

ORDINANCE NO. 2019-_____

1
2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
3 CULVER CITY, CALIFORNIA, AMENDING CULVER CITY
4 MUNICIPAL CODE CHAPTER 15.09, RENTAL HOUSING,
5 REGARDING THE LANDLORD-TENANT MEDIATION
6 BOARD'S ROLE AND DUTIES, AND ESTABLISHING
7 ADDITIONAL NOTICE REQUIREMENTS FOR LANDLORDS
8 TO INFORM TENANTS OF THE AVAILABILITY OF
9 MEDIATION SERVICES.

10 WHEREAS, the Landlord-Tenant Mediation Board ("LTMB") was established
11 by the City Council in 1965 with the purpose and objectives of building and strengthening
12 communication between landlords and tenants; reducing tensions in the rental housing
13 market; and providing confidential mediation services to assist in the discussion and
14 resolution of disputes relating to rent increases and educate the parties about the landlord-
15 tenant relationship; and,

16 WHEREAS, the duties and responsibilities of the LTMB are set forth in Chapter
17 15.09 of the Culver City Municipal Code ("Chapter 15.09"), which has not been updated in
18 over 30 years; and,

19 WHEREAS, the City Council desires to update Chapter 15.09 to provide
20 additional clarity to its provisions; expand the role of the LTMB to offer voluntary mediation
21 for landlords and tenants on issues pertaining to the habitability of housing units; and
22 establish notice requirements for landlords to inform their tenants of the City's LTMB
23 mediation program.

24
25 NOW, THEREFORE, the City Council of the City of Culver City, California,
26 DOES HEREBY ORDAIN, as follows:
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28

1 **SECTION 1.** Chapter 15.09, Rental Housing, of the Culver City Municipal

2 Code is hereby amended to read as follows:

3 **Section**
4 **15.09.005 Purpose and objectives**
5 **15.09.010 Powers and Duties; Bylaws**
6 **15.09.015 Matters subject to mediation; Process**
7 **15.09.020 Mediation of rent increases**
8 **15.09.025 Obligation to continue to pay rent**
9 **15.09.030 Rent mediation a protected right**
10 **15.09.035 Landlord's rights**
11 **15.09.04 Voluntary mediation and binding arbitration**
12 **15.09.045 Consolidated hearing**
13 **15.09.050 Landlord's notice obligations**

14 **§ 15.09.005 PURPOSE AND OBJECTIVES.**

15 The City Council finds and declares:

- 16 A. There shall be a Culver City Landlord-Tenant Mediation Board, the
17 formation of which is to build and strengthens communication between
18 landlords and tenants, reduces tensions in the rental housing market,
19 and promotes the best interests of the City; and
- 20 B. Mediation sessions provided by the Landlord-Tenant Mediation Board
21 provide a confidential and privileged forum for discussion and resolution
22 of disputes relating to rent increases, or any other matters authorized by
23 the Bylaws of the Landlord-Tenant Mediation Board ("Bylaws"), and to
24 educate the parties about the landlord-tenant relationship; and
- 25 C. There is a shortage of rental housing in the City of Culver City resulting in
26 a low vacancy factor and high rents.

27 **§ 15.09.010 POWERS AND DUTIES; BYLAWS.**

- 28 A. The Landlord-Tenant Mediation Board shall have the power and
responsibility to provide mediation services regarding claims of excessive
or unjustified rent increases, or any other matters authorized by the
Bylaws of the Culver City Landlord-Tenant Mediation Board ("Bylaws"), as
amended.
- B. The Bylaws shall be approved and adopted by resolution of the City
Council, by Resolution, and shall set forth the duties of the Board; the
qualifications and appointment of its members; Board composition and
organization; mediation policies and procedures; and such other matters
as directed by the City Council.

1 **§ 15.09.030 MEDIATION A PROTECTED RIGHT.**

2 Use of the mediation process set forth in this Chapter is hereby declared to be
3 a protected right pursuant to California Civil Code Section 1942.5(c), as
4 amended. It is unlawful for a landlord to retaliate against a tenant for
5 exercising any rights under the law. Any waiver by a tenant of his or her rights
6 under this Chapter shall be void as contrary to public policy.

7 **§ 15.09.035 LANDLORD'S RIGHTS.**

8 Except for the requirement for a landlord to participate in good faith mediation,
9 nothing in this Chapter shall be construed as limiting in any way the exercise
10 of landlord's rights under any lease or agreement or any law pertaining to the
11 hiring of property or landlord's right to do any of the acts described in
12 California Civil Code Section 1942.5 for any lawful cause.

13 **§ 15.09.040 VOLUNTARY MEDIATION OR BINDING ARBITRATION.**

- 14 A. If a request for mediation is filed by a tenant of a dwelling unit subject to
15 a rent increase at any time after the 15th day after receipt of notice of the
16 increase, a mediation session shall be held if both parties to the dispute,
17 or their authorized representatives, voluntarily agree to be present and
18 participate in the mediation process.
- 19 B. If a request for mediation is filed pertaining to a matter described in
20 Section 15.09.015.A.2, a mediation session shall be held if both the
21 tenant and the landlord to the dispute, or their authorized
22 representatives, voluntarily agree to be present and participate in the
23 mediation process.
- 24 C. If a request for mediation is filed pertaining to any other matter subject to
25 voluntary mediation, as set forth in the Bylaws adopted by the City
26 Council, a mediation session shall be held if both parties to the dispute,
27 or their authorized representatives, voluntarily agree to be present and
28 participate in the mediation process.
- D. If all parties agree to arbitration in lieu of mediation, the landlord shall be
 deemed to have met the obligations of good faith mediation established
 by this Chapter, upon submission of written documentation evidencing
 the arbitration occurred.

§ 15.09.045 CONSOLIDATED HEARING.

- A. Whenever more than one request for mediation has been filed with
 respect to rental units which are under common ownership or

1 management, such requests may be consolidated for mediation at the
2 mediator's discretion.

- 3 B. Two or more persons may join in a request for mediation whenever the
4 dispute relates to all of the parties named.

5 **§ 15.09.050 LANDLORD'S NOTICE OBLIGATIONS.**

- 6 A. Every lease or other rental agreement for the occupancy of a unit in a
7 rental complex subject to the mandatory mediation requirements of this
8 Chapter, including new units and existing units, entered into, renewed, or
9 continued month-to-month, after October 24, 2019, shall include, or
10 through an amendment or addendum include, the following statement in
11 text of no less than 12 point font size: "Tenant may have rights to
12 mediation services provided by the City of Culver City Landlord Tenant-
13 Mediation Board, pursuant to Culver City Municipal Code Chapter 15.09."
14 The foregoing statement shall be clearly and conspicuously placed in the
15 lease, amendment or addendum in a manner reasonably likely to inform
16 tenants of the availability of the City's mediation services.
- 17 B. Every notice of rent increase on a rental unit in a rental complex subject
18 to the mandatory mediation requirements of this Chapter, including new
19 units and existing units, entered into, renewed, or continued month-to-
20 month, shall include the following statement in text of no less than 12
21 point font size: "Tenant may have rights to mediation services provided
22 by the City of Culver City Landlord Tenant-Mediation Board, pursuant to
23 Culver City Municipal Code Chapter 15.09." The foregoing statement
24 shall be clearly and conspicuously placed in the notice of rent increase in
25 a manner reasonably likely to inform tenants of the availability of the
26 City's mediation services.

27 **SECTION 2.** The City Council hereby declares that, if any provision, section,
28 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
invalid or unconstitutional by any final action in a court of competent jurisdiction or by
reason of any preemptive legislation, then the City Council would have independently
adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
or words of this ordinance and as such they shall remain in full force and effect.

