



Housing Advisory Commission

December 8, 2021

Item: 5.1

TITLE

For Discussion: Tenant Eviction and Anti-Harassment Protection Policies

RECOMMENDED ACTION

Listen to presentation and provide direction to Housing staff.

SUMMARY

While the State of California provides tenant protections for eviction procedures and anti-harassment laws to regulate tenant-landlord relationships, many jurisdictions adopt local policies and ordinances to provide additional protections to market rate renters. The City of Chula Vista does not currently have specific ordinances related to tenant protections. This action seeks to facilitate a discussion among the Housing Advisory Committee to provide staff with guidance on potential tenant protection policies in the City of Chula Vista.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(4) of the State CEQA Guidelines because the action consists of an application to create a government funding mechanism to provide assistance to low-income homebuyers to purchase existing single-family homes which have previously been constructed or are in projects that have already been reviewed under CEQA. Thus, no further environmental review is necessary.

DISCUSSION

With the expiration of California's COVID-19 related eviction moratorium in September 2021, several tenants' rights groups began advocating for stronger tenant eviction protections in local governments across the state. In response to reports of tenant harassment and some evictions in Chula Vista, The Alliance of Californians for Community Empowerment (ACCE) approached the City requesting more stringent local ordinances for tenant protections, resulting in a Council referral on October 26th. The Council referral addressed the following key areas:

- Substantial rehabilitation;
- Removal from rental market;
- Harassment/Retaliation; and
- City Remedies & Enforcement.

In California, local ordinances for tenant eviction protections are primarily focused in three areas;

- Reliance on statewide **Ellis Act** provisions. While the Ellis Act provides property owners with the ability to remove their rental properties from the rental market, advocacy groups believe that it doesn't provide enough protections for tenants. The act requires landlords to provide tenants with

120-day advanced notice prior to removing their rental from the market and permits local governments to place their own restrictions on landlords.

- **Local Just Cause** ordinances. These ordinances can define more specific regulations for sanctioned evictions including displacement requirements, tenant relocation assistance, and tenant first right of refusal for rental units reintroduced to the market.
- **Anti-Harassment** ordinances. Often defined under retaliation clauses, these ordinances further define what can be considered inappropriate retaliation from landlords and specify behaviors that are considered tenant harassment.

Tenant eviction protection ordinances vary widely across the state and can have major financial ramifications for both landlords and tenants. Example city ordinances are summarized in a comparison matrix in Attachment 1. Passing such an ordinance in Chula Vista should require input from appropriate stakeholders to ensure the best interests of renters and landlords are represented.

At this time, staff proposes the following items to be included in an ordinance to address tenant protections:

- Further defining what constitutes substantial rehabilitation in no fault evictions;
- Identifying local regulations for Ellis Act evictions including noticing and relocation assistance;
- Further refining harassment and retaliation behaviors and the term “quiet use and enjoyment”; and
- Specifying remedies and City enforcement mechanisms.

Staff intends on continuing to work with stakeholders over the next month on the draft policies as presented in conceptual form and to be further discussed at the Commission meeting. These items are being brought forward for discussion purposes and no action is being requested from the Commission at this time. Staff anticipates bringing a formal policy/ordinance for Housing Advisory Commission consideration in January 2022.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the Housing Advisory Commission members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any Housing Advisory Commission member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no fiscal impact in the current fiscal year.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact.

ATTACHMENTS

1. Local Tenant Protection Policy Comparison Matrix

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