

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:
27
28

1 **SECTION 1.** Chapter 15.09, Rental Housing, of the Culver City Municipal
2 Code is hereby amended to read as follows (underlined text denotes additions;
3 ~~strikethrough~~ text denotes deletions):

4	Section	
5	15.09.005	Purpose and objectives
6	15.09.010	Landlord-Tenant Mediation Board <u>Powers and Duties;</u>
7		<u>Bylaws</u>
8	15.09.015	<u>Matters subject to mediation; Process</u>
9	15.09.020	Mediation of rent increases
10	15.09.025	Obligation to continue to pay rent
11	15.09.030	Rent mediation a protected right
12	15.09.035	Landlord's rights
13	15.09.04	Voluntary mediation and binding arbitration
14	15.09.045	Consolidated hearing
15	15.09.050	<u>Landlord's notice obligations</u>

16 **§ 15.09.005 PURPOSE AND OBJECTIVES.**

17 The City Council finds and declares:

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

29 **§ 15.09.010 ~~LANDLORD-TENANT MEDIATION BOARD~~ POWERS AND**
30 **DUTIES; BYLAWS.**

- 31 A. ~~There shall be a Culver City~~ The Landlord-Tenant Mediation Board which
32 shall have the power and responsibility to provide mediation services
33 regarding claims of rent increases are excessive or unjustified rent
34 increases, or any other matters authorized by the Bylaws of the Culver
35 City Landlord-Tenant Mediation Board ("Bylaws"), as amended.

1 ~~accordance with regulations adopted by the City Council, by Resolution,~~
2 ~~governing the duties of the Board, the qualifications and appointment of~~
3 ~~its members and other matters as are set forth in the "Organization and~~
4 ~~Implementation Guidelines Culver City Landlord Tenant Mediation Board"~~
5 ~~now in effect or hereinafter amended.~~

6 B. The Bylaws shall be approved and adopted by resolution of the City
7 Council, by Resolution, and shall set forth the duties of the Board; the
8 qualifications and appointment of its members; Board composition and
9 organization; mediation policies and procedures; and such other matters
10 as directed by the City Council.

11 **§ 15.09.015 MATTERS SUBJECT TO MANDATORY MEDIATION;**
12 **PROCESS.**

13 A. The following matters are subject to mandatory mediation:

14 1. Any claim a rent increase is excessive or unjustified is subject to
15 mediation in accordance with this Chapter, except as provided in this
16 Section 15.09.020.A.2.

17 2. Mandatory mediation as provided in § Section 15.09.020.A1. shall not
18 be applicable to a rent increase for a single-family home, or
19 condominium unit or mobile home unit used as a rental unit, a mobile
20 home pad, to property containing less than two rental units, or to
21 property governed by a written lease which contains a provision
22 authorizing a rent increase at a rate previously established by the terms
23 of the written lease.

24 B. Mediation services shall be provided in accordance with this Chapter and
25 the Bylaws now in effect or hereinafter amended.

26 **§ 15.09.020 MEDIATION ON OF RENT INCREASES.**

27 A. If, within ~~fifteen (15)~~ days of the receipt of a notice of an increase in rent,
28 a request for mediation is filed by a tenant of a dwelling unit subject to
29 the rent increase, a mediation session shall be set prior to the effective
30 date of such rent increase.

31 B. No rent increase shall be invalid or otherwise questioned for failure to
32 reach agreement regarding the increase at a mediation session.

33 C. The provisions of this Section shall not apply to any rent increase
34 established by a written lease.

1 D. No rent increase subject to mediation pursuant to Sections 15.09.015
2 and this Section 15.09.020 Subsections A. through C. of this Section
3 shall be effective unless or until the landlord or the landlord's duly
4 authorized agent meets in good faith with the tenant requesting
5 mediation at such session. Failure to pay any increase in rent imposed in
6 violation of the provisions of this Section 15.09.020 shall not be grounds
7 for any unlawful detainer action, and if such action is instituted, the
8 tenant may assert this Section 15.09.020 in defense thereto.

9
10 **§ 15.09.025 OBLIGATION TO CONTINUE TO PAY RENT.**

11 Nothing set forth in this Chapter shall relieve a tenant of the obligation to pay
12 the rent in effect prior to the receipt of the notice of any increase, whether or
13 not the landlord meets with the tenant at the mediation session.

14
15 **§ 15.09.030 RENT MEDIATION A PROTECTED RIGHT.**

16 Use of the ~~rent~~ mediation process set forth in this Chapter is hereby declared
17 to be a protected right pursuant to ~~Cal. Civil Code §~~ California Civil Code
18 Section 1942.5(c), as amended. It is unlawful for a landlord to retaliate against
19 a tenant for exercising any rights under the law. Any waiver by a tenant of his
20 or her rights under this Chapter shall be void as contrary to public policy.

21
22 **§ 15.09.035 LANDLORD'S RIGHTS.**

23 Except for the requirement for a landlord to participate in good faith mediation,
24 nothing in this Chapter shall be construed as limiting in any way the exercise
25 of landlord's rights under any lease or agreement or any law pertaining to the
26 hiring of property or landlord's right to do any of the acts described in ~~Cal. Civil~~
27 ~~Code §~~ California Civil Code Section 1942.5 for any lawful cause.

28
29 **§ 15.09.040 VOLUNTARY MEDIATION AND OR BINDING ARBITRATION.**

- 30 A. If a request for mediation is filed by a tenant of a dwelling unit subject to
31 a rent increase at any time after the 15th ~~fifteenth~~-day after receipt of
32 notice of the increase, a mediation session shall be held if both parties to
33 the dispute, or their authorized representatives, voluntarily agree to be
34 present and participate in the mediation process.
- 35 B. If a request for mediation is filed pertaining to a matter described in
36 Section 15.09.015.A.2, a mediation session shall be held if both the
37 tenant and the landlord to the dispute, or their authorized
38 representatives, voluntarily agree to be present and participate in the
39 mediation process.
- 40 C. If a request for mediation is filed pertaining to any other matter subject to
41 voluntary mediation, as set forth in the Bylaws adopted by the City

1 Council, a mediation session shall be held if both parties to the dispute,
2 or their authorized representatives, voluntarily agree to be present and
3 participate in the mediation process.

- 4 D. If all parties agree to arbitration in lieu of, or in addition to, mediation, the
5 landlord shall be deemed to have an arbitrator agreeable to all parties
6 may be chosen from the members of the Board. The award of the
7 arbitrator shall be final and binding on the parties as to the issue or
8 issues presented for arbitration. The arbitration hearing shall not be open
9 to the public. Such arbitration shall be conclusive evidence the landlord
10 has met the obligations of good faith mediation established by this
11 Chapter, upon submission of written documentation evidencing the
12 arbitration occurred.

13 **§ 15.09.045 CONSOLIDATED HEARING.**

- 14 A. Whenever more than one (1) request for mediation has been filed with
15 respect to rental units which are under common ownership or
16 management, such requests may be consolidated for mediation at the
17 mediator's discretion.
- 18 B. Two (2) or more persons may join in a request for mediation whenever
19 the dispute relates to all of the parties named.

20 **§ 15.09.050 LANDLORD'S NOTICE OBLIGATIONS.**

- 21 A. Every lease or other rental agreement for the occupancy of a unit in a
22 rental complex subject to the mandatory mediation requirements of this
23 Chapter, including new units and existing units, entered into, renewed, or
24 continued month-to-month after _____, 20____, shall include, or
25 through an amendment or addendum include, the following provision:
26 "Tenant may have rights to mediation services provided by the City of
27 Culver City Landlord Tenant-Mediation Board, pursuant to Culver City
28 Municipal Code Chapter 15.09."
- 29 B. Every notice of rent increase on a rental unit in a rental complex subject
30 to the mandatory mediation requirements of this Chapter, including new
31 units and existing units, entered into, renewed, or continued month-to-
32 month, shall include the following statement: "Tenant may have rights to
33 mediation services provided by the City of Culver City Landlord Tenant-
34 Mediation Board, pursuant to Culver City Municipal Code Chapter 15.09."

1 **SECTION 2.** The City Council hereby declares that, if any provision, section,
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
4 reason of any preemptive legislation, then the City Council would have independently
5 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
6 or words of this ordinance and as such they shall remain in full force and effect.
7

8 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
9 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City
10 Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall
11 cause this Ordinance, or a summary thereof, to be published in the Culver City News and
12 shall post this Ordinance or a summary thereof in at least three places within the City.
13

14
15 APPROVED and ADOPTED this _____ day of _____, 2019.
16

17
18
19 _____
MEGHAN SAHLI-WELLS, Mayor
City of Culver City, California

20
21
22 ATTEST:

APPROVED AS TO FORM:

23
24 _____
JEREMY GREEN, City Clerk

25
26 
CAROL A. SCHWAB, City Attorney

27
28
A19-00357