposed Residential Tenant Anti-Harassment Protection provisions as set forth in Exhibit A attached hereto and incorporated by reference (“Ordinance”), and declared their intent to approve and adopt the Ordinance and codify it as Concord Municipal Code Chapter 19.50; and

WHEREAS, at such public hearing, the City Council considered all oral and written information, testimony, and comments received during the public review process, including oral and written staff reports, materials, documents, exhibits, testimony, and community presentations received at the September 29, 2021, and October 6, 2021, Special Meetings of the Housing and Economic Development Committee, and at the December 14, 2021 City Council public hearing, that constitutes the record of proceedings upon which the City Council has based its action (collectively, “Ordinance Information”).

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
ORDAIN AS FOLLOWS:**

Section 1. Recitals. The City Council finds that the above recitals (which are hereby incorporated by reference) are accurate and constitute findings in this matter and, together with the Ordinance Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Ordinance and further makes the following findings.

Section 2. Ordinance Information. The City Council has reviewed, considered, and evaluated all of the Ordinance Information prior to acting upon Ordinance. The Ordinance Information is located in and may be obtained from the City of Concord Clerk's Office, 1950 Parkside Drive, Concord, CA 94519.

Section 3. The Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as the proposed Ordinance establishes regulations regarding the prohibition of the harassment of tenants.

Section 4. CEQA. Adoption of this Ordinance is not subject to environmental review under the California Environmental Quality Act (CEQA) of 1970, as amended, because the adoption of the Ordinance does not constitute a "project," and will not result in a direct or reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Sections 15060(c), 15378 and Public Resources Code Section 21065. In addition, the proposed Ordinance is categorically exempt pursuant to Section 15061(b)(3), the common sense exception of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. No unusual circumstances are present. This determination reflects the City's independent judgment and analysis.

Section 5. Municipal Code Amendment. The City Council hereby approves and adopts the amendment to the Municipal Code, specifically the addition of Chapter 19.50 "Residential Tenant Anti-Harassment Protection" as set forth in Exhibit A.

Section 6. Severability. If any section, subsection, 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,

or its application to any other person or circumstance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

Section 7. Publication and Effective Date. This Ordinance shall become effective thirty (30) days following passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and once within fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the East Bay Times, a newspaper of general circulation in the City of Concord.

Dominic Aliano
Mayor

ATTEST:

Joelle Fockler, MMC
City Clerk

(Seal)

Ordinance No. 22-XX was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on December 14, 2021 and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council of the City of Concord on _____, 2022 by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

Joelle Fockler, MMC
City Clerk

Attachment: Exhibit A – Chapter 19.50 Residential Tenant Anti-Harassment Protection