

Preserving Housing Affordability

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

December 5, 2017



Photo Credit: Jeff Wong



Community Development Agency
Housing & Federal Grants Division
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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)



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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
 - Schedule Merit Hearing for December 12, 2017 at 5:30 p.m.
 - **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**.



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Thank You

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