



TOWN OF FAIRFAX

STAFF REPORT

September 21, 2022

TO: Mayor and Town Council

FROM: Heather Abrams, Town Manager
Janet Coleson, Town Attorney

SUBJECT: Introduce ordinances amending Title 5 of the Fairfax Town Code, Chapter 5.54, Just Cause Evictions, and Chapter 5.55, Mandatory Mediation for Rental Increases, with a Rent Stabilization Program

RECOMMENDATION

- 1) Introduce, waive first reading and read by title only, an ordinance of the Town Council of the Town of Fairfax amending Title 5, Chapter 5.54 Just Cause Evictions; and
- 2) Introduce, waive first reading and read by title only, an ordinance of the Town Council of the Town of Fairfax amending Title 5, Chapter 5.55 Mandatory Mediation for Rental Increases.

Together, the two Ordinance amendments replace the Town's present provisions regarding just cause evictions and mediation for rental increases with a comprehensive rent stabilization program, including clarifying the standards applicable to just cause evictions.

BACKGROUND AND DISCUSSION

At its September 7, 2021 meeting, the Town Council held a community forum to discuss proposed updates to the Town's current provisions related to just cause evictions and rent stabilization. The Council considered comments from members of the public regarding the proposed updates. According to direction from the Council, Town staff are now returning with ordinances for Council consideration that modify and replace current Town Code provisions regarding just cause evictions and mandatory mediation for rental increases with a comprehensive rent stabilization program. Included in the proposed revisions are measures related to public outreach and information, establishment of base rents and rent ceilings, annual rent adjustments, petition processes to address violations or requested rent adjustments, and enforcement mechanisms including a hearing and appeal procedure.

Modifications to Chapter 5.54 regarding Just Cause Evictions include not only provisions in the proposed ordinance, but also further refinement through inclusion of the following measure to strengthen the following:

1. Right of Return
2. Additional Eviction Protections for Elderly, Disabled, or Terminally Ill Tenants
3. Additional School Year Eviction Protections for Educators and Students

4. Ellis Act Withdrawal Protections
5. Relocation Payments (Two Months' Rent)
6. Relocation Payments for Temporary Displacement
7. Breach of Lease Qualifications
8. Failure to Pay Rent Qualifications
9. Substantial Rehabilitation for Health and Safety
10. Buy-Out Agreements (All buyout agreements must be in writing and translated into a language of the tenant's choosing.)
11. Stages of Eviction
12. Applicability (Just cause eviction provisions will not apply to affordable housing, but will apply to Junior Accessory Dwelling Units).

In addition to the modifications to the just cause eviction provisions, the current Chapter 5.55, "Mandatory Mediation for Rental Increases," will be replaced with a new regulatory framework for handling rent increases and landlord-tenant disputes.

FISCAL IMPACT

To be determined.

CEQA

Adoption of the attached Resolution is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), because it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment. (CEQA Guidelines §15061(b)(3)).

ATTACHMENTS (to be provided in a supplemental packet before the meeting)

- A. Ordinance Amending Chapter 5.54, Just Cause Evictions
- B. Ordinance Amending Chapter 5.55 Mandatory Mediation for Rental Increases