

Agenda Report

March 17, 2025

TO: Honorable Mayor and City Council

FROM: Pasadena Rental Housing Board

SUBJECT: REQUEST FROM THE PASADENA RENTAL HOUSING BOARD FOR THE CITY COUNCIL TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE WITHIN 60 DAYS ADOPTING ALL AVAILABLE TENANT PROTECTIONS PROVIDED IN THE ELLIS ACT (GOVERNMENT CODE SECTION 7060 ET SEQ.)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to section 21065 of CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378, and, as such, no environmental document pursuant to CEQA is required; and
2. Direct the City Attorney to prepare an ordinance within 60 days adopting all available tenant protections provided in the Ellis Act (Government Code Section 7060 *Et Seq.*).

BACKGROUND:

On November 7, 2024 and November 21, 2024, the Pasadena Rental Housing Board (Board) discussed the Ellis Act tenant protections and received comments from the public.

PASADENA CHARTER ARTICLE XVIII

Pasadena Charter Article XVIII (Charter) includes at Section 1806(a)(10), as a just cause for eviction, withdrawal of a Rental Unit permanently from the rental market in accordance with Government Code section 7060. Government Code Section 7060 *Et Seq.* (Attachment A), commonly referred to as the "Ellis Act," requires that landlords must be allowed to go out of the rental business.

To use the Ellis Act as a basis for an eviction, the landlord must withdraw all of the rental units on the property from the market. The Charter also provides that tenants subject to

eviction as a result of the withdrawal of the unit from the rental market have a first right of refusal to return to the Rental Unit if the Rental Unit is returned to the market by the landlord to the maximum extent permitted by state law, and that rent for the Rental Unit upon return shall be the rent lawfully paid by the Tenant at the time the Landlord gave notice of termination of tenancy to the maximum extent permitted by state law.

Charter Section 1806(c) goes on to state that the Board shall decide on the timeline and procedures for the subsequent notification of the former Tenant of the return of the Rental Unit to market. Finally, Section 1806(d) provides that within 180 days of the first meeting of the Board, the Board shall adopt regulations, in the manner specified in Government Code Section 7060.5, that implement all of the provisions set forth in the Ellis Act.

As has been previously discussed with the Board, despite the mandated obligation in Section 1806(d) for the Board to adopt regulations implementing the protections in the Ellis Act, the Ellis Act itself requires that any regulations adopted to implement such protections be adopted by an elected body, which the Board is not. Since the City Council is the only elected body with jurisdiction over rental units in the City of Pasadena, any ordinance to implement the Ellis Act protections must be adopted by the City Council.

THE STATE ELLIS ACT

The state Ellis Act (Government Code sections 7060 – 7060.7) allows cities with rent stabilization to adopt regulations that provide tenants with a first right to return to a unit that is withdrawn from the rental market if that unit is returned to the market. Additionally, it provides additional notice for tenants subject to eviction due to withdrawal of the unit from the market.

A First Right of Return benefit essentially requires that a tenant, whose tenancy was terminated based on a qualifying just cause, be offered the first opportunity to re-rent the same rental unit if and when the rental unit is again offered for rent or lease.

The Ellis Act provides three primary areas of tenant protections that jurisdictions with rent stabilization can implement:

1. A right for the displaced tenant to return to the rental unit if the unit is returned to the rental market within 10 years of the withdrawal of the unit from the market.
2. For units that are returned to the rental market within 5 years after withdrawal, the displaced tenant's rent is the rent charged prior to the withdrawal plus any allowed annual general adjustments.
3. The right of the tenant or the City to recover damages. If the rental unit is returned to the rental market within two years of withdrawal the tenant could bring an action to recover actual and exemplary damages. In addition, if the property is returned to the market within 10 years and a tenant who has

requested notice of the right to return is not given notice of the right of return, the tenant may be eligible for punitive damages in an amount not to exceed six months' rent.

In addition to the above protections, the Ellis Act provides that if the withdrawn rental units are demolished and new rental units are constructed within five years of the withdrawal, the new rental units shall be subject to the local rent stabilization program notwithstanding the provisions of Costa Hawkins that makes such unit exempt from local rent stabilization.

The language in Charter Section 1806(d) evidences an intent on the part of the voters that all available Ellis Act tenant protections be adopted in Pasadena. The Board is not able to adopt regulations in the manner contemplated because it is not an elected body. The Board, however, worked to gain consensus to request the City Council, who has jurisdiction over rental units in the City of Pasadena, to adopt an ordinance to implement all Ellis Act protections.

The Board at the November 7, 2024, meeting also expressed a preference that all available protections be adopted. The November 7, 2024, staff report is provided as Attachment B. The Board continued its discussion at the November 21, 2024, Board meeting. The November 21, 2024, staff report is provided as Attachment C.

The Board adopted Resolution No. PRHB-2024-23 (Attachment D) recommending that City Council adopt, either by resolution or ordinance, regulations that implement all tenant protections allowed in California Government Code Section 7060 et seq. for tenants whose tenancies are terminated because the landlord is withdrawing the rental unit from the rental market, including but not limited to;

1. A right for the displaced tenant to return to the rental unit if the rental unit is returned to the rental market within 10 years of the withdrawal of the rental unit from the market;
2. A right for a displaced tenant to return to any rental unit that is returned to the rental market within five years at the rent paid by the tenant prior to the withdrawal plus any allowed annual general adjustments;
3. The right of the tenant or the City to recover damages including, if the rental unit is returned to the rental market within two years of withdrawal, the right to recover actual and exemplary damages and the right to recover an amount not to exceed six months' rent if the rental unit is returned to the rental market within ten years and is not offered to the displaced tenant who has requested notification of the right to return;
4. The requirement that if rental units withdrawn from the rental market are demolished and new rental units constructed within five years of the withdrawal, the new rental units will be subject to Article XVIII.

The Board requests that the City Council adopt all available tenant protections provided in the Ellis Act (Government Code Section 7060 *Et Seq.*) and direct the City Attorney to return with an ordinance within 60 days.

COUNCIL POLICY CONSIDERATION:

The proposed adoption of all available tenant protections provided for in the Ellis Act (Government Code Section 7060 *Et. Seq.*) aligns with the City Council goals to support and promote tenant protections.

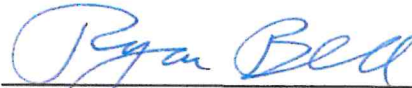
ENVIRONMENTAL ANALYSIS:

CEQA excludes from environmental review actions that are not "projects", as defined by Section 21065 of the Public Resources Code and Section 15378(b) of the California Code of Regulations. Sections 21065 and 15378(b) define a project as an action which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378 excludes from the definition of "project" organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If the City Council undertakes organizational or administrative activities, such as adopting all available tenant protections provided in the Ellis Act, these actions would be administrative activities, and therefore would not be a "project" as defined by CEQA. Since the actions would not a project subject to CEQA, no environmental document is required.

FISCAL IMPACT:

The implementation of the Ellis Act may have an impact on the budget, but that impact cannot be determined until the Rent Stabilization Department can determine the number of Ellis Act evictions that occur each year.

Respectfully submitted,



RYAN BELL
Chair, Pasadena Rental Housing Board

Prepared by:



Helen Morales
Executive Director, Rent Stabilization Department

Approved by:



MIGUEL MÁRQUEZ
City Manager

ATTACHMENTS:

- Attachment A- Government Code Sections 7060 – 7060.7- Ellis Act
- Attachment B- November 7, 2024, Staff Report Re: Ellis Act Study Session
- Attachment C- November 21, 2024, Staff Report Re: Proposed Resolution Requesting City Council To Adopt Ellis Act Tenant Protections
- Attachment D- A Resolution of The City of Pasadena Rental Housing Board Recommending to the City Council of the City of Pasadena that the City Council Adopt, Either by Resolution or Ordinance, Regulations Implementing All Available Tenant Protections Provided in the Ellis Act (Government Code Section 7060 *Et Seq.*)


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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7931.000] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 7. MISCELLANEOUS [6000 - 7599.200] (Division 7 enacted by Stats. 1943, Ch. 134.)

CHAPTER 12.75. Residential Real Property [7060 - 7060.7] (Chapter 12.75 added by Stats. 1985, Ch. 1509, Sec. 1.)

7060. (a) No public entity, as defined in Section 811.2, shall, by statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance or regulation, compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease, except for guestrooms or efficiency units within a residential hotel, as defined in Section 50519 of the Health and Safety Code, if the residential hotel meets all of the following conditions:

- (1) The residential hotel is located in a city and county, or in a city with a population of over 1,000,000.
- (2) The residential hotel has a permit of occupancy issued prior to January 1, 1990.
- (3) The residential hotel did not send a notice of intent to withdraw the accommodations from rent or lease pursuant to subdivision (a) of Section 7060.4 that was delivered to the public entity prior to January 1, 2004.

(b) For the purposes of this chapter, the following definitions apply:

- (1) "Accommodations" means either of the following:
 - (A) The residential rental units in any detached physical structure containing four or more residential rental units.
 - (B) With respect to a detached physical structure containing three or fewer residential rental units, the residential rental units in that structure and in any other structure located on the same parcel of land, including any detached physical structure specified in subparagraph (A).
- (2) "Disabled" means a person with a disability, as defined in Section 12955.3 of the Government Code.

(Amended by Stats. 2003, Ch. 766, Sec. 1. Effective January 1, 2004.)

7060.1. Notwithstanding Section 7060, nothing in this chapter does any of the following:

(a) Prevents a public entity from enforcing any contract or agreement by which an owner of residential real property has agreed to offer the accommodations for rent or lease in consideration for a direct financial contribution or, with respect to written contracts or agreements entered into prior to July 1, 1986, for any consideration. Any contract or agreement specified in this subdivision is not enforceable against a person who acquires title to the accommodations as a bona fide purchaser for value (or successors in interest thereof), unless (1) the purchaser at the time of acquiring title to the accommodations has actual knowledge of the contract or agreement, or (2) a written memorandum of the contract or agreement which specifically describes the terms thereof and the affected real property, and which identifies the owner of the property, has been recorded with the county recorder prior to July 1, 1986, or not less than 30 days prior to transfer of title to the property to the purchaser. The county recorder shall index such a written memorandum in the grantor-grantee index.

As used in this subdivision, "direct financial contribution" includes contributions specified in Section 65916 and any form of interest rate subsidy or tax abatement provided to facilitate the acquisition or development of real property.

(b) Diminishes or enhances, except as specifically provided in Section 7060.2, any power which currently exists or which may hereafter exist in any public entity to grant or deny any entitlement to the use of real property, including, but not limited to, planning, zoning, and subdivision map approvals.

(c) Diminishes or enhances any power in any public entity to mitigate any adverse impact on persons displaced by reason of the withdrawal from rent or lease of any accommodations.

(d) Supersedes any provision of Chapter 16 (commencing with Section 7260) of this division, Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of this code, Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, Part 2 (commencing with Section 43) of Division 1 of the Civil Code, Title 5 (commencing with Section 1925) of Part 4 of Division 3 of the Civil Code, Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, or Division 24 (commencing with Section 33000) of the Health and Safety Code.

(e) Relieves any party to a lease or rental agreement of the duty to perform any obligation under that lease or rental agreement.

(Amended by Stats. 2003, Ch. 766, Sec. 2. Effective January 1, 2004.)

7060.2. If a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may, notwithstanding any provision of this chapter, provide by statute or ordinance, or by regulation as specified in Section 7060.5, that any accommodations which have been offered for rent or lease and which were subject to that control or system of control at the time the accommodations were withdrawn from rent or lease, shall be subject to the following:

(a) (1) For all tenancies commenced during the time periods described in paragraph (2), the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any notice of intent to withdraw the accommodations is filed with the public entity, plus annual adjustments available under the system of control.

(2) The provisions of paragraph (1) shall apply to all tenancies commenced during either of the following time periods:

(A) The five-year period after any notice of intent to withdraw the accommodations is filed with the public entity, whether or not the notice of intent is rescinded or the withdrawal of the accommodations is completed pursuant to the notice of intent.

(B) The five-year period after the accommodations are withdrawn.

(3) This subdivision shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the accommodations.

(b) If the accommodations are offered again for rent or lease for residential purposes within two years of the date the accommodations were withdrawn from rent or lease, the following provisions shall govern:

(1) The owner of the accommodations shall be liable to any tenant or lessee who was displaced from the property by that action for actual and exemplary damages. Any action by a tenant or lessee pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease. However, nothing in this paragraph precludes a tenant from pursuing any alternative remedy available under the law.

(2) A public entity which has acted pursuant to this section may institute a civil proceeding against any owner who has again offered accommodations for rent or lease subject to this subdivision, for exemplary damages for displacement of tenants or lessees. Any action by a public entity pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease.

(3) Any owner who offers accommodations again for rent or lease shall first offer the unit for rent or lease to the tenant or lessee displaced from that unit by the withdrawal pursuant to this chapter, if the tenant has advised the owner in writing within 30 days of the displacement of the tenant's desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed. That tenant, lessee, or former tenant or lessee may advise the owner at any time during the eligibility of a change of address to which an offer is to be directed.

If the owner again offers the accommodations for rent or lease pursuant to this subdivision, and the tenant or lessee has advised the owner pursuant to this subdivision of a desire to consider an offer to renew the tenancy,

then the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant or lessee.

This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or lessee at the address furnished to the owner as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant or lessee shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

(c) A public entity which has acted pursuant to this section, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that an owner who offers accommodations again for rent or lease within a period not exceeding 10 years from the date on which they are withdrawn, and which are subject to this subdivision, shall first offer the unit to the tenant or lessee displaced from that unit by the withdrawal, if that tenant or lessee requests the offer in writing within 30 days after the owner has notified the public entity of an intention to offer the accommodations again for residential rent or lease pursuant to a requirement adopted by the public entity under subdivision (c) of Section 7060.4. The owner of the accommodations shall be liable to any tenant or lessee who was displaced by that action for failure to comply with this paragraph, for punitive damages in an amount which does not exceed the contract rent for six months, and the payment of which shall not be construed to extinguish the owner's obligation to comply with this subdivision.

(d) If the accommodations are demolished, and new accommodations are constructed on the same property, and offered for rent or lease within five years of the date the accommodations were withdrawn from rent or lease, the newly constructed accommodations shall be subject to any system of controls on the price at which they would be offered on the basis of a fair and reasonable return on the newly constructed accommodations, notwithstanding any exemption from the system of controls for newly constructed accommodations.

(e) The amendments to this section enacted by the act adding this subdivision shall apply to all new tenancies created after December 31, 2002. If a new tenancy was lawfully created prior to January 1, 2003, after a lawful withdrawal of the unit under this chapter, the amendments to this section enacted by the act adding this subdivision may not apply to new tenancies created after that date.

(Amended by Stats. 2019, Ch. 596, Sec. 1. (AB 1399) Effective January 1, 2020.)

7060.3. If a public entity determines to apply constraints pursuant to Section 7060.2 to a successor in interest of an owner who has withdrawn accommodations from rent or lease, the public entity shall record a notice with the county recorder which shall specifically describe the real property where the accommodations are located, the dates applicable to the constraints and the name of the owner of record of the real property. The notice shall be indexed in the grantor-grantee index.

A person who acquires title to the real property subsequent to the date upon which the accommodations thereon have been withdrawn from rent or lease, as a bona fide purchaser for value, shall not be a successor in interest for the purposes of this chapter if the notice prescribed by this section has not been recorded with the county recorder at least one day before the transfer of title.

(Amended by Stats. 1986, Ch. 509, Sec. 1.)

7060.4. (a) Any public entity which, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease and may require that the notice contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name or names of the tenants or lessees of the accommodations, and the rent applicable to each residential rental unit.

Information respecting the name or names of the tenants, the rent applicable to any residential rental unit, or the total number of accommodations, is confidential information and for purposes of this chapter shall be treated as confidential information by any public entity for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). A public entity shall, to the extent required by the preceding sentence, be considered an "agency," as defined by subdivision (d) of Section 1798.3 of the Civil Code.

(b) The statute, ordinance, or regulation of the public entity may require that the owner record with the county recorder a memorandum summarizing the provisions, other than the confidential provisions, of the notice in a form which shall be prescribed by the statute, ordinance, or regulation, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies. In that situation, the date on

which the accommodations are withdrawn from rent or lease for purposes of this chapter is 120 days from the delivery in person or by first-class mail of that notice to the public entity. However, if the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations or unit within the accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw pursuant to subdivision (a), then the date of withdrawal of the accommodations of that tenant or lessee shall be extended to one year after the date of delivery of that notice to the public entity, provided that the tenant or lessee gives written notice of their entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. In that situation, the following provisions shall apply:

- (1) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.
- (2) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.
- (3) The owner may elect to extend the tenancy on any other unit within the accommodations up to one year after date of delivery to the public entity of the notice of intent to withdraw, subject to paragraphs (1) and (2).
- (4) Within 30 days of the notification by the tenant or lessee to the owner of their entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations or unit within the accommodations for one year after date of delivery to the public entity of the notice of intent to withdraw.
- (5) Within 90 days of date of delivery to the public entity of the notice of intent to withdraw, the owner shall give written notice of the owner's election to extend a tenancy under paragraph (3) and the revised date of withdrawal to the public entity and any tenant or lessee whose tenancy is extended.

(6) The date of withdrawal for the accommodations as a whole, for purposes of calculating the time periods described in Section 7060.2, shall be the latest termination date among all tenants within the accommodations, as stated in the notices required by paragraphs (4) and (5). An owner's further voluntary extension of a tenancy beyond the date stated in the notices required by paragraphs (4) and (5) shall not extend the date of withdrawal.

(c) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify any tenant or lessee displaced pursuant to this chapter of the following:

- (1) That the public entity has been notified pursuant to subdivision (a).
- (2) That the notice to the public entity specified the name and the amount of rent paid by the tenant or lessee as an occupant of the accommodations.
- (3) The amount of rent the owner specified in the notice to the public entity.
- (4) Notice to the tenant or lessee of their rights under paragraph (3) of subdivision (b) of Section 7060.2.
- (5) Notice to the tenant or lessee of the following:
 - (A) If the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, then tenancy shall be extended to one year after date of delivery to the public entity of the notice of intent to withdraw, provided that the tenant or lessee gives written notice of their entitlement to the owner within 60 days of date of delivery to the public entity of the notice of intent to withdraw.
 - (B) The extended tenancy shall be continued on the same terms and conditions as existed on date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.
 - (C) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement during the extended tenancy.

(d) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify the public entity in writing of an intention to again offer the accommodations for rent or lease.

(Amended by Stats. 2019, Ch. 596, Sec. 2. (AB 1399) Effective January 1, 2020.)

7060.5. The actions authorized by Sections 7060.2 and 7060.4 may be taken by regulation adopted after public notice and hearing by a public body of a public entity, if the members of the body have been elected by the voters

of the public entity. The regulation shall be subject to referendum in the manner prescribed by law for the ordinances of the legislative body of the public entity except that:

(a) The decision to repeal the regulation or to submit it to the voters shall be made by the public body which adopted the regulation.

(b) The regulation shall become effective upon adoption by the public body of the public entity and shall remain in effect until a majority of the voters voting on the issue vote against the regulation, notwithstanding Section 9235, 9237, or 9241 of the Elections Code or any other law.

(Amended by Stats. 1994, Ch. 923, Sec. 36. Effective January 1, 1995.)

7060.6. If an owner seeks to displace a tenant or lessee from accommodations withdrawn from rent or lease pursuant to this chapter by an unlawful detainer proceeding, the tenant or lessee may appear and answer or demur pursuant to Section 1170 of the Code of Civil Procedure and may assert by way of defense that the owner has not complied with the applicable provisions of this chapter, or statutes, ordinances, or regulations of public entities adopted to implement this chapter, as authorized by this chapter.

(Added by Stats. 1985, Ch. 1509, Sec. 1. Operative July 1, 1986, by Sec. 2 of Ch. 1509.)

7060.7. It is the intent of the Legislature in enacting this chapter to supersede any holding or portion of any holding in *Nash v. City of Santa Monica*, 37 Cal.3d 97 to the extent that the holding, or portion of the holding, conflicts with this chapter, so as to permit landlords to go out of business. However, this act is not otherwise intended to do any of the following:

(a) Interfere with local governmental authority over land use, including regulation of the conversion of existing housing to condominiums or other subdivided interests or to other nonresidential use following its withdrawal from rent or lease under this chapter.

(b) Preempt local or municipal environmental or land use regulations, procedures, or controls that govern the demolition and redevelopment of residential property.

(c) Override procedural protections designed to prevent abuse of the right to evict tenants.

(d) Permit an owner to do any of the following:

(1) Withdraw from rent or lease less than all of the accommodations, as defined by paragraph (1) or (2) of subdivision (b) of Section 7060.

(2) Decline to make a written rental offer to any tenant or lessee who occupied a unit at the time when the owner gave the public entity notice of its intent to withdraw the accommodations, in the manner and within the timeframe specified in paragraph (3) of subdivision (b), or in subdivision (c), of Section 7060.2. But the requirements of this paragraph shall not apply to:

(A) A unit that was the principal place of residence of any owner or owner's family member at the time of withdrawal, provided that it continues to be that person's or those persons' principal place of residence when accommodations are returned to the rental market as provided in this section.

(B) A unit that is the principal place of residence of an owner when the accommodations are returned to the rental market, if it is the owners' principal place of residence, at the time of return to the rental market, as provided in this section. If the owner vacates the unit within 10 years from the date of withdrawal, the owner shall, within 30 days, offer to rent if required under this paragraph.

(e) Grant to any public entity any power which it does not possess independent of this chapter to control or establish a system of control on the price at which accommodations may be offered for rent or lease, or to diminish any such power which that public entity may possess, except as specifically provided in this chapter.

(f) Alter in any way either Section 65863.7 relating to the withdrawal of accommodations which comprise a mobilehome park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobilehome park.

(Amended by Stats. 2019, Ch. 596, Sec. 3. (AB 1399) Effective January 1, 2020.)



RENT STABILIZATION DEPARTMENT

November 7, 2024

TO: Pasadena Rental Housing Board

FROM: Karen M. Tiedemann, Goldfarb & Lipman LLP,
Counsel to the Board
Nazanin Salehi, Goldfarb & Lipman LLP, Counsel to the Board

SUBJECT: Ellis Act Study Session

RECOMMENDATION: It is recommended that the Pasadena Rental Housing Board receive information regarding the Ellis Act and provide direction to the staff regarding a recommendation to the City Council for adoption of Ellis Act protections.

BACKGROUND AND DISCUSSION:

On November 8, 2022, the voters of the City of Pasadena (the "City") voted to adopt Measure H ("Article XVIII"), which amended the City's Charter to impose rent control and just cause eviction protections. The Pasadena City Council ("City Council") adopted a resolution certifying the results of the November 8, 2022, election on December 12, 2022, and Article XVIII was thereafter filed with the California Secretary of State and took effect on December 22, 2022.

Article XVIII includes at Section 1806(a)(10) as a just cause for eviction withdrawal of a Rental Unit permanently from the rental market in accordance with Government Code section 7060. Government Code Section 7060 et seq., commonly referred to as the "Ellis Act," requires that landlords must be allowed to go out of the rental business. In order to use the Ellis Act as a basis for an eviction, the landlord must withdraw all of the rental units on the property from the market.

Article XVIII also provides that tenants subject to eviction as a result of the withdrawal of the unit from the rental market have a first right of refusal to return to the Rental Unit if the Rental Unit is returned to the market by the landlord to the maximum extent permitted by state law and that rent for the Rental Unit upon return shall be the rent lawfully paid by the Tenant at the time the Landlord gave notice of termination of tenancy to the maximum extent permitted by state law. Section 1806(c) goes on to state that the PRHB shall decide on the timeline and procedures for the subsequent notification of the former Tenant of the return of the Rental Unit to market.

Finally, Section 1806(d) provides that within 180 days of the first meeting of the PRHB, the PRHB shall adopt regulations, in the manner specified in Government Code Section 7060.5, that implement all of the provisions set forth in the Ellis Act. As has been previously discussed with the PRHB, despite the mandated obligation in Section 1806(d) for the PRHB to adopt regulations implementing the protections in the Ellis Act, the Ellis Act requires that any regulations adopted to implement such protections be adopted by an elected body, which the PRHB is not. Since the

City Council is the only elected body with jurisdiction over rental units in the City of Pasadena, any regulations to implement the Ellis Act protections must be adopted by the City Council.

The State Ellis Act

The state Ellis Act (Government Code sections 7060 – 7060.7) allows cities with rent stabilization to adopt regulations that provide tenants with a first right to return to a unit that is withdrawn from the rental market if that unit is returned to the market. Additionally, it provides additional notice for tenants subject to eviction due to withdrawal of the unit from the market.

A First Right of Return benefit essentially requires that a tenant, whose tenancy was terminated based on a qualifying just cause, be offered the first opportunity to re-rent the same rental unit if and when the rental unit is again offered for rent or lease.

Three Components of a First Right of Return

Under the Ellis Act, the First Right of Return is slightly more complicated. There are three principal components of a First Right of Return benefit under the Ellis Act. First, for how long the tenant has a First Right of Return. The Ellis Act states that a First Right of Return may not exceed 10 years.¹ However, cities may provide for a shorter period during which the First Right of Return would apply. For instance, a city could create a First Right of Return for tenants that lasts 5 years from the termination of tenancy but could not create a First Right of Return that lasts for 12 years from the termination.

Second, the First Right of Return may identify the terms of the renewed tenancy, potentially including the amount of monthly rent. The Ellis Act provides for limited vacancy control: for up to 5 years from the qualifying termination of tenancy, the accommodations shall be offered and rented or leased at the lawful rent in effect when the notice was delivered, plus annual adjustments.² Accordingly, if a tenancy was terminated in 2025 and the tenant exercised a First Right of Return in 2030, the vacancy control provision of a First Right of Return could define the monthly rent of the renewed tenancy to equal the monthly rent paid in 2025, plus any annual general adjustments between 2025 and 2030. A city may set a shorter term during which the vacancy control provision of a First Right of Return applies, but it may not apply vacancy control under the First Right of Return for longer than 5 years. This means that if a city has adopted a First Right of Return period longer than 5 years, the tenant would still have the First Right to Return if the unit is returned to the market in years 6-10. but the landlord would have unlimited discretion to set the rent to which the tenant would return.

Third, the First Right of Return may authorize a tenant to seek actual and exemplary damages from a landlord who withdraws a unit from the rental market but then re-rents the unit within two years. The ability to seek actual and exemplary damages could apply regardless of the First Right of Return, to discourage landlords from withdrawing units from the rental market and then returning the units to the rental market within two years. Alternatively, actual and exemplary damages could be made available only to tenants whose First Right of Return was violated. For instance, if a landlord terminated a tenancy in December 2025 to withdraw a property from the rental market, but then returned a unit to the rental market in 2026, the former tenant could be authorized to seek actual and exemplary damages. A city could provide for a shorter actual and

¹ Gov. Code § 7060.2(c).

² Gov. Code § 7060.2(a).

exemplary damage period, but the period may not exceed two years from withdrawal from the rental market. The maximum periods for each of the three components of a First Right of Return are provided in the graphic below.

Maximum Terms of First Right of Return Benefit Components under the Ellis Act

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Period Actual & Exemplary Damages									
Period of Vacancy Control									
Period of the First Right of Return >									

Accordingly, the policy questions discussed in the Analysis section refer to the three components of the First Right of Return benefits in accordance with the Ellis Act. The PRHB may recommend the appropriate policies for consideration by the City Council.

ANALYSIS

Because the PRHB is not authorized to adopt the regulations that would implement the Ellis Act protections, the PRHB can make recommendations to the City Council for the City Council to adopt such regulations, either by resolution or ordinance. It should be noted that Article XVIII of the Charter states that the PRHB "shall adopt regulations, in the manner specified by California Government Code Section 7060.5, that implement **all of the provisions** set forth in California Government Code Section 7060 et seq." (Section 1806(d), emphasis added). Although this language only obligates the PRHB which is not empowered under state law to take the required actions, it does evidence the intent of the voters in adopting Article XVIII. However, in developing a recommendation to the City Council, the PRHB may want to consider the following:

For how long should a tenant have a First Right of Return?

Article XVIII provides for a First Right of Return without identifying its duration. The Regulations adopted by the PRHB regarding the First Right of Return in the event of an owner move in eviction grant the tenant a First Right of Return if the unit is ever returned to the rental market, meaning there is no time limitation on the First Right of Return. The Ellis Act prohibits an unlimited First Right of Return but does allow a First Right of Return for up to 10 years.

For how long should a tenant have a First Right of Return, including the same monthly rental payment (plus annual general adjustments)?

Article XVIII states that the "rent for a Rental Unit shall be the Rent lawfully paid by the Tenant at the time the Landlord gave notice of termination based upon Subsections (a)(8)(11) herein to the maximum extent permitted by state law. Thus, Article XVIII mandates that the First Right of Return include the ability to renew a tenancy under the same monthly rental amount as when the tenancy was terminated, augmented by any annual general adjustments in accordance with the Ellis Act. The PRHB may identify for how long a tenant should be able to renew a tenancy

including the previous monthly rent plus any annual general adjustments. The Ellis Act authorizes this limited form of vacancy control to be provided to tenants for up to 5 years.

For how long and under what circumstances should a tenant have the ability to seek actual and exemplary damages?

The Ellis Act allows for actual and exemplary damages to be sought by tenants if a rental unit is re-rented within two years. Actual and exemplary damages could be authorized either (a) if the landlord re-rents the unit to any tenant, or (b) if the landlord fails to provide the former tenant with a First Right of Return. Authorizing actual and exemplary damages if a unit is re-rented to any tenant within two years would encourage landlords to carefully scrutinize the value of withdrawing the unit from the rental market. Authorizing actual and exemplary damages if a landlord fails to provide the former tenant with a First Right of Return would not necessarily discourage frivolous terminations of tenancy but would create a self-enforcing mechanism to encourage compliance with the First Right of Return required under Article XVIII. Likewise, the re-rental period during which actual and exemplary damages may apply could be less than the 2-year period authorized by the Ellis Act.

Application of Article XVIII to Rental Units Rebuilt after Withdrawal

The Ellis Act also provides that a City can require that if rental units are withdrawn from the rental market in order to demolish the Rental Units and new rental units are built on the property, those newly rebuilt units can be subjected to Article XVIII with the initial rent to be based on the reasonable fair rate of return for the newly constructed units. This provision would allow newly built units replacing existing rent stabilized units to be subject to rent stabilization despite the fact that currently, pursuant to Costa Hawkins, units constructed after February 1, 1995, are not subject to local rent stabilization. In order for this provision to be applicable in Pasadena, the City Council would need to include it in any adopted Ellis Act regulations.

Noticing Periods for Tenant Termination for Withdrawal of Units

In addition to the First Right of Return, the Ellis Act also allows extended noticing for tenants subject to an eviction due to withdrawal of the unit from then rental market but only if the Ellis Act regulations require that a notice be recorded against the property that includes the information in the notice of termination redacted to remove confidential information such as the tenants name. If the termination notice information is required to be recorded, then the notice period for all tenants is 120 days. If the tenant is a senior (62 or older) or disabled, the notice period can be extended to one year if the tenant eligible for the extension notifies the landlord of their status within 60 days of receipt of the notice of termination. Article XVIII originally includes at Section 1806(a)(10) a requirement that all tenants receive a 180-day notice and that tenants defined as seniors or disabled receive a one-year notice. However, the 180-day notice was found by the Superior Court to conflict with the Ellis Act and was removed when the judge reformed Article XVIII. Thus, currently there is no provision to provide 120 days' notice to all tenants subject to an Ellis Act eviction but there is a one-year notice requirement for those tenants who meet the definition of senior or disabled. However, Article XVIII does not include the requirements regarding recording the notice of termination information so in order to ensure that tenants receive these protections, any City Council adopted regulations, resolution or ordinance should include those requirements.

FISCAL IMPACT:

Consideration of recommendations regarding Ellis Act recommendations to the City Council is not anticipated to have an impact on the budget of the Pasadena Rental Housing Board or the Rent Stabilization Department.



RENT STABILIZATION DEPARTMENT

November 21, 2024

TO: Pasadena Rental Housing Board

FROM: Karen M. Tiedemann, Goldfarb & Lipman LLP,
Counsel to the Board
Nazanin Salehi, Goldfarb & Lipman LLP, Counsel to the Board

**SUBJECT: Proposed Resolution Requesting City Council to Adopt
Ellis Act Tenant Protections**

RECOMMENDATION: It is recommended that the Pasadena Rental Housing Board approve the following:

1. Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (common sense exemption); and
2. Adopt a resolution, requesting that the City Council Adopt regulations, by ordinance or by resolution, implementing the Ellis Act (Government Code Section 7060 et. seq.)

BACKGROUND AND DISCUSSION:

On November 8, 2022, the voters of the City of Pasadena (the "City") voted to adopt Measure H ("Article XVIII"), which amended the City's Charter to impose rent control and just cause eviction protections. The Pasadena City Council ("City Council") adopted a resolution certifying the results of the November 8, 2022, election on December 12, 2022, and Article XVIII was thereafter filed with the California Secretary of State and took effect on December 22, 2022.

Article XVIII includes at Section 1806(a)(10) as a just cause for eviction withdrawal of a Rental Unit permanently from the rental market in accordance with Government Code section 7060. Government Code Section 7060 et seq., commonly referred to as the "Ellis Act," requires that landlords must be allowed to go out of the rental business. In order to use the Ellis Act as a basis for an eviction, the landlord must withdraw all of the rental units on the property from the market.

Section 1806(a)(10) also provides that tenants subject to an Ellis Act eviction are entitled to a minimum of 120 days' notice or one year if the tenant is a senior or disabled. (It should be noted that Section 1806(a)(10) originally provided a minimum of 180 days' notice but that was found to be preempted by State law and removed by the Superior Court. The amendments to Article XVIII submitted to the voters on the November 5, 2024, ballot revised this section to add the 120-day

notice period allowed by State law. It appears at the time of this report that the Amendments to Article XVIII will pass.)

Article XVIII also provides that tenants subject to eviction as a result of the withdrawal of the unit from the rental market have a first right of refusal to return to the Rental Unit if the Rental Unit is returned to the market by the landlord to the maximum extent permitted by state law and that rent for the Rental Unit upon return shall be the rent lawfully paid by the Tenant at the time the Landlord gave notice of termination of tenancy to the maximum extent permitted by state law. Section 1806(c) goes on to state that the PRHB shall decide on the timeline and procedures for the subsequent notification of the former Tenant of the return of the Rental Unit to market.

Finally, Section 1806(d) provides that within 180 days of the first meeting of the PRHB, the PRHB shall adopt regulations, in the manner specified in Government Code Section 7060.5, that implement all of the provisions set forth in the Ellis Act. As has been previously discussed with the PRHB, despite the mandated obligation in Section 1806(d) for the PRHB to adopt regulations implementing the protections in the Ellis Act, the Ellis Act requires that any regulations adopted to implement such protections be adopted by an elected body, which the PRHB is not. Since the City Council is the only elected body with jurisdiction over rental units in the City of Pasadena, any regulations to implement the Ellis Act tenant protections must be adopted by the City Council.

The PRHB held a study session on the Ellis Act and the options for adoption of tenant protections in the event of an Ellis Act eviction at its meeting on November 7, 2024, and discussed which protections should be recommended to the City Council.

Ellis Act Protections

The Ellis Act provides three primary areas of tenant protections that jurisdictions with rent stabilization can implement:

1. A right for the displaced tenant to return to the rental unit if the unit is returned to the rental market within 10 years of the withdrawal of the unit from the market.
2. Vacancy decontrol for units that are returned to the rental market within 5 years after withdrawal – meaning that if the displaced tenant returns to the rental unit, the displaced tenant's rent is the rent charged prior to the withdrawal plus any allowed annual general adjustments.
3. The right of the tenant or the City to recover damages. If the rental unit is returned to the rental market within two years of withdrawal the tenant could bring an action to recover actual and exemplary damages. In addition, if the property is returned to the market within 10 years and a tenant who has requested notice of the right to return is not given notice of the right of return, the tenant may be eligible for punitive damages in an amount not to exceed six months rent.

In addition to the above protections, the Ellis Act provides that if the withdrawn rental units are demolished and new rental units are constructed within five years of the withdrawal, the new rental units shall be subject to the local rent stabilization program notwithstanding the provisions of Costa Hawkins that makes such unit exempt from local rent stabilization.

The language in Section 1806(d) evidences an intent on the part of the voters that all available Ellis Act tenant protections be adopted in Pasadena, although the process proscribed in Article XVIII does not comport with State law. The Board at the November 7, 2024, meeting also expressed a preference that all available protections be adopted.

Staff has prepared a resolution of the PRHB to be forwarded to the City Council requesting that the City Council adopt all available protections under the Ellis Act to be implemented by the Pasadena Rent Stabilization Department.

FISCAL IMPACT:

Consideration of recommendations regarding Ellis Act to the City Council is not anticipated to have an impact on the budget of the Pasadena Rental Housing Board or the Rent Stabilization Department. In the event the City Council adopts the requested regulations, the Rent Stabilization Department's implementation of those regulations may have an impact on the budget, but that impact cannot be determined until the Rent Stabilization Department can determine the number of Ellis Act evictions that occur each year.

ATTACHMENTS

Attachment A: - Resolution of the Pasadena Rental Housing Board requesting that the City Council of the City of Pasadena adopted regulations either by resolution or ordinance adopting all available tenant protections under the Ellis Act.

Attachment B – Ellis Act Study Session staff report- November 7, 2024

**PASADENA
RENTAL HOUSING BOARD
RESOLUTION NO. RHB-2024-23**

A RESOLUTION OF THE PASADENA RENTAL HOUSING BOARD RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF PASADENA THAT THE CITY COUNCIL ADOPT, EITHER BY RESOLUTION OR ORDINANCE, REGULATIONS IMPLEMENTING ALL AVAILABLE TENANT PROTECTIONS PROVIDED IN THE ELLIS ACT (GOVERNMENT CODE SECTION 7060 ET SEQ.)

WHEREAS, the Pasadena Fair and Equitable Charter Amendment ("Article XVIII") went into effect on December 22, 2022, and the Rental Housing Board ("Board") was appointed on April 19, 2023; and

WHEREAS, Article XVIII, Section 1806(a)(10) lists the withdrawal of rental units from the rental market as a just cause for eviction to the extent required pursuant to Government Code Section 7060 et seq. (the "Ellis Act"); and

WHEREAS, Article XVIII, Section 1806(d) provides that the Board shall adopt, in the manner specified in California Government Code Section 7060.5, regulations that implement all of the provisions set forth in the Ellis Act and that such regulations shall be updated from time to time to ensure consistency with the Ellis Act and to ensure the maximum protections authorized by law are afforded to tenants of rental units; and

WHEREAS, the Ellis Act authorizes jurisdictions with rent stabilization to adopt by ordinance or statute or by regulation, if such regulations are adopted by an elected body, certain protections for tenants subject to evictions pursuant to the Ellis Act; and

WHEREAS, the Board is not authorized to adopt ordinances and is not an elected body so, pursuant to California Government Code Section 7060.5, is not authorized to adopt the regulations necessary to implement the protections provided in the Ellis Act for tenants subject to an Ellis Act eviction despite the requirement to adopt such regulations set forth in Article XVIII, Section 1806(d); and

WHEREAS, the Board at its meetings on November 7, 2024 and November 21, 2024, discussed the Ellis Act tenant protections and received comments from the public.

NOW, THEREFORE, BE IT RESOLVED by the Pasadena Rental Housing Board that the Board recommends that the City Council of the City of Pasadena adopt by resolution or ordinance, regulations that implement all tenant protections allowed in California Government Code Section 7060 et seq. for tenants whose tenancies are terminated because the landlord is withdrawing the rental unit from the rental market, including but not limited to;

1. A right for the displaced tenant to return to the rental unit if the rental unit is returned to the rental market within 10 years of the withdrawal of the rental unit from the market;

2. A right for a displaced tenant to return to any rental unit that is returned to the rental market within five years at the rent paid by the tenant prior to the withdrawal plus any allowed annual general adjustments;

3. The right of the tenant or the City to recover damages including, if the rental unit is returned to the rental market within two years of withdrawal, the right to recover actual and exemplary damages and the right to recover an amount not to exceed six months' rent if the rental unit is returned to the rental market within ten years and is not offered to the displaced tenant who has requested notification of the right to return; and

4. The requirement that if rental units withdrawn from the rental market are demolished and new rental units constructed within five years of the withdrawal, the new rental units will be subject to Article XVIII.

The foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the Rental Housing Board of the City of Pasadena, duly held on the 21st day of November 2024, by the following vote:

AYES: Board Member Dunlop, Gonzalez, Henry, Pitts, Chavez, Siegel, Santiago, Torres, Vice Chair Lamar, Chair Bell

NOES: None


ABSENT: None

ATTEST: None



RYAN J. BELL
CHAIR, RENTAL HOUSING BOARD

APPROVED AS TO FORM:


ALLYSA MARTINEZ
DEPUTY CITY ATTORNEY

McMillan, Acquanette (Netta)

From: Sean Wakasa
Sent: Saturday, March 15, 2025 6:15 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council,

I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because I have seen first-hand how dependent the community is on free water, food, and clothes. In my two months volunteering with the Pasadena Job Center to distribute donated clothes, food, and water, over 12,000 volunteers helped distribute these donations to 46,000 families. I saw countless donation beneficiaries come on foot or public transit to the job center's distribution and decide how much water/produce/diapers they could physically carry on the trek home. These beneficiaries, many of them renters, need protections from evictions while they recover from the fire and begin the long process of rebuilding their lives.

As eviction due to non-payment of rent is one of the most common ways people become houseless, **I urge city council to vote YES on item 19** to prevent further houselessness in the aftermath of the Eaton fires.

Best,
Sean Wakasa

McMillan, Acquanette (Netta)

From: Teresa Valenza
Sent: Sunday, March 16, 2025 12:11 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council,

I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th meeting agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because people who were victims of natural disasters didn't just lose their homes - they lost the financial ability to pick themselves back up and get back into a new place as well. Item 19 should be seen as an obvious extension of the emergency help we gave during the fires themselves.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, **I urge city council to vote YES on item 17 and 19** to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Best,
Teresa

--



TERESA VALENZA | ACTOR~DANCER~WRITER
| SAG~AFTRA | EMC
| **website:** <https://resumes.actorsaccess.com/teresavalenza>



McMillan, Acquanette (Netta)

From: David Arcia
Sent: Sunday, March 16, 2025 1:30 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council,

I am a constituent of Pasadena city district 3 and I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th meeting agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because victims of the fire need to rebuild their lives without fear of landlords or evictions. It is critical to provide as much support as possible to them during this vulnerable time.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, **I urge city council to vote YES on item 17 and 19** to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Best,
David Arcia

McMillan, Acquanette (Netta)

From: Austin Kahn
Sent: Sunday, March 16, 2025 11:41 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council.

I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th meeting agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants. My family's house burned down in the fire. I experienced forced displacement first hand for the first time in my life this past January. It is horribly destabilizing. I know and care about many people in Pasadena whose family economies are dependent on the work in they do in areas that were impacted by the fires. They are really struggling to make ends meet in this new post-fire reality. The fire already did so much to displace those whose housing was destroyed (like the case of my family). I think these are small, but important steps that Pasadena can take to ensure that even more people who were negatively impacted by the fires do not lose their housing as a result of the additional economic precarity it produced.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, **I urge city council to vote YES on item 17 and 19** to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Best,
Austin Kahn

McMillan, Acquanette (Netta)

From: Stephanie Bower <
Sent: Monday, March 17, 2025 9:34 AM
To: PublicComment-AutoResponse
Subject: please vote YES on Pasadena Tenant Protections

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Dear City Council:
Homelessness is already a big problem in Pasadena. Let's not add to the disaster and pile more tragedy onto those already devastated by the Eaton fires. I urge you to vote YES on Items 17 and 19 for the good of all Pasadena.

Sincerely,
Stephanie Bower

McMillan, Acquanette (Netta)

From: maria
Sent: Monday, March 17, 2025 12:27 PM
To: PublicComment-AutoResponse
Cc: Hampton, Tyron; Cole, Rick; Jones, Justin; Masuda, Gene; Rivas, Jessica; Madison, Steve; Lyon, Jason; Gordo, Victor
Subject: Urgent: Vote YES to Protect Renters in Pasadena

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Dear Mayor Gordo and City Council Members,

As a resident of Pasadena's District 5, I am reaching out to express my strong support for items **17** and **19** on the agenda for the March 17th City Council meeting. These items represent a crucial step in providing tenant protections, especially for those whose livelihoods have been affected by the Eaton fires.

While I fully support the efforts outlined in item 19, I also urge you to consider moving the protection period to begin on January 1st, rather than February 1st. Many tenants pay rent at different times depending on their lease terms, and some renters may have already been displaced due to fire damage, power outages, or unsafe living conditions starting on January 8th. Without retroactive protections, these tenants might have already spent money on temporary shelter, food, or transportation, making it even harder to pay rent before the protection period starts.

Eviction due to non-payment of rent is one of the leading causes of homelessness, and these ordinances can help prevent further displacement in our community, particularly for those whose livelihoods have been disrupted by the fires.

I am confident that by ensuring proper outreach and considering retroactive protections, Pasadena can provide a lifeline to those most in need and prevent further harm to our community in the aftermath of this disaster. We have all directly and indirectly experienced this trauma and are still healing.

Thank you for your attention to this urgent matter. I look forward to your leadership in ensuring that no one is left behind in receiving these critical tenant protections.

I urge you to vote **YES** to safeguard renters in our community!

--

With gratitude,

María G. Castellón (she/her/ella)

McMillan, Acquanette (Netta)

From: Kelly Landaverde
Sent: Monday, March 17, 2025 12:26 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council,

I am a constituent of Los Angeles City District, District 11, and I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th meeting agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because I personally witnessed the devastation and despair of Pasadena residents while volunteering at the Pasadena Job Center. I saw countless families with children come in to receive aid and it was a heart-wrenching experience to see so many young children living during such an uncertain time. As a public health graduate, I cannot begin to imagine the lifelong health and developmental impacts these children will experience as a consequence of such a traumatic event. Coupling the loss of a home and their belongings, with eviction, is heartless and will have impacts on these children for generations to come.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, **I urge city council to vote YES on item 17 and 19** to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Best,
Kelly Landaverde

McMillan, Acquanette (Netta)

From: Gloria Newton
Sent: Monday, March 17, 2025 1:44 PM
To: PublicComment-AutoResponse
Subject: March 17 2025 Agenda: Support Eviction Protections (Items 17 and 19)

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Dear Mayor and City Council,

I'm writing today in support of the eviction protection measures that are being presented to you today. As a homeowner, I do not have the stress of housing insecurity that many renters do. Therefore, I feel it is my responsibility to speak up for those who may be afraid to do so.

It is an unfortunate fact that I'm used to seeing people standing next to freeway off ramps holding signs asking for money. What I'm **not** used to seeing is mothers and fathers with children sitting next to off ramps or the driveway into Ralph's grocery store parking lot doing the same. It's possible that these families lost their homes during the fires, but it's also possible that they have been evicted for dubious reasons so that the landlord can raise rents, since this is only allowed between tenancies. What is clear is that there are families in desperate situations. That's why we need to have eviction protections during this time of especially acute housing needs.

I don't want to get used to seeing families begging for handouts. We need to do everything we can to stop this from becoming the new normal. Please adopt measures that will protect our renter households and prevent further displacement, distress, and homelessness, especially in the aftermath of the Eaton Fire.

Thank you for addressing these matters, and for all your concern and work on behalf of Pasadena's vulnerable citizens.

Best regards,
Gloria Newton
District 5

"Start where you are.
Use what you have.
Do what you can."
--Arthur Ashe

Iraheta, Alba

From: Dan Huynh
Sent: Monday, March 17, 2025 3:45 PM
To: PublicComment-AutoResponse
Subject: City Council Agenda Item 17 and 19

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Dear mayor and council members,

Thank you for the leadership you have shown during the last few months as our community starts the process of recovery after the LA County fires. It has been an unprecedented few months therefore, I am writing to strongly urge you to **adopt the Rent Board's recommendation to pass an ordinance adopting ALL protections for tenants under the Ellis Act**. Tenants who have lost or are in danger of losing their homes due to their landlords withdrawing the rental units from the market need a local Pasadena ordinance on their side. **Keeping our community members housed requires an ordinance with strong language that provides for:**

- **first right of refusal if the landlord re-rents the unit within 2, 5, and 10 years**
- **punitive damages if the landlord re-rents without notifying previous tenants within these timelines.**

Lastly, I ask that you **urgently vote YES on PTU's recommendations to support tenants who have lost income** due to the disastrous fires across LA County. Now is the time for us to expand definitions of eligibility and include as many tenants as we can to stem the rise in homelessness in our city.

Sincerely,
Dan
District 1

Iraheta, Alba

From: Bin Lee
Sent: Monday, March 17, 2025 3:54 PM
To: PublicComment-AutoResponse; Hampton, Tyron
Subject: Agenda items 17 & 19 SUPPORT

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Dear city council,

I support recommendations from Rental Board for #17 and recommendations for #19 from PTU. These will help keep Pasadenans in Pasadena.

Please support these recommendations.

Thanks,
Bin Lee
District 1 homeowner

3/17/2025
Item 17 & 19

McMillan, Acquanette (Netta)

From: Rashna D
Sent: Monday, March 17, 2025 4:08 PM
To: Rivas, Jessica; PublicComment-AutoResponse
Subject: Public Comment for 3/17/25 City Council Meeting - Agenda Items 17 & 19

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To City Council,

Many tenants are still suffering from the impact of the fires and as a member of our community I strongly feel the city council members listen to and pass all the recommendations made by the Rental Housing Board and the Pasadena Tenants Union.

For Item 17: I urge you to adopt the Rental Housing Board's recommendations as follows:

- Adopt the Rental Housing Board's recommendation to pass an ordinance adopting all available tenant protections provided under the Ellis Act.
- Article XVIII expresses the intent that all the available protections under the Ellis Act be adopted.
- Many other cities with rent control have done the same and adopted all available protections and this is a common sense measure. Pasadena should be leading the way in LA County for tenant protections.

For Item 19: Pass the eviction protection ordinance with all the improvements recommended by the Pasadena Tenants Union as follows:

- Change the ordinance to apply to those impacted by any of the fires in LA County. Currently the ordinance only protects those directly impacted by the Eaton Fire, but many Pasadena tenants work in areas impacted by the other fires in the county.
- Change the "Protection Time Period" to begin January 8, 2025 instead of February 1, 2025. Many tenants do not necessarily owe rent on the 1st of the month and began losing income as soon as the evacuation orders took effect.
- Add a lower loss of income threshold for rent-burdened tenants. Amend the definition of "Financial Impact" to qualify rent burdened tenants (those who pay more than 30% of their income to rent, as per the US Department of Housing and Urban Development's definition) who have lost at least five percent 5% of their average monthly household income. For rent burdened tenants living paycheck to paycheck, a 10% loss of income is huge, and many would not make rent with even a 5% loss in income.
- Extend the timeframe within which tenants must self-certify their eligibility to the landlord for rent due February and March to fourteen 14 days. Currently the ordinance requires tenants to self-certify to their landlord within 7 days after the ordinance goes into effect.

unreasonable to expect that all tenants in the city would be made aware of this ordinance in that timeframe, especially if they are still displaced or dealing with the chaos and stress of this disaster.

In addition to the proposed ordinance (with the amendments recommended here), we need:

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- a general moratorium on all no-fault evictions
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- a moratorium on evictions due to non-payment of rent for those financially impacted due to an increase in costs
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-
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- an extension to 365 days of the protection for sheltering other victims and pets
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-
-
- increased enforcement of rental regulations
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-
-
- increased outreach to inform tenants of their rights and landlords of their obligations
-
-

To protect all tenants in our city and not make the homelessness and housing crisis worse these recommendations and ordinances are extremely important for the city council to pass. Renters are the most vulnerable members of our community who should be prioritized in protecting.

Thank You,

Rashna D.


District 5 Resident

McMillan, Acquanette (Netta)

From: Vikki Randall
Sent: Monday, March 17, 2025 4:15 PM
To: PublicComment-AutoResponse
Subject: Rent

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Dear Council Member

I am a member of Pasadena Mennonite Church and former pastor of First Presbyterian Altadena. I have worked on and off with the unhoused in Pasadena the last 10 years. I am writing to urge you to vote YES on item 17 and item 19 of City Council's March 17th meeting agenda, which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because we have many friends who have lost their homes and are relying on rental properties for safety, security and health. I have heard from many the difficulties they are having. I am deeply saddened by this reality yet know that this measure could help many of them with their current rental situations.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, I urge city council to vote YES on item 17 and 19 to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Respectfully,
Pastor Vikki Randall

Sent from my iPhone

McMillan, Acquanette (Netta)

From: Melanie D'Andrea
Sent: Monday, March 17, 2025 4:15 PM
To: PublicComment-AutoResponse
Subject: Vote YES on Pasadena Tenant Protections

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Dear City Council,

I am a constituent of Pasadena city district [your district] and I am writing to urge you to **vote YES on item 17 and item 19** of City Council's March 17th meeting agenda which would provide tenant protections to Pasadena residents, especially those whose income was affected by the Eaton fires.

I am fully supportive of item 19, Affirmative Defense Against Eviction for Fire-Affected Tenants, because of the unprecedented toll economically to our city. We are still understanding how much job loss and the income loss of our community and small businesses.

As eviction due to non-payment of rent is one of the most common ways people become unhoused, **I urge city council to vote YES on item 17 and 19** to prevent more people from becoming unhoused in the aftermath of the Eaton fires.

Best,
Melanie D'Andrea

MeD'A | Melanie D'Andrea *they/them*
Director | Creative Producer | Writer
Founder // kóh'lectiv
melaniedandrea.com



McMillan, Acquanette (Netta)

From: David Baer <David.Baer@pasadena.net>
Sent: Monday, March 17, 2025 4:17 PM
To: PublicComment-AutoResponse
Subject: Eviction moratorium

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Dear Pasadena City Council,

I attend Pasadena Mennonite Church and personally know people negatively affected by the Eaton Fire. I am asking you to vote YES on item 17 and item 19 of March 17th's City Council agenda.

Sincerely,

David Baer

McMillan, Acquanette (Netta)

From: Enji Chung
Sent: Monday, March 17, 2025 4:17 PM
To: PublicComment-AutoResponse
Subject: Pass and Adopt Item 17 & 19

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I am writing to urge passage of Items 17 and 19. I am a resident of Bowen Court and a representative of Fire Poppy Project.

We urge passage of Item 17, which would implement all tenant protections under the Ellis Act. Already other cities have passed rent control and adopted the same protections. Article XVIII expresses the intent that all the available protections under the Ellis Act be adopted.

As for Item 19, we urge you to make the changes proposed by the Pasadena Tenants Union of which I am a member, and vote YES on the ordinance to ensure an affirmative defense to eviction for folks who have lost income due to the fire and can't pay their rent! These changes include changing "Eaton Fire" to "LA County Wildfires"; changing the "Protection Time Period" to being January 8, 2025; and adding a lower loss of income threshold for rent-burdened tenants. This is common sense legislation and the bare minimum protection that every city should already have. I have been displaced by the fires and struggled to have my landlord take any responsibility for their share of the structure and now this landlord is rent gouging.

Please ensure the bare minimum protections for people.

Warmly,
Enji Chung
enjichung@protonmail.com

I acknowledge and honor the Tataviam, Chumash, Tongva, and all the original Indigenous Peoples of the land upon which we stand on.

Sent with [Proton Mail](#) secure email.

McMillan, Acquanette (Netta)

From: Darlene Jones <
Sent: Monday, March 17, 2025 4:35 PM
To: PublicComment-AutoResponse
Subject: For your consideration

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To the City Council / Rent Board Members,

ITEM 17: Adopt the Rent Board's recommendation to adopt an ordinance to implement all tenant protections allowed under the Ellis Act.

I strongly support adopting the Rent Board's recommendation to implement all available tenant protections under the Ellis Act.

The Ellis Act is a California state law that allows landlords to withdraw rental properties from the rental market, typically when they wish to sell or convert the property to another use. However, it also includes protections for tenants facing eviction as a result of this action. Specifically, the law requires landlords to offer relocation assistance to displaced tenants and grants tenants the right to return if the property is re-rented within five years.

Article XVIII expresses the intent that all the protections under the Ellis Act be adopted, ensuring that tenants who are displaced have the support and protection they need during such a transition. Many cities with rent control have already adopted the full scope of the protections available under the Ellis Act, recognizing the importance of these safeguards for vulnerable renters. For instance, slides 16-20 in the slide deck provide evidence of other cities that have adopted these protections, and it is high time we follow suit. By fully implementing the Ellis Act protections, we will better safeguard our community's most vulnerable tenants and help maintain housing stability.

ITEM 19: Make the changes recommended by PTU and vote YES on the ordinance to create an affirmative defense to eviction for folks who have lost income due to the fire and can't pay their rent!

I urge you to vote YES on this ordinance and make the recommended changes by PTU to provide an affirmative defense to eviction for tenants who have lost income due to the recent fire and are struggling to pay rent. Specifically, I propose:

- Change "Eaton Fire" to "LA County Wildfires" to reflect the broader scope of the disaster.

- Modify the "Protection Time Period" to start from January 8, 2025.
- Add a lower loss of income threshold for rent-burdened tenants, recognizing the disproportionate hardship faced by these residents.

This ordinance mirrors what the County Board of Supervisors has already enacted, and it's simply common sense to extend these protections to our residents. Many of us have lost income and are struggling to make ends meet, especially when facing the additional burden of rent.

I would also like to share that this ordinance is not only practical but compassionate, helping to prevent evictions during a time of crisis. The proposed changes are fair and necessary.

I personally represent persons that have been impacted by these events, having lost income due to the fires and now facing the threat of eviction. This situation has been incredibly challenging, and like many others. They are struggling to pay rent. Any help and protection offered by these ordinances will make a significant difference in helping tenants stay housed during this difficult time.

Thank you for your consideration.

Darlene Jones

McMillan, Acquanelle (Netta)

From:
Sent: Monday, March 17, 2025 4:36 PM
To: PublicComment-AutoResponse
Subject: Item #19, Eviction Protection

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Dear Mayor and City Council members,

We at Making Housing and Community Happen support Item #19, the Eviction Protection crafted by Pasadena, but we feel it needs a "friendly amendment" that reflects the resolution of the LA County Board of Supervisors, approved on Jan. 21. This resolution prevents the eviction of tenants in unincorporated areas of Los Angeles County who have taken in displaced individuals or pets. Under the measure, landlords cannot evict tenants solely for housing unauthorized occupants or animals affected by the disaster. This provision offers an affirmative defense for tenants facing eviction proceedings. This provision was for six months, ending on May 31. We feel that Pasadena's ordinance should also prevent the eviction of tenants who have taken in displaced individuals or pets, till the end of 2025.

Anthony Manousos
Co-founder of Making Housing and Community Happen

McMillan, Acquanette (Netta)

From: Bert Newton
Sent: Monday, March 17, 2025 1:36 PM
To: PublicComment-AutoResponse
Subject: item 17, eviction protection

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Dear Mayor and City Council,

My wife and I know of an asylum-seeking family that was turned out of their rental unit a few years ago because the landlord said that they were taking it off the market only to put it back on the market a short time later. So we know these things happen in Pasadena.

I'm now hearing reports from service agencies of undocumented households whose tenancies are being terminated for dubious reasons.

The rental market is flooded with displaced people looking for units to rent, so rents are already starting to rise. In late February, the *Washington Post* was reporting that rents had already risen 20%, with rents in some neighborhoods closer to the burned areas more than doubling. The increase in rents gives incentive to landlords whose units are subject to rent control to find a way to evict tenants so that they can raise rents.

While some of those rent increases are illegal (not all, it depends on the situation), even the 10% increase allowed by law after an eviction will incentivize landlords to find a way to evict tenants from units covered by Pasadena rent control because 10% is much higher than the 3% allowed under rent control.

After the fires in Maui in 2023, rents rose 50% for those who lived or worked in the burn zones after the fires. Rent increases were even higher for fire-impacted families renting homes with three bedrooms or more, who saw increases of up to 80% or more. On the whole island of Maui, rents rose 20%-30%, and homelessness doubled in the State of Hawaii.

The Legal Aid Society of Hawaii reported that in the first seven months after the fire, the number of Maui residents who sought help with evictions grew by 50% compared with the seven months before the fire.

The Maui Tenants and Workers Association said they received scores of calls from tenants whose landlords were using loopholes to raise rents or force them out and charge more to the next tenants.

All this happened despite the governor of Hawaii taking steps to halt rent increases and evictions because there were too many loopholes, one of the big ones being that landlords could raise the rent as high as the heated market would allow after an eviction.

So we need eviction protections!

3/17/2025
Item 17

In addition to calling for a rent freeze and eviction moratorium, I ask that you recommend to the city council that it goes on record in support of AB 246, a rent freeze for L.A. County that will halt any rent increases.

--

Rev. Bert Newton

Making Housing and Community Happen

My Podcast

"Blessed are the poor, for they will inherit the land." Matthew 5:5 EWN Translation

McMillan, Acquanette (Netta)

From: simon
Sent: Monday, March 17, 2025 3:33 PM
To: PublicComment-AutoResponse
Subject: Item 17 - oppose

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Members of the City Council

The proposal made by the Pasadena Rent Control Board in item 17 is excessive and unreasonable for several reasons:

- It is designed to extract punitive damages from small-scale owners who are forced to change their plans within two years
- It implements vacancy control by stealth for up to five years, even though the residents of Pasadena voted against Prop 33 in November by a considerable margin
- It creates an unfair burden for property owners to track former tenants for ten years, when even the IRS only requires records be kept for seven years.

Even worse, this proposal blocks the redevelopment of ageing housing stock in Pasadena, by placing unreasonable burdens on replacement construction. We have seen the dire impact of the Rent Board's previous overreach on the sale of affordable apartments by owners who can no longer do business here. This latest attempt to override the vote on Prop 33 will only exacerbate the situation.

Finally, the recommendation is alleged to have come from meetings on November 7th and 21st. There's no evidence about the meeting on November 21 because the minutes have STILL not been published. The Rent Board fails to follow basic principles of good governance, and you should treat their claims with caution.

Please advise your staff to investigate closely the damage that is being done to rental housing in Pasadena, and to consider how stealth vacancy control will make things worse.

Simon Gibbons (he, him)
Finance Officer
BT Shepherd LLC

Pasadena CA 91107

McMillan, Acquanette (Netta)

From: Blake Boyd
Sent: Monday, March 17, 2025 4:41 PM
To: PublicComment-AutoResponse; Masuda, Gene; Lyon, Jason; Rivas, Jessica; Cole, Rick; Hampton, Tyron; Madison, Steve; Gordo, Victor; Jones, Justin
Subject: OPPOSE Item 17

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Dear Council Members:

I strongly urge you to oppose the continued advances by the PRHB to do an end run around the Ellis Act.

While supporting Prop 10 in 2018, Prop 21 in 2020 and Measure H in 2022 by approximately 8%, Pasadena voters have since realized that extreme rent control is not beneficial to the rental housing industry. Pasadena voters responded to Prop 33 in 2024 with a resounding 12% AGAINST extreme rent control.

Further, please proceed with caution on any recommendations by the PRHB as they have yet to produce the minutes from the Nov 21, 2024 meeting.
That's 4 months!

Personally, I will likely sell my 11 units to condo developers and exit the rental market in Pasadena in the near future. A disturbing trend that will further diminish the supply of rental housing in Pasadena.

Regrettably,

Blake Boyd
Lone Star Properties, LLC