

LEGISLATIVE DIGEST

[Administrative Code - Rent Increases on Surviving Family Members]

Ordinance amending the Administrative Code to prevent landlords of rent-controlled units from imposing unlimited rent increases on surviving family members (including non-relatives who have a family-type relationship) following the death of the original occupant or the original occupant's spouse or domestic partner.

Existing Law

Consistent with the Costa-Hawkins Rental Housing Act, if all of the original tenants of a rental unit have permanently vacated the unit and the only remaining occupants are subtenants or assignees who moved in on or after January 1, 1996, the landlord may be entitled to increase the rent to market rate.

Amendments to Current Law

The proposed ordinance would prevent landlords from increasing the rent to market rate when the unit has become vacated by the death of the original tenant (or by the death of the original tenant's spouse or domestic partner) on or after November 7, 2018, if one or more of the subtenants or assignees remaining in the unit are surviving family members of the deceased tenant, spouse, or domestic partner; and if the surviving family member had been living in the unit with that deceased person for at least two years immediately prior to that person's death.

For purposes of the ordinance, the term "family member" would mean a spouse, domestic partner, child, son-in-law, daughter-in-law, sibling, parent, father-in-law, mother-in-law, grandchild, or grandparent of the tenant; or any other person living in the rental unit with the tenant who can prove an emotional and financial commitment and interdependence between themselves and the tenant. The ordinance lists a series of non-exclusive factors that would be relevant to determining whether or not there was an emotional and financial commitment and interdependence between the person and the tenant. In no event would the existence of a sexual relationship be required or considered as evidence of emotional and financial commitment and interdependence.

Background Information

The proposed ordinance cannot take effect unless the voters adopt California Proposition 10, which is on the November 6, 2018 ballot and which would repeal the Costa-Hawkins Rental Housing Act.