

ORDINANCE NO. 2025-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADDING CHAPTER 8.35 ("PROHIBITION OF HARASSMENT IN RENTAL HOUSING") TO TITLE 8 ("HEALTH AND SAFETY") OF THE CLAREMONT MUNICIPAL CODE, PROHIBITING THE HARASSMENT OF TENANTS**

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482") added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, AB 1482's just cause eviction provisions expressly authorize local agencies (like the City of Claremont) to adopt ordinances that are "more protective" than AB 1482's just cause eviction provisions, in which case, the "more protective" local ordinance will apply to non-exempt residential real property (Civ. Code § 1946.2(g)(1)(B)); and

WHEREAS, tenants living in rental units are especially vulnerable to landlord harassment due to the shortage of other available affordable rental housing and lack of accessible remedies; and

WHEREAS, housing advocates report that some unscrupulous landlords have been constructively evicting long-term tenants by engaging in harassing conduct in order to coerce vacancies, and thereby charge higher market rate rents; and

WHEREAS, landlords report that they have experienced harassment from tenants and/or had limited tools to address tenant-on-tenant harassment, and as a result of this harassment, some landlords have removed or are considering removing their housing from the rental market; and

WHEREAS, the City of Claremont desires to deter any form of harassment in rental housing, whether the harassment is coming from landlords or tenants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this ordinance.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Findings

The City Council has the power to enact an ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code sections 36931 through 39637. The adoption of this ordinance furthers the preservation of the public peace, health, and safety in at least the following respects:

- A. The City of Claremont is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale. When a household spends more than 30 percent of its income on housing costs (i.e. is “rent burdened”), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of income or health problems, households with burdensome housing costs are more likely to become homeless. In Claremont, approximately 52.4% of renter-households use more than 30% of their incomes to cover housing costs, and of those renter-households, approximately 44.2% spend 35% or more of their income on housing costs (2014-2019 ACS 5-Year Estimates).
- B. As the cost of housing in Southern California continues to rise, homelessness has become more prevalent. According to the Greater Los Angeles Homeless Street Count, the number of unsheltered individuals counted in Claremont has steadily increased over the past four years. In 2020, 17 unsheltered individuals were counted in Claremont. In summer 2024, the Los Angeles Homeless Services Authority released data from the Count, which resulted in an estimated range of 33-36 unhoused people in Claremont.
- C. Starting in April of 2020, Claremont’s residential tenants were generally protected from evictions by a variety of temporary COVID-19-related governmental measures, such as: (1) the California Judicial Council’s temporary emergency measures which effectively provided for a moratorium on all evictions; (2) the State of California’s eviction moratorium (ultimately codified through Assembly Bill 3088 (2020), Senate Bill 91 (2021), and Assembly Bill 81 (2021)); and (3) the County of Los Angeles’ Tenant Protections Resolution; and the City of Claremont’s Moratorium on Certain “No Fault” Residential Evictions (Ord. No. 2022-07). However, those measures have now expired or have been lifted.
- D. The City has determined, both through direct residential tenant complaints and through information available on a regional basis, that tenants throughout the Los Angeles County region have reported experiencing a surge of no-fault eviction notices and threats of eviction. In response to such threats and notices, other municipalities in this region, including the County of Los Angeles and the Cities of Los Angeles, Long Beach, Pasadena, Burbank, Alhambra and Pomona have adopted tenant protection ordinances.

- E. In the summer of 2022, the City started to receive reports from tenants that at least one local landlord was using an exception in AB 1482's "just cause" eviction protections to evict tenants based on the landlord's plans to "substantially remodel" their units (as that term is defined in AB 1482). AB 1482's rent stabilization provisions do not apply to new tenancies. As a result, "substantial remodel" evictions are one way a landlord can raise rents above the annual limits in AB 1482. On its own, AB 1482 does not require a landlord to provide proof that it had plans to remodel the unit, nor does it require a landlord to complete the "substantial remodel" in order to raise the rent for the new tenancy.
- F. On May 23, 2023, the City Council for the City of Claremont adopted Ordinance 2023-02 adding Chapter 8.34 to the Claremont Municipal Code. For certain residential rental properties in Claremont, Ordinance 2023-02 created heightened tenant protections for "substantial remodel" evictions that, among other things, requires a landlord to provide proof that it is "substantially remodeling" a unit before it can terminate an existing tenancy.
- G. In the summer of 2022, the City also started to receive reports from tenants that at least one local landlord was harassing and/or retaliating against its tenants. The tenants expressed concern that AB 1482's rent stabilization provisions had incentivized landlords to resort to harassment and/or retaliation to impel their tenants to move out. Once the units were re-rented, the landlord could raise rent above the limits in AB 1482. Over the past two and a half years, the City has continued to receive reports of this harassment and/or retaliation.
- H. Tenants living in rental units are especially vulnerable to landlord harassment due to the shortage of other available affordable rental housing and lack of accessible remedies.
- I. In connection with the February 11, 2025 public hearing on this ordinance, the City Council received reports from landlords that they have experienced harassment from tenants and/or had limited tools to address tenant-on-tenant harassment, and as a result of this harassment, some landlords have removed or are considering removing their housing from the rental market.
- J. To the maximum extent possible, the City desires to preserve and increase its inventory of rental housing and does not want harassment in any form to be a reason landlords remove their rental housing from the market.

SECTION 4. Code Amendment

Chapter 8.35 ("Prohibition of Harassment in Rental Housing") is hereby added to Title 8 ("Health and Safety") of the Claremont Municipal Code to read as follows:

8.35.000 Purpose of chapter and relationship to State and Federal laws.

It is in the public interest that tenants and landlords are free from harassment that impacts their ability to obtain or provide rental housing in the City of Claremont.

The purpose of this chapter is to fill gaps in existing protections provided to both residential tenants and landlords under state, federal, and local laws to prohibit and deter harassment in connection with rental housing, including single-family residences and condominiums. This chapter provides an aggrieved tenant or landlord with a private right of action and provides an aggrieved tenant with an affirmative defense in eviction, ejectment, and other actions.

It is the City's intent that its residential tenants and landlords be afforded the strongest protections available under the law. If any other governmental entity (including, without limitation, the United States Government, the State of California, and the County of Los Angeles) adopts stronger anti-harassment protections that apply to residential tenants and/or landlords in the City of Claremont, then the stronger protections shall prevail, and the City shall not enforce conflicting protections in this chapter.

8.35.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

“Landlord” means any owner, lessor, sublessor, manager, and/or person, including any firm, corporation, partnership, or other entity, having any legal or equitable right of ownership or possession or the right to lease or receive rent for the use and occupancy of a rental unit, and whether acting as principal or through an agent or representative or successor of any of the foregoing.

“Rental unit” means any building, structure, or portion thereof that is rented or offered for rent for living, dwelling, and/or human habitation purposes. The term “rental unit” includes the land and buildings appurtenant to the premises being offered for living, dwelling, and/or human habitation purposes, and all housing services, privileges, furnishings, and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

“Tenant” means any tenant, subtenant, lessee, sublessee, or any other person entitled to reside in a rental unit within the City of Claremont.

8.35.020 Tenant Harassment.

Tenant harassment is prohibited. Tenant harassment is defined as a landlord's knowing and willful course of conduct directed at a specific tenant or tenants that causes detriment and harm, and that serves no lawful purpose, including, but not limited to, the following actions:

- A. Reducing or eliminating housing services required by a lease, contract, or law, including the elimination of parking if provided in the tenant's lease or contract except when necessary to comply with a court order or local, state, or federal law, or to create an accessory dwelling unit or additional housing.

- B. Failing to perform and timely complete necessary repairs and maintenance required by local, state, or federal housing, health, or safety laws; or failure to follow applicable local, state, or federal laws to minimize exposure to noise, dust, lead paint, asbestos, or other building materials with potentially harmful health impacts.
- C. Abusing the right of access into a rental unit as established and limited by California Civil Code Section 1954, including entering, photographing, or filming portions of a rental unit that are beyond the scope of a lawful entry or inspection. If a landlord needs to enter a tenant's rental unit in accordance with California Civil Code Section 1954, the landlord shall limit the access to a four hour period unless the work the landlord is performing requires a longer period, and the landlord shall attempt to schedule the entry at a time that is mutually convenient for the tenant. This subsection shall not prevent a landlord from taking photographs of a rental unit that are authorized or required by California Civil Code Section 1950.5.
- D. Threatening a tenant, by word or gesture, with physical harm.
- E. Misrepresenting to a tenant that the tenant is required to vacate a rental unit or enticing a tenant to vacate a rental unit through an intentional misrepresentation or through intentional concealment or intentional omission of a material fact.
- F. Threatening or taking action to terminate any tenancy including service of any notice to quit or other eviction notice or bringing action to recover possession of a rental unit based on one or more facts which the landlord either knows to be false or could have determined through reasonable diligence were false. No landlord shall be liable under this subsection for bringing an action to recover possession of a rental unit unless and until the tenant has obtained a favorable termination of that action.
- G. Threatening to engage or engaging in any act or omission which renders the rental unit unfit for human habitation and occupancy.
- H. Refusing to acknowledge or accept receipt of lawful rent payments of rent or other charges as set forth in the lease agreement or as established by the usual practice of the parties or applicable law.
- I. Inquiring as to the immigration or citizenship status of a tenant, prospective additional tenant, occupant, or prospective additional occupant of a rental unit, or requiring any of these people to make any statement, representation, or certification concerning their immigration or citizenship status.
- J. Disclosing or threatening to disclose to any person or entity information regarding the immigration or citizenship status of a tenant, whether in retaliation for engaging in legally protected activities, to influence them to vacate the rental unit, or for any other reason. No landlord shall be liable under this subsection for disclosing information pursuant to a lawful court order.

- K. Retaliating, threatening to retaliate, or interfering with tenant organizing activities, including forming or participating in tenant associations and unions.
- L. Demanding information from a tenant that violates the tenant's right to privacy, including, but not limited to, demanding disclosure of the tenant's residency or citizenship status or social security number, except as authorized by law.
- M. Other repeated intentional acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace, or quiet of a tenant(s) and that cause, are likely to cause, or are committed with the objective to cause a tenant(s) to surrender or waive any rights in relation to such tenancy.

8.35.030 Landlord Harassment.

Landlord harassment is prohibited. Landlord harassment is defined as a tenant's knowing and willful course of conduct directed at a landlord that causes detriment and harm, and that serves no lawful purpose, including, but not limited to, the following actions:

- A. Threatening the tenant's landlord, by word or gesture, with physical harm.
- B. Threatening to engage or engaging in any intentional act or omission which renders the tenant's rental unit or any other rental unit in the same building or complex of commonly-owned buildings unfit for human habitation and occupancy.
- C. Disclosing or threatening to disclose to any person or entity information regarding the immigration or citizenship status of the tenant's landlord for any other reason. No tenant shall be liable under this subsection for disclosing information pursuant to a lawful court order.
- D. Other repeated intentional acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace, or quiet of the landlord or one or more other tenant(s) in the same building or complex of commonly-owned buildings and that cause, are likely to cause, or are committed with the objective to cause the landlord or other tenant(s) to remove one or rental units from the market or surrender or waive any rights in relation to such tenancy.

8.35.040 Tenant-on-Tenant Harassment.

Tenant-on-tenant harassment is prohibited. Tenant-on-tenant harassment is defined as a tenant's knowing and willful course of conduct directed at another tenant of the same building or complex of commonly-owned buildings that causes detriment and harm, and that serves no lawful purpose, including, but not limited to, the following actions:

- A. Threatening another tenant, by word or gesture, with physical harm.
- B. Threatening to engage or engaging in any intentional act or omission which renders another tenant's rental unit unfit for human habitation and occupancy.
- C. Disclosing or threatening to disclose to any person or entity information regarding the immigration or citizenship status of another tenant, whether in retaliation for engaging in legally protected activities, to influence them to vacate the rental unit, or for any other reason. No tenant shall be liable under this subsection for disclosing information pursuant to a lawful court order.
- D. Other repeated intentional acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace, or quiet of one or more other tenant(s) and that cause, are likely to cause, or are committed with the objective to cause one or more other tenant(s) to surrender or waive any rights in relation to such tenancy.

8.35.050 Affirmative Defense.

A tenant may use the protections afforded in this chapter as an affirmative defense in unlawful detainer, ejectment, and other actions when their landlord engages in actions constituting tenant harassment as defined in this article and other applicable laws.

8.35.060. Private Right of Action; Civil Penalties.

A. Private Right of Action.

An aggrieved tenant or landlord under this chapter, or any person, organization, or entity who will fairly and adequately represent the interests of one or more aggrieved tenants or landlords under this chapter, may institute civil proceedings as provided by law, against any tenant or landlord violating any of the provisions of this chapter and any person who aids, facilitates, and/or incites another to violate the provisions of this chapter, regardless of whether a rental unit remains occupied or has been vacated or removed from the rental market due to harassment.

B. Remedies.

1. A tenant or landlord prevailing in court under this chapter may be awarded compensatory damages, rent refunds for reduction in housing services (for tenants), reasonable attorney's fees and costs, imposition of civil penalties up to \$10,000 per violation depending upon the severity of the violation, tenant relocation, and other appropriate relief, as adjudged by the court. For the purposes of awarding reasonable

attorney's fees and costs, a tenant or landlord prevailing in court includes a tenant or landlord who successfully defends a civil action filed pursuant this chapter.

2. If a tenant or landlord prevailing under this chapter is older than 65 years or disabled when any of the harassing conduct occurred, the court may impose additional civil penalties up to \$5,000 per violation depending upon the severity of the violation.
3. Any tenant or landlord violating any of the provisions of this chapter, and any person who aids, facilitates, and/or incites another to violate the provisions of this chapter may be enjoined therefrom by a court of competent jurisdiction.
4. The remedies in this section are not exclusive nor do they preclude any tenant or landlord from seeking any other remedies, penalties and punitive damages, as provided by law.

C. Advance Written Notice. A civil proceeding or small claims case initiated under this chapter alleging any violation of this chapter may only be commenced after the tenant or landlord provides advance written notice to the landlord or tenant of the alleged violation, and the recipient of the notice fails to respond to the notice and/or take corrective action upon receipt of such written notice. For the purpose of this subsection, corrective action shall mean immediately ceasing any action that constitutes harassment (such as threats of physical harm or retaliation) and making diligent progress towards addressing any conditions that constitute harassment (such as completing necessary repairs).

8.35.070 Lawful Evictions.

Nothing in this chapter shall be construed as preventing lawful evictions of a tenant by appropriate legal means.

8.35.080 Severability

If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions, and to this end, the provisions of this chapter are declared to be severable. The City Council hereby declares that it would have adopted this chapter and each provision thereof irrespective of

whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION 5. Effective Date

This ordinance shall be take effect thirty (30) days after its adoption in accordance with Government Code Section 36937.

SECTION 6. Posting of Ordinance

The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause a summary of this Ordinance to be published or posted as required by law. In accordance with Government Code Section 8634, this ordinance and any amendments, extensions, and rescissions thereof shall be given widespread publicity and notice.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2025.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont