City of Sebastopol

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: December 1, 2026

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To:	Honorable City Councilmembers
From:	Alex Mog, City Attorney
Subject:	Second Reading and Adoption of an Ordinance to Delete Section 9.36.090 of the Sebastopol Municipal Code to Eliminate the Automatic Repeal of the Just Cause Eviction Ordinance

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RECOMMENDATION:

Waive second reading of and adopt an ordinance to delete section 9.36.090 of the Sebastopol Municipal Code to eliminate the automatic repeal of the just cause eviction ordinance.

EXECUTIVE SUMMARY:

On November 4, 2025 the City Council adopted an ordinance to add Chapter 9.36, Just Cause Eviction and Tenant Relocation, to the Sebastopol Municipal Code regarding affordable housing units. The Ordinance includes Municipal Code Section 9.36.090, which provides for the entirety of Chapter 9.36 to be automatically repealed on January 1, 2027. The proposed ordinance would delete Section 9.36.090, which will result in the Chapter 9.36 remaining in effect in perpetuity, unless repealed or amended by the City Council in the future. On November 17, the City Council voter 5-0 to introduce and waive first reading of the proposed ordinance. The proposed action is to waive second reading and adopt the ordinance. If adopted, the Ordinance will go into effect in 30 days.

PROCESS OF AGENDA ITEM:

If the item remains on the Consent Calendar, no presentation is required, and the item will be approved as part of the Consent Calendar. If the item is removed from the Consent Calendar, it will be heard as a regular agenda item and will proceed as follows:

- Presentation of Agenda item by the Requestor or Responsible Department
- Questions and Discussion from Councilmembers
- Public Comment Period
- Presentation Received

BACKGROUND

In fall of 2025, the City Council explored potential tenant protections. This began in response to the receipt of information regarding a significant number of potential evictions at the Woodmark Apartments.

California has a statewide “just-cause eviction” law, codified as Civil Code Section 1946.2 (the “Act”). In general, the Act prohibits termination of a tenancy unless there is either “at-fault cause” or “no-fault cause”. Examples of at-fault cause include a tenant’s failure to pay rent or breach of a material term of the lease. Examples of no-fault cause include the owner’s decision to occupy the unit as the owner’s, or a

close relative of the owner's, primary residence. If a tenancy is terminated for no-fault cause, the owner must provide the tenant with relocation assistance or a waiver of rent equal to one month of the tenant's current rent. This Act only applies if all tenants have occupied the unit continuously for 12 months or more, or at least one tenant has occupied the units continuously for 24 months or more.

California's just-cause eviction law has a number of exceptions, two of which are relevant. First, the law does not apply to housing that has been issued a certificate of occupancy in the last 15 years. Second, the law does not apply to housing that is restricted by deed or regulatory agreement with a government agency as affordable housing (hereinafter referred to as "Regulated Units").

The City Council added Chapter 9.36, Just Cause Eviction and Tenant Relocation, to the Sebastopol Municipal Code to address these gaps in state law.

Chapter 9.36 establishes the Act as the baseline requirements for the termination of a residential tenancy in Sebastopol. In addition, Chapter 9.36 expands on Act in several specific and limited ways:

1. The Act's requirements apply to Regulated Units and will apply regardless of when a certificate of occupancy was issued for the Regulated Unit.
2. The Act's requirements apply to tenants from the first date of a tenant's legal occupancy of a Regulated Unit, not after 12 months as provided by the Act.
3. Tenants in Regulated Units who are displaced for no-fault just cause are entitled to relocation assistance equal to three (3) months actual rent or three (3) months fair market rent for the unit, whichever is greater.

Chapter 9.36 only applies to projects containing greater than 40 units. The City Council also included a section providing for Chapter 9.36 to be automatically repealed on January 1, 2027, so that the City Council could evaluate whether the ordinance was still necessary and/or required any changes.

DISCUSSION:

Municipal Code Section 9.36.090 provides for the entirety of Chapter 9.36 to be automatically repealed on January 1, 2027. The proposed ordinance would delete Section 9.36.090, which will result in Chapter 9.36 remaining in effect in perpetuity, unless amended or repealed by the City Council in the future.

The November 17 staff report described the ongoing need and purpose of the Chapter 9.36.

If the Council approves adopts the ordinance, the ordinance would take effect on December 31, prior to the existing January 1 sunset date.

CITY COUNCIL GOALS/PRIORITIES; AND/OR GENERAL PLAN CONSISTENCY:

This agenda item represents the City Council goals/priorities as follows:

Goal 4: HIGH PERFORMANCE ORGANIZATION

- *Restoring public trust*
- *Improve Public Communications*

COMMUNITY OUTREACH:

City of Sebastopol

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

As of the writing of this agenda item report, the City has not received public comment. If staff receives public comments following the publication and distribution of this agenda item report, such comments will be provided to the City Council as supplemental materials before or at the meeting and will be posted to the city website.

FISCAL IMPACT:

There are no direct fiscal costs associated with adoption of the proposed ordinances. Staff and City Attorney time for administration of the ordinance over the past year, such as answering questions from the tenants about the ordinance, has been very minimal.

RESTATED RECOMMENDATION:

Waive second reading of and adopt an ordinance to delete section 9.36.090 of the Sebastopol Municipal Code to eliminate the automatic repeal of the just cause eviction ordinance.

OPTIONS:

1. Do not adopt
2. Provide alternative direction to staff

ATTACHMENTS:

1. Ordinance

ORDINANCE NUMBER XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DELETING SECTION 9.36.090 OF THE SEBASTOPOL MUNCIPAL CODE TO ELIMINATE THE AUTOMATIC REPEAL OF THE JUST CAUSE EVICTION ORDINANCE

WHEREAS, secure and stable shelter is a basic necessity of life; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants, and impacts the health of City residents and businesses by disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, housing instability threatens the public peace, health, and safety as eviction from one's home can lead to prolonged homelessness; strain on household finances due to the necessity of paying rental application fees and security deposits; and stress and anxiety experienced by those displaced; and

WHEREAS, the State of California has recognized the importance of regulating the ability of landlords to terminate tenancies, and previously enacted the Tenant Protection Act of 2019 which, among other things, requires landlords to have just cause to terminate a tenancy, and pay relocation assistance when landlords terminate the tenancies for no-fault just cause; and

WHEREAS, the Tenant Protection Act of 2019 provides important baseline protections for many tenants, but does not apply to tenants living in rental units restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing ("Regulated Units"); and

WHEREAS, because of the shortage of Regulated Units, when a tenant is displaced from a Regulated Unit it is very difficult for the tenant to find a new Regulated unit. If the tenant is not able to find a Regulated Unit, the tenant risks becoming homeless or having to move into a market rate unit where they will be extremely rent burdened and unable to afford other necessities; and

WHEREAS, when a tenant is displaced, they will face significant moving expenses, as well as costs associated with finding new housing, such as security deposits. These costs create a greater burden on tenants living in Regulated Units, all of whom have limited incomes; and
WHEREAS, when a tenant is displaced through no fault of their own, the landlord should assist the tenant with these costs; and

WHEREAS, for these reasons, the residents of the Regulated Units in the City are disproportionately and severely impacted by displacement; and

WHEREAS, the City Council previously enacted Municipal Code Chapter 9.36, Just Cause Eviction and Tenant Relocation, to extend the protections of the Tenant Protection Act of 2019 to certain Regulated Units, to apply those protections from the first day of tenancy, and to require greater relocation assistance for those tenants of Regulated Units displaced for a no-fault, just cause; and

WHEEREAS, Section 9.36.090 currently provides for the automatic repeal of Chapter 9.36 on January 1, 2027; and

WHEREAS, the City Council finds that the reasonable regulation of tenancy terminations in Regulated Units remains necessary to protect the health, safety, and the general welfare of the public, and therefore the City Council desires to make Chapter 9.36 permanent; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities with authority to enact ordinances to protect the health, safety, welfare and morals of their citizens, and the proposed ordinance is a permissible exercise of this authority.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

1. Recitals. The above Recitals are true and correct and are made a part of this Ordinance. The City Council further finds that the findings made as part of the original adoption of Municipal Chapter 9.36 remain true and accurate.

2. Deletion of Section 9.36.090. Section 9.36.090, Expiration, of the Sebastopol Municipal Code is hereby deleted in its entirety, as shown below:

   ~~**9.36.090 Expiration**~~

   ~~This Chapter shall remain in effect only until January 1, 2027, and as of that date is repealed.~~

3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any 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 the Ordinance, and each and every section, subsection, sentence, clause, phrase or portion not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

4. CEQA. The Sebastopol City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. This ordinance deletes the sunset date for an ordinance regulating the termination of certain tenancies, and does not authorize any new development or use. It can be seen with certainty that the ordinance has no potential for causing a significant effect on the environment.

5. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its adoption. Before the expiration of fifteen (15) days after said passage, this ordinance or a summary therefore as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Sebastopol, along with the names of the Council Members voting for or against its passage.

APPROVED FOR SECOND READING AND ADOPTION OF ORDINANCE at the Regular City Council Meeting of December 1, 2026.

VOTE:

Ayes:
Noes:
Absent:
Abstain:

APPROVED:

_____
Mayor Jill McLewis

ATTEST: _____
Mary Gourley, City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Alex Mog, City Attorney