AGENDA
SPECIAL MEETING OF THE
TENANT PROTECTIONS TASK FORCE

Wednesday, November 18, 2020 at 5:00 P.M.
VIA TELECONFERENCE
Join Via WebEx
https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=ed2892b64e5d5ae74a7c91d8e0dd93fe
Event ID: 146 914 4818
Event Password: 2020
or
Join by Phone: 1-408-418-9388
Access code: 146 914 4818

Pursuant to Executive Orders N-25-20 and N-29-20, and in Response to the COVID-19 Pandemic Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

Any person wishing to speak to the Tenant Protections Task Force on any of these matters is invited to participate via teleconference as described above.

The City encourages submission of written comments in advance to the Tenant Protections Task Force via email to AAshoori@ci.el-cerrito.ca.us prior to the meeting or by contacting the staff liaison listed above.

5:00 P.M. CONVENE SPECIAL 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 “BJ” Thorsnes 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. APPROVAL OF MINUTES
Consider a motion adopting the minutes of the Special Meetings held on September 22, 2020 and October 27, 2020.

4. DISCUSS AND FINALIZE POLICY RECOMMENDATIONS
Continue discussion and document the level of support and any dissenting opinions for the tenant protection policies defined in the City Council Resolution.

5. NEXT STEPS AND WRAP UP
   • CBI will prepare a report for the City Council documenting and summarizing Task Force activity, process and possible policy recommendations, for their consideration.
6. **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 online for public inspection at [http://www.el-cerrito.org/1243/Tenant-Protections-Task-Force](http://www.el-cerrito.org/1243/Tenant-Protections-Task-Force).
5:00 P.M. CONVENE SPECIAL MEETING  Aissia Ashoori called the meeting to order at 5:09 P.M.

1. ROLL CALL – Facilitator: Gina Bartlett, Senior Mediator, Consensus Building Institute (CBI); Members: Buddy Akacic (joined late), Isis Bastet, Richard Bell, George Gager, Norman LaForce, Peter Pan, Elizabeth “BJ” Thorsnes and Tyra Wright. Others: Aissia Ashoori, Housing Analyst, Holly Charlety, City Clerk and Melanie Mintz, Community Development Director.

2. ORAL COMMUNICATIONS FROM THE PUBLIC
Public comments received prior 3:30pm were meeting posted on the task force website. Holly confirmed no oral communications from the public.

3. APPROVAL OF MINUTES
Moved/Second: Bastet/Bell Action: Passed a motion to adopt the October 29, 2019 minutes with revisions to Section 5, Paragraph 2. Ayes: Akacic, Gager, LaForce, Pan, Thorsnes, Wright Noes: None Absentions: None

4. REVIEW TASK FORCE FRAMEWORK AND PURPOSE
Presentation and Discussion: Gina reviewed the Framework and Purpose, as defined by the City Council Resolution, including the incorporated changes from the last meeting on October 29, 2019. Gina also highlighted the City Council action on September 1, 2020 to extend the duration of the Task Force (Resolution 2020-46) from twelve to sixteen months (sunset December 2020). Isis requested changes to the Framework to include affordable housing, displacement of black/brown tenants and COVID-19. Other task force members discussed those suggestions and felt these details could be contemplated in the Purpose, Section E. along with any other recommendations that members felt should be forward to the City Council.
Gina reminded members that the goal of the Framework document is to guide their decisions and to utilize it as a working draft given the evolving legislative changes and duration of the task force. Melanie reminded members that the City Council adopted the Affordable Housing Strategy in 2017 and took action related to COVID-19 which will be covered by staff in the next agenda item.
5. **COVID-19 LEGISLATIVE UPDATES**  
Presentation and Discussion: Aissia presented COVID-19 tenant protections at the city, county, state, federal levels and responded to the comments and questions raised by members.

6. **RENT REGISTRY PRESENTATION**  
Presentation and Discussion: Aissia presented the rent registry data for the reporting period July 1, 2017 – June 30, 2019. Task Force members asked clarifying questions and shared their observations. It was highlighted that the ordinance requires landlords to report the information to the city, under the penalty of perjury, and does not establish any reporting requirement for tenants. Members felt this was a first step getting this off the ground in such a short time, expressed thinking about ways to improve statistical confidence and how to increase the 70% response rate. Members would like an opportunity at the next meeting to discuss the data more.

Public Comment:  
Jeff Levine: El Cerrito resident and EBHO Policy Director  
Item #4: Believes the City Council Resolution authorizes members to discuss other policies.  
Item #5: Hopes that the city will be distributing educational materials to tenants and landlords via social media, other city mailings, etc. given that they may not know about their rights.  
Item #6: Felt staff did a remarkable job and acknowledges that there are ways to improve after year one. There was concern expressed for rental properties without business licenses resulting in lack revenue and non-compliance.

7. **NEXT STEPS, RECOMMENDATIONS AND WRAP UP**  
Gina walked through the Task Force Tenant Protections Recommendations table and asked members to begin thinking about categories A. – E., defined in the Purpose, for discussion at the next meeting. Gina also mentioned the possibly scheduling an additional meeting (#5) before the task force ends.

8. **ADJOURNMENT** The meeting adjourned at 7:31 P.M.  
BJ left the meeting prior to adjournment at 7:25 P.M.

__________________________  
Gina Bartlett, Facilitator/Mediator

This is to certify that the foregoing is a true and correct copy of the minutes of the special Tenant Protections Task Force meeting of September 22, 2020 as approved by the Tenant Protections Task Force.

__________________________  
Aissia Ashoori, Staff Liaison
5:00 P.M. CONVENE SPECIAL MEETING Aissia Ashoori called the meeting to order at 5:16 P.M.

1. **ROLL CALL – Present**: Facilitator: Gina Bartlett, Senior Mediator, Consensus Building Institute (CBI); Members: Buddy Akacic (*tardy*: 5:30 P.M.), Isis Bastet, Richard Bell, George Gager, Norman LaForce, Peter Pan, Elizabeth “BJ” Thornses (*tardy*: 5:42 P.M.) and Tyra Wright (*tardy*: 5:56 P.M.); Others: Aissia Ashoori, Housing Analyst, Holly Charlety, City Clerk and Melanie Mintz, Community Development Director.

2. **ORAL COMMUNICATIONS FROM THE PUBLIC**
Holly confirmed that there were no oral communications from the public.

3. **APPROVAL OF MINUTES**
There was a motion by Bell to adopt the minutes of the Special Meeting held on September 22, 2020. However, Bastet stated that Section 4 did not fully include her comments. Ashoori referred Bastet to the 9/22/2020 meeting packet that contains her written comments.

There was a subsequent motion by LaForce to defer the adoption of the minutes of the Special Meeting held on September 22, 2020 until the November meeting.

**Moved/Second**: LaForce/Bastet **Action**: Passed a motion to defer the adoption of the September 22, 2020 minutes until November. **Ayes**: Bell, Gager, Pan, Thornses **Absentions**: None

4. **DISCUSSION OF RENT REGISTRY DATA**
Continue discussion of the rent registry data presented at the September 22, 2020 special meeting for the reporting period July 1, 2017 – June 30, 2019. Task Force members shared further observations, including average rents in smaller property types and length of occupancy. Some members felt that the data was insufficient due to the inability of tenants being able to report and validate. Both tenants and property owners discussed the ability to gather information from various sources to ensure accuracy. Many felt the data could be refined over time once more properties are reported and to consider reporting by price range and medians. There was discussion around property owners without a business license and the need to get all rentals compliant. Some members pointed out that the City’s budget
puts a burden on staffing, capacity, and resources. Property owners would like to see some level of distinction between large corporate owners vs. small property owners who like to have long term tenants without gouging. A few members feel that this is a systemic issue, not a data issue. Overall, the members felt the rent registry program is off to a good start but no matter how much data you have or how perfect it is, it can all be slanted depending on focus points.

**Public Comment:**
Sherry Drobner: Heard interesting comments from members and agrees the data is incomplete as it seems that half of rental units are not part of the report. In terms of statistics, people use it to interpret differently. In her experience canvassing neighborhoods, believes that lower rents are in exchange for landlords who defer necessary maintenance and repairs. Also, it is important to look at large property companies purchasing and removing people to make quick money vs. small owners to determine who is a responsible housing provider. Thanked Buddy for bringing up creative social housing approaches and to support renters who want to purchase buildings if their property goes on the market and would like to see this in our toolbox and believes housing is a right.

5. **DISCUSS AND DEVELOP POLICY RECOMMENDATIONS**
The facilitator went around to each task force member to solicit their policy considerations/recommendations, as detailed in the *Tenant Protections Task Force Recommendations* (attached). Most members seem to be in support of continuing the rent registry. Others favored mediation and free legal services to tenants and small property owners. Some property owners suggest adhering to AB 1482 given COVID-19 and the eviction protections associated with it. There was also mention of additional education and outreach to make tenants aware of their rights and property owners aware of the laws.

**Public Comment:**
Sherry: AB 1482 was mentioned yet there is no implementation plan unless the City has a rent board. The City needs a real education program so that tenants know their rights about the law as well as landlords. The CAA did a good job educating landlords about AB 3088 and has shared their info with tenants. Tenants have no voice and need more besides posting on the City’s website. Free legal advice is a good idea for tenants except the focus should be to prevent people from ending up in court. In December 2018, staff proposed rent mediation which had no teeth without eviction protections and rent caps, but since that has change this would be a good idea. There also needs to be enforcement actions taken against owners not registered with the City, otherwise it will not be taken seriously.

6. **NEXT STEPS AND WRAP UP**
There was discuss regarding the process for developing final policy recommendations at the next meeting. The next meeting is tentatively scheduled for November 18, 2020 at 5 pm.

7. **ADJOURNMENT** The meeting adjourned at 7:27 P.M. Isis left the meeting prior to adjournment at 6:55 P.M.
Norman left the meeting prior to adjournment at 7:20 P.M.

Gina Bartlett, Facilitator/Mediator

This is to certify that the foregoing is a true and correct copy of the minutes of the special Tenant Protections Task Force meeting of October 27, 2020 as approved by the Tenant Protections Task Force.

Aissia Ashoori, Staff Liaison
## Task Force Tenant Protections Recommendations

**Recommendation Topics**
Defined by City Council

### Recommendations Which Task Force Proposed on 10/27

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Recommendations</th>
<th>Existing Policy</th>
<th>Potential Recommendation</th>
</tr>
</thead>
</table>
| **a. Rent Review Programs** | Provide mediation / dispute resolution for tenants and landlords and education for tenants and landlords [Echo Housing]
Create policy to establish and fund rent review program
*Concerned about cost of review program*
*Collect data* - HUD data available | No existing policy | **Dispute Resolution** |
| **b. Tenant Relocation Assistance due to Demolition Policy** | Increase relocation assistance payment equal to 2-3 months rent
Establish more stringent ordinance then 1482
*No action at this time*
*Observe 1482*
*Defer additional measures until post-pandemic* | **California AB 1482**
Displacement as result of no-fault terminations. One month’s rent.
Requires tenant notification | **Education and outreach on AB 1482 in El Cerrito**
Observe implementation of AB 1482
May consider options that include more than one month’s rent for no-fault evictions (as previously considered by Council) |
| **c. Tenant Relocation Assistance due to Rent Increase Policy** | Provide relocation assistance equal to 2-3 months rent if rent increases to threshold
Recommend policy that protects tenants who have to go month-month lease (after initial 12-month) | **California AB 1482**
Rent cap only, no relocation assistance unless no-fault termination.
Requires tenant notification | **Education and outreach on AB 1482 in El Cerrito**
Observe implementation of AB 1482 |
| **d. Just Cause for Eviction** | Provide tenants additional time to find a new home  
*No action at this time*  
*Observe 1482*, defer additional measures until post-pandemic | California AB 1482  
Requires “just cause” to evict tenants who have occupied for 12 months (or 24 months if a new roommate moves in). Requires tenant notification  
Education and outreach on AB 1482 in El Cerrito  
Observe implementation of AB 1482 |
|---|---|---|
| **e. Other recommendations considered by the Task Force with respect to Tenant Protections** | **Continue Rent Registry**  
Continue with rent registry and business license, increase compliance  
**Fund staff** to carry forward registry  
**Legal information and education**  
Program to provide legal advice to tenants and small landlords  
**Broader Engagement and Information Sharing**  
Convene speakers or events for landlords on good practice  
**Rename intention** – El Cerrito Housing Protection or similar (to reflect landlords and tenants) and foster climate of cooperation  
**Acknowledge landlords for Section 8 tenants or stabilized housing**  
**Additional potential recommendations** | **Rent Registry El Cerrito Municipal Code Chapter 10.100** (for business license)  
**Residential Rental Inspection Program** (with business license)  
**Business License**: Requires anyone who is doing business within city limits (including operation of rental property) to obtain a business license and pay the license tax. |
| **Examine San Pablo Specific Plan and effect on tenants, low income, black and brown tenants** |
| **Systemic Change** – cooperative socialized housing |
| **Wait and see outcome of Prop 21** |

*Related to Affordable Housing Strategy*

**Continue to increase housing units (ADUs), affordable housing, smaller lots**

**Streamline city planning and permitting** to support getting more units on the market
About
The Task Force will consider levels of support for recommendations and others, as time permits, at its Nov. 18 meeting. Task Force members will articulate their level of support for each proposed recommendation. Members will use the remaining time together to discuss any other policies concepts and considerations for recommendation. The facilitator from the Consensus Building Institute will document the levels of support, including dissenting opinion, in a report to the City Council. Task Force Members will be able to share additional, individual comments and recommendations with the City Council.

Level of Support
The facilitator will ask Task Force members to share their level of support for each proposed recommendation. Note, #2-5 demonstrates consensus support. #1 represents disagreement – dissenting opinions will be noted.

<table>
<thead>
<tr>
<th>Recommendation Topics Defined by City Council</th>
<th>Recommendations for Consideration and Discussion</th>
<th>Existing Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Rent Review Programs</strong></td>
<td>[a-1] Establish rent review mediation and dispute resolution program (mandatory mediation)</td>
<td>No existing policy</td>
</tr>
</tbody>
</table>
| **b. Tenant Relocation Assistance due to Demolition Policy** | [b-1] No action at this time  
[b-2] Increase relocation assistance payment to 2-3 months of rent | California AB 1482  
Displacement as result of no-fault terminations. One month’s rent.  
Requires tenant notification  
AB1482 sunsets in 2030 |
| **c. Tenant Relocation Assistance due to Rent Increase Policy** | [c-1] No action at this time  
[c-2] Provide relocation assistance of 3 months of rent as a result of rent increase of more than 20% over a two-year period  
[c-3] Provide tenants additional time to find new home  
[c-4] Re-iterate support for “rent cap” in AB 1482 | California AB 1482  
Rent cap only, no relocation assistance unless no-fault termination.  
Requires tenant notification |
| d. Just Cause for Eviction | [d-1] Re-iterate support for “Just Cause” in AB 1482 | California AB 1482  
Requires “just cause” to evict tenants who have occupied for 12 months (or 24 months if a new roommate moves in).  
Kicks in after 12 months  
Requires tenant notification |
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>[d-2] Institute a “Just Cause” eviction policy to go into effect immediately upon occupancy (i.e. no minimum occupancy requirement)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[d-3] No action at this time</td>
<td></td>
</tr>
</tbody>
</table>
| e. Other recommendations considered by the Task Force with respect to Tenant Protections | [e-1] Continue Rent Registry  
(Fund staff to carry forward, increase compliance) | Rent Registry El Cerrito Municipal Code Chapter 10.100 (for business license)  
Residential Rental Inspection Program (with business license)  
**Business License**: Requires anyone who is doing business within city limits (including operation of rental property) to obtain a business license and pay the license tax. |
| | [e-2] Establish a self-reporting tool for tenant on rents, evictions, etc. | |
| | [e-3] Establish a proposed a minimum lease term that would require a property owner to offer a minimum lease term of 12 months to current and prospective tenants. | |
| | [e-4] Consider program to provide legal advice to tenants and small landlords | |
| | [e-5] Convene events and provide education and outreach to tenants and landlords on best practices | |
| | [e-6] Foster a climate of cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing | |
| Recommendations advancing through other City activities; will be noted in the report | City is implementing as part of the Affordable Housing Strategy, Pillar C #9: Encourage ADUs  
Continue to increase housing units (ADUs), affordable housing, and housing on smaller lots  
Streamline city planning and permitting to support getting more units on the market  
**City will complete an anti-displacement strategy as part of Specific Plan Update that is underway – scoping meeting planned for Dec.** Examine San Pablo Specific Plan and effect on tenants, low income, black and brown tenants |
Date: October 24, 2019
To: Tenant Protection Task Force
Prepared by: The City of El Cerrito
Subject: Tenant Protection – Background, Summary and Comparisons

December 2018
The City Council Considered:
❖ Mandatory Minimum Lease Term
❖ Mandatory Notice of Termination of Tenancy
❖ Rent Review (mandatory mediation)
  ➢ no further action taken
❖ Tenant Relocation Assistance (introduced demolition; amended to include rent increase)

January 2019
The City Council Considered:
❖ Mandatory Minimum Lease Term
❖ Mandatory notice of termination of tenancy
❖ Tenant Relocation Assistance (including demolition and qualifying rent increase)
Action deferred, direction to return with Just Cause and Rent Registry

February-March 2019 - Study Sessions held

May 2019
The City Council considered and passed:
❖ Just Cause for Eviction
❖ Rent Registry
❖ Task Force to consider additional (unacted upon) tenant protections

July 2019
❖ Just Cause for Eviction referendum

October 2019
❖ State of California passed AB 1482
  ➢ Rent cap
  ➢ Just Cause and No-Fault Evictions
  ➢ Tenant Relocation Assistance (for No-Fault)
❖ Not covered under AB 1482
  ➢ Mandatory Minimum Lease Term
  ➢ Mandatory Notice of Termination of Tenancy (to City, beyond State law)
  ➢ Rent Review (mandatory mediation)
  ➢ Rent Registry
<table>
<thead>
<tr>
<th>Type of Tenant Protection Policy</th>
<th>Policy Defined by City Council Task Force Resolution?</th>
<th>Considered by City Council? Passed?</th>
<th>Covered by AB 1482?</th>
<th>Comments/Additional Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent Review Program (mandatory mediation)</td>
<td>A. Rent Review</td>
<td>Proposed, no action taken.</td>
<td>No</td>
<td>Establishes 5% annual threshold for property owners when issuing rent increases and those in excess of 5% can be disputed by tenants.</td>
</tr>
<tr>
<td>Tenant Relocation Assistance – Demolition</td>
<td>B. Relocation (demolition)</td>
<td>Considered, not passed.</td>
<td>Only for “no-fault” Just Cause terminations</td>
<td>See below chart – Tenant Relocation Program that requires property owners to provide relocation benefits when application is submitted to the City to demolish or approve a land use change.</td>
</tr>
<tr>
<td>Tenant Relocation Assistance – Rent Increase</td>
<td>C. Relocation (rent increase)</td>
<td>Considered, not passed.</td>
<td>Only for “no-fault” Just Cause terminations</td>
<td>See below chart – Tenant Relocation Program that requires property owners to provide relocation benefits when application is submitted to the City to demolish or approve a land use change.</td>
</tr>
<tr>
<td>Just Cause for Eviction</td>
<td>D. Just Cause</td>
<td>Considered, passed but later repealed by referendum action.</td>
<td>Yes</td>
<td>See below chart – Just Cause Restricts reasons for which property owners can evict.</td>
</tr>
<tr>
<td>Mandatory 12-month Minimum Lease</td>
<td>E. Other</td>
<td>Considered, not passed.</td>
<td>No</td>
<td>Program that requires property owners to offer tenants the option of a minimum lease term of 12-month to current and prospective tenants.</td>
</tr>
<tr>
<td>Requiring Termination Notice to City</td>
<td>E. Other</td>
<td>Considered as a standalone ordinance, not passed. Certain required notice was included in the City’s Just Cause Ordinance, which passed but was later repealed by referendum action.</td>
<td>No</td>
<td>Program that requires property owners to notify the City anytime a tenancy is terminated.</td>
</tr>
<tr>
<td>Rent Registry</td>
<td>E. Other</td>
<td>Considered, passed and in effect.</td>
<td>No</td>
<td>See El Cerrito Municipal Code Chapter 10.100 Tracks &amp; monitors rents as well as rent increases</td>
</tr>
</tbody>
</table>

Please visit [www.el-cerrito.org/tenantprotections](http://www.el-cerrito.org/tenantprotections) for additional background information
## Tenant Relocation Assistance

<table>
<thead>
<tr>
<th><strong>Eligibility</strong></th>
<th><strong>Tenant Relocation Considered by City (not passed)</strong></th>
<th><strong>Tenant Relocation Covered by State Law (AB 1482)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>● Household income cannot exceed *120% of the Area Median Income (AMI)</td>
<td>● Displacement as a result of “no fault” terminations:</td>
</tr>
<tr>
<td></td>
<td>● Displacement as a result of:</td>
<td>▪ Removing unit from rental market</td>
</tr>
<tr>
<td></td>
<td>▪ Removing unit from rental market</td>
<td>▪ Demolishing unit</td>
</tr>
<tr>
<td></td>
<td>▪ Demolishing unit</td>
<td>▪ Substantially remodeling unit</td>
</tr>
<tr>
<td></td>
<td>▪ Remodeling unit</td>
<td>▪ Owner or eligible family member intends to occupy</td>
</tr>
<tr>
<td></td>
<td>▪ Change to nonresidential use</td>
<td>▪ Gov’t order requiring residence be vacated</td>
</tr>
<tr>
<td></td>
<td>● Displacement as a result of:</td>
<td>• Order determining the tenant is at fault for the condition</td>
</tr>
<tr>
<td></td>
<td>▪ More than 20% rent increase over two-year period</td>
<td>• Tenant fails to vacate after the expiration of the no-fault notice to terminate the tenancy</td>
</tr>
</tbody>
</table>

| **Eligibility Exceptions** |  |  |
|----------------------------|  |  |
| ● Owner or eligible family member intends to occupy |  |  |
| ● Landlord already paying relocation benefits under state law |  |  |
| ● Need to vacate based on damage resulting from an earthquake, fire, flood, natural disaster, civil disturbance, or accident outside landlord’s control |  |  |
| ● Tenant provided with alternative housing on site or nearby, and displacement is for a period no more than one year |  |  |

| **Rental Type Exceptions** |  |  |
|----------------------------|  |  |
| ● Single-family residence |  |  |
| ● Room rentals where the landlord lives on site |  |  |
| ● Accessory Dwelling Unit |  |  |
| ● Condos, townhomes, etc. |  |  |
| ● Hotels, motels, group housing, etc. |  |  |
| ● On-site manger's unit |  |  |
| ● Housing units as condition of employment |  |  |
| ● Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs |  |  |
| ● Owner-occupied residences where a tenant shares bathroom or kitchen with the owner |  |  |
| ● Transient and tourist hotel occupancy |  |  |
| ● Nonprofit hospital, religious facility, or extended care facility housing |  |  |
| ● Dorms (K-12 and higher education) |  |  |
| ● Housing that has been issued a certificate of occupancy within the last 15 years |  |  |
## Tenant Relocation Assistance

<table>
<thead>
<tr>
<th>Tenant Relocation Considered by City (not passed)</th>
<th>Tenant Relocation Covered by State Law (AB 1482)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Rents regulated by any govt. agency</td>
<td>• A duplex in which the owner occupies one of the units</td>
</tr>
<tr>
<td>• Units acquired by govt. agency intended for public purpose</td>
<td>• Single family residences/condos unless owned by a real estate trust or a corporation</td>
</tr>
</tbody>
</table>

### Amount

- Three month’s rent based on **HUD Fair Market Rent (FMR) calculation for Contra Costa County** + deposit (with exceptions) + rental agency subscription + 1 month for special circumstances
- One month’s rent

### Administrative Fees

- City to establish cost recovery fee to administer ordinance
- Not Applicable

**2019 Area Median Income Limits for Contra Costa County**

1-person = $93,850  
2-persons = $107,250  
3-persons = $120,650  
4-persons = $134,050  
5-persons = $144,750  
6-persons = $155,500

**Current HUD FMR FY 2020**

- Studio: $1,488  
- One-Bedroom: $1,808  
- Two-Bedroom: $2,239  
- Three-Bedroom: $3,042
# Just Cause for Eviction

<table>
<thead>
<tr>
<th>Applicability</th>
<th>Just Cause for Eviction Considered by City (passed/repealed)</th>
<th>Tenant Relocation Covered by State Law (AB 1482)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• All rental units and tenancies, except those units exempted below</td>
<td>• Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination</td>
</tr>
<tr>
<td></td>
<td>• Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.</td>
<td></td>
</tr>
</tbody>
</table>
| Just Causes for Termination | • “At fault” Causes:  
  ▪ Failure to pay rent  
  ▪ Breach of rental agreement  
  ▪ Tenant illegal activities  
  ▪ Violations of health & safety code  
  • “No fault” Causes:  
  ▪ Substantial renovation  
  ▪ Condominium Conversion  
  ▪ Removing a unit from market  
  ▪ Owner or eligible family member intends to occupy | • “At fault” Causes:  
  ▪ Failure to pay rent  
  ▪ Material breach of the lease  
  ▪ Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions  
  ▪ Maintaining a nuisance, committing waste  
  ▪ Criminal activity/unlawful purpose  
  ▪ Refusal to allow the landlord to enter the dwelling pursuant to a lawful request  
  ▪ Failure of the tenant to vacate after giving formal notice of intent to vacate  
  • “No fault” Causes:  
  ▪ Removing unit from rental market  
  ▪ Demolishing unit  
  ▪ Remodeling unit  
  ▪ Owner or eligible family member intends to occupy  
  ▪ Order requiring residence be vacated |
| Rental Type Exceptions | • Single-family dwelling unit  
  • Unit with a certificate of occupancy issued after 1/1/2015  
  • ADUs  
  • Duplex, triplex, quadraplex  
  • Units where the landlord or landlord family lives on site  
  • On-site manger's unit | • Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs  
  • A duplex in which the owner occupies one of the units  
  • Owner-occupied residences where a tenant shares bathroom or kitchen with the owner |
## Just Cause for Eviction

<table>
<thead>
<tr>
<th>Just Cause for Eviction Considered by City (passed/repealed)</th>
<th>Tenant Relocation Covered by State Law (AB 1482)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Hotels, motels, group housing, etc.</td>
<td>• Transient and tourist hotel occupancy</td>
</tr>
<tr>
<td>• Housing units as condition of employment</td>
<td>• Nonprofit hospital, religious facility, or extended care facility housing</td>
</tr>
<tr>
<td>• Rents regulated by any govt. agency</td>
<td>• Dorms (K-12 and higher education)</td>
</tr>
<tr>
<td>• Units acquired by govt. agency intended for public purpose</td>
<td>• Housing that has been issued a certificate of occupancy within the last 15 years</td>
</tr>
<tr>
<td></td>
<td>• Single family residences/condos unless owned by a real estate trust or a corporation</td>
</tr>
<tr>
<td><strong>Other Provisions</strong></td>
<td><strong>Fees</strong></td>
</tr>
<tr>
<td>• Prohibitions on Tenant Harassment</td>
<td>• $35.00 per unit/annually</td>
</tr>
<tr>
<td></td>
<td>• Allows tenants the opportunity to remedy curable just cause reasons.</td>
</tr>
<tr>
<td></td>
<td><strong>Fees</strong></td>
</tr>
<tr>
<td></td>
<td>• $35.00 per unit/annually</td>
</tr>
<tr>
<td></td>
<td>• Not Applicable</td>
</tr>
</tbody>
</table>
AB 1482 Tenant Protection Act of 2019

Status

AB 1482 passed the California Legislature and, the bill was signed by Governor Newsom on October 8, 2019.

Summary

The following are the key elements of AB 1482:

• Places an upper limit on annual rent increases: five percent (5%) plus cost of living inflation,¹ or up to a maximum of 10 percent (10%) increase each year, whichever is less.
• Rent should not be increased more than two times over a 12 month period.
• Requires landlords to have and state a “just cause” to evict tenants who have occupied the premises for 12 months (or 24 months if a new roommate moves in).
• Establishes exemptions from the rent cap and the just cause provisions (see below).
• Requires that landlords notify tenants of the rent cap and just cause provisions.
• Certain evictions require landlords to provide relocation assistance to tenants.
• Establishes that the rent cap is only applicable to existing tenants. When filling vacant units, or establishing a new tenancy where no tenant from the prior lease remains, the owner can establish a new rent in any amount, and the rent cap applies thereafter.
• Goes into effect on January 1, 2020 (with some retroactive provisions).
• Sunsets on January 1, 2030.
• Does not preempt any local rent control or just cause ordinances.²

Details

Rental Types Exempt from Rent Cap:

1. Deed-restricted affordable housing for very low, low, or moderate income
2. Higher education dorms
3. Housing that has been issued a certificate of occupancy within the last 15 years
4. A duplex in which the owner occupies one of the units
5. Single family residences/condos unless owned by a real estate trust or a corporation³

¹ Defined as percentage change in the regional consumer price index (CPI).
² Except that any local just cause ordinance enacted after September 1, 2019 must be at least as protective as AB 1482.
³ For this exemption, the owner must provide the tenant with written notice that the property is exempt using the following specific statement: “This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of (footnote continued)
Rental Types Exempt from Just Cause Requirement:

1. Transient and tourist hotel occupancy
2. Nonprofit hospital, religious facility, or extended care facility housing
3. Dorms (K-12 and higher education)
4. Housing that has been issued a certificate of occupancy within the last 15 years
5. A duplex in which the owner occupies one of the units
6. Owner-occupied residences where a tenant shares bathroom or kitchen with the owner
7. Single family residences/condos unless owned by a real estate trust or a corporation

Just Cause:

The following are the key elements of the “Just Cause” provisions:

- Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination
- Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.
- Divides “just cause” into two categories: at-fault and no-fault.
- Requires a landlord who terminates the tenancy based on a no-fault cause to provide relocation assistance to the displaced tenant in an amount equal to one month’s rent, unless a court or government agency determines that the tenant caused the condition requiring the vacancy.
- The bill allows tenants the opportunity to remedy curable just cause reasons.

The following are at-fault just causes for terminating a tenancy:

1. Failure to pay rent
2. Material breach of the lease including sublets or assignments in violation of lease
3. Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions
4. Maintaining a nuisance, committing waste

Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

4 See footnote 4 above.

5 The owner and tenant may also agree, in lieu of direct payment, to waive the payment of rent for the month after the notice of termination of tenancy is given.
5. Criminal activity or using the premises for unlawful purpose
6. Refusal to allow the landlord to enter the dwelling pursuant to a lawful request
7. Failure of the tenant to vacate after giving formal notice of intent to vacate

The following are no-fault just causes for terminating a tenancy:

1. Owner intent to occupy the property (or their spouse, children, grandchildren, parents, or grandparents), if the tenant agrees or the lease allows for such unilateral termination
2. Withdrawal of the property from the rental market
3. Landlord’s compliance with a government order or local ordinance requiring the residence be vacated
4. Intent to demolish or to substantially remodel the property where the tenant has to vacate the property for at least 30 days

Relocation:

No-fault just causes may be eligible for relocation assistance or a rent waiver equal to one month’s rent based on the rent rate that is in effect at the time of termination of tenancy. The property owner must advise the tenant of this right when issuing a termination of tenancy. Relocation payments are due within 15 calendar days of service of the notice, otherwise the termination may be void.

Required Disclosure:

This bill requires the following notice be provided in 12 point font to all new tenants or renewed tenants starting July 1, 2020, and to existing tenants no later than August 1, 2020:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. California law also provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Section 1946.2 of the Civil Code for more information.”

If a property is exempt, the following notice must be provided to tenants:

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (c)(5) and 1946.2 (e)(7) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

Retroactivity:

This bill applies to all rent increases occurring on or after March 15, 2019. If a landlord has raised the rent beyond the permissible amount between March 15, 2019 and January 1, 2020, the
rent on January 1, 2020 shall be the rent as of March 15, 2019, plus the maximum increase permissible under the bill. The landlord, however, would not be required to refund any rent paid between March 15, 2019 and January 1, 2020 that exceeded the allowable increased

3410759.2
Working Agreements

Respect - Use Common Conversational Courtesy
All Ideas and Points of View Have Value
Be Honest, Fair, and as Candid as Possible
Avoid Editorials
Honor Air Time

City Council Resolution Categories

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

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>I am very pleased with this recommendation and fully support it</td>
</tr>
<tr>
<td>4</td>
<td>I am mostly satisfied with this recommendation; I can support it</td>
</tr>
<tr>
<td>3</td>
<td>I can accept this recommendation, but I have some reservations</td>
</tr>
<tr>
<td>2</td>
<td>Stand aside: I want my concern noted in writing, but I’ll let the recommendation go forward as supported / consensus</td>
</tr>
<tr>
<td>1</td>
<td>Disagree: I do not support this recommendation</td>
</tr>
</tbody>
</table>

Process for Tonight

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Goal</th>
<th>Process</th>
<th>If out of time</th>
</tr>
</thead>
</table>
| • Assess level of support (or lack of) on proposed recommendations  
• Document your thinking, insights, and dissenting opinion | • Move through as many recommendations as possible | • One recommendation at a time (not an either / or)  
• Staff – info  
• Quick round robin, levels of support (1-5)  
• Explanation (1-2 min) first, dissenting opinion; then, support; then uncertain  
• Do not need to comment on every recommendation – your support will be noted or you can “ditto” what someone else said | • If you have new ideas / additional recommendations that we don’t get to, you can submit them to the Council |
## Report

- CBI will produce report for Council
- Document process and recommendations (including support and dissenting opinion)
- Task Force Members (and public) can submit additional recommendations and comments to Council (written or verbally)

## Recommendations

<table>
<thead>
<tr>
<th>Order</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent Review Programs</td>
<td>• Request that you work with us on order i.e. go with it</td>
</tr>
<tr>
<td>Tenant Relocation Assistance due to Demolition Policy</td>
<td>• Recommendations numbered to help us track where we are</td>
</tr>
<tr>
<td>Tenant Relocation Assistance due to Rent Increase Policy</td>
<td>• Keep eye on clock – prioritize category where you want to spend discussion time</td>
</tr>
<tr>
<td>Just Cause for Eviction</td>
<td></td>
</tr>
<tr>
<td>Other recommendations by the Task Force with respect to Tenant Protections</td>
<td></td>
</tr>
<tr>
<td>New</td>
<td></td>
</tr>
</tbody>
</table>
a. Rent Review Programs

- [a-1] Establish rent review mediation and dispute resolution program (mandatory mediation)

Related recommendation
- [e-7] Provide mediation and dispute resolution for all landlord / tenant issues, including but not limited to issues of rent increases (County offers via Echo)

b. Tenant Relocation Assistance due to Demolition Policy

- [b-1] No action at this time
- [b-2] Increase relocation assistance payment to 2-3 months of rent
c. Tenant Relocation Assistance due to Rent Increase Policy

- [c-1] No action at this time
- [c-2] Provide relocation assistance of 3 months of rent as a result of rent increase of more than 20% over a two-year period
- [c-3] Provide tenants additional time to find new home
- [c-4] Re-iterate support for “rent cap” in AB 1482


d. Just Cause for Evictions

- [d-1] Re-iterate support for “Just Cause” in AB 1482
- [d-2] Institute a “Just Cause” eviction policy to go into effect immediately upon occupancy (i.e. no minimum occupancy requirement)
- [d-3] No action at this time
Recommendation e-1

• [e-1] **Continue Rent Registry** (Fund staff to carry forward, increase compliance)

*Additional new recommendation on parameters*

• [e-7] Considering adding more parameters to Rent Registry data
  *(range and median, causes of any evictions, and disaggregation of data to reflect landlord size)*

e. Other

• [e-2] **Establish a self-reporting tool for tenant on rents, evictions, etc.**
• [e-3] **Establish a proposed a minimum lease term** that would require a property owner to offer a minimum lease term of 12 months to current and prospective tenants.
• [e-4] **Consider program to provide legal advice to tenants and small landlords**
e. Other

• [e-5] Convene events and provide education and outreach to tenants and landlords on best practices
• [e-6] Foster a climate of cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing

New Recommendations