



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

December 12, 2017

Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Merit Hearing of an ordinance to establish a Rental Housing Dispute Resolution (i.e., Mandatory Mediation) program and consideration of other Housing Subcommittee recommendations.

Dear Board Members:

RECOMMENDATION: The Housing Subcommittee recommends that your Board:

1. Conduct a Merit Hearing to adopt the attached ordinance to establish a Rental Housing Dispute Resolution program (Attachment 1).

SUMMARY: On December 5, your Board held a public hearing to consider the Housing Subcommittee's recommendation to establish a Rental Housing Dispute Resolution (i.e., Mandatory Mediation) program and defer consideration of a Residential Landlord and Tenant Relations (i.e., Just Cause for Eviction) ordinance for twelve months (Attachment 2). Extensive public comment was received both against and in favor of the proposed Ordinance. Staff provided an overview of three potential frameworks for the establishment of these two policy options:

1. Establishment of a Rental Housing Dispute Resolution program only;
2. Establishment of a Residential Landlord and Tenant Relations ordinance only; and
3. Establishment of an integrated ordinance or coordinated ordinances that draw upon features of both policies.

Your Board elected to conduct a First Reading for the Rental Housing Dispute Resolution ordinance and directed staff to return with a provision for data collection and a Residential Landlord and Tenant Relations ordinance when staff has identified a suitable date and done outreach with stakeholders to review provisions of the proposed ordinance and data collection protocols.

The proposed Rental Housing Dispute Resolution Ordinance is intended to provide stability and fairness in rental housing. Mediation is a process in which a neutral third party facilitates the negotiation of a mutually acceptable resolution to a dispute between two parties. Like the mediation services offered by the District Attorney's Consumer Protection Unit, mediation programs commonly apply voluntary, private and informal processes. Mandatory Mediation is distinguished by a requirement to participate in good faith for the entirety of the mediation process, even if the landlord and tenant do not settle their dispute through mediation.

CONCLUSION: The Subcommittee recommends that the Board conduct a Merit Hearing to adopt the Rental Housing Dispute Resolution ordinance. The proposed Rental Housing Dispute Resolution program applies to residential tenancies wherein a Tenant receives (a) Rent increase(s) of more than five percent within a twelve-month period and/or (a) change(s) to Housing Services commensurate to a Rent increase of more than five percent within a twelve-month period.

FISCAL IMPACT: Staff is not recommending fees for these services. Depending on the demand for mediation services, the program may be able to be implemented within existing resources. Extrapolating from the limited number of requests currently reported by the Consumer Protection Unit, staff does not anticipate that the proposed expansion of mediation services will produce a significant budgetary impact. However, if the volume of requests exceeds existing staffing capacity, staff will work with the CAO to develop potential program funding opportunities and report back to the Board of Supervisors.

REVIEWED BY:

- Auditor Controller
- County Counsel
- Human Resources

- N/A
- N/A
- N/A

Respectfully Submitted,



Debbi La Rue
Planner



Leelee Thomas
Planning Manager

Attachments:

1. Ordinance to establish a Rental Housing Dispute Resolution program.
2. Staff report and attachments from First Reading, December 5, 2017.
3. Administrative Record (comments received).

This Board letter and all attachments will be made available in English, Spanish and Vietnamese online at the Community Development Agency's [Affordable Housing Webpage](#).

A full reference copy is available for public review at the Board of Supervisors office, 3501 Civic Center Drive, Suite 329 (8:00 am to 5:00 pm, Monday through Friday) and at the Community Development Agency, Planning Division, 3501 Civic Center Drive, Suite 308 (8:00 am to 4:00 pm, Monday through Thursday, closed Fridays).