



City of San Jose

Advisory Committee for the Apartment Rent Ordinance

Just/Good Cause Eviction

Saturday, October 31, 2015

San Jose City Hall – Council Chambers



Expectations

- Be committed to the process
- Focus on interests over positions
- Learn from differences
- Seek areas of agreement
- Help the committee achieve its goal

Ground Rules

- Speak candidly and listen openly
- Question ideas, respect Committee members
- One person speaks at a time

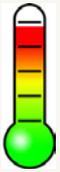
Item D – Unfinished Business from October 28

Focus Questions

- Besides data collection, what else should be explored to facilitate the monitoring and enforcement of ARO provisions?

- What data should the City be collecting to facilitate the monitoring and enforcement of ARO provisions?

Temperature Check



Should the City continue to explore potential modifications to the monitoring and enforcement provision of the ARO?

Item E – Just/Good Cause Eviction

Purpose

- On September 1, 2015, City Council directed staff to explore just cause eviction ordinance
- Form of renter protection by ensuring that owners/managers can evict only with proper reason

Terms

- Termination of Tenancy
 - Notice to vacate without cause
 - Also referred to as “Non-renewal” or “No-cause eviction”
 - 30, 60, 90 day notices to leave (120 days in tight market)
- Eviction
 - Termination with a cause (reason)
 - Court proceeding called unlawful detainer
- Voluntary Move Out
 - Tenant chooses to leave the property
 - Must give notice to landlord/owner
 - Even if under duress, still considered voluntary move out

Current ARO: Termination of Tenancy

- City must be notified for all no cause tenancy terminations
- Documents required:
 - Copy of notice to vacate
 - Filing statement
- Submit to City within five days of serving tenant

Current ARO: Termination of Tenancy Data

- Since FY 2010:
 - 1,549 total Notices and Filing Statements received by the City
 - 30-day notice = 209 (all ARO apartments)
 - 60-day notice = 269 (all ARO apartments)
 - 90-day notice = 1,060 (1,010 ARO, 50 non-ARO)
 - 120-day notice = 11 (all ARO apartments)
 - ~ 310 Notices of Termination of Tenancy filed annually
 - No data on the reasons for notices of termination of tenancy, because existing ARO does not require such terminations to have a cause

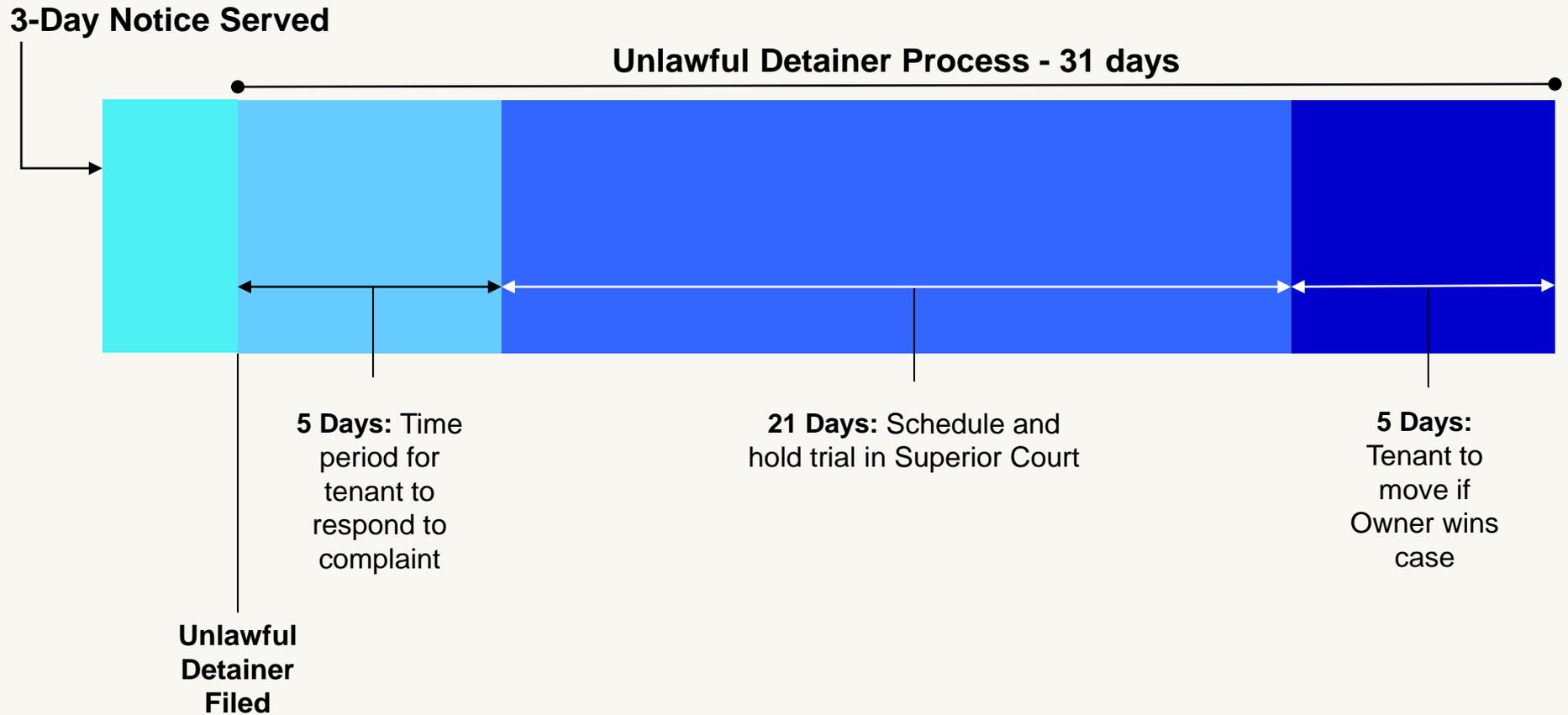
Just Cause Evictions

- Although San Jose does not have just/good cause, State law provides baseline for-cause provisions:
 - Non-payment of rent
 - Substantial violation of rental agreement
- Local jurisdictions can go beyond State laws

Types of 3-Day Notices for Evictions

- Pay or Quit:
 - Pay back rent or leave
- Perform Covenants or Quit:
 - Fix lease violation or leave
 - Pets, cleanliness, improper storage
- Quit: Substantial violation. Vacate
 - Nuisance, illegal activity, damage to property, threaten health, safety and welfare of tenants

Eviction Process



Unlawful Detainer Fees

Who Pays?	Item	Cost
Owner	Filing Fee	\$240
Tenant	Response Fee	\$225
Owner	Sheriff's Fees	\$40
Owner/Tenant	Attorney Fees	varies

Typical Just/Good Cause Provisions

- Nonpayment of rent
- Substantial violation of lease
- Caused or allowed substantial damage to unit
- Illegal activity (some stipulate conviction, others do not)
- Nuisance, threats or otherwise disturbing the community
- Illegal subletting
- Refused landlord access to the unit for repairs
- Refusal to sign a similar but new rental agreement
- Substantial repairs or capital improvements made to the property*
- Demolition of rental unit*
- Owner occupation or move-in of a close family member*

** May require relocation support to affected tenants*

Cities with Just/Good Cause Ordinances

- Berkeley
- Beverly Hills
- East Palo Alto
- Glendale
- Hayward
- Los Angeles
- Maywood
- Oakland
- Palm Springs
- Richmond*
- San Diego
- San Francisco
- Santa Monica
- Thousand Oaks
- West Hollywood

Potential Impacts w/o Just Cause

Owners:

- Ability to remove any tenant (both good and problem tenants) without any reason
- Predictable process

Tenants:

- Owners/managers have the power
- Unstable, unpredictable living situation
- No recourse for no cause terminations
- Hard to find replacement housing, esp in tight market
- Lost work, change schools
- Loss of community ties

Potential Impacts w/Just Cause

Owners:

- May be difficult to remove problem tenants, can lose good tenants
- Tenant retaliation including threats and damage – may create animosity between tenants/landlords
- Cost: fees, lost rent, inability to collect damages, time
- Owner loses control

Tenants:

- Provides stability and predictability in living situation
- Protects vulnerable renters
- Allows tenants to address concern

Focus Questions

- For owners, what specifically would be the challenges of removing problem tenants under just cause?

Focus Questions

- What policies could stabilize the living situations of good tenants by ensuring their tenancy?

Focus Questions

- What might be potential unintended consequences or benefits of a just cause ordinance?

Focus Questions

- If there were to be a just cause ordinance, what should be included? Common ones include:
 - Nonpayment of rent
 - Substantial violation of lease
 - Caused or allowed substantial damage to unit
 - Illegal activity (some stipulate conviction, others do not)
 - Nuisance, threats or otherwise disturbing the community
 - Illegal subletting
 - Refused landlord access to the unit for repairs
 - Refusal to sign a similar but new rental agreement
 - Substantial repairs or capital improvements made to the property*
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Focus Questions

- How might a program be designed to protect good tenants from displacement while simultaneously allowing owners to remove problem tenants?

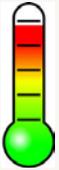
Focus Questions

- Would a just/good cause eviction provision align with the Advisory Committee's shared principles of
 - Certainty
 - Predictability
 - Fairness

Focus Question

- Would a just/good cause ordinance help achieve the public purposes as stated in the ARO?
 - Prevention of excessive and unreasonable rent increases
 - Alleviation of undue hardship upon individual tenants
 - Assurance of a fair and reasonable return on the value of their property

Temperature Check



Should the City continue to explore the creation of a just/good cause ordinance?

Public Comment

For more information visit:

<http://www.sanjoseca.gov/index.aspx?nid=4744>

Scan code with your smart phone/device to sign up
for email updates on this process



Open Forum

This time is reserved for comment
on items not on the Agenda

Meeting Schedule

Date	Time	Location
Wednesday, September 30	6:00 – 8:30pm	Roosevelt Community Center
Wednesday, October 7	6:00 – 8:30pm	Roosevelt Community Center
Wednesday, October 14	6:00 – 8:30pm	Roosevelt Community Center
Saturday, October 17	10:00am – 2:00pm	San Jose High School Cafeteria
Wednesday, October 21	6:00 – 8:30pm	City Hall Wing Rooms 118-120
Wednesday, October 28	6:00 – 8:30pm	San Jose City Hall Council Chambers
Saturday, October 31	10:00am – 2:00pm	San Jose City Hall Council Chambers
Wednesday, November 4	6:00 - 8:30pm	Roosevelt Community Center
Saturday, November 7	10:00am – 2:00pm	San Jose City Hall Council Chambers
Monday, November 9	6:00 – 8:30pm	San Jose City Hall Council Chambers

→ Move to December 7, 10, or 14

Next Meeting:

Wednesday, November 4

6:00pm

Roosevelt Community Center

Topic: Just/Good Cause Evictions