


MEMORANDUM



PUBLIC WORKS

DATE: June 4, 2024

TO: Justin Hess, City Manager

FROM: Ken Berkman, Public Works Director 
VIA: John Molinar, Assistant Public Works Director – Streets and Waste Management

SUBJECT: Budget Discussion Paper - Sustainable Burbank Commission Funding Request

BACKGROUND

At the May 21, 2024, City Council Meeting, Councilmember Takahashi requested a discussion paper regarding a request from the Burbank Sustainable Burbank Commission's (SBC) for \$15,000 to fund community engagement initiatives.

City Council (Council) establishes various Boards, Commissions, and Committees (BCC) to review City programs, projects, and community issues. Established in 2007, the SBC acts in an advisory capacity to Council pertaining to the implementation of the City's Sustainability Action plan and to support initiatives related to environmental sustainability.

DISCUSSION

In recent years, the SBC has taken an active role in public engagement efforts to educate the community about sustainability issues. Recent events include the 2023 and 2024 Earth Day events and three Go Green Community Forums. To support continued community engagement activities, the SBC submitted a request for Council to consider an annual allocation of \$15,000 to provide SBC a budget to support the costs of putting on community events.

The proposed funding would be used for event expenses, that will include but are not limited to event registration, insurance, equipment rental and setup costs, permit fees, marketing and advertising, signage, and vendor fees. The funds would also be used to partner with other local organizations' sustainability efforts, such as the Burbank Eco

Attachment 9

Council, Burbank Community Garden, Monarch Mile, Sierra Club Verdugo Chapter, Burbank Electrification Coalition, and Master Gardeners.

The Public Works Department (PW) works collaboratively with the SBC to support initiatives and assist in identifying and achieving goals. Should Council approve the SBC's funding request, staff recommends that the funds be placed within the Public Works Department annual budget. PW staff will work with the SBC to review future event initiatives and ensure that expenditures are managed in accordance with the City's financial policies and procedures, as well as align with Council's established goals and objectives. A list of planned events/activities shall be provided to Council to provide information regarding utilization of allocated funding.

FISCAL IMPACT

The fiscal impact for the SBC's request is \$15,000 annually recurring from the General Fund, beginning in FY 2024-25.

CONCLUSION

Should Council approve the SBC's funding request, staff recommends that the appropriated funds be allocated within the annual PW budget. PW staff will work in collaboration with the SBC to facilitate expenditures dedicated to furthering community engagement and outreach regarding sustainability efforts within the City.

MEMORANDUM



COMMUNITY DEVELOPMENT

DATE: June 4, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director *DLX FOR PP*
VIA: Simone McFarland, Assistant Community Development Director
Jonathan Jones, Communications Manager
Maribel Leyland, Housing Authority Manager
Shipra Rajesh, Housing Development Manager
BY: Katie Picha, Administrative Officer

SUBJECT: Budget Discussion Paper – Expedited Survey and Public Outreach for a Potential Local Rent Cap in the City of Burbank

BACKGROUND

At the City Council Meeting on April 23, 2024, Council directed staff to provide additional information regarding outreach for the ongoing discussion of a local rent cap for the City of Burbank. A budget discussion paper on this topic was presented at the Council meeting on May 21, 2024 (Attachment 1), Council directed staff to explore a more cost-effective and expedited outreach process.

DISCUSSION

A rent cap would affect almost 27,000¹ units with an average of two-persons per household along with thousands of landlords within the City. In response to Council's direction at the May 21, 2024 Council meeting, staff recommends Council approve conducting a study to accurately gather the perspectives, wants, and needs representative of the greater community.

Staff proposes entering into a sole source agreement with Fairbank, Maslin, Maullin, Metz & Associates (FM3)² to conduct a statistically relevant community survey focused on a

¹ Claritas Pop up demographics 2024

² FM3 was utilized by the City to inform the drafting of the successful Utility Funds Transfer Charter Amendment (Measure T) in June of 2018, the successful three-quarter cent sales tax (Measure P) in November 2018, and a citywide community survey in 2022. FM3 has also conducted research among Burbank residents and neighboring communities on Burbank-related topics on behalf of the Burbank Unified School District and the Burbank Airport Authority, as well as commercial interests, such as NBC-Universal. FM3 conducts as many as 500 surveys and 160 focus groups, as well as other types of opinion research, annually.

potential local rent cap and the community's expectation of an appropriate rent cap should one be implemented. The proposed survey questions will be provided to Council for approval prior to onset of the survey. FM3 will contact community members to participate in a survey on a potential rent cap through email, texting, and phone calls. The study would consist of Burbank residents only and have subcategory information for tenants and landlords. Staff and FM3 will report the results of the survey to Council. It is estimated that this process will take approximately seven to eight weeks from the date of the signed agreement.

Approximately one month after the report to Council on the survey results, staff proposes partnering with Pivotal Strategies³ (Pivotal) via a sole source agreement to conduct an in-person Community Listening Session⁴ on the rent cap topic. At the same time, Pivotal would also conduct an online survey in relationship to the FM3 results. This survey would not be statistically accurate, but would allow residents to voice their opinion should they not be able to attend the in-person listening session. Upon completion of the Listening Session and online survey, staff will provide all data to Council.

While Council desires an expedited outreach process, staff feels it is important to have a robust community outreach process to ensure widespread engagement. The estimated timeline for the above activities is as follows:

- City Council Budget Approval: June 4th, 2024
- Sole Source Agreement for FM3 and Pivotal: July 2024
- Draft FM3 Survey Questions for Council Review/Approval: July 2024
- FM3 Survey: August – September 2024
- City Council Receives Results: September 2024
- Listening Session Scheduled: October 2024
- Pivotal Online Survey: October 2024
- Staff Reports All Results to Council: November 2024

FISCAL IMPACT

A total General Fund appropriation of \$100,000 is requested to facilitate the expedited survey and outreach on a potential local rent cap. \$65,000 of the requested appropriation will be utilized for the FM3 survey and analysis. The additional \$35,000 will be employed to administer and implement the proposed Listening Session, including the option to provide online survey, with Pivotal Strategies.

³ Pivotal Strategies has worked with the City on multiple projects such as the 2018 public education and outreach for Measure T (Burbank Water and Power Fee Transfer) and Measure P (the Burbank Infrastructure and Community Services Protection Measure), media training for City staff and councilmembers, and crisis communication during the COVID-19 pandemic. Pivotal has also worked with Burbank Water and Power since 2021 assisting the marketing team with strategic communications on initiatives such as rate increases, annual reports, sustainable water use ordinance, drought awareness, and messaging for financial assistance and conservation programs. The Pivotal team managed two comprehensive programs for the Hollywood Burbank Airport including nine community charrettes to gather input on the design of the replacement passenger terminal, and subsequently, the Southern San Fernando Valley Noise Task Force to address community concerns over noise generated by aircraft in the southern San Fernando Valley.

⁴ A Community Listening Session allows members of the community to provide public comment on a specific topic. Staff will be in attendance to listen and take contemporaneous notes. Responses will not be given, and decisions will not be made during this session.

CONCLUSION

To further Council's request to conduct expedited outreach on a local rent cap in Burbank, it is recommended that Council direct staff to seek out sole source agreements with both FM3 and Pivotal and approve the total requested appropriation of \$100,000.

ATTACHMENTS

- Attachment 1 – May 21, 2024 Budget Discussion Paper – Public Outreach for a Potential Local Rent Cap in the City of Burbank
- Attachment 2 – April 23, 2024, Staff Report – Discussion on Potential Landlord and Tenant Strategies

MEMORANDUM



COMMUNITY DEVELOPMENT

DATE: May 21, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director *for P. Prescott*
VIA: Simone McFarland, Assistant Community Development Director
Maribel Leyland, Housing Authority Manager
Shipra Rajesh, Housing Development Manager
BY: Katie Picha, Administrative Officer

SUBJECT: Budget Discussion Paper – Public Outreach for a Potential Local Rent Cap in the City of Burbank

BACKGROUND

At the City Council Meeting on April 23, 2024, Council directed staff to provide additional information regarding outreach for the ongoing discussion of a local rent cap for the City of Burbank.

DISCUSSION

Staff previously researched and analyzed eight local jurisdictions' (cities of Bell Gardens, Beverly Hills, Claremont, Culver City, Glendale, Long Beach, Pasadena, and Los Angeles County) landlord-tenant strategies and associated regulations. The results were presented in a staff report at the April 23, 2024, Council meeting (Attachment 1). That evening, the Council passed a motion directing Staff to undertake additional studies and analysis of a potential local cap on rent increases with a cost analysis for any proposal. Additionally, Council requested comprehensive community outreach efforts on the same.

Staff proposes to move forward using a two-step approach. Step 1 would focus on extensive community outreach on a potential local rent cap. Based on the robust outreach program envisioned with multiple community meetings, periodic Council reporting, and other communication strategies, Staff determined that a communications consultant would be necessary. To ensure Staff obtains the most appropriate and qualified

consultant, if funds are appropriated as requested, a Request for Proposal (RFP) will be issued by September 2024 to solicit consultants for a robust public outreach program. Staff aims to develop a clear scope for the RFP based on prior research and the community's unique needs. The RFP will remain open for four weeks and then be reviewed over the following two months to determine the best fit. The final Scope of Work and timeframe/schedule for the selected consultant contract will be determined through the RFP process. Staff will report back to Council the results of the RFP, including an estimated timeline for completion.

Upon completion of the public outreach program, staff recommends an additional consultant be retained to analyze and determine the economic feasibility and practicality of implementing the solutions and suggestions collected during the outreach – this is Step 2. Staff will return to Council with a plan for Step 2 along with any associated costs.

FISCAL IMPACT

A total General Fund appropriation of \$200,000 is requested to cover the cost of the outreach consultant for Step 1.

RECOMMENDATION

To further Council's request to conduct outreach to solicit public feedback on a local rent cap in Burbank, as requested at the Council meeting on April 23, 2024, Staff recommends that Council approve the \$200,000 appropriation. The RFP will be issued to search for and to obtain the most qualified and comprehensive consultants in the designated areas.

ATTACHMENT

Attachment 1 – April 23, 2024, Staff Report – Discussion on Potential Landlord and Tenant Strategies

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: April 23, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
VIA: Simone McFarland, Assistant Community Development Director,
Housing and Economic Development
Maribel Leyland, Housing Authority Manager
BY: Shipra Rajesh, Housing Development Manager

SUBJECT: Discussion on Potential Landlord and Tenant Strategies

RECOMMENDATION

Provide direction on next steps on potential landlord and tenant strategies.

BACKGROUND

The purpose of this staff report is to provide a synopsis of landlord tenant strategies and associated regulations adopted by eight different jurisdictions under four categories: *Cap on Rent Increases*, *Tenant Protection Measures*, *Access to Legal/Professional Resources*, and *Enforcement Mechanisms*. Council directed staff to focus on the following eight jurisdictions - the cities of Bell Gardens, Beverly Hills, Claremont, Culver City, Glendale, Long Beach, Pasadena, and Los Angeles County.

At the January 31, 2023, Council meeting, staff presented a first step report on tenant protections and rent caps that included information on Assembly Bill (AB) 1482, also known as the California Tenant Protection Act (effective January 1, 2020). Council direction that evening included a Study Session on AB 1482 and a second step report on tenant protections that includes successful strategies in other cities (including programs, policies, education, outreach, and other programmatic components). Council also requested a community outreach plan to follow the second step report.

The AB 1482 Study Session was held on August 8, 2023. At the end of the study session, Council provided short-term, medium-term, and long-term direction to staff on next steps.

Short-term direction included the development of a Tenant Protection Urgency Ordinance to provide further protections beyond what is included in AB 1482. Subsequently, on September 12, 2023, Council approved Urgency Ordinance No. 23-3999, prohibiting the termination of certain residential tenancies without just cause in the City of Burbank and increasing the relocation assistance for certain terminations (Attachment 1).

The medium-term direction is this report, which includes options for tenant protections through a comparison of local ordinances across different jurisdictions. Furthermore, at the end of the AB 1482 Study Session, Council directed staff to hold an Ad Hoc meeting with landlords and tenants to develop possible solutions for several concerns raised during the study session and gather information that could supplement the second step report. The Landlord Tenant Ad Hoc Roundtable Meeting was held on January 18, 2024, and staff presented a report to Council summarizing the feedback on February 13, 2024, (Attachment 2). After deliberation, Council identified four categories that broadly covered the landlord-tenant strategies discussed during the Landlord Tenant Ad Hoc Roundtable meeting:

1. Cap on Rent Increases;
2. Tenant Protection Measures (including anti-harassment/anti-retaliation);
3. Access to Legal and Professional Resources; and
4. Enforcement Mechanisms.

Council directed staff to research measures and regulations related to these categories with the following jurisdictions: cities of Bell Gardens, Beverly Hills, Claremont, Culver City, Glendale, Long Beach, Pasadena, and Los Angeles County.¹

DISCUSSION

State Law and Current Regulations on Tenant Protections for Burbank

AB 1482 provides regulations on rent caps and just cause eviction protections for certain residential tenancies. Senate Bill (SB) 567, effective April 1, 2024, amends several provisions in AB 1482 by imposing additional parameters to just cause evictions and expressly providing remedies to tenants for any violations of AB 1482's just cause eviction and rent cap provisions. Specifically, SB 567 authorizes tenants to file civil actions against property owners when seeking injunctive relief² and/or damages for any violations. It also authorizes local government enforcement mechanisms, implementing injunctive relief for any property owner violations of the tenant protection, and rent cap provisions contained in AB 1482. California Civil Code §1946.2(h) and 1947.12(k) authorize tenants to institute a civil action, seek injunctive relief, as well as seek civil penalty in case of violation of state mandated regulations on just cause eviction and rent cap (Attachment 3).

In addition to the regulations implemented by the State, several jurisdictions have adopted local tenant protection ordinances. Detailed information on these ordinances as they relate to the four categories identified by Council can be found in the following attachments:

¹ The long-term direction is to review the purview, limitations, and assistance provided by the Landlord Tenant Commission. This is a separate report.

² Generally, "injunctive relief" is a remedy which restrains one party from doing certain acts or requires one party to act in a certain way.

- Attachment 4: Cap on Rent Increases
- Attachment 5: Tenant Protection Measures
- Attachment 6: Access to Legal and Professional Resources
- Attachment 7: Enforcement Mechanisms

Neighboring Community/Local Tenant Protection Research

Table 1 below provides a summary of local ordinances found within other jurisdictions as related to the categories identified above:

Table 1: Local Tenant Protection Ordinance in Different Jurisdictions	
Local Jurisdictions	Local Ordinances
City of Bell Gardens	Rent Stabilization Chapter and Tenant Protections Chapter in its Municipal Code, in effect since October 2022.
City of Beverly Hills	Adopted revised rent stabilization regulations in February 2017, which affects most rental housing in the city.
City of Claremont	Adopted a “Just Cause Eviction” Ordinance, effective June 2023, providing heightened tenant protections for substantial remodel evictions and higher amounts of relocation assistance in the event of a no-fault eviction, beyond the State law.
Culver City	Adopted a permanent Rent Control Ordinance and a permanent Tenant Protections Ordinance that became effective in October of 2020.
City of Glendale	Established a Rental Rights Program (Ordinance #5922) that took effect in March 2019 and was created to provide housing stability and mitigate the impact of displacement for Glendale residents. The ordinance was updated in March 2024 (Ordinance #6019) to include five components — Just Cause Eviction, Relocation Assistance, Right to Lease, Intentional Disrepair, and Rent Reduction.
City of Long Beach	Adopted the Tenant Relocation Assistance Ordinance in June 2019 that established rent increase limits and eviction protections for certain rental units within the city.
City of Pasadena	Amended its Charter (Measure H) in December 2022, to establish the Pasadena Rental Housing Board that is responsible for fulfilling the powers and duties prescribed in the Charter Amendment. Pasadena Rental Housing Board members are appointed by the City Council and the Board has the authority to establish rent increases, produce written notices and publish forms for noticing to current and prospective

	tenants, establish and maintain a rental registry, establish rules and regulations related to rent control, and enforce the Charter Amendment.
Los Angeles County	Adopted Los Angeles County Rent Stabilization and Tenant Protections Ordinance (RSTPO), effective September 2021. The RSTPO limits annual rent increases, provides tenants protections from evictions without just cause, and provides a process for property owners to seek relief if they believe they are not receiving a fair return on their rental units under the permitted maximum annual rent increase.

After review, staff identified some commonalities in the four categories identified by the Council as follows.

Rent Stabilization Ordinance / Rent Cap

AB 1482 implements a statewide cap on annual rent increases by limiting the increase each year to 5% plus the increase in the Consumer Price Index (CPI), with an overall increase not to exceed 10%. Currently, this is the applicable rent cap for Burbank residents. In addition to the statewide rent cap, the cities of Bell Gardens, Beverly Hills, Culver City, and Pasadena as well as Los Angeles County, adopted ordinances implementing local rent caps (Attachment 4). However, the cities of Claremont, Glendale, and Long Beach do not codify any local rent cap; instead, they require landlords to comply with the rent cap mandated by AB 1482.

Burbank is subject to a state mandated rent cap of 5% plus the % change in CPI, with an overall increase not to exceed 10%. (California Civil Code Section 1947.12(a)).

Tenant Protection

In addition to the just cause eviction protection mandated by AB 1482, many local jurisdictions have adopted ordinances and/or regulations on relocation assistance for no-fault evictions, anti-harassment, and anti-retaliation, providing an additional layer of tenant protection within their jurisdiction. Burbank adopted a Tenant Protection Urgency Ordinance prohibiting the termination of certain residential tenancies without just cause and increasing the relocation assistance for certain terminations (Attachment 1).

In addition to Ordinance no. 23-3,999 that requires the owners to provide relocation assistance equal to the amount of three month's rent if termination of tenancy is based on substantial remodel just cause eviction, Burbank is subject to state mandated relocation assistance or rent waive equal to one month of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy in case of no-fault just cause evictions for qualifying rental units (California Civil Code Section 1946.2(d)).

All eight jurisdictions adopted local regulations on relocation assistance for no-fault evictions. Additionally, most of the jurisdictions have adopted either a combination of regulations on anti-retaliation and anti-harassment, or regulations only pertaining to anti-retaliation. For example, the cities of Bell Gardens, Culver City, Pasadena, and Los Angeles County adopted local regulations on both anti-harassment and anti-retaliation. Alternatively, the cities of Beverly Hills and Glendale adopted local regulations prohibiting

anti-retaliation, whereas the City of Long Beach provides a list of actions that are categorized as “tenant harassment”. The City of Claremont does not provide any additional local regulations on anti-harassment and anti-retaliation. Attachment 5 to the report details local regulations on relocation assistance, anti-harassment, and anti-retaliation eviction adopted by the eight jurisdictions.

Access to Legal/Professional Resources

Certain local jurisdictions, including the City of Long Beach, contracted with third-party community-based organizations to provide landlords and tenants with access to resources, including legal resources. In addition, these organizations educate landlords and tenants on local and state regulations limiting annual rent increases and regulations on tenant protections including relocation assistance and anti-harassment provisions. In Burbank, staff contracts with the Housing Rights Center to conduct regular workshops for landlords and tenants on Fair Housing Laws and rights and responsibilities. In addition, housing staff and the Landlord Tenant Commission provide information and resources to the community. Further, City Attorney’s Office is working on a Fiscal Year 2024/25 Budget Discussion Paper to propose a pilot program to provide tenants with access to legal and professional resources and referrals, coordinate social services, investigate complaints and habitability concerns, and review and initiate civil enforcement actions.

In addition to contracting with third-party organizations, the cities of Bell Gardens, Pasadena, and Los Angeles County have codified noticing requirements detailing tenant rights when entering into a new lease agreement or renewing an existing lease agreement. Further, the cities of Bell Gardens, Beverly Hills, Culver City, and Pasadena, and Los Angeles County have hearing officers who mediate landlord-tenant disputes. Moreover, Culver City and Los Angeles County have implemented a landlord-tenant mediation board/panel to resolve landlord-tenant disputes. Attachment 6 provides details on access to legal professionals and other resources put in place by the eight jurisdictions.

Enforcement Mechanisms

SB 567 amended AB 1482 and authorizes tenants to file civil actions against property owners in seeking injunctive relief and/or damages for any violations. It also authorizes local governments to seek injunctive relief for any property owner violations of the tenant protection and rent cap provisions contained in AB 1482. In addition to provisions contained in SB 567 (Attachment 3), local jurisdictions implemented local enforcement mechanisms that range from administrative relief to judicial remedies for enforcing the regulations on local rent cap as well as other local regulations on tenant protections including anti-harassment and anti-retaliation. Attachment 7 provides details on local enforcement regulations adopted by the eight jurisdictions.

Burbank is subject to remedies provided by the state law (California Civil Code §1946.2(h) and 1947.12(k)), allowing tenants to institute a civil action, seek injunctive relief, and seek damages in case of landlord's failure to comply with the state law. Moreover, violation of tenant protection regulations pursuant to Ordinance no. 23-3,999, shall render notice of termination of tenancy void and shall be an affirmative defense to an unlawful detainer action.

COMMUNITY OUTREACH

Per Council's direction, staff is preparing a robust public outreach process to solicit community feedback from a broad range of stakeholders. Staff will utilize a variety of platforms including social and print media, as well as announcements made during Council meetings, to invite community members to participate in the process.

ENVIRONMENTAL REVIEW

This report is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines §15060(c)(2), in that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the CEQA under State CEQA Guidelines §15061(b)(3), in that it can be seen with certainty there is no possibility the activity will have a significant effect on the environment. This report to Council analyzing regulations and strategies on rent cap, tenant protection, access to resources, and enforcement mechanisms implemented by the eight jurisdictions in Los Angeles County identified by the Council, is statutorily exempt from review under the CEQA because it is a feasibility or planning study for possible future actions that have not yet been adopted or approved (CEQA Guidelines, §15262).

FISCAL IMPACT

Council direction on possible landlord tenant strategies will have no fiscal impact to the City's General Fund.

CONCLUSION

This report provides a synopsis of regulations and strategies adopted by local jurisdictions in the region under four categories: *Cap on Rent Increases*, *Tenant Protection Measures*, *Access to Legal/Professional Resources*, and *Enforcement Mechanisms*. Per Council direction, research was focused on the cities of Bell Gardens, Beverly Hills, Claremont, Culver City, Glendale, Long Beach, Pasadena, and Los Angeles County. Staff seeks Council's direction on next steps on potential landlord and tenant strategies.

ATTACHMENTS

- Attachment 1 – Ordinance No. 23-3,999 Tenant Protections
- Attachment 2 – January 30, 2024 Ad-Hoc Roundtable Meeting Staff Report and Attachments
- Attachment 3 – Enforcement Mechanism pursuant to SB 567
- Attachment 4 – Summary of Local Rent Cap
- Attachment 5 – Summary of Regulations on Tenant Protection
- Attachment 6 – Summary of Access to Resources/Legal Professional
- Attachment 7 – Summary of Enforcement Mechanism
- Attachment 8 – Snapshot of Landlord-Tenant Strategies in Different Jurisdictions
- Attachment 9 – Landlord-Tenant Regulations/Strategies in Burbank