CITY COUNCIL

Ordinance Temporarily Adopting Tenant Protection Act of 2019

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November 4, 2019
Recommendation that Council:

- Find that the recommended action is exempt from CEQA pursuant to the “General Rule” exemption, Section 15061(b)(3); and
- Conduct first reading of an ordinance temporarily adopting the Tenant Protection Act of 2019
• Proposed ordinance is a response to recent surge of without-cause eviction notices in the City in advance of state law Tenant Protection Act of 2019 (AB 1482) taking effect on Jan. 1, 2020

• Key provisions of AB 1482 (sunsets in 2030)
  > Applies generally to apartment rental properties built 15 years from the current year
  > Rent increases capped at 5% + change in COL or 10%, whichever is lower
  > Any rent increase after 3/15/19 is rolled back to level on that date plus the allowable % increase
  > Evictions of tenants w/ residency of 12 months or longer must have a stated “just cause” reason
• **At-fault just cause includes:**
  > Non-payment of rent or other material breach of the lease
  > Committing nuisance, waste, or unlawful/criminal activity
  > Unauthorized subletting of the unit
  > Refusal to allow owner to enter the unit

• **No-fault just cause includes:**
  > Owner (or family) to occupy the unit
  > Withdrawal of unit from rental market
  > Intent to demolish or substantially remodel the unit (cosmetic improvements do not qualify)
  > Owner compliance with government order which necessitates vacating the unit
  > Owner must pay a relocation fee equal to one-month’s rent
Properties not subject to AB 1482 include:

- Housing issued a C of O within previous 15 years
- Single-family owner-occupied residences
- Condominiums and townhomes (however, not exempt if corporate-owned)
- Duplex in which one of the units is owner-occupied
- Housing shared by tenant and owner
- Dormitories owned/operated by an educational institution
Key Provisions of Ordinance

- Encompasses provisions of AB 1482
- Does not adversely affect rights of tenants under City’s Tenant Protection Ordinance
- Applicable to tenancies where owner has issued a notice of termination on or after Oct. 8, 2019 where tenant remains in possession and/or any eviction lawsuit has not concluded
- Ordinance remains in effect until Jan. 1, 2020 at which time AB 1482 takes effect