



ADOPTION OF A JUST CAUSE FOR EVICTION ORDINANCE

City Council Meeting
July 19, 2016

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BACKGROUND

- May 10, 2016 – Council adopted Ord. #4063 imposing a 45-day moratorium limiting certain residential rent increase to not more than 3% in a cumulative 12-month period.
- July 7, 2016 – Council adopted an urgency ordinance, extending the moratorium, set to expire on Oct. 4, 2016.

ANALYSIS

- Since adoption of the Ordinance, Legal Aid has reported dozens of requests for help from tenants facing unlawful rent increases
- Tenants are afraid of being evicted if they contest the increases
- Currently there no restrictions on evictions within the City other than State/Federal law provisions

ANALYSIS

- Staff has determined that lack of a Just Cause Eviction requirement has put some tenants at risk of eviction
- Staff proposes the adoption of a Just Cause for Eviction ordinance to protect tenants from evictions, while a more comprehensive Rent Stabilization ordinance is being drafted

PURPOSE OF JUST CAUSE

- Promote stability in the Santa Rosa housing market
- Limit adverse impacts on residential tenants displaced and forced to find replacement housing in the expensive and limited housing market
- Protect the rights of tenants by limiting grounds for eviction and requiring landlords to provide legitimate basis for eviction

CAUSE FOR TERMINATION

- Nonpayment of rent or habitual late payment
- Violation of obligations of tenancy
- Nuisance
- Illegal use of rental
- Refusal by tenant to renew a lease on same terms
- Refusal by tenant to provide access for repair, inspection, or sale
- Withdrawal of unit from the market
- Intent of owner or relative of owner to occupy

AFFIRMATIVE DEFENSE

- The ordinance requires the landlord to identify the reason for eviction.
- The tenant may raise any violation of, or noncompliance with, this ordinance as an affirmative defense in any legal action by the landlord to recover possession of the rental unit.

URGENCY ORDINANCE

- Without the immediate adoption of a just cause for eviction ordinance, landlords may have an incentive to evict tenants in order to pursue increased rents before the City of Santa Rosa could implement rent stabilization or other such related regulations.
- Effective immediately with 5/7 vote of Council.

RECOMMENDATION

It is recommended that the Council adopt an urgency ordinance requiring just cause for tenant evictions in the City of Santa Rosa that would take effect immediately upon adoption; or

That the Council introduce a non-urgency ordinance requiring just cause for tenant evictions in the City of Santa Rosa.