

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2026-007

ORDINANCE AMENDING SAN LEANDRO MUNICIPAL CODE SECTION 4-46-175(C) TO PROHIBIT THE PASS-THROUGH OF THE RENT STABILIZATION PROGRAM FEE TO TENANTS

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Leandro ("City") has broad authority to maintain the public peace, health and safety of its community, preserve the quality of life for its residents, and may make and enforce all regulations and ordinances using its police powers to do so; and

WHEREAS, on April 21, 2025, the City Council adopted Ordinance No. 2025-002, which added Chapter 4-45, "Rental Registry," to the San Leandro Municipal Code, requiring residential landlords to annually register rental units with the City and authorizing the City Council to establish a program fee by Resolution to recover the City's costs of administering the Rental Registry; and

WHEREAS, on February 2, 2026, the City Council adopted Ordinance No. 2026-001, adding Chapter 4-46, "Residential Rent Stabilization," to the San Leandro Municipal Code, establishing limits on annual rent increases for covered residential rental units, with all requirements of that Chapter becoming effective on January 1, 2027, and authorizing the City Council to establish a program fee by Resolution to recover the City's costs of administering the Rent Stabilization program; and

WHEREAS, Section 4-46-175(C) of the San Leandro Municipal Code, as added by Ordinance No. 2026-001, currently provides that up to fifty percent (50%) of the Rent Stabilization Program Fee may be allocated to a Tenant, to be paid by the Tenant in two equal installments paid six months apart, and that such payments shall not be included in the calculation of the Maximum Allowable Rent; and

WHEREAS, the City Council finds that amending Section 4-46-175(C) to prohibit the pass-through of the Rent Stabilization Program Fee to tenants is consistent with the purposes and policies of Chapter 4-46 and is in the best interest of the public health, safety, and welfare of the City of San Leandro.

NOW, THEREFORE, the City of San Leandro City Council does **ORDAIN** as follows:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment to Municipal Code Section 4-46-175(C). San Leandro Municipal Code Section 4-46-175, subsection (C), is hereby amended to read as follows:

(C) No portion of the Rent Stabilization Program Fee shall be passed through, allocated, or charged to a Tenant. The Rent Stabilization Program Fee shall be paid solely by the Landlord. Any lease provision, rental agreement, or other arrangement purporting to require a Tenant to pay all or any portion of the Rent Stabilization Program Fee is void and unenforceable.

SECTION 3. All Other Provisions Unchanged. All other provisions of Chapter 4-46 of the San Leandro Municipal Code not expressly amended by this Ordinance shall remain in full force and effect.

SECTION 4. CEQA. Approval of this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed ordinance does not authorize any new use, activity, or construction, and merely revises an administrative deadline for the submission of information to the City. Accordingly, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses may be declared invalid or unconstitutional.

SECTION 6. Publication and Effective Date. This Ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post this Ordinance in accordance with San Leandro Municipal Code section 1-1-325.

Introduced at a first reading by Councilmember Viveros-Walton on the 1st day of June 2026, and passed to print by the following vote:

AYES:	Councilmember J. Aguilar, V. Aguilar, Boldt, Bowen, Simon, Viveros-Walton, and Mayor González	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted the 6th day of July 2026 after publication on Friday, June 19, 2026 by the following vote:

AYES:	Councilmember J. Aguilar, Boldt, Bowen, Simon, and Mayor González	(5)
NOES:	None	(0)
ABSENT:	Councilmember V. Aguilar, Viveros-Walton	(2)

ATTEST: 

Sarah K. Bunting
City Clerk