

Board of Supervisors
Preventing displacement:
Rental housing workshop
September 11, 2018

Photo Credit: Jeff Wong

Community Development Agency
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Recommendations

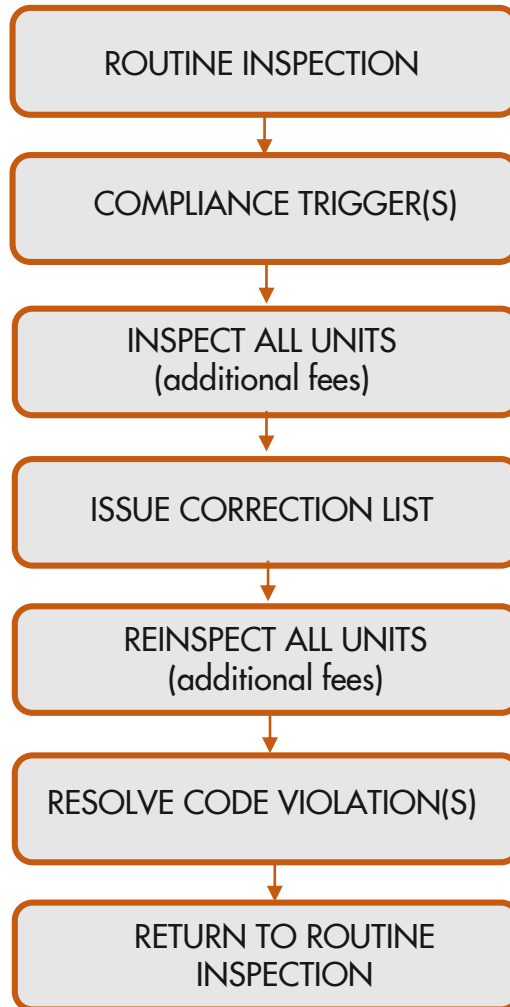
1. Receive staff presentation and approve changes to the County's multi-unit housing inspection program;
2. Hold a workshop and receive public testimony on Just Cause for eviction ("Just Cause") policies; and
3. Direct staff to pursue one of the following options:
 - Prepare a draft Just Cause ordinance for your Board's consideration at a future public hearing; or
 - Discontinue or suspend consideration of a Just Cause ordinance.

Multi-unit housing inspection program

RECOMMENDED ENHANCEMENTS

- Conduct biennial inspections (20%-30%)
- Expand inspections to all units
 - More than 1 major violation
 - Lack of timely compliance to correct
 - Increased fees for increased inspections
- Other improvements
 - Additional staff (Spanish speaking)
 - Expand agency web site information

Proposed housing inspection enhancement option



Progress to date

PRESERVING AFFORDABILITY AND PREVENTING DISPLACEMENT

- **October 2015:** Board considered ways to preserve housing affordability and prevent displacement.
- Actions that were implemented include:

Landlord
Partnership
Program

Real
Community
Rentals

Source of
Income
Protection

Mandatory
Mediation

- In addition to:
 - Designating \$1 million dollars for funding of affordable rental housing for families;
 - Acquiring multi-family rental properties for preservation as affordable housing;
 - Encouraging accessory and junior accessory dwelling units.

Background

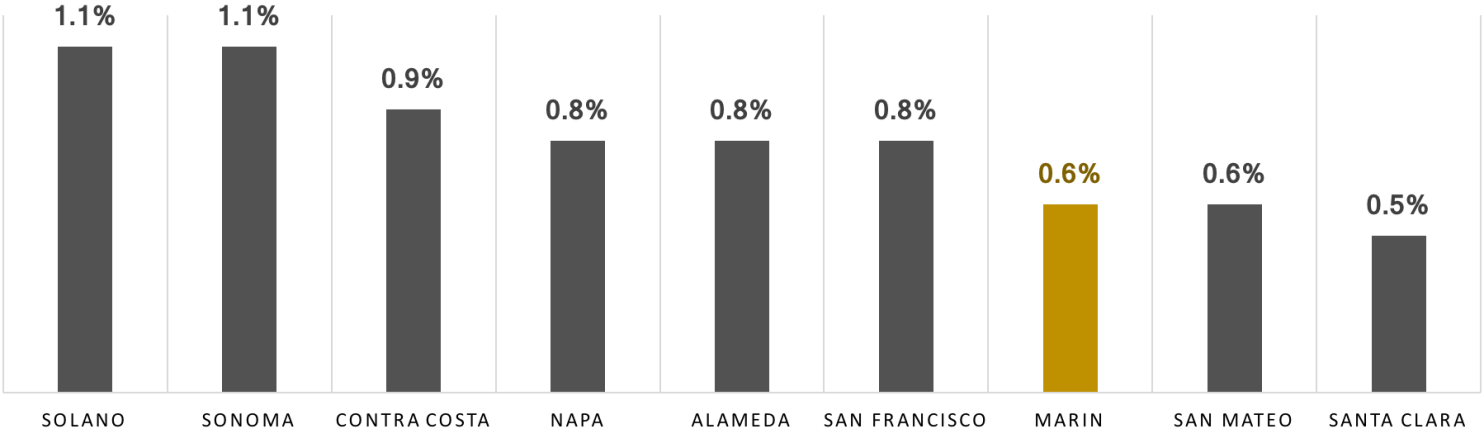
JUST CAUSE FOR EVICTION POLICIES

- Just Cause policies discussed at **six** Board workshops:
 - October 2015
 - December 2015
 - February 2016
 - August 2017
 - December 2017
 - June 2018
- **2015 Rental Housing Survey** solicited input from almost 900 renters and landlords regarding the rental housing market in Marin. **372 tenant-respondents (45%) were concerned with insecurity and instability of their rental home; 59%** of respondents were worried about rent increases and/or eviction.
- **June 12, 2018:** Board received initial recommendations from a Community Advisory Group and Steering Committee for the County's ongoing Assessment of Fair Housing which **identified Just Cause policies as a priority recommendation** to promote fair housing in Marin.

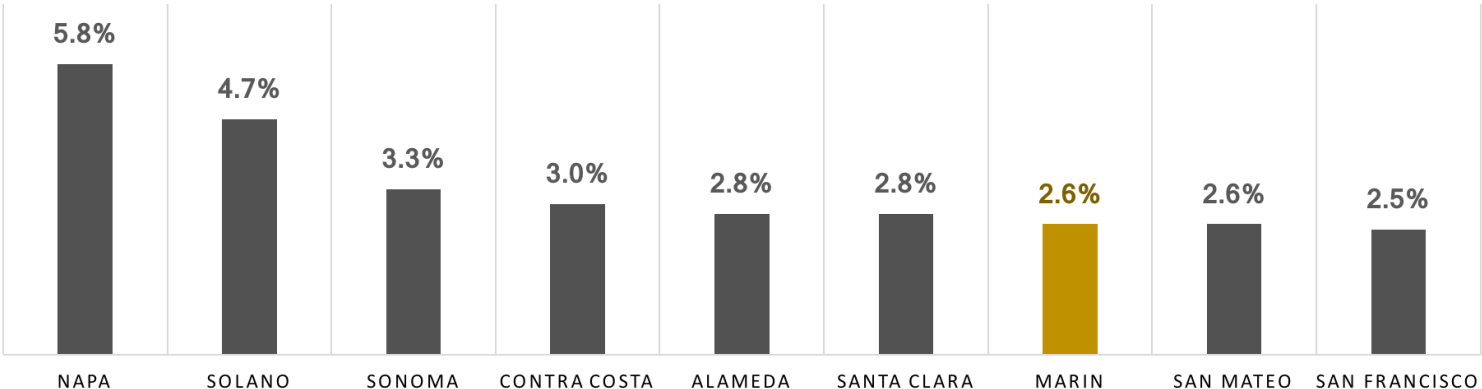
Renting in Marin

LOW VACANCY RATE

HOMEOWNER VACANCY RATE ACROSS BAY AREA COUNTIES (2016)



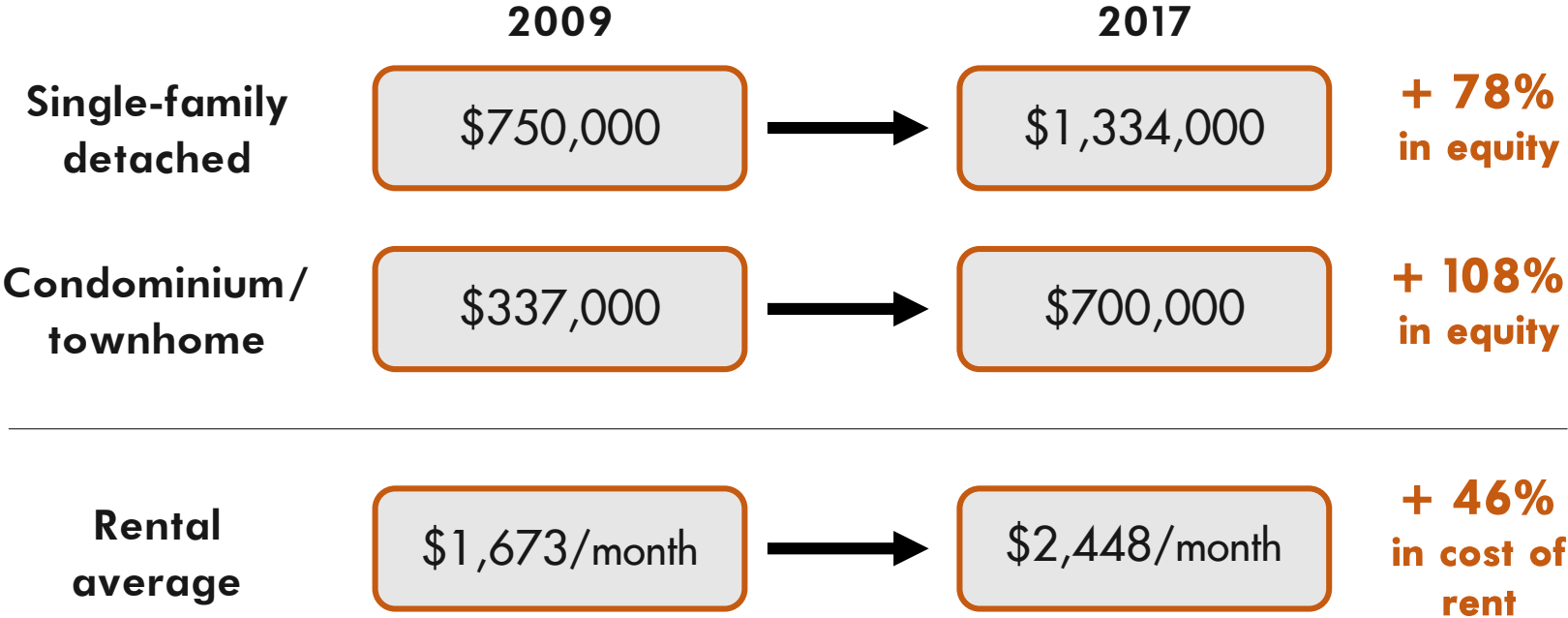
RENTAL VACANCY RATE ACROSS BAY AREA COUNTIES (2016)



Renting in Marin

HIGH HOUSING COSTS

- Marin County is part of the San Francisco Metropolitan Statistical Area (MSA), which continues to have the second highest median home sales price in the nation, following the San Jose MSA:



Renting in Marin

COST TO AFFORD

To afford the average purchase price of single-family home:

\$200,000 per year
(\$17,000/month)

Median income of owner-occupied homes in Marin County:

\$129,385 per year
(\$10,782/month)

To afford the average rental in Marin:

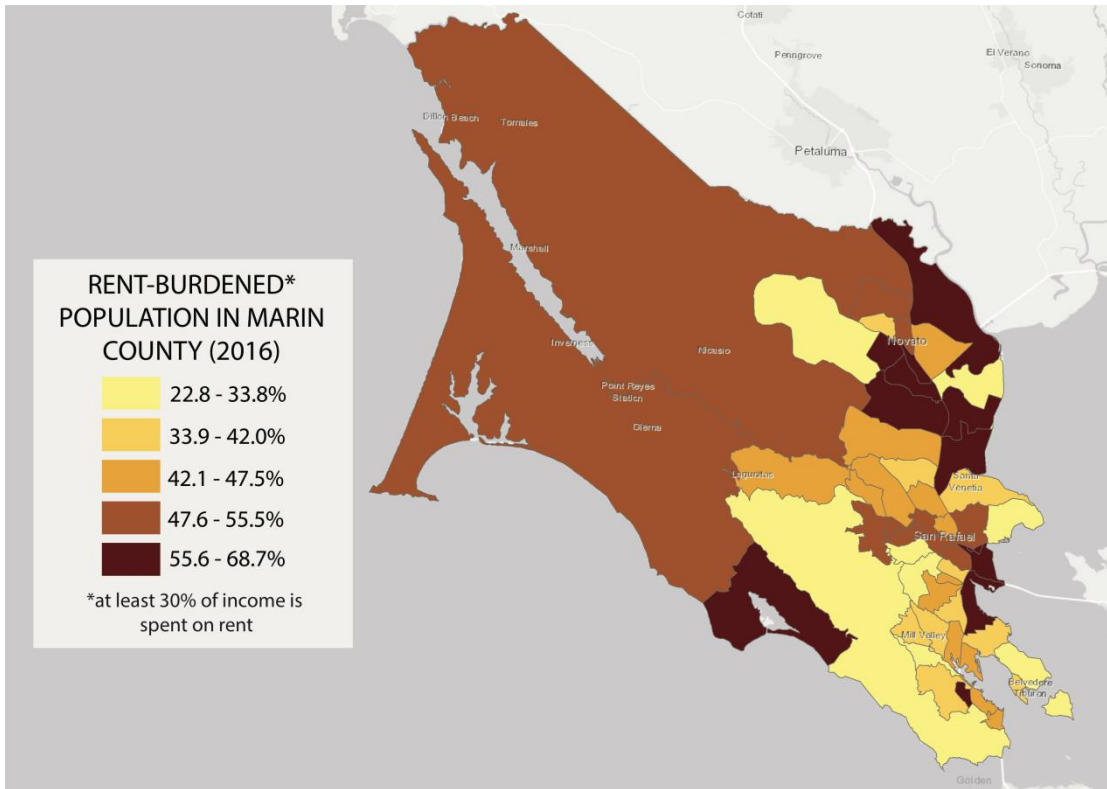
\$98,240 per year
(\$8,187/month)

Median income of renter-occupied homes in Marin County:

\$60,624 per year
(\$5,052/month)

Renting in Marin

HIGH HOUSING COSTS



- Over **19,000** people in Marin County are rent-burdened.
- In a market where the Fair Market Rent for a two-bedroom apartment is \$3,121, **security deposits can be as much as \$5,000.**
- The Federal Reserve reports that, in 2017, **four in ten Americans would not be able to come up with \$400 in savings** in an emergency (May 2018).

Outreach

WEBSITE: WWW.MARINCOUNTY.ORG/JUSTCAUSE

Community Development Agency

▣ Building and Safety

▣ Environmental Health Services

▣ Planning

▣ Sustainability

▣ Environmental Review

▣ Housing

→ Housing Homepage

→ Affordable Housing

→ Coast Guard Housing

→ Fair Housing

→ Housing Element

→ Just Cause

→ Dispute Resolution

▣ Federal Grants

▣ Mapping

▣ Code Enforcement

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Learn more about Just Cause for eviction policies in Marin County



Just Cause policies are intended to provide stability for households who rent by preventing the termination of leases without reason.

On **September 11, 2018 at 5:30 PM** the **Board of Supervisors will conduct a workshop on Just Cause policies**, receive public testimony, and decide if staff should pursue the development of a Just Cause ordinance.

In anticipation of that event, the Community Development Agency will host two opportunities for community learning where members of the public may ask questions about Just Cause policies.

• **Wednesday, September 5, 2018** •
San Geronimo Valley Community Center
6350 Drake Ave, San Geronimo, CA 94963
6:30 PM

• **Thursday, September 6, 2018** •
Bayside Martin Luther King Jr. Academy, Multipurpose Room
200 Philips Drive, Marin City, CA 94965
6:30 PM

Spanish interpretation services will be provided at all meetings. Speakers using these services will be granted additional time to testify at the Board of Supervisors workshop on September 11.

[Open All Panels](#)

▸ [Background](#)

▸ [Community Workshops](#)

▸ [Frequently Asked Questions](#)

▸ [Additional Resources](#)

Preserving Housing Affordability
Rental Housing Workshop
September 11, 2018
marincounty.org/justcause

Outreach

LANDLORDS AND TENANTS



LEGAL
AID *of*
MARIN
Justice for all

Preserving Housing Affordability
Rental Housing Workshop
September 11, 2018
marincounty.org/justcause

JUST CAUSE FOR EVICTIONS POLICY FRAMEWORK

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Issues

- ❑ Some renters lack long-term stability
- ❑ Residential rental agreements can be terminated without a specific reason

Potential Responses

- ❑ Promote stability by regulating grounds for involuntary rental agreement termination
- ❑ Increase awareness of landlord and tenant rights and responsibilities

JUST CAUSE FOR EVICTIONS

POLICY RATIONALES

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- In a high-cost market with low vacancy rates, eviction can result in displacement from the region, because substitute housing may be unobtainable and/or moving costs may be unaffordable
 - Marin County is part of region with the second-highest median home sales price
 - Between 2009 and 2017, average rents in Marin County increased 65%
 - 30% of Marin residents below California's Self-Sufficiency Standard, and homelessness rates and households at risk of homelessness are on the rise

JUST CAUSE FOR EVICTIONS

POLICY CONCERNS

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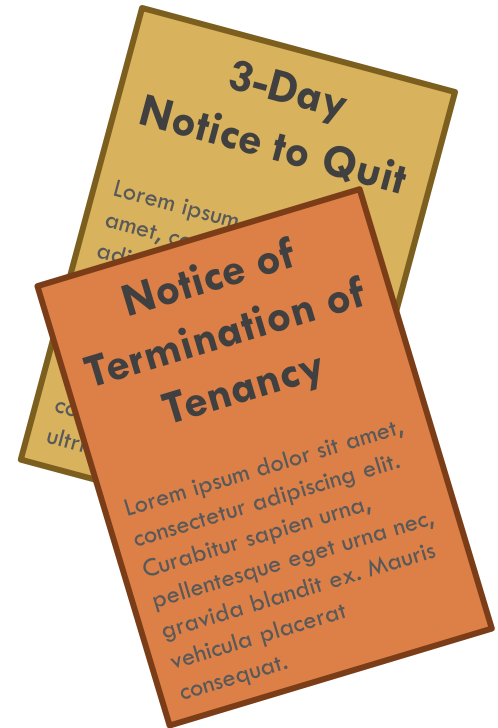
- Just Cause ordinances can make the eviction process more complicated or time consuming for landlords
 - Increased regulations could impact operating costs or reduce property owners' return on investment
 - Increased costs can result in rent increases or reduced investment in property
- Some property owners oppose Just Cause policies out of concern that they may lead to rent stabilization policies
- State law already includes some protections that Just Cause policies are intended to address

JUST CAUSE FOR EVICTIONS

STATEWIDE EVICTION PROCEDURE

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1. Landlord lawfully terminates tenancy
2. If tenant has not vacated after tenancy has ended, then provide a notice to vacate (“Notice to Quit”)
3. If tenant does not vacate after notice to quit, then landlord files unlawful detainer action in court



JUST CAUSE FOR EVICTIONS REASONS TO TERMINATE A TENANCY

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State Law

Failure to Pay Rent

CCP § 1161(2)

Breach of Lease

CCP § 1161(3)

Nuisance or Criminal Activity

CCP § 1161(4)

Withdrawing Unit from
Market (Ellis Act)

Civ. §§ 7060 *et seq.*

JUST CAUSE FOR EVICTIONS REASONS TO TERMINATE A TENANCY

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CCP § 1161(4)

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Civ. §§ 7060 *et seq.*

Marin County could further regulate terminations for its policy priorities by enumerating “just causes” for evictions.

JUST CAUSE FOR EVICTIONS

HOW “JUST CAUSE” WORKS

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- Local ordinance may define reasons to terminate a residential tenancy, which then must occur before a landlord may evict a tenant
- State law governs certain aspects:
 - Notice always required to terminate a tenancy (Civil Code §§ 1946-1946.1)
 - Certain tenant actions are always grounds for eviction
- A “Just Case” policy does not limit landlord’s ability to increase rent

JUST CAUSE FOR EVICTIONS REASONS TO TERMINATE A TENANCY

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For Cause

- Tenant's actions lead to termination
(e.g. failure to pay rent)

No Fault

- Tenant's actions unrelated to termination
(e.g. landlord chooses to remove unit from rental market)
- Local Ordinance may require:
 - *Relocation Assistance*
 - *First Right of Return*

JUST CAUSE FOR EVICTIONS

EXAMPLES

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Common “For Cause” Reasons

- ❑ Failure to Pay Rent
- ❑ Tenant precludes Landlord reasonable access to Unit
- ❑ Tenant-Caused Damage or Disturbance

Common “No Fault” Reasons

- ❑ Owner/Family Member Move-In
- ❑ Owner Return to Unit
- ❑ Substantial Rehabilitation
- ❑ Demolition
- ❑ Condo Conversion

JUST CAUSE FOR EVICTIONS

LOCAL JURISDICTIONS WITH JUST CAUSE

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Examples include . . .

- Alameda County
- Berkeley
- East Palo Alto
- Emeryville
- Hayward
- Mountain View
- Oakland
- Richmond
- San Francisco
- San Jose
- Union City

JUST CAUSE FOR EVICTIONS INTERPLAY WITH OTHER PROTECTIONS

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- State law:
 - ▣ Includes some anti-harassment protections
 - ▣ Prohibits discrimination against protected classes (*Gov. Code § 12955*)
 - ▣ Authorizes additional local regulations against harassment (*Civ. Code § 1940.2(d)*)
- Local ordinances can:
 - ▣ Consolidate prohibited actions as one resource
 - ▣ Provide clear definitions of prohibited activities
 - ▣ Define damages/penalties for specific prohibited activities
 - ▣ Expand upon prohibited actions

JUST CAUSE FOR EVICTIONS TENANT PROTECTIONS IN STATE LAW

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Prohibited Activity	Citation
Interrupt, or threaten to interrupt, utilities	Civ. §§ 1940.2, 1941 – 1941.2
Fail to diligently perform repairs	Civ. §§ 1941, 1941.2(b)
Abuse right to access property	Civ. §§ 1940.2, 1954, Pen. § 518
Remove personal property from dwelling	Civ. § 1940.2, Pen. § 484
Fraud, intimidation, or coercion to encourage vacancy	Civ. §§ 51.7, 1940.2, 1940.3, Pen. § 518
Threats or action based on immigration status	Civ. Civ. §§ 1940.3
Interference with tenant's right to privacy and quiet enjoyment of dwelling	Civ. §§ 1927, 1940.2, 1940.3, 1954
Retaliation for exercise of rights under local, state, or federal law	Civ. §§ 1942.5, 1953

JUST CAUSE FOR EVICTIONS

OPTIONS FOR FURTHER CONSIDERATION

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- What type of units would be regulated?
 - ▣ e.g., *All units, exemptions for owner-occupied units, etc.*
- What types of tenants would benefit?
 - ▣ e.g., *offer special protection for seniors or people with disabilities, limit no fault evictions during the academic school year for households with children, etc.*
- Require relocation assistance or right of first return for “no fault” evictions?
- Regulate notice of termination content?
- Collect data based on termination notices?

Recommendations

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Questions/Comments? Contact:

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JUST CAUSE FOR EVICTIONS NOTICE REQUIREMENTS

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County could regulate Notice of Termination content

- Invoke one of the “Just Causes” identified in local ordinance
- Inform terminated tenant of rights under local ordinance
- Provide copy of notice to county



Notice could include details about tenancy:

- *Amount of Rent*
- *History of Tenancy*
- *Ownership Details*