

# Preventing displacement

## Ordinance requiring cause to terminate a residential tenancy ("Just Cause for eviction")

December 4, 2018



Photo Credit: Jeff Wong



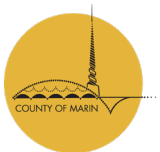
Community Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
415 473 6269 T / 415 473 7880 F

# Recommendations

DECEMBER 4, 2018 HEARING

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1. Conduct a public hearing on the draft Ordinance requiring cause to terminate a residential tenancy ("Just Cause for eviction").
2. At the conclusion of the hearing, consider conducting a first reading of the Ordinance and scheduling a merit hearing for December 18, 2018.

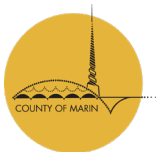


# Board work plan

## HOUSING AFFORDABILITY AND DISPLACEMENT PREVENTION

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- ✓ Funding for acquisition and development of affordable housing
  - ✓ Landlord Partnership Program and Real Community Rentals
  - ✓ Source of Income protection
  - ✓ Rental Housing Dispute Resolution
  - ✓ Code amendments to encourage accessory dwellings
  - ✓ Enhancements to the Environmental Health Services (EHS) multi-family housing inspection program
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- Just Cause for eviction under consideration

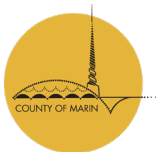


# Summary

## CONSIDERATION OF ORDINANCE

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- In September 2018, your Board held a workshop on Just Cause for eviction policies and directed staff to return with a draft Ordinance for your consideration.
- Following the workshop, the Board's Housing Subcommittee met to review and discuss the draft Ordinance.



# Outreach

WEBSITE: [WWW.MARINCOUNTY.ORG/JUSTCAUSE](http://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

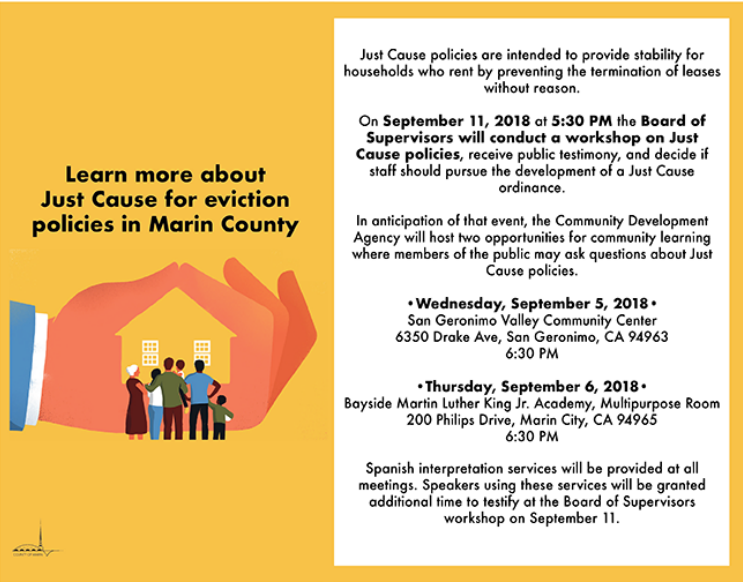
→ Dispute Resolution

Federal Grants

Mapping

Code Enforcement

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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](#)

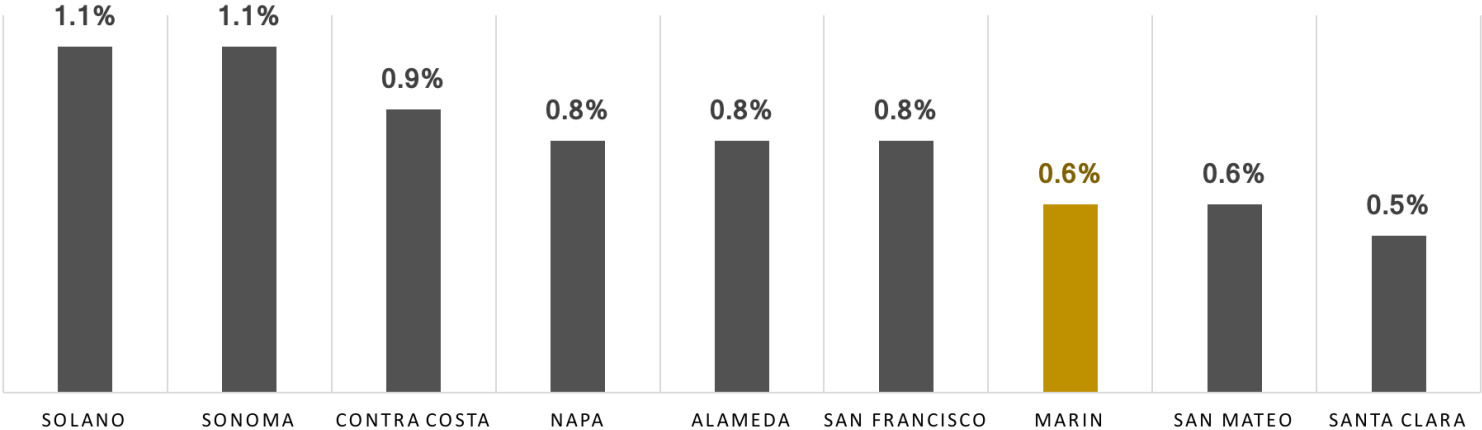


Preventing Displacement  
Just Cause for Eviction Hearing  
December 4, 2018  
[marincounty.org/justcause](http://marincounty.org/justcause)

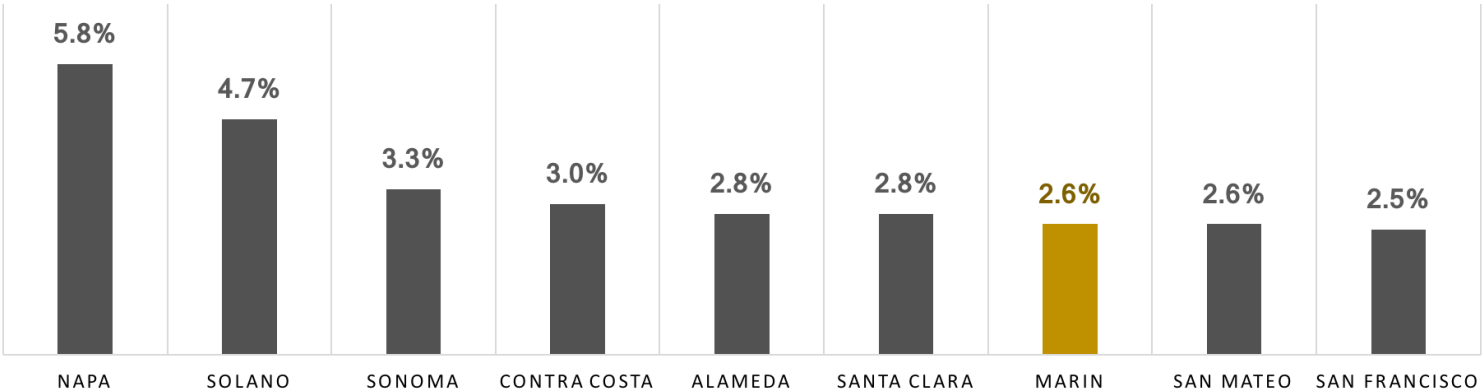
# Renting in Marin

## LOW VACANCY RATE

HOMEOWNER VACANCY RATE ACROSS BAY AREA COUNTIES (2016)



RENTAL VACANCY RATE ACROSS BAY AREA COUNTIES (2016)



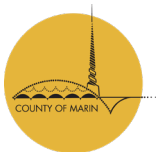


# Background

## JUST CAUSE FOR EVICTION POLICIES

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- Under current State law:
  - A landlord can lawfully terminate a tenancy without a reason by issuing a 30- or 60- day lease termination notice.
  - If tenant does not vacate the unit at the end of the noticed lease term, the landlord issues a “notice to vacate” or “notice to quit.”
  - If tenant does not vacate after issuance of the notice to quit, the landlord files unlawful detainer action in court.
- Under Just Cause, evictions are tied to specific reasons to terminate a tenancy.
- Just Cause for eviction policies do not limit a landlord’s ability to increase rent.

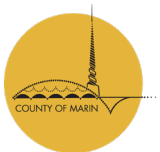


# Termination of Tenancy

## DRAFT ORDINANCE

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- Two types of eviction are permitted under the draft Ordinance.
  - “For Cause” reasons for eviction:
    - Failure to pay rent;
    - Breach of the rental contract;
    - Nuisance behaviors;
    - Threat of a violent crime; and
    - Tenant use of the unit for illegal activities.
  - “No Fault” reasons for eviction:
    - Landlord will permanently remove the unit from the rental market;
    - Landlord or family member will move in to the unit; and
    - Landlord will make substantial repairs to the unit that cannot be completed while the unit is occupied.
- Landlords and tenants may also negotiate terms to end a tenancy.



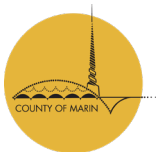


# Applicability

## DRAFT ORDINANCE

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- The draft Ordinance would apply to:
  - Properties with 3 or more dwelling units
- The draft Ordinance would *not apply* to the following units:
  - Single-family homes and duplexes
  - Accessory Dwelling Units (ADUs)
  - Junior Accessory Dwelling Units (JADUs)
  - Where rent is directly subsidized by a government agency
  - Those that are owned or operated by a government agency
  - Those located in an affordable housing complex



# Data Collection

## DRAFT ORDINANCE

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- Registry for properties with 3 or more units
  - Information to be collected:
    - Evictions and tenant-initiated lease terminations
    - Adjustments of rental rates
  - Hosted online to reduce the administrative burden for landlords
  - Security and privacy
    - Does not collect identifying information for tenants
    - Landlord information will not be available to the public

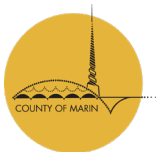


# Enforcement

## DRAFT ORDINANCE

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- Civil remedy available through the courts only; does not call for creation of a quasi-judicial body, such as a rent board.
- Civil proceedings for monetary damages, injunctive relief, or both.
- The draft Ordinance requires that landlords:
  - Have a valid business license;
  - Comply with Environmental Health housing inspection requirements;
  - Register their unit; and
  - Provide a copy of any termination notice to the County.



# Conclusion

DECEMBER 4, 2018 HEARING

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The draft Ordinance is intended to provide stability to the renter community while retaining the rights of landlords to evict tenants based on clearly defined and reasonable justifications.

- If your Board decides the draft Ordinance is sufficient to be considered for adoption, your Board should:
  1. Conduct a first reading of the draft Ordinance; and
  2. Schedule a merit hearing for December 18, 2018 at or after 1:30 p.m.



## Questions/Comments? Contact:

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**Debbi La Rue** [dlarue@marincounty.org](mailto:dlarue@marincounty.org)



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