

San Leandro Housing Protections: Frequently Asked Questions

(As of February 12, 2024)

Introduction

This Frequently Asked Questions document is intended to provide answers and clarification to questions that arose throughout the public engagement process. This document will continue to be updated as new questions arise. If you do not see your question here, please email us at housing@sanleandro.org to request more information. Questions about individual circumstances will be resolved individually. This document is not legal advice.

City Process

Why is the City of San Leandro exploring additional housing protections at this time?

The City Council has set housing and homelessness and exploring the enhancement of housing protections as one of its priorities for 2023. The 2023-2031 Housing Element Update includes Affirmatively Further Fair Housing. At the July 17 City Council meeting, Council provided City staff direction to explore housing protections. During September and October 2023, staff held community and focus group meetings with the public and key stakeholders. Presently, the City is still gathering information and seeking City Council guidance.

I have information that I want the City to consider as part of its housing protections research. Where can I share it?

If you have resources and information such as articles, reports, data, etc., that you would like the City to consider, please email it to housing@sanleandro.org.

How can I get more involved?

Check the City website for updates at sanleandro.org/SLhousingprotections and join our mailing list for future public meetings and solicitation of public feedback by emailing housing@sanleandro.org.

Current Housing Protections

Is there statewide rent control?

AB 1482, the Tenant Protection Act of 2019, (codified as Civil Code section 1947.12) establishes certain limits on a landlord's ability to increase rent throughout California, including San Leandro. Key parts of the law include:

- The maximum allowable rent increase for covered units in a 12-month period is 5% + Consumer Price Index (CPI)
- Does not apply to: housing built in last 15 years, including accessory dwelling units (ADUs); owner occupied duplexes; single family homes and other units that can be separately sold, and not owned by a corporation, real estate trust or limited liability companies (LLC); and deed-restricted affordable housing
- Does not apply in cities or counties with stricter rent control ordinances
- Sunsets on January 1, 2030

What is the Costa-Hawkins Rental Housing Act and how does it affect California cities (like San Leandro) and counties?

The Costa-Hawkins Act is a State law that took effect in 1995 and limits the scope of rent control that may be adopted by cities and counties. Key limitations in the law include:

- Prohibits rent control for housing units built after February 1, 1995
- Prohibits rent control for single family homes and other residential units that can be separately sold such as condominiums and townhomes
- Prohibits rent control ordinances from restricting the initial rent a landlord may charge for a new tenant (also known as vacancy control)

What is just-cause eviction, and does it exist in San Leandro?

"Just-cause eviction" requirements prohibit a landlord from evicting a tenant without a reason. AB 1482, the Tenant Protection Act of 2019, (codified as Civil Code section 1946.2) adopted a form of just-cause eviction that applies throughout California. The law allows a tenant to be evicted for "at-fault just cause", such as unpaid rent, violating material lease term, unpermitted sublease, or criminal activity. The law also allows a tenant to be evicted for "no-fault just cause", such as owner move-in to the unit, substantial remodel, or removing unit from market. If a tenant is evicted for "no-fault just cause" the landlord must compensate the tenant an amount equal to one-month's rent. The law includes the following key elements:

- Only applies if all tenants have occupied the unit for 1 year, or at least one tenant has occupied the unit for 2 years
- Does not apply to: housing built in last 15 years, including accessory dwelling units (ADUs); owner occupied duplexes; single family homes and other units that can be separately sold, and not owned by a corporation, real estate trust or limited liability companies (LLC); and deed-restricted affordable housing
- Does not apply in cities or counties with stricter just-cause eviction ordinances
- Sunsets on January 1, 2030

Jurisdictions in Alameda County that have adopted their own just-cause eviction ordinances or policies include the cities of Alameda, Berkeley, Emeryville, Hayward, Oakland and Union City.

What are existing City rental housing protection ordinances/programs in San Leandro?

- 1) Tenant/Landlord Counseling and Tenant Legal Assistance
- 2) Fair Housing Services
- 3) Rent Review Board
- 4) Tenant Relocation Ordinance
- 5) Inclusionary Zoning/Housing Ordinance

For more information on the existing City programs #1 - #4 above, go to [Housing Programs \(Rental and Ownership\) | San Leandro, CA](#). For more information on the Inclusionary Zoning/Housing Ordinance, go to [Housing Documents | San Leandro, CA](#).

What City protections are currently in force in San Leandro for mobile home parks?

In 2019, the City Council adopted the Mobile Home Space Rent Stabilization Ordinance which implemented rent control for mobile home spaces or pads in mobile home parks in San Leandro. The ordinance generally prohibits annual rent increases of more than 4% or the percentage change in the CPI, whichever is less. For more information on this ordinance, including full text of the ordinance and a Mobile Home Space Rent Stabilization Ordinance Frequently Asked Questions (FAQ) document, go to [Mobile Home Space Rent Stabilization Ordinance | San Leandro, CA](#).

In 2021, the City Council approved enhanced protections against displacement of mobile home park residents by amending the Mobile Home Park Conversion Ordinance in the Zoning Code. Key changes include:

1. *Adopt a Zoning Overlay* - establishes a mobile home park zoning overlay that prohibits all uses other than a mobile home park use. The overlay will be applied to all existing mobile home parks citywide. Proposed conversions would face a public review process by requiring removal of the zoning overlay in addition to obtaining approval for a conversion prior to establishment of a new use.
2. *Expand Scope of Conversion Ordinance* - expands protections to all residents of a mobile home park, regardless of what type of structure/vehicle they reside in. This includes any structure used for human habitation in a mobile home park, including recreational vehicles (RVs) or other similar vehicles.
3. *Require Relocation Assistance for Waivers* - requires a park owner to provide certain minimum relocation payments even if a waiver for any required findings is granted. The proposed minimum relocation payments are also consistent with the City's existing Tenant Relocation Assistance Ordinance.

Where do I find out more about my protections and rights/responsibilities as a tenant or landlord?

Visit the San Leandro City Housing Division website at www.sanleandro.org/housing or contact us by phone at 510-577-6006 or email at housing@sanleandro.org. You can get additional information and support from ECHO Housing by visiting <https://www.echofairhousing.org/tenantlandlord-services.html> or calling 510-581-9380 or 855-ASK-ECHO toll free.

Rent Review Board

What is the purpose of the Rent Review Board? How does it work?

The City of San Leandro Rent Review Program began in May 2001. The Rent Review Program offers non-binding mediation/arbitration of rent disputes between tenants and landlords through a City Council approved Rent Review Board. The Rent Review Program is available to tenants who have received a rent increase of greater than 7% or two rent increases within a 12-month period.

How can I have my case reviewed by the Rent Review Board?

Contact ECHO Housing by email at sanleandro-rr-tr@echofairhousing.org or at 510-581-9380 to determine if you have an eligible rent review case. If your case is eligible, ECHO Housing will send you a Rent Review Board application.

What is the composition of the Rent Review Board?

The Board is comprised of 2 renters, 2 landlords, and 1 additional neutral party (typically a San Leandro homeowner).

How often does the Rent Review Board meet?

If there are eligible cases, the Rent Review Board meets on the 4th Tuesday of the month at 7 pm in City Hall.

Why are Rent Review Board meetings cancelled?

The Rent Review Board does not meet if there are no eligible rent increase cases to review. When a Rent Review Board application is submitted by a tenant to the City Housing Division, the City staff encourages both tenant and landlord to continue negotiating a reduced rent. If a mutual resolution is reached before the case goes to the Rent Review Board hearing, the Rent Review Board meeting may be cancelled.

Potential New Ordinance(s) and Protections

Is there a difference between rent control and a rent stabilization ordinance?

While there were originally technical differences between rent control and rent stabilization, the terms are now generally used interchangeably (including in this document).

What kind of additional protections is the City of San Leandro exploring?

The City is exploring several potential housing protections, including rent control, just-cause eviction requirements, tenant anti-harassment rules, and a rent registry.

Data on Rental Properties in San Leandro

Why doesn't the City of San Leandro have more rental housing data related to the impacts on tenants and housing providers?

Rental market data is private. Therefore, the City does not collect private rental data. Unavailable rental housing data that is not regularly reported includes rental amounts, rent increase amounts, eviction notices (e.g., 3 Day Notices to Quit, Termination of Tenancy, etc.), tenant turnover frequency, and the reasons tenants leave a unit.

Does the City track the number of rental units over time?

The City does not track the exact number of rental housing units in the City. The City does monitor rental housing that it has subsidized or regulated through a long-term affordability agreement. Additionally, the City has estimates of the number of rental units from other sources.

Definitions

What is an ADU?

ADU stands for Accessory Dwelling Unit, which is a small unit often added to the property of a single-family home or multi-family building. It is also sometimes referred to as an “in-law unit” or “granny unit.”

What is CPI?

CPI stands for the Consumer Price Index, which is the average change in prices paid by consumers for goods and services.

What is a rent registry?

A rent registry is a database in which some local jurisdictions require housing providers, landlords and/or property management to input current rental housing data regularly (e.g., annually) such as lease information, current rents, rent increases, rental unit type, and reason for tenant vacating property (if known). A rent registry may require basic or more comprehensive data depending on the local jurisdiction adopting and implementing it. The general intent of the rent registry is a transparent and consistent system to track rental housing situations such as rent increases to ensure compliance with the local jurisdictions’ tenant housing protection regulations. Jurisdictions in Alameda County that have Rent Registry requirements include the cities of Alameda, Albany, Berkeley, Emeryville, Hayward, and Oakland. San Leandro has an existing rent registry for mobile home spaces.

What does “tenant anti-harassment” mean?

Tenant anti-harassment ordinances prohibit housing providers from harassing tenants through certain actions that threaten, intimidate or involve fraud in order to force or pressure tenants to vacate their rental units. Examples of tenant harassment actions include: withholding necessary health/safety repairs, threatening physical harm, interfering with a tenant's right to privacy and quiet enjoyment of their unit and refusing a tenant's lawful rent payment. California has anti-harassment laws that apply statewide. Some cities have adopted local anti-harassment ordinances that prohibit a broader range of conduct. Jurisdictions in Alameda County that have Tenant Anti-Harassment ordinances include Hayward and Oakland.

Miscellaneous

What is the general definition of an affordable rent?

According to the U.S. Department of Housing of Urban Development (HUD), a renter household should not pay more than 30% of their monthly income on rent. If a renter has to spend more than 30% of their income on rent, the federal government defines them as "cost-burdened", and if they pay more than 50% on rent, they are defined as "severely cost-burdened."

Why can't government (federal, State, and municipal) prohibit any annual rent increases through regulations?

Courts have held that the Constitution prohibits rent control ordinances that prevent rental housing owners and providers from obtaining a fair and reasonable return. Because housing providers face regular increases related to utilities, construction, and other cost of living items (e.g., staff salaries, insurance), they must be allowed to increase rents in order to maintain a fair rate of return. Any government regulation affecting rental housing property owners/providers must always allow for a fair rate of return to cover annual or regular cost of business increases.

Will a rent control ordinance prevent landlords from being able to keep up with rising costs?

Rent control ordinances allow landlords to increase rent by a specified percentage each year. As explained above, rent control ordinances must always allow property owners/landlord to obtain a fair rate of return. If the standard allowable rent increase is not sufficient for a property owner or landlord to obtain a fair rate of return, they may apply for an additional rent

increase, which must be granted if determined necessary for the landlord to obtain a fair rate of return.