Preserving Housing Affordability

RENTAL HOUSING DISPUTE RESOLUTION—FIRST READING
RESIDENTIAL LANDLORD AND TENANT RELATIONS—CONSIDERATION

December 5, 2017
Background

WORK PLAN: PRESERVE HOUSING AFFORDABILITY AND PREVENT DISPLACEMENT

• **August 1, 2017 Board Hearing.**
  - Two policies referred back to Housing Subcommittee for further review and recommendation.
    1. **Rental Housing Dispute Resolution** (“mandatory mediation”) program, and
    2. **Residential Landlord and Tenant Relations** (“just cause for eviction”) ordinance.

• Since August 1st, the Subcommittee met to review & analyze the policies:
  - Environmental Health Services’ Housing Inspection program (Sept. 18)
  - District Attorney’s Consumer Protection Unit (Sept. 18)
  - Legal Aid of Marin (Sept. 21)
  - Goldfarb & Lipman, CDA’s outside legal counsel (Sept. 26)
  - Tenant and landlord meeting, St. Raphael’s Church (Aug. 9)
  - Landlord meeting, Marin Civic Center (Aug. 23)
  - Additional staff meetings (Aug. 22, Nov. 2)
OPTION 1. **Rental Housing Dispute Resolution** only

**BENEFITS & LIMITATIONS**

- **Responds to:**
  - Displacement and housing instability caused by large and/or capricious rent increases.

- Achieves goals by facilitating constructive conversations in neutral and accountable environment.
  - Promotes community accountability.

- **Overview:**
  - Applies to *rent increases* of *more than 5%* within a *twelve-month* period.
    - Does not restrict a landlord’s right to raise rent.
  - Requires “good faith” participation but does *not* require participants settle the matter.
  - Some landlords and tenants resist mediation because results are not binding.
OPTION 2. Residential Landlord and Tenant Relations Ord. only

BENEFITS & LIMITATIONS

- Responds to: Housing instability and displacement caused by unexpected or arbitrary residential lease terminations.

- Achieves goals by identifying acceptable reasons for which a landlord may terminate a tenancy.

- Overview:
  - Provides greater security and stability for responsible renters.
  - Fully retains the rights of landlords to terminate lease for valid reasons such as:
    - Non-payment of rent, or
    - Material breach of lease agreement.
  - Does not prevent or limit rent increases
  - Relies on judicial system for enforcement.
OPTION 3. **Rental Housing Dispute Resolution and Residential Landlord and Tenant Relations Ord.**

**BENEFITS & LIMITATIONS**

These policies are likely to be mutually reinforcing.

- **Responds to:** Housing instability and displacement caused by large a/o capricious rent increases and arbitrary evictions.

- **Implemented together, these Ordinances could address:**
  - Steep rent increases (thru mediation)
  - Housing instability from arbitrary lease terminations
  - Unsafe or unsanitary rental housing conditions
  - Harassment and retaliatory evictions
  - Retaliatory rent increases
  - Lack of accurate data
Housing Subcommittee recommendations

ACTION ITEMS FOR DECEMBER 5, 2017 BOARD HEARING

• Conduct First Reading – Rental Housing Dispute Resolution (mandatory mediation) Ordinance
  o Schedule Merit Hearing for December 12, 2017 at 5:30 p.m.

  o Consider inclusion of potential provisions (see Ord. Addendum):
    ▪ Authorization of administration fee
    ▪ Creation of a rental Dwelling Unit registration (data collection) program
    ▪ Establishment of relocation assistance for “bad faith” evictions

• Defer consideration of Residential Landlord and Tenant Relations (just cause for eviction) Ordinance for twelve months.
Thank You

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