

File No. 190504

Committee Item No. _____

Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 14, 2019

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Assembly Bill No. 1481 - 02/22/19</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew

Date: May 10, 2019

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 1481 - Tenancy Termination: Just Cause]

2
3 **Resolution supporting California State Assembly Bill No. 1481, authored by Assembly**
4 **Member Rob Bonta, Tenancy Termination: Just Cause, which would protect California**
5 **renters against unjust evictions.**

6
7 WHEREAS, According to 2017 Census data, 45% of California households, or
8 approximately 17 million people are renters; and

9 WHEREAS, Of those renters, 54% are considered rent-burdened, meaning that rent
10 costs are more than 30% of total monthly income; many of these renters are "severely" rent-
11 burdened with at least 50% of monthly income allocated to rent; and

12 WHEREAS, U.S. household incomes have not kept pace with rising costs of housing,
13 particularly in California's coastal communities; and

14 WHEREAS, Current state law requires an owner of a residential rental dwelling to give
15 notice at least 60 days prior to the proposed date of termination, or at least 30 days prior to
16 the proposed date of termination if any tenant or resident has resided in the dwelling for less
17 than one year; and

18 WHEREAS, Current state law does not require a landlord to state a reason for evicting
19 a tenant; and

20 WHEREAS, On average, 166,000 unlawful detainers are filed per year in California;
21 with an average of 2.9 people per renter household, an estimated 500,000 California tenants
22 face court eviction each year; and

23 WHEREAS, In 2016, there were 41,178 evictions across California; every day, over
24 110 families were evicted from their homes; and

1 WHEREAS, A growing number of Californians are living one emergency away from
2 eviction; and

3 WHEREAS, With the increasing influx to urban communities as people more often
4 choose places like San Francisco, Oakland, and other cities over suburban communities, the
5 pressure on existing tenants in rental housing is growing; and

6 WHEREAS, San Francisco and 16 other cities have local "just cause eviction"
7 ordinances that establish substantive grounds for a tenant to be evicted from their home; and

8 WHEREAS, Just Cause protections have been important to protect residents from
9 arbitrary evictions or harassment, particularly in "hot market" communities where building
10 owners may be enticed by financial gain to remove existing tenants to get higher rents from
11 new occupants; and

12 WHEREAS, Just Cause eviction policies protect marginalized communities, such as
13 the elderly, low-income residents, people of color, and people with disabilities, by providing
14 them with greater housing stability; and

15 WHEREAS, AB 1481, introduced on February 22, 2019, by Assembly Member Rob
16 Bonta, adds Section 1946.2 to California Civil Code to prevent a landlord from terminating a
17 tenancy without a demonstration of "just cause," as enumerated by the specific eviction
18 requirements the bill; and

19 WHEREAS, AB 1481 defines "just cause" as either at-fault or no-fault just cause. "At-
20 fault just cause" is defined as any of the following: a) failure to pay rent; b) substantial breach
21 of a material term of the rental agreement; c) nuisance; d) waste; e) refusal by the tenant to
22 sign a new lease that is identical to the previous lease after the previous lease expired; and f)
23 illegal conduct, with the caveat that a charge or conviction for a crime that is unrelated to the
24 tenancy does not constitute at-fault just cause; "no-fault just cause" is defined as including
25 any of the following: a) owner intent to occupy the property, if (i) the tenant agrees in writing to

1 the termination or (ii) if a lease provision provides for termination based on the owner's
2 unilateral decision to so occupy; b) withdrawal of the property from the rental market; c)
3 unsafe habitation, as determined by a government agency that has issued an order to vacate,
4 order to comply, or other order that necessitates vacating the residential property; and d)
5 intent to demolish or to substantially remodel; and

6 WHEREAS, AB 1481 requires landlords to provide notice to tenants of their rights
7 under this bill in the form of a lease addendum, to be signed by the tenant at the same time as
8 the lease agreement; and

9 WHEREAS, AB 1481 requires that, before issuing a tenant a notice to terminate
10 tenancy for a curable violation of the lease agreement, the landlord must first provide the
11 tenant with a notice of the violation and an opportunity to cure it; and

12 WHEREAS, AB 1481 requires landlords that terminate tenancy for no-fault just cause
13 to notify the tenant of the tenant's right to, and to directly provide the tenant with, a relocation
14 assistance payment, regardless of the tenant's income; and

15 WHEREAS, AB 1481 clarifies that the provisions of this bill do not prevent adoption or
16 enforcement of a local rule or ordinance that requires just cause if that rule or ordinance is
17 determined to provide a higher level of tenant protections than the provisions of this bill; and

18 WHEREAS, If enacted, AB 1481 would help ensure a greater level of due process
19 protection for tenants, and thereby reduce both the personal and societal harms caused by
20 easily-available no-fault evictions; and

21 WHEREAS, AB 1481 would protect California tenants living with housing uncertainty;
22 and

23 WHEREAS, AB 1481 is part of a legislative package related to the CASA Compact, a
24 set of policy recommendations led by MTC and the Association of Bay Area Governments
25 (ABAG) to tackle the region's housing crisis head on, including Assembly Bill Nos. 1482

1 (Chiu) and 36 (Bloom) which implement a rent cap and allow for an expansion of rent control;
2 and

3 WHEREAS, AB 1481 is supported by a broad coalition of organizations, including
4 Asian Americans Advancing Justice - California, Bay Area Legal Aid, California Labor
5 Federation, AFL-CIO, California YIMBY, Chan Zuckerberg Initiative, Courage Campaign, Eric
6 Garcetti - Mayor of Los Angeles, PolicyLink, SEIU Local 1021, State Building and
7 Construction Trades Council of California, Tenderloin Neighborhood Development
8 Corporation, Working Partnerships USA, and more; now, therefore, be it

9 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
10 supports AB 1481 (Bonta) that would protect California renters against unjust eviction; and, be
11 it

12 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
13 the Clerk of the Board to send a copy of the Resolution to State Senator Scott Wiener, State
14 Assembly Members David Chiu and Phil Ting, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY APRIL 23, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1481

Introduced by Assembly Member Bonta

February 22, 2019

An act to add Section 1946.2 to the Civil Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as amended, Bonta. Tenancy termination: just cause.

Existing law specifies that a hiring of residential real property, for a term not specified by the parties, is deemed to be renewed at the end of the term implied by law unless one of the parties gives written notice to the other of that party's intention to terminate. Existing law requires an owner of a residential dwelling to give notice at least 60 days prior to the proposed date of termination, or at least 30 days prior to the proposed date of termination if any tenant or resident has resided in the dwelling for less than one year, as specified. Existing law requires any notice given by an owner to be given in a prescribed manner, to contain certain information, and to be formatted, as specified.

This bill would, with certain exceptions, prohibit a lessor of residential property ~~for a term not specified by the parties,~~ from terminating the lease without just-cause *cause, as defined*, stated in the written notice to terminate.

This bill would require, for curable violations, that the lessor give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination, ~~unless the notice to terminate states~~

just cause that is related to specific illegal conduct that creates the potential for harm to other tenants. *termination.*

This bill would ~~require, unless the owner intends to occupy the residential property, require, for no-fault just cause terminations, as specified,~~ that the lessor assist the lessee; *lessee to relocate*, regardless of ~~the lessee's income, to relocate~~ by providing a direct payment to the lessee.

This bill would require a lessor of residential property to provide notice to a lessee of the lessee's rights under these provisions at the beginning of the tenancy by providing an addendum to the lease to be signed by the lessee when the lease agreement is signed.

This bill would not prevent local rules or ordinances that provide a higher level of tenant ~~protection~~ *protection, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1946.2 is added to the Civil Code, to
2 read:
- 3 1946.2. (a) Notwithstanding any other law, no lessor of
4 residential property for a term not specified by the parties, which
5 *property, that* the tenant has occupied with or without a written
6 lease agreement, shall terminate the lease without just cause *cause*,
7 which shall be stated in the written notice to terminate tenancy set
8 forth in Section 1946.1.
- 9 (b) For purposes of this section, "just cause" includes either of
10 the following:
- 11 (1) At-fault just cause, which ~~includes, but is not limited to,~~
12 *includes* any of the following:
- 13 (A) Failure to pay rent.
- 14 (B) Substantial breach of a material term of the rental agreement,
15 including, but not limited to, violation of a provision of the lease
16 after being issued a written notice to stop the violation.
- 17 ~~(C) Nuisance, including, but not limited to, disturbing other~~
18 ~~tenants or neighbors after being issued a written notice to stop the~~
19 ~~disturbance.~~
- 20 (C) *Nuisance.*
- 21 (D) Waste.

1 (E) Refusal, by the tenant to sign a new lease that is identical
2 to the previous lease, after the previous lease expired.

3 (F) Illegal conduct, including, but not limited to, using the
4 residential property for criminal activity. However, a charge or
5 conviction for a crime that is unrelated to the tenancy is not at-fault
6 just cause for termination of the hiring.

7 (2) No-fault just cause, ~~including, but not limited to, which~~
8 *includes* any of the following:

9 (A) (i) Owner intent to occupy the residential property.

10 (ii) Clause (i) shall apply only if the tenant agrees, in writing,
11 to the termination, or if a provision of the lease agreement allows
12 the owner to terminate the lease if the owner unilaterally decides
13 to occupy the residential property.

14 ~~(iii) Clause (i) shall not apply if the tenant is 60 years of age or~~
15 ~~older, disabled, or catastrophically ill.~~

16 (B) Withdrawal of the residential property from the rental
17 market.

18 ~~(C) Unsafe habitation. habitation, as determined by a~~
19 ~~government agency that has issued an order to vacate, order to~~
20 ~~comply, or other order that necessitates vacating the residential~~
21 ~~property.~~

22 (D) Intent to demolish or to substantially remodel.

23 (c) Before a lessor of residential property issues a lessee a notice
24 to terminate tenancy for just cause that is a curable lease violation,
25 the lessor shall first give notice of the violation to the lessee with
26 an opportunity to cure the violation. ~~If the notice to terminate~~
27 ~~tenancy states just cause related to specific illegal conduct that~~
28 ~~creates the potential for harm to occur to other tenants, no notice~~
29 ~~of the violation or opportunity to cure the violation is required~~
30 ~~before the notice to terminate tenancy is issued.~~

31 (d) ~~Except as provided in subparagraph (A) of paragraph (2) of~~
32 ~~subdivision (b), if~~ If a lessor of residential property issues a notice
33 to terminate tenancy for no-fault just cause, the lessor shall assist
34 the lessee, regardless of the lessee's income, to relocate by
35 providing a direct payment to the lessee. The amount of this
36 payment shall be determined based upon the number of bedrooms
37 contained on the residential property. If a lessor issues a notice to
38 terminate tenancy for no-fault just cause, the lessor shall notify
39 the lessee of the lessee's right to relocation assistance pursuant to
40 this section.

- 1 (e) This section shall not apply to the following types of
2 residential properties or residential circumstances:
- 3 ~~(1) Government-owned and government-subsidized housing~~
4 ~~units or housing with existing government regulatory assessments~~
5 ~~that govern rent increases in subsidized rental units.~~
- 6 ~~(2)~~
- 7 (1) Transient and tourist hotel occupancy as defined in
8 subdivision (b) of Section 1940.
- 9 ~~(3)~~
- 10 (2) Housing accommodations in a nonprofit hospital, religious
11 facility, or extended care facility.
- 12 ~~(4)~~
- 13 (3) Dormitories owned and operated by an institution of higher
14 education or a kindergarten through grade 12 school.
- 15 ~~(5)~~
- 16 (4) Housing accommodations in which the tenant shares
17 bathroom or kitchen facilities with the owner who maintains their
18 principal residence at the residential property.
- 19 ~~(6)~~
- 20 (5) Single owner-occupied residences, including a residence in
21 which the owner-occupant rents or leases two units or bedrooms,
22 including, but not limited to, an accessory dwelling unit or a junior
23 accessory dwelling unit.
- 24 (f) A lessor of residential property shall provide notice to a
25 lessee of the lessee's rights under this section at the beginning of
26 the tenancy by providing an addendum to the lease which shall be
27 signed by the lessee when the lease agreement is signed.
- 28 (g) This section does not prevent the enforcement of an existing
29 local rule or ordinance, or the adoption of a local rule or ordinance,
30 that requires just cause for termination of a residential tenancy
31 ~~that, when reviewed by the governing body of the city, city and~~
32 ~~county, county, or other municipality, that further limits or specifies~~
33 ~~the allowable reasons for eviction, requires longer notice or~~
34 ~~additional procedures for evicting tenants, provides for higher~~
35 ~~relocation assistance amounts, or is determined to provide a higher~~
36 level of tenant protections than this section.


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Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 MAY -7 PM 2:29

Time stamp
or meeting date
BY 

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Haney, Fewer, Brown

Subject:

[Support for California Assembly Bill 1481 – Tenancy Termination: Just Cause]

The text is listed:

Resolution declaring support for California Assembly Bill 1481 (Bonta), Tenancy Termination: Just Cause, which would protect California renters against unjust evictions.

Signature of Sponsoring Supervisor:



For Clerk's Use Only