



Housing Protections Overview & Work Plan

City Council

July 17, 2023

Housing Services Division

OVERVIEW

- Background
- Existing Tenant Protections
- San Leandro Rental Housing Inventory
- Other Types of Tenant Protections
- Next Steps

Background

- 2023 City Council Priority (Housing & Homelessness)
- 2023-2031 Housing Element Update/Affirmatively Furthering Fair Housing
- Eviction Moratorium Sunsets on July 31, 2023

Existing Tenant Protections: State of CA AB 1482 (Tenant Protection Act of 2019)

- Caps allowable rent increase in a 12-month period: 5% + CPI (10% max.)
- Does not apply in cities with rent control ordinances
 - Applies in San Leandro
 - Sunsets on Jan 1, 2030
- Exemptions:
 - Housing built in last 15 years, including ADUs
 - Owner occupied duplexes
 - Single family homes & other units that can be separately sold, & not owned by a corporation, real estate trust or LLC
 - Deed-restricted affordable housing

Existing City Housing Protection Programs

- Tenant/Landlord Counseling & Tenant Legal Assistance
- Fair Housing Services
- Rent Review Board
- Tenant Relocation Ordinance
- Inclusionary Zoning/Housing Ordinance
- Mobile Home Parks
 - Mobile Home Space Rent Stabilization Ordinance
 - Mobile Home Park Overlay Zoning

Existing Tenant Protections: Alameda County (by City)

City	Population	Rent	Other Tenant
	(2020 Census)	Stabilization	Protections
Alameda	78,280	Y (<i>effective 2019</i>)	Y (RR, JC, TRO)
Albany	20,271	N	Y (RR, Rent Rev)
Berkeley	124,321	Y	Y (RR, JC, TRO)
Dublin	72,589	N	N
Emeryville	12,905	N	Y (RR, JC)
Fremont	230,504	N	Y (Rent Rev)
Hayward	162,954	Y (<i>effective 1983</i>)	Y (RR, JC, TRO, AH)
Livermore	87,955	N	N
Newark	47,529	N	N
Oakland	440,646	Y (<i>effective 1980</i>)	Y (RR, JC, AH)
Piedmont	11,270	N	N
Pleasanton	79,871	N	N
San Leandro	91,008	N	Y (TRO, Rent Review)
Union City	70,143	N	Y (RR, JC, Rent Rev)

AH= Anti-Harassment
JC= Just Cause for Evictions
RR= Rent Registry
Rent Rev= Rent Review
TRO= Tenant Relocation Asst.

Alameda, Hayward & Oakland Examples

City	# units subject to Rent Control / Stabilization	# Staff	Annual Operating Budget	Rent Cap	Annual Fee Amount	Enforcement Mechanism
Alameda	14,196	6 FTE, 3 PTE	\$1.9M	Lower of: 70% change in CPI (min 1%- max 5%)	\$109-162/unit	<ol style="list-style-type: none"> 1. Rent Registration OR 2. Hearings: -rent increases -reduction in services
Hayward	21,313	3.5 FTE	\$1M	5%	\$32-66/unit	<ol style="list-style-type: none"> 1. Parties required to attempt resolution 2. City refers to Arbitration.
Oakland	94,000	26 FTE	\$9.35M	Lower of: 60% change in CPI OR 3%	\$101/unit	<ol style="list-style-type: none"> 1. Rent Registration 2. Rent Adjust Program (Hearing by Board) 3. Eviction Portal Required Notice Uploads <ul style="list-style-type: none"> -Ellis Act Evictions (monitored) -Owner Move-In Evictions (monitored) -All Eviction Notices (required, not monitored)

San Leandro Rental Housing Inventory

Approx 31,800 Total Owner & Renter-occupied Housing Units Citywide

Housing Type	Estimated Total Rental Units
Multi-Family Housing (9+ Units)	3,525
MF Housing (9+ Units) – City/State Deed Restricted	1,843
2-8 Unit Housing Units	1,939
Mobile Home Spaces	855
Single Family/Condos/Townhomes (exempt per Costa- Hawkins)	7,767
Total Rental Units City-Wide	15,929
	(1,843)
	(7,767)
Total Rental Units Subject to a City Rent Stabilization Ordinance	6,319

Sources: County Assessor Parcel Data & City IT GeoSL

Costa-Hawkins Rental Housing Act (1995)

- State Law that limits cities' ability to regulate rents on units built after 1995
 - **Units built after February 1, 1995**
 - Current City rental housing developments pipeline exempted
 - Cities with existing rent control in 1995 subject to different rules
 - **Units that can be separately sold (SFRs, condos, townhomes)**
- Prohibits vacancy control
- Does not pre-empt other types of tenant protections subject to Costa Hawkins
 - Just Cause for Eviction
 - Rent Registry
 - Rent Review
 - Tenant Relocation

Other Types of Housing Protections: Just Cause

- San Leandro does not currently have a Just Cause Ordinance
- Prohibits a landlord from evicting a tenant without “just cause”, such as:
 - Unpaid rent, violating material lease term, unpermitted sublease, criminal activity
- Landlord can evict a tenant (with compensation) for “no fault cause”, such as:
 - Family member to occupy unit, substantial remodel, removing unit from market
 - Exemptions: SFRs, shared housing, non-profit-owned housing
- Exemptions:
 - Owner-occupied SFRs and Duplexes
 - Housing built within last 15 years, including ADUs
 - Units that can be separately sold and not owned by a corporation, real estate trust or LLC
 - Deed-restricted affordable housing

Other Types of Housing Protections: Rent Registry

- San Leandro does not currently have a Rent Registry Ordinance
- Property owner/manager required to register all rental units operated within a jurisdiction
- Registry information may include:
 - Contact information for owner/manager
 - Rental rate
 - Unit type
 - Parcel number
 - Program fee

Other Types of Housing Protections: Tenant Anti-Harassment

- San Leandro does not currently have a Tenant Anti-Harassment Ordinance
- Regulations prohibit property owners/managers from harassing tenants through certain actions that threaten, intimidate or involve fraud intended to force tenants to vacate their unit
- Examples of harassing actions include:
 - Withhold necessary repairs
 - Threaten physical harm
 - Interfere with a tenant's right to privacy & quiet use/enjoyment of the unit
 - Refuse tenant's lawful rent payment
 - Remove a housing service to cause tenant to vacate the unit

Proposed Next Steps

(excludes implementation/administration set-up as staff is researching)

<u>Date</u>	<u>Activity/Event</u>
July 17, 2023	City Council - Tenant Protection Overview/Timeline
Summer/Fall 2023	Public Outreach (stakeholder/community meetings)
Winter 2023	Rules Committee – Policy components
Spring 2024	City Council Work Session – Policy components update
Spring 2024	City Council - Ordinance (1 st Reading)
Summer 2024	City Council - Adopt Ordinance (2 nd Reading)

Questions & Considerations

1. Should Staff move forward with evaluation of Housing Protections proposed this evening?

- If so, which ones?

2. Which stakeholders should Staff outreach to and engage with before Winter Rules Committee meeting?