

ORDINANCE NO. 26-AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING  
CHAPTER 12, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE RELATING TO  
RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Sections 12-1.07(j)(7) and 12-1.17 of Article 1, Chapter 12 of the Hayward Municipal Code are amended to read as follows, with deleted terms shown in strikeout and added terms underlined:

**ARTICLE 12**  
**RESIDENTIAL RENT STABILIZATION AND TENANT PROTECTION ORDINANCE**

## SECTION 12-1.07(j)(7)

~~(7) The Arbitrator shall render his or her written decision within twenty (20) days of the close of the hearing by mail to the Rent Review Officer who shall forthwith distribute copies of the decision by mail to the Landlord and Tenant(s). The Arbitrator shall determine the amount of the Rent Increase if any, which is reasonable based upon all the provisions of this Ordinance, the evidence presented by the parties, and any previous decisions which are found relevant and persuasive.~~

(7) The Arbitrator shall render his or her written decision within thirty (30) days of the close of the hearing by mail to the Rent Review Officer who shall forthwith distribute copies of the decision by mail to the Landlord and Tenant(s). The Arbitrator shall determine the amount of the Rent Increase if any, which is reasonable based upon all the provisions of this Ordinance, the evidence presented by the parties, and any previous decisions which are found relevant and persuasive.

## SECTION 12-1.17

- (a) Applicability. This section shall apply to Landlords for all Rental Units, including Covered Rental Units, subject to this Ordinance.
- (b) The costs of administration of this Ordinance shall be reimbursed in full to the Rental Housing Program Fund by imposition of a Rent stabilization administration fee chargeable against all Rental Units, including Covered Rental Units.
- (c) The fees imposed by this section shall be paid annually. The time and manner of payment, delinquency status, and assessment and collection of penalties for delinquent payment of the fees imposed by this section shall be as provided in Article 1 of Chapter 8 of the Hayward Municipal Code. The City Manager and Rent Review Officer shall recommend to the City Council the amount of such fee and time for payment and the City Council shall adopt such fee by resolution.

- (d) For Covered Rental Units, the Landlord who pays these fees may pass through to the Tenant up to fifty (50) percent of those fees assessed against a Covered Rental Unit. The remaining fifty (50) percent of the fees assessed against a Covered Rental Unit shall not be passed on in any way to Tenants. A Landlord failing to pay fees required by this section shall not be entitled to collect any Rent Increase for a Covered Rental Unit otherwise authorized by this Ordinance from the Tenant nor to any increase that might otherwise be awarded by an Arbitrator, and such failure by the Landlord shall be a defense in any action brought by the Landlord to recover possession of a Covered Rental Unit or to collect any Rent Increase from the Tenant. A Landlord may cure the failure to pay the fees required by this section by paying such fees before initiating an action for possession of a unit or collecting any Rent Increase otherwise authorized hereunder.

If the Landlord elects to pass on a percentage of the fee, the Landlord shall send a notice to the Tenant in substantially the following form:

#### NOTICE TO TENANTS

Pursuant to the provisions of Section 12-1.17 of the City of Hayward's Residential Rent Stabilization and Tenant Protection Ordinance No. 19-12 C.S., as amended, Landlords are required to pay an administration fee to the City on an annual basis to defray the costs of administering the ordinance. The fee is charged against each Rental Unit subject to the ordinance in the City. The ordinance further provides that Landlords may collect up to 50 percent of this fee from the Tenants of a Rental Unit by assessing the fee to the Tenants as a Governmental-Utility Services cost pursuant to Section 12-1.05(d) of the ordinance.

The Rent stabilization fee imposed for \_\_\_ reflects costs incurred during the calendar year of \_\_\_. The fee for this year is \_\_\_ per Rental Unit. The Landlord has paid the full amount of the fee to the City and has decided to exercise the option to collect a portion of the fee from the Rental Unit Tenants. Your 50 percent share of this fee is \_\_\_. Please remit the full amount of \_\_\_ to \_\_\_\_\_ by an acceptable form of payment \_\_\_\_\_ with your next Rent payment.

- (e) Failure to pay the fees as described in subsections (a)-(d) can result in the City imposing an assessment on the properties.

(1) The City Clerk shall post a copy of the report and lien/special assessment list on the bulletin board designated for the posting of agendas for City Council meetings together with a notice of filing thereof and of the time and place when and where it will be submitted to the City Council for confirmation by way of resolution. Notice shall also be published once in a newspaper of general circulation that is published and circulated within the City. The posting and first publication of the notice shall be made and completed at least ten (10) days before the time the report is considered by the City Council.

(2) After City Council confirmation of the annual report and lien/special assessment list, a copy shall be given to the City Director of Finance who may receive the amount due on the abatement cost and issue receipts at any time after the confirmation and until a list of unpaid liens/special assessments is sent annually

to the County Auditor for effecting collection on the tax roll at the time and in the manner of ordinary municipal taxes. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to such liens or special assessments and this lien or special assessment shall have priority of the taxes with which it is collected.

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. The effective date of this Article shall be thirty (30) days after its adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2026, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2026, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

\_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward