



NOTICE OF TENANT RIGHTS

YOUR RIGHTS AS A TENANT

Do you rent a residential unit in the City of Petaluma? If so, then you should know about new rules that may protect you from some evictions, provide proper notice for evictions, and/or pay you money to cover relocation costs when you are evicted.

This is a notice of tenants' rights under the City's Residential Tenancy Protections (Tenant Protections). The City's Tenant Protections were adopted on September 12, 2022 and took effect on October 12, 2022¹. The Tenant Protections regulations can be found here: cityofpetaluma.org/tenantprotections

THE CITY'S TENANT PROTECTIONS DO:

- Supplement the state law eviction protections and rent control in the Tenant Protection Act of 2019.²
- Establish tenant protections related to landlords' taking their rental properties off the market.³

THE CITY'S TENANT PROTECTIONS DO NOT:

- Establish local rent control. The Ordinance and its protections end on March 1, 2023. The City's Residential Tenancy Protections require Petaluma landlords to provide this notice in English and Spanish or the language of their lease to their residential tenants.⁴

THIS NOTICE MUST BE PROVIDED TO TENANTS:

- Within 30 days of Chapter 6.60 taking effect, or by November 17, 2022
- When renewing a rental agreement,
- When entering into a new rental agreement,
- When providing notice of a rental increase,
- Within 30 days after the City has amended this notice and provided a landlord the new notice,
- Before terminating a rental agreement
- Before selling a rental property, and
- Within 30 days after buying a property.⁵

¹ Ordinance no. 2823 N.C.S., codified in Chapter 6.60 of the Petaluma Municipal Code (PMC).

² Government Code §§1945.2 and 1947.12 - 1947.13.

³ See the Ellis Act, Government Code §7060 - 7060.7.

⁴ PMC §6.60.040(C)

⁵ PMC §6.60.040(B)



Landlords CANNOT raise rents or terminate a tenancy until this notice has been provided to a tenant.⁶ The Tenant Protections also provide the option for tenants to defend against a rent increase or tenancy termination. If a tenant is successful, they may recover their attorneys' fees and other costs from the court.⁷

PROPERTIES COVERED BY THE CITY'S RESIDENTIAL TENANCY PROTECTIONS

The City's Residential Tenancy Protections apply to all residential rental properties in Petaluma where a tenant has lawfully resided for a continuous period of **six months or more**,⁸ except:

- Dwelling units that are owned by a government agency; or
- that receive rent subsidies from a government agency so that the tenant's portion of the rent does not exceed thirty percent of household income;
- Dwelling units in developments in which at least forty-nine percent of the dwelling units are subject to affordable rent deed restrictions in accordance with state law;⁹
- Dwelling units with tenant managers; and
- Dwelling unit that is the owner's primary residence that they share with the tenant.¹⁰

The City's Tenant Protections take effect after a tenant has lawfully and continuously resided in the unit for at least a year for:

- Accessory Dwelling Units and Junior Accessory Dwelling Units as defined in the City's Zoning Ordinance; and
- Units on the same property where the owner resides.¹¹

PERMITTED REASONS FOR TERMINATING A TENANCY

In some cases, landlords choose to terminate residential tenancies for reasons related to actions taken by the tenants. Qualifying reasons (called "For Cause.") are:

1. The tenant fails to pay rent within three days of receiving written notice from the landlord demanding payment.
2. The tenant continues to violate material terms of the rental agreement after the landlord's written notice to cure.
3. Tenant conducts illegal activity that during the tenancy at or within a thousand feet of the rental property.
4. Threat of violent crime made by a tenant or at their direction to any person who is on the rental property or to the landlord, or to the landlord's agent.
5. The tenant or tenant household creates or permits a nuisance at or within one thousand feet of the rental property after the landlord's written notice to cease, and a reasonable period to cure the nuisance.
6. The tenant fails to give the landlord reasonable landlord access to the rental property after the landlord's written notice to provide access.¹²

6 PMC §6.60.040(D)

7 PMC §6.60.100(A)

8 PMC §6.60.030(A)

9 Health and Safety Code §50053.

10 PMC §6.60.030(C)

11 PMC §6.60.030(C)(3)

12 PMC §6.60.050(B)



Under the City's Tenant Protections, landlords can terminate residential tenancies for reasons that are not the fault of the tenant (called "no-fault,"). The reasons that qualify under the "no fault" terminations are:

- 7.Termination of a residential tenancy to permanently withdraw a residential rental property from the rental market in accordance with the Ellis Act.¹³
- 8.Termination of a residential tenancy to permit the landlord or one of the landlord's relatives to reside in the property as their primary residence.
- 9.Termination of a residential tenancy for substantial repairs to the rental property that cannot be completed while the unit is occupied to comply with health and safety codes after the landlord has obtained all necessary permits for the repair work.¹⁴

If a tenancy is terminated for any of the reasons above, the tenant is entitled to relocation benefits.

Exceptions and Limitations for "no-fault" terminations:

1. A tenancy CANNOT be terminated during the school year if the tenant is employed as an educator in a Petaluma school or has a child in grades kindergarten through 12th grade.¹⁵
- 2.A landlord may not terminate a tenancy in retaliation for a tenant exercising their rights of the Tenant Protections.¹⁶

RIGHTS TO RELOCATION ASSISTANCE ¹⁷

If Landlord evicts tenant to permanently remove unit from the market, owner to occupy unit, or for substantial rehabilitation, the tenant is entitled to relocation assistance. The assistance can be a direct payment or credit towards payments due. (PMC Section 6.60.080)

AMOUNT OF RELOCATION ASSISTANCE:

- 100% of one month of rent; or
- 150% of one month rent if the tenant household:
 - Qualifies as low income; or
 - Has a disability; or
 - Is over the age of 62; or
 - Includes a child below the age of 18; or
 - The tenancy commenced prior to January 1, 2010

¹³ Government Code §7060 - 7060.7.

¹⁴ PMC §6.60.050(D)

¹⁵ PMC §6.60.050(E)

¹⁶ PMC §6.60.110

¹⁷ PMC §6.60.080



OTHER TENANT RIGHTS

In some cases, an Owner must re-offer the dwelling unit to the displaced tenant at the same rent and subject to the same terms as when the tenancy was terminated. These cases are:

- The property is returned to the rental market within 10 years of the time the unit was withdrawn from the rental market for Ellis Act evictions.¹⁸
- If the unit was returned to the market within 5 years of the withdrawal date for Ellis Act eviction. In this case the tenant has a right of first refusal to return to the unit at a rent that does not exceed the lawful rent at the time the unit was withdrawn, subject to adjustments for cost of living.¹⁹
- The owner or owner's relative fails to occupy the dwelling unit within 90 days of the tenant household vacating the dwelling unit; or
- The owner or owner's relative fails to occupy the residential unit for at least three consecutive years following the move out date.²⁰

TENANT PROTECTIONS RELATED TO IMMIGRATION OR CITIZENSHIP STATUS

Per Civil Code Section 1940.35, it is unlawful for a landlord to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling, irrespective of whether the tenant or occupant currently resides in the dwelling.

Per Code of Civil Procedure 1161.4, a landlord shall not cause a tenant or occupant to quit involuntarily or bring an action to recover possession because of the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, unless the landlord is complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

HOW TO GET HELP

PETALUMA PEOPLE SERVICE CENTER

- Free, non-biased services to all tenants, agents, and landlords who live in, manage, or own property in Petaluma.
- Phone: 707-765-8488

CITY OF PETALUMA HOUSING MANAGER

- Questions about the City's rules and submitting required forms.
- Email: tenantprotections@cityofpetaluma.org

LEGAL AID OF SONOMA COUNTY

- Help with eviction defense, Section 8 issues, mobile home park support, habitability problems, and price gouging for low-income tenants.
- Phone: 707-843-4432

¹⁸ PMC §6.60.090(B)
¹⁹ PMC §6.60.090(B)
²⁰ PMC §6.60.050(D)(2)(b)

