

Introduced by Councilman Taylor
July 5, 1946

ORDINANCE NO. 1180, FOURTH SERIES

AN ORDINANCE DECLARING THE EXISTENCE OF AN EMERGENCY AND REGULATING RENTALS OF PROPERTY USED FOR HUMAN HABITATION.

THE PEOPLE OF THE CITY OF SACRAMENTO DO ORDEIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that an emergency exists in respect to housing within the City of Sacramento. For several years last past there has been a dearth of housing accommodations in this City. During the war period, the influx of population to this area has resulted in additional and serious housing shortages. The demand for accommodations has so far exceeded the supply that in the absence of rent control laws it is apparent that thousands of persons will be evicted, and rents will be placed at figures far beyond the capacity of a large proportion of the citizens of this City to pay. The expiration of Federal rental controls has already resulted in service of thousands of notices of termination of tenancy, with the prospect of widespread and immediate eviction of citizens at the end of the notice period. That if evicted, neither this community nor the surrounding area has housing capacity to take care of such persons in a shift in accommodations, whereby only those capable of paying high inflated rentals can be housed; which inevitably will lead to such human suffering.

That the Legislature of the State of California is not in session and cannot legislate to meet the emergency. That it is probable that the Congress of the United States will not be able to revive pre-existing legislation or to provide substitutes therefor for several weeks, during which period the tenancy of thousands of persons will terminate and evictions commence. That under the circumstances this Council finds that it is likely that large numbers of tenants to be evicted will resist efforts at such eviction and

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thereby promote public disorder, and that any extensive shift in accommodations for families within this City will result in increased demands made of public authorities to provide temporary shelter and accommodations at the public charge. This Council further is advised that the Legislature of the State of California has heretofore determined that the shortage of housing, particularly for veterans returning from the armed forces, constitutes an emergency inimical to the public health, welfare and safety of the people of the State. This Council therefore finds that the immediate preservation of the public peace, health, welfare and safety require the passage of this ordinance, as an urgency measure.

SECTION 2. To and including the 30th day of September, 1946, it shall be unlawful for any person, firm or corporation to ask for, contract for, solicit, pay, or receive any money, payment, gratuity or other thing of value in connection with any lease, contract, agreement or understanding for the use or occupancy of any dwelling or other human habitation in any manner whatsoever, in excess of the fair and reasonable rent therefor.

SECTION 3. It shall be unlawful for any person, firm or corporation to provide, in any lease or other agreement, written or oral, made after the effective date of this ordinance for payment of rent in an amount exceeding such fair and reasonable rent. It shall be unlawful for any person, firm or corporation to insert in any lease or agreement any provision which in words or substance provides for a waiver by any person of the benefits or provisions of this ordinance.

SECTION 4. Except as otherwise provided by the Act and Regulations mentioned hereinafter in Sec. 10, a roomer, lodger, tenant or subtenant of a dwelling or an assignee of a lease thereon during the period of the emergency shall be entitled to remain in such dwelling so long as he pays the fair and reasonable rental and performs

all other obligations of his tenancy.

SECTION 5. It shall be unlawful for any landlord to diminish, withdraw, impair, or discontinue the services, furniture, furnishings, or equipment furnished a tenant as part of the consideration for the rental, in effect as of June 30, 1946.

SECTION 6. The term "dwelling" or "human habitation" shall include any house, flat, apartment, room, boarding house, lodging house, hotel, inn, auto court, motel or trailer; and any building, structure or part thereof or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any dwelling or human habitation.

The phrase "person, firm or corporation" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing.

The term "Emergency Price Control Act of 1942" includes its amendments such as the "Stabilization Act of 1942" and the Stabilization Extension Act of 1944."

SECTION 7. Regardless of any contract, agreement lease or other obligation heretofore or hereafter entered into, no person, firm or corporation shall demand or receive any rent for or in connection with the use or occupancy on and after the effective date of this ordinance higher than the fair and reasonable rent, therefor; and no person shall offer, solicit, attempt or agree to do any of the foregoing. Lower rents than those provided may be demanded or received.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any other portion thereof is declared invalid or unconstitutional.

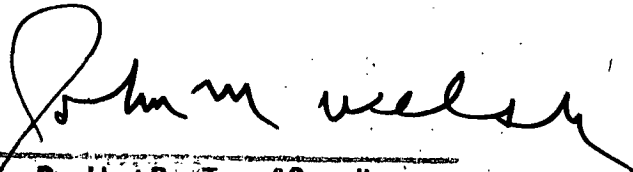
SECTION 9. Any person convicted of violating the provisions of this ordinance shall be punishable by a fine of not more than \$500 or by imprisonment in the City Jail for a period of not more than six (6) months or by both such fine and imprisonment. Each such person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any portion of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation. Any violation of the provisions of this ordinance shall constitute a misdemeanor.

SECTION 10. The term "fair and reasonable rent" is the rent authorized and permitted under and by virtue of the Emergency Price Control Act of 1942, 56 Stats. 23, enacted by the Congress of the United States, together with the rules and regulations thereunder, including the Rent Regulation for Housing, and Rent Regulation for Hotels and Rooming Houses, as the same existed and were applicable to the City of Sacramento as a part of the Sacramento Defense Rental Area, on June 30, 1946; to which may be added an increase of fifteen per cent., which this Council finds and determines to be a fair and equitable increase over and above the rentals so prevailing on June 30, 1946, under the Act and Regulations aforesaid.

SECTION 11. This ordinance is hereby declared to be an
Emergency measure and shall take effect immediately; such emergency
being as set out in Sec. 1 hereof.

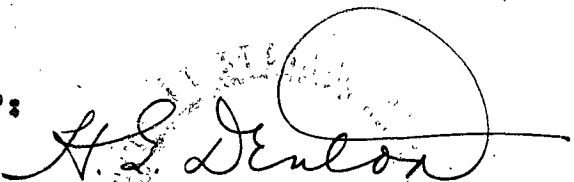
PASSED: July 19, 1946

EFFECTIVE July 19, 1946



President Pro-Tem of Council

ATTEST:



CITY CLERK