



**COMMUNITY
DEVELOPMENT
DEPARTMENT**

Staff Liaison

Aissia Ashoori | 510-215-4361

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AGENDA

SPECIAL MEETING OF THE TENANT PROTECTIONS TASK FORCE

Monday, September 23, 2019 at 6:30 p.m.

City Hall, Creekside Room
10890 San Pablo Avenue

This Meeting Place is Wheelchair Accessible

6:30 P.M. CONVENE REGULAR MEETING

1. **ROLL CALL** – Facilitator: Gina Bartlett, Senior Mediator, Consensus Building Institute (CBI); Members: Buddy Akacic, Isis Bastet, Richard Bell, George Gager, Norman LaForce, Peter Pan, Elizabeth Thornses and Tyra Wright.
2. **ORAL COMMUNICATIONS FROM THE PUBLIC**
Remarks are typically limited to three minutes per person and are limited to items on the special meeting agenda only.
3. **REVIEW TASK FORCE FRAMEWORK, PURPOSE, MEETING PLAN**
The City Council adopted Resolutions 2019-33 and 2019-51 establishing this body comprised equally of landlords and tenants who are residents of El Cerrito. The facilitator and task force members will discuss process and working agreements.
4. **PRESENTATION OF INTERVIEW ASSESSEMENT FINDINGS**
CBI will provide a brief summary of task force interview findings.
5. **IDENTIFY INTERESTS FOR TASK FORCE TO CONSIDER IN ITS DELIBERATIONS**
Identify the various interests and issues for both tenants and landlords.
6. **STAFF PRESENTATION ON EXISTING HOUSING POLICIES**
City staff will present existing/pending housing policies in relation to the goals, objectives and responsibilities of the task force. Background information for this presentation prepared in consideration with the following sources: 1) *2015-2023 Housing Element*; 2) *2014 San Pablo Avenue Specific Plan*; 3) *2017 El Cerrito Affordable Housing Strategy*; and 4) Assembly Bill 1482.
7. **QUESTIONS, DISCUSSIONS, CONSIDERATIONS FOR EL CERRITO**
Questions, answers and discussion of items for task force consideration.
8. **NEXT STEPS, MEETING SCHEDULE AND WRAP UP**
Establish regular meeting schedule and next steps.
 - Meeting 2: Explore Potential Tenant Protection Policies (Oct./Nov.)
 - Process for Developing Recommendations to City Council
 - Meeting 3: Develop Policy Recommendations (Dec.)
 - Rent Registry Data
 - Future meetings to be continued as needed
9. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Staff Liaison, 510-215-4361. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection at El Cerrito City Hall during normal business hours.

Tenant Protections Task Force

FRAMEWORK

Developed by the Consensus Building Institute
Shared 9.19.2019

Introduction

This framework outlines the process agreements for the City of El Cerrito Tenant Protections Task Force. The City Council adopted Resolution 2019-51 (an update to Resolution 2019-33) to establish the Task Force to bring together landlords and tenants to find common ground on potential tenant protection policies for the City of El Cerrito.

The Task Force will begin meeting in September 2019, hold at least three meetings, with a limited duration of twelve months from August 2019 appointment, and submit its recommendations to the City Council by August 2020.

MEMBERSHIP

The Resolution called for the Task Force to consist of four landlords and four tenants who were residents of El Cerrito. The Task Force will serve as an advisory body to the City Council. All appointed members shall comply with the Brown Act and Code of Conduct for Appointed Officials.

Purpose

The purpose of the Tenant Protections Task Force is to advise the City Council on tenant protection policies within the City of El Cerrito. The Task Force is to review, analyze, and make recommendations to the City Council on the following:

- a. Rent Review Programs
- b. Tenant Relocation Assistance due to Demolition Policy
- c. Tenant Relocation Assistance due to Increase Policy
- d. Just Cause for Eviction
- e. Other recommendations considered by the Task Force with respect to Tenant Protections

The Task Force purpose is consistent with the **El Cerrito Affordable Housing Strategy, Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations**, which recommends exploring tenant protection policies for tenants at risk of displacement. Relevant Pillar B strategies include:

- ✦ Strategy 4-2: Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance and

- ✦ Strategy 6-1: Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

By bringing together tenants and landlords, the goal of the Task Force is to find common ground to provide policy recommendations to the City Council for consideration.

RESOURCES

- ✦ El Cerrito Affordable Housing Strategy <http://el-cerrito.org/AffordableHousing>
- ✦ Task Force website: <http://el-cerrito.org/1243/Tenant-Protections-Task-Force>
- ✦ Tenant Protections website (background): <http://el-cerrito.org/TenantProtections>

Relationship to Previous Efforts and State Legislation

JUST CAUSE FOR EVICTION AND HARASSMENT PROTECTIONS

On May 21, 2019, the City Council adopted a Just Cause for Eviction Ordinance. However, a referendum petition was filed with the City on June 20, 2019, and the Contra Costa County of Elections determined that the petition contained the required valid voter signatures. The City Council had the option to either repeal the ordinance or call for an election to submit to the voters. On July 31, 2019, the City Council decided to repeal the ordinance and instead rely on the Tenant Protections Task Force to convene, study, and propose policies for Council consideration. Because of the repeal and consistent with City policy, the City Council will not be able to consider adopting another similar ordinance until September 2020.

EL CERRITO MUNICIPAL CODE, CHAPTER 10.100 - RENT REGISTRY

Adopted on May 21, 2019, the rent registry establishes an annual reporting requirement for residential rental property owners to submit data to the City regarding rents and other relevant information. The data collected will be used to inform the City Council about the rental market, trends and housing stock in El Cerrito. The City Council has not, at this time, provided any direction for the Rent Registry to be used to regulate rents.

STATE OF CALIFORNIA ASSEMBLY BILL 1482: TENANT PROTECTION ACT OF 2019

<https://legiscan.com/CA/drafts/AB1482/2019>

The California legislature approved a bill that includes termination of tenancy without just cause and rent cap provisions. As of early September, the Governor is considering approval of this bill. If approved, the State would establish rent caps and eviction protections. For cities such as El Cerrito without local rent control laws, the bill would apply to all rental properties specified in the legislation. This bill does not preempt the City Council from adopting local policies.

When considering its purpose and the legislation, the Task Force could recommend policy that would operate within AB 1482 or set other policies, as defined by the Resolution and listed below:

- ✦ Rent Review Programs
- ✦ Tenant Relocation due to Rent Increase

- ✦ Tenant Relocation Assistance due to Demolition

Process Agreements

To conduct a successful process, Task Force members agree to these process and participatory agreements, including City requirements, that will guide group work and individual behaviors.

- ✦ **Everyone agrees to negotiate in good faith.** All members agree to participate in decision making, to act in good faith in all aspects of this effort and to communicate their interests during group meetings. Good faith also requires that parties not make commitments they do not intend to follow through with, and that parties act consistently in the meetings and in other forums where the issues under discussion in these meetings are also being discussed.
- ✦ **Everyone agrees to address the issues and concerns of the members.** Everyone who is joining in the meeting series is doing so because s/he has a stake in the issue at hand. For the process to be successful, all the parties agree to validate the issues and concerns of the other parties and strive to reach an agreement that takes all the issues under consideration. Disagreements will be viewed as problems to be solved, rather than battles to be won.
- ✦ **Everyone agrees to focus on the present and future, and not dwell on the past.** Individual perceptions of the past change over time. While the past informs everyone's thinking and perspectives, the past cannot be changed. The purpose of this effort is to problem solve today about how to address the issues and concerns for tomorrow.
- ✦ **Everyone agrees that preliminary agreements are the basis for progress.** Members will use preliminary agreements on issues as the basis for progress towards developing recommendations. Members will revisit preliminary agreements when new information emerges and again when formalizing final recommendations.
- ✦ **Everyone agrees to inform their leadership and constituents about the outcome of the discussions.** Once the group has developed some preliminary recommendations, meeting scheduling will allow for members to inform and seek advice from their leadership, neighbors, or other constituents about the discussions and negotiated recommendations.
- ✦ **Everyone agrees that members can, at any time, request a caucus to meet with other organizational or interest group members.** During the course of a meeting, members may find it helpful to meet privately with interest group members, to consult with constituents outside of the meeting, or to talk privately with other meeting members. Members or the mediator can request a caucus. The mediator will then work with members to identify the best time for the caucus to occur. Members agree to use caucuses as a tool to move agreements forward and explore topics of concern. The mediator may attend and consult with parties during caucus discussions.

WORKING AGREEMENTS

The mediator and members will work together to create a problem-solving environment and to implement these agreements to that aim.

Respect - Use Common Conversational Courtesy

Please support a respectful environment. Everyone is here because they care about these issues. Please listen to understand. Allow people to finish their ideas and engage in a respectful dialogue.

All Ideas and Points of View Have Value

All ideas have value in this setting. We are looking for innovative ideas.

Be Honest, Fair, and as Candid as Possible

Help others understand you and work to understand others.

Avoid Editorials

It will be tempting to analyze the motives of others or offer editorial comments. Please talk about YOUR ideas and thoughts. Avoid commenting on why you believe another participant thinks something.

Honor Air Time

The group has limited time together so please strive to stay on topic, be concise, and help everyone get into the conversation.

Think Innovatively and Welcome New Ideas

Creative thinking and problem solving are essential to success. “Climb out of the box” and attempt to think about the problem in a new way.

Invite Humor and Good Will, Be Comfortable

Decision-Making Guidelines

Members will strive for consensus on Task Force recommendations. The definition of consensus spans the range from strong support to neutrality, to abstention, to “I can live with it.” A member can even “stand aside” and let a recommendation move forward. These all represent consensus agreements / recommendations.

If unable to reach full consensus on a recommendation, the Task Force will proceed to document outcomes using the following process. If at least six of the eight Task Force members support the recommendation, the Task Force will forward the recommendation with a tally of the votes, a summary of the concerns of those opposed, and the options that the Task Force considered to inform the Council’s vote. If less than six Task Force members support a recommendation, the Task Force will keep working together to strive to develop consensus policies. If after substantial conversation and effort, the Task Force is still unable to reach consensus or the support of at least six members, the Task Force will work with the facilitator and staff to document the options considered, providing supporting opinions for each.

Each participant will be free to express his or her opinion when the Council considers the proposals.

Roles and Responsibilities

CONVENER AND STAFF SUPPORT

The City Council appointed the Task Force, and City staff will work with the facilitator to convene the Task Force. The City will provide a staff liaison who will also serve as a subject matter expert. The staff liaison will provide background information and policy guidance to inform the Task Force's work. Staff will provide information to support Task Force decision-making but will not weigh in on decisions.

MEMBERS

The meeting members will work together to develop recommendations consistent with these process agreements. Members will periodically brief their neighbors or constituents, including leadership in their organizations, to keep them abreast of discussions at hand.

FACILITATOR / MEDIATOR

The mediator will remain neutral and impartial toward the content of the issues under discussion. The mediator will work with all the parties to ensure the process is credible, fair, and effective.

The facilitator / mediator will:

- + Formulate the agenda and desired outcomes for the sessions, including developing a meeting plan.
- + Identify and synthesize points of agreement and disagreement.
- + Assist in building consensus among members.
- + Work with members to ensure process and participation agreements are followed.
- + Serve as a confidential communication channel for members.
- + Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

If a participant has a concern about bias, neutrality or performance of the mediator, s/he should raise the concern first with the mediator and then the convener, the Town Manager.

Communication

The Consensus Building Institute will provide meeting summaries for Task Force meetings. The staff liaison will provide official meetings minutes.

Task Force members reserve freedom to express their own opinions to media representatives, but not the opinions of others. The temptation to discuss someone else's statements or position should be avoided. Members can refer media inquiries to group members for individual comments.

If contacted by the press or an external party concerning the discussions, Members are asked to:

- + Point out that s/he is not speaking on behalf of the Task Force

- ✦ Present individual / organization views only and conscientiously refrain from expressing, characterizing or judging the views of others
- ✦ Avoid using the press as a vehicle for negotiation.

BROWN ACT COMPLIANCE

The Task Force, which the City Council appointed, will be compliant with the Brown Act open meeting laws. This includes posting the agenda at least 72 hours in advance of a meeting, welcoming the public to all meetings, holding a public comment period, only discussing items on the publicized agenda, and making decisions publicly during meetings.

In accordance with the standards defined by the Brown Act, all Task Force members acknowledge the rules and procedures listed below and provided to appointees by the City Clerk on August 21, 2019.

[Handbook for Appointed Boards, Commissions & Committees](#)

[Tenant Protections Task Force enabling legislation](#)

[Amendment for the Tenant Protections Task Force](#)

[ECMC 2.04.220 Boards, commissions and committee](#)

[Code of Conduct for Appointed Officials](#)

[The Brown Act and the Perils of Electronic Communication](#)

[Open & Public Brown Act](#)

[Parliamentary Procedures Cheat Sheet](#)

[The ABC's of Parliamentary Procedure](#)

PUBLIC COMMENT

All Task Force meetings will be open to the public. Oral communications during the meeting may be limited to 15 minutes of each meeting. The Task Force will also welcome and consider written comments.

City of El Cerrito Task Force Assessment Issue Briefing

Prepared by Senior Mediator Gina Bartlett, San Francisco | Gina@CBI.org
9/16/2019

The Consensus Building Institute (CBI) is a nonprofit organization that provides impartial mediation and facilitation on public policy. The City of El Cerrito has contracted CBI to facilitate a task force to develop recommendations on tenant protections for Council consideration Council Resolution 2019-33). To inform the task force formation, CBI conducted interviews with local tenants and landlords who expressed interest in participating in the task force. This document provides a brief summary of interviewees' interests, concerns, suggested solutions, and information needs. CBI shared the summary with interviewees to confirm it did not misrepresent any of views that they may have expressed. CBI will present the issue briefing to the task force at its inaugural meeting September 23, 2019.

In Brief

Interviewees value the community of El Cerrito and appreciate the city as a place to live. By and large, interviewees are committed to finding a way to provide long-term housing security and opportunity to both tenants and landlords. Interviewees employ terms such as “balance” and “fair” and “reasonable” in this context. Some express concern about the impact of the Bay Area housing market on local tenants and think policies are warranted. However, not all interviewees support enacting tenant protection policies. Fundamental concern exists that policies could upset community stability if too restrictive. Most interviewees hope that any policies will distinguish “mom and pop” local landlords from large, commercial landowners.

Common Areas of Agreement

Interviewees largely agree on the following common interests.

Community stability is a shared interest. Interviewees express that having families live for one or two generations and seniors living near the place where they built their lives provides for community stability. Landlords prefer for good tenants to stay in place.

The Bay Area and California housing market is affecting El Cerrito and the state. Many interviewees would like to find a balanced approach for policies that protect tenants and consider local landlords. Interviewees would like data on rents, evictions, and tenant concerns specific to El Cerrito to drive policy. One landlord interviewee recognized that as the market keeps rising, people advocating for just cause and rent protection have good intentions.

Tenant longevity is key. Landlord interviewees report that having a good tenant is in the landlord's best interest because the cost of preparing for and unpredictability of new tenants. Several landlord interviewees report that some landlords keep rents low as an incentive for the tenant to stay in place.

Interests

Interests define a problem, identifying individual or group needs and desires. Interviewees articulated the following interests, not always shared, but driving forces for consideration in any problem solving related to tenant protections.

Fairness. Several interviewees talked about the importance of establishing a fair policy and structure toward landlords and tenants. The community *"needs to take care of anyone who is being treated unfairly, tenant or landlord."*

Housing security and stability. One interviewee suggested that understanding when rent increases might occur and how much of an increase is possible would help tenants. Another suggests that policy can address how to protect and provide affordable and decent places to live. Interviewees say that maintaining rental property is also a responsibility.

Small, local landlords. Many interviewees urged that any policies to distinguish between large, commercial landlords, and small landlords, especially those who are El Cerrito residents.

Balance. Several interviewees felt that the ideal situation is to strike a good balance between the city's economic development interests and tenant rights.

Issues of Concern

Rent control. Many interviewees cautioned that rent control is an emotional issue.

Rent gouging: Given the current economy, rents can go quite high based on the fair market value. Interviewees reminded that the ability of the tenant to pay and the amount the landlord wants to charge can be an issue of concern.

Equity. One interviewee articulated that providing housing equity for minorities, women, the elderly, and families is a concern given economic shifts in the Bay Area. Another interviewee would urge El Cerrito to provide housing for all income levels.

Affordability. One interviewee suggested that federal affordable housing rates are not very realistic in the region so the task force may need to consider percentage of income or other variables to assess or establish affordability.

Increasing housing supply: One interviewee urged increasing supply by having the city encourage homeowners to convert idle living space into rental units or rooms. This person thought that the city might be able to relax or forgive, except for safety issues, non-conforming or unpermitted conversions.

Restrictive policy. Many interviewees expressed concern that policies might be too restrictive to be effective, and several cited Berkeley's policies as an example to avoid.

Policy repercussions. Several interviewees expressed a fundamental concern that introducing rent control or other protective measures, if they are too restrictive, could backfire and ultimately reduce community stability and negatively affect economic development. Concerns expressed are that policies could negatively impact tenants because landlords might attempt to increase rents in anticipation of

rent control laws going into effect, or policies, depending on how structured, could cause landlords to sell properties, which could lead to new landlords who would raise rents.

Eviction. Nearly every interviewee discussed eviction. Most spoke to the challenge and upset of eviction and made suggestions for potential eviction policy (see below). Some observed that only tenants tend to be able to get free legal guidance. Some expressed concern that policies known as “just cause” make evicting a tenant almost impossible and often involves litigation. A few interviewees believe that existing state law suffices, and El Cerrito should not need to develop additional policy. Lastly, several expressed concern about the significance or impact of costs to small landowners who may have reason for eviction.

Politics. Interviewees observed the highly politicized nature of the issue in the state and locally, including advocates and potentially lobbyists pressuring elected officials. Some believe that the California Apartment Association, which sponsored the petition to repeal the just cause ordinance, would like to use El Cerrito as an example for other communities. Another interviewee mentioned that the Democratic Socialist Society is active on tenant advocacy and a number of public speakers at a recent El Cerrito public meeting were residents of other communities.

Polarization. One interviewee highlighted that tenant advocates want rent control and don’t seem to have a lot of flexibility in their approach while landlord associations tend to reject all policies making this issue quite polarizing. One landlord suggested that housing providers are willing to be flexible to resolve conflicts and establish policy and cited the example of proposing a non-binding arbitration clause as a policy that the city might reconsider.

Solutions / Options / Suggestions

During interviews, many offered potential policy suggestions. These are captured here to inform future discussions.

- Allow evictions, but without just cause, the rent must remain the same, no increase. This would allow for eviction, but not for the purpose of raising rent.
- Identify reasons that eviction would be warranted or allowed.
- For rent control, allow a certain percentage increase annually. Some tenants have experience with frequent rent increases, immediately after repairs.
- Allow landlords to increase to market rate when a tenant leaves.
- Consider establishing a board or body and developing a set of principles or guidelines that could guide review and decision-making on rental situations.
- Consider policies that prohibit people renting rooms in houses.
- Explore reducing barriers to building housing or converting empty spaces to expand housing supply.
- Examine policies that might slow the rate of growth of rents.
- Upon death of the landowner, the property should be able to go to market-rate.
- Establish a mechanism for landlord to be able to exit ownership, including ending rentals.
- Introduce a non-binding arbitration program similar to Fremont and Albany.
- Establish creative policies that provide subsidies or using Section 8 vouchers that increase rent that landlord receives yet provides rent stability for tenants.
- Consider double zoning allowance for parcels near transportation corridor to have more units. For example, a 5000 square foot lot currently has two units could be allowed to have 4 units. Consider pre-fabricated units on movable pad with flexible spacing in between units.

Information helpful for Policy Making

The mediator asked interviewees what information might be helpful to inform the policy-making process. Interviewees identified these items:

- Existing and proposed state law on fair housing laws and tenant protections.
- El Cerrito Human Relations Commission Resolution. The HRC adopted the resolution with policy recommendations.
- Eviction data (numbers and reasons) to inform the task force of the scope or magnitude.
- Existing ordinances related to rental properties in other jurisdictions.
- Demographic and economic data on local income; rental property rates, costs, income, and taxes; available rental stock.

Process Suggestion

Interviewee recommended establishing a confidentiality agreement on personal information to prevent any negative repercussions against tenants participating in the task force.

Interviewee List

Buddy Akacic

Isis Bastet

Richard Bell

Ed Crowley

Ken Wayne Epley

George Gager

Marlene George

Norman LaForce

Peter Pan

Jean Shrem

Patricia Sydnor

Elizabeth Thorsnes

Tyra Wright

About CBI

The Consensus Building Institute (CBI), founded in 1993, improves the way that leaders collaborate to make organizational decisions, achieve agreements, and manage multi-party conflicts and planning efforts. A nationally and internationally recognized not-for-profit organization, CBI provides strategic planning, organizational development and high-skilled facilitation for state and federal agencies, non-profits, and international development agencies around the world. CBI senior staff are affiliated with the MIT-Harvard Public Disputes Program and the MIT Department of Urban Studies and Planning.

Gina Bartlett is director of CBI's practice in the American West and a senior mediator at the Consensus Building Institute. Based in San Francisco. Gina has more than twenty years of experience in consensus building and collaborative planning on complex public policy and organizational issues. She has successfully mediated some of California's most vexing natural resource issues, in several cases helping parties to resolve issues litigated multiple times. She is currently working on housing issues with the Town of Truckee. And, she has recently been deeply engaged in building consensus to manage Lake Tahoe's shoreline, addressing nearly 30 years of conflict and litigation, and negotiating governance for newly formed groundwater sustainability agencies in California. Other clients include the Metropolitan Transportation Committee, Sonoma Water, the State Water Resources Control Board, University of California Office of the President's Breast Cancer Research Program, and several federal public agencies.



Tenant Protections Task Force
Meeting 1: 9/23/19 - 6:30 PM
City Hall, Creekside Room

Overview

Background

Housing Policies

State Law

2019 Area Median Income Limits (AMI) for Contra Costa County

Household Size	Extremely Low 30% of AMI	Very Low Income 50% of AMI	Low Income 80% of AMI	Median Income 100% of AMI	Moderate Income 120% of AMI
1	\$26,050	\$43,400	\$69,000	\$78,200	\$93,850
2	\$29,750	\$49,600	\$78,850	\$89,350	\$107,250
3	\$33,450	\$55,800	\$88,700	\$100,550	\$120,650
4	\$37,150	\$61,950	\$98,550	\$111,700	\$134,050
5	\$40,150	\$66,950	\$106,450	\$120,650	\$144,750
6	\$43,100	\$71,900	\$114,350	\$129,550	\$155,500

Source: The California Department of Housing and Community Development (HCD)

Background: El Cerrito Profile



Population of nearly 25,000 residents



3.7 Square Miles



60% Owner-Occupied



40% Renter Occupied



10,671 housing units

- 73% Single-Family
- 7,487 Detached
 - 345 Attached

- 27% Multi-Family (MF)
- Small MF, 2-4 Units: 1,389
 - Large MF, 5+ Units: 1,450

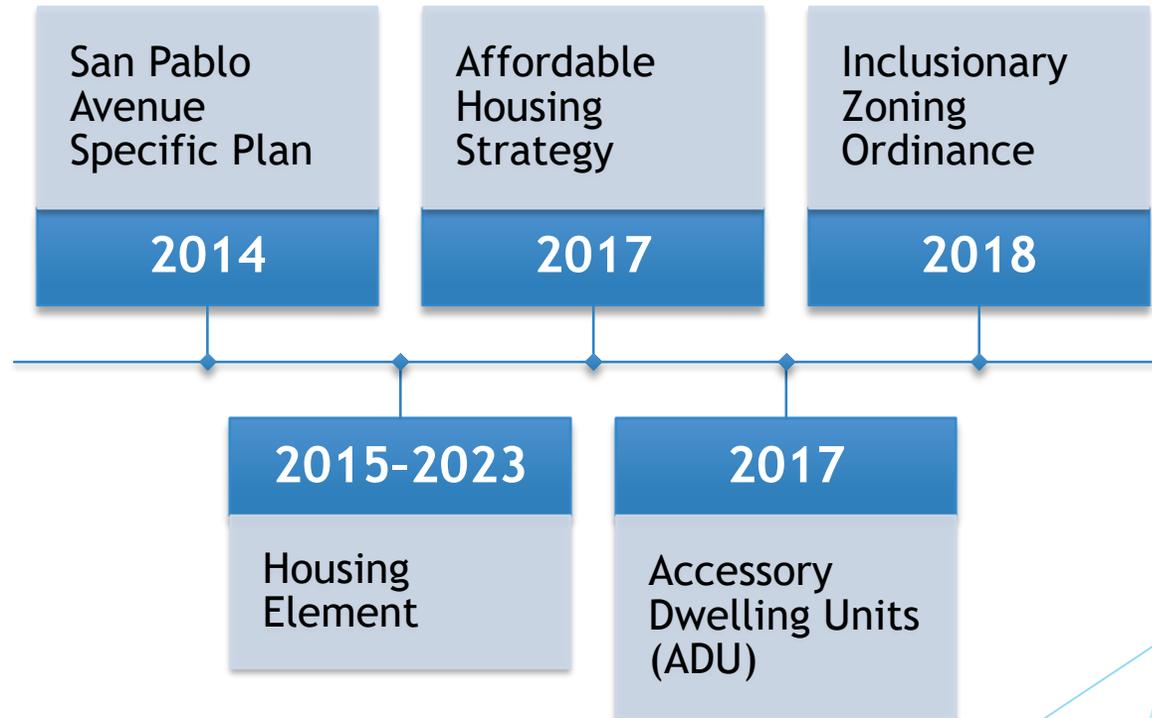
BACKGROUND: AFFORDABLE HOUSING TOOLBOX



Background: City Council Actions

- ▶ 2017: Affordable Housing Strategy
- ▶ 2018: Inclusionary Zoning Ordinance (Pillar A)
- ▶ 2018: City Council Meetings (Pillar B)
 - ▶ August, Study Session
 - ▶ December, Introduction of Tenant Protection Ordinances
- ▶ 2019: Additional City Council Meetings Held (Pillar B)
 - ▶ January, Second Reading of Tenant Protection Ordinances
 - ▶ February, Study Session
 - ▶ March, Study Session Continued
 - ▶ May, Introduction of Tenant Protection Policies
 - ▶ July, Repeal of Just Cause for Eviction
 - ▶ August, Tenant Protections Task Force Formed

HOUSING POLICIES: EL CERRITO



HOUSING POLICIES: EL CERRITO



- ▶ ***Residential Rental Inspection Program: El Cerrito Municipal Code Chapter 16.30, Adopted 1997***
 - ▶ All rental properties, with some exceptions, are subject to the RRIP to ensure properties meet health and safety requirements.
- ▶ ***Business License Tax: El Cerrito Municipal Code Chapter 4.32, Adopted 1998***
 - ▶ Requires anyone who is doing business within City limits (including operation of rental property) to obtain a license and pay the license tax.
- ▶ ***Condominium Conversion Ordinance: El Cerrito Municipal Code Chapter 19.45, Adopted 2008***
 - ▶ Regulations that apply to the conversion of existing multi-family rental housing to condos.
- ▶ ***Rent Registry Ordinance, El Cerrito Municipal Code Chapter 10.100, Adopted 2019***
 - ▶ Requires all residential rental property owners to register rents and other occupancy data with the City on an annual basis.

CA HOUSING POLICIES: EXISTING

▶ ***Costa-Hawkins Rental Housing Act***

- ▶ Limits local jurisdictions ability to enact rent control by exempting multi-family units occupied after February 1, 1995 and excludes single-family, condominium, townhomes as well as the allowance of vacancy decontrol.

▶ ***Civil Code 1946.1 - Termination of Tenancy***

- ▶ ***3-Day Notice:*** A landlord must provide a tenant with a 3-day notice to vacate if the tenant has violated their lease terms or engaged in improper conduct that is specified by state law.
- ▶ ***30-Day Notice:*** A landlord must provide a tenant a 30-day notice to vacate if the tenant has lived in the unit for less than one year.
- ▶ ***60-Day Notice*** - A landlord must provide a tenant a 60-day notice to vacate if the tenant has lived in the unit for one year or more.
- ▶ ***90-Day Notice*** - A landlord must provide a tenant a 90-day notice to vacate if the tenant receives subsidized housing.

▶ ***Civil Code Section 827b - Rent Increase Notice***

- ▶ 30-days if less than 10% \leq
- ▶ 60-days if greater than 10%

▶ ***Civil Code 1942.5 Retaliatory Eviction***

- ▶ It is illegal for a landlord to retaliate against a tenant for lawfully and peacefully exercising his/her rights

▶ ***Civil Code 12.75 Ellis Act***

- ▶ Applies to units being withdrawn from the rental market

CA HOUSING POLICIES: RECENTLY ADOPTED

▶ **Senate Bill 35: Affordable Housing: Streamlined Approval Process**

- ▶ Creates a streamlined approval process for developments in localities that have not yet met their housing targets. El Cerrito is one of 24 cities statewide that is on target to meet its Regional Housing Needs Allocation (RHNA) production targets, at all levels, and is therefore not required to provide enhanced streamlining under SB 35.

▶ **Assembly Bill 2923: S.F. Bay Area Rapid Transit District: Transit-Oriented Development (TOD)**

- ▶ On September 30, 2018, Governor Jerry Brown signed AB 2923 to allow for development streamlining and TOD standards for BART located property within ½ mile of stations in Alameda, Contra Costa and San Francisco counties.

CA HOUSING POLICIES: PENDING

- ▶ **Assembly Bill 1482: Tenant Protection Act of 2019**
 - ▶ **Rent Increase**
 - ▶ 5% plus change in cost of living or 10%, whichever is lower
 - ▶ **Evictions**
 - ▶ Just Cause
 - ▶ No-Fault
 - ▶ Tenants must have continuously and lawfully occupied the property for 12 months or more
 - ▶ **Property Types**
 - ▶ Certificate of Occupancy issued more than 15 years ago
 - ▶ Properties owned by real estate investment trust, as defined by the Internal Revenue Code
 - ▶ Properties owned by corporation, LLC
 - ▶ **Exceptions**
 - ▶ Single-family owner-occupied residences
 - ▶ A duplex where owner-occupies one of the units
 - ▶ Housing that has been issued a Certificate of Occupancy within the previous 15 years
 - ▶ Affordable Housing, Student Housing, Transient//tourist housing

POLICY CONSIDERATIONS

COMMON PROGRAM CHARACTERISTICS TO CONSIDER

Purpose	
Property Types/ Eligible Unit	
Program Administrator	
Threshold	
Participation	
Noticing Process	
Enforcement	
Administrative Costs	

THANK YOU!

Aissia Ashoori, Housing Analyst (Staff Liaison)

Email: Aashoori@ci.el-cerrito.ca.us

Phone: 510-215-4361

Website: www.el-cerrito.org/tenantprotections