

**MARIN COUNTY CODE CHAPTER 5.100 IMPLEMENTATION GUIDELINES
ORDINANCE REQUIRING CAUSE TO TERMINATE A RESIDENTIAL TENANCY**

Approved: January 10, 2019

1. Title. Sections 1 through 9, inclusive, Appendix A: Forms, and Appendix B: Example Notice Timeline and Procedure to Terminate Tenancy, are individually and collectively referred to as the "Guidelines," as authorized by Section 5.100.010 of the Ordinance.

2. Definitions. Capitalized terms used in these Guidelines have the meanings provided below. Capitalized terms not otherwise defined in the Guidelines have the meanings provided in the Ordinance.

a. "CDA Director" means the County of Marin Community Development Agency Director or their designee.

b. "Dwelling Unit" is defined in Section 5.100.030(c) of the Ordinance.

c. "Enactment Date" is defined in Guidelines Section 3(a).

d. "Form Notice of Termination" of tenancy means the form specified in Appendix A.

e. "Ordinance" means the Ordinance Requiring Cause to Terminate a Residential Tenancy codified as Chapter 5.100 of the Marin County Code.

f. "Property" means a single legal lot or parcel.

g. "Registry" means the on-line rental Dwelling Unit registry maintained by the County in accordance with Section 5.100.080 of the Ordinance.

3. Application.

a. Cause Required to Terminate a Residential Tenancy. On the effective date of the Ordinance, a cause described in Ordinance Section 5.100.040 is required to terminate a tenancy in any Dwelling Unit that is located on Property with at least three Dwelling Units (e.g. a triplex or larger building or two duplexes located on a single parcel, but not a single family home with multiple accessory dwelling units or junior accessory dwelling units, each as defined in Marin County Development Code Chapter 22.56).

b. Registration of Dwelling Unit. No later than June 1, 2019, a Landlord must add each Dwelling Unit that is located on a Property with at least three Dwelling Units to the Registry if one or more of the Dwelling Units are rented or leased for residential use. In addition, Landlords are required to update the Registry annually on or before January 1, 2020 and each year thereafter with information that is true as of November 1 of the preceding year.

c. Three or more Dwelling Units on a Single Property. The Ordinance applies to each Dwelling Unit when three or more Dwelling Units exist on a single Property. The following

units are not to be included in any calculation to determine whether three or more Dwelling Units exist on a single Property:

i. Each Dwelling Unit owned, operated, or directly subsidized by a government agency, as described in Ordinance § 5.100.020(b)(1); and

ii. Each Dwelling Unit located in a development, which development is subject to legally binding restriction recorded against the property, but only if the Dwelling Unit is subject to a legally enforceable obligation to limit the rent to no more than an affordable rent, as described in Ordinance § 5.100.020(b)(2); and

iii. Each Accessory Dwelling Unit (ADU) and each Junior Accessory Dwelling Unit (JADU), as described in Ordinance § 5.100.020(b)(3).

4. Landlord Options at End of Lease Term.

a. Conclusion of Term Not a Basis for Termination. At the conclusion of any term of tenancy, no action is required for a Landlord to permit the tenancy to continue in accordance with California Civil Code Section 1945. The end of a lease or rental agreement's term does not qualify as a For Cause or No Fault basis for termination of a tenancy for a Dwelling Unit subject to the Ordinance.

b. Landlord Options. If, at the conclusion of any term of tenancy, a Landlord desires to terminate the tenancy for a Dwelling Unit subject to the Ordinance, the Landlord must comply with Chapter 5.100. Unless the Landlord can demonstrate compliance with subsections (1) through (7) of Ordinance § 5.100.040(a), including demonstration of circumstances that would qualify as a For Cause or No Fault termination, upon the conclusion of a term of tenancy the Landlord must permit the tenancy to continue in accordance with California Civil Code Section 1945 or pursue one of the following options:

i. Renew the Rental Agreement. At the conclusion of any term of tenancy, a Landlord may offer to renew a rental agreement for a Dwelling Unit.

ii. Propose New Terms of Tenancy. At the conclusion of any term of tenancy, a Landlord may provide notice of new proposed terms of tenancy in accordance with California Civil Code Section 827.

c. No Rent Limitation. The Ordinance does not and shall not be interpreted to limit a Landlord's ability to establish the initial and all subsequent Rents for Dwelling Units.

5. Prerequisites to Terminate a Tenancy.

a. Necessary Documents. A Landlord must possess the following documents in order to terminate a tenancy subject to the Ordinance:

i. Valid Marin County Business License applicable to the Landlord; and

ii. Valid Permit to Operate from the Marin County Environmental Health Services Division, applicable to the Dwelling Unit; and

iii. Verification of delivery to the tenant household of the applicable Dwelling Unit of the form Notice of Tenant Rights, as required by the Rental Housing Dispute Resolution program, stipulated in County Code section 5.95.080; and

iv. After June 1, 2019, a valid registration applicable to the Dwelling Unit.

b. Compliance with other Local Regulations. A Landlord shall be deemed to have satisfied the requirements of Section 5.100.090 of the Ordinance if the Landlord has a valid business license, a valid Permit to Operate from Marin County Environmental Health Services Division, and can demonstrate either material compliance or good faith efforts to comply with all other applicable regulations, including the Rental Housing Dispute Resolution program.

c. Form Notice Required. Each termination of tenancy subject to the Ordinance must be given in substantially the same form as the Form Notice of Termination, a copy of which is included in Appendix A of these Guidelines.

d. Description and Supporting Documentation Required. Each termination of tenancy pursuant to subsection 5.100.040(b) (For Cause Terminations) must describe the facts and circumstances that provide the basis for use of a For Cause Termination, and provide supporting documentation as described below.

i. Breach of Rental Contract. Each termination of tenancy pursuant to 5.100.040(b)(2) must identify the material term(s) of the rental contract that was breached, describe the breach, and provide a copy of the rental agreement.

ii. Tenant Unlawful Activities. Each termination of tenancy pursuant to 5.100.040(b)(3) must describe the unlawful activity and proof of conviction.

iii. Nuisance Behavior. Each termination of tenancy pursuant to 5.100.040(b)(5) must describe the nuisance behavior and provide a copy of the notice to cease and opportunity to cure delivered to the tenant household prior to termination of the tenancy.

6. Severability. The provisions of these Guidelines are declared to be severable. If for any reason, any section, paragraph, clause, or phrase of these Guidelines or the application thereof to any person, entity, or circumstance is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections.