

Tenancy Protections

COMMUNITY WORKSHOP – FEBRUARY 4, 2023

Agenda

Overview of Current Laws

Petaluma Ordinance vs. TPA

Questions / Feedback

Next Steps

Landlord Tenant Basics

Leases are contracts that protect landlords and tenants

- subject to landlord tenant laws

Fair housing rules apply to all

- discrimination prohibited, landlord duty to maintain, etc.

Local tenant protections do not amend lease

- but do limit grounds for termination and provide remedies for violations

History of Tenant Protections

Ellis Act



State TPA



Fire Urgency Ordinance



County Protections (Covid-19)



Petaluma Urgency Ordinance



Petaluma Interim Ordinance

Tenant Protection Types

PETALUMA ORDINANCE DOES NOT IMPOSE RENT CONTROL

Termination
Limitations

Noticing

Rent Control

Removing
Units from
Market

State of CA Tenant Protections

Ellis Act (1985)

- Protects right to remove property from rental market
- Authorizes local jurisdictions to regulate

CA Tenant Protection Act (2019)

- Limits just causes for evictions
- Permits local regulations
- Limits rent increases

Petaluma Ordinance

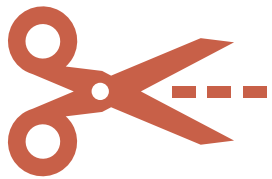
Works in
conjunction with
the State TPA

Relies on TPA
rent control

Expands TPA
protections

Implements Ellis
Act protections

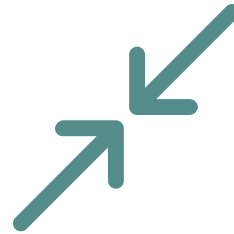
Petaluma Ordinance vs. State TPA



Removes
some
exceptions



Applies to
most
tenants
sooner



Reduces
grounds for
termination



Revises
some
at/no fault
definitions

Who is covered?

STATE LAW

Tenants who have lawfully occupied for 12 months

PETALUMA ORDINANCE

Tenants who have lawfully occupied for 6 months

- or 12 months if landlord lives on property or unit is accessory or junior accessory unit

Which Units are Covered? All BUT:

STATE LAW

- Units that have received certificate of occupancy in the last 15 years
- Units restricted as affordable housing
- Dorms owned/operated by schools, nonprofit hospitals, churches, & extended care facilities
- Owner occupied property (primary residence) & shares a bath/kitchen

Which Units are Covered? All BUT:

STATE LAW (continued)

- Owner occupied duplex (primary residence) & has occupied since the beginning of the tenancy
- Single-family homes if owner occupied and leases no more than 2 rooms
- Single-family homes if owner is not a legal entity & tenants received written notice that they are exempt
- Hotels and transient occupancy

Which Units are Covered? All BUT:

PETALUMA

- Owned or subsidized by govt. agency
- Occupied by a tenant property manager
- Developments with greater than 49% of units restricted to affordable
- Primary resident owner that shares a bathroom/kitchen

Allowed Terminations – At Fault

WHEN TENANT IS THE CAUSE – STATE LAW

Failure to pay
rent

Breach of
lease

Causing a
nuisance

Criminal
activity

Using unit for
illegal
purpose

Committing
waste

Subletting
against lease

Refusal to
allow owner
to enter

Tenant fails to
vacate after
intent to leave

Employee fails
to vacate after
termination

Allowed Terminations – At Fault

WHEN TENANT IS THE CAUSE – PETALUMA ORD

Cannot refuse \$ from 3rd. Party

Failure to pay rent

Breach of lease (*only some terms*)

Causing a nuisance

Criminal activity

Requires Conviction

Using unit for illegal purpose

~~Committing waste~~

~~Subletting against lease~~

Refusal to allow owner to enter

Not if related to Domestic Violence, sexual assault, elder abuse

~~Tenant fails to vacate after intent~~

~~Employee fails to vacate after termination~~

Allowed Terminations – "No Fault"

WHEN LANDLORD IS THE CAUSE – STATE LAW

Owner wants to
remove a unit from
the rental market
(Ellis Act)

Owner or family
member wants to
occupy unit

Substantial
rehabilitation to
the unit is needed

Complying with a
Government or
Court order to
vacate

Relocation =
100% of 1 mo. rent

Allowed Terminations – "No Fault"

WHEN LANDLORD IS THE CAUSE – PETALUMA ORDINANCE

Owner wants to remove a unit from the rental market (Ellis Act)

Owner/family member wants to occupy unit*

(owner must move in w/in 90 days & stay 1 yr)

If Owner owns multiple units and one is vacant, Owner/relative cannot terminate except to accommodate a disability

Must get permit first

Substantial rehabilitation to the unit is needed

No termination during school year – teachers / students

Allowed Terminations – "No Fault"

WHEN LANDLORD IS THE CAUSE – PETALUMA ORDINANCE

Complying with a
Government or
Court order to
vacate

Relocation =
100% of 1 mo. rent

*150% if tenant
is under 18,
over 62, low
income,
disabled,
or long-term
tenant*

No
termination
during
school year
– teachers /
students

Petaluma – No Fault ADDITIONS

Tenant receives "Right of First Refusal"

- **Withdrawal**- Within 10 years of withdrawal from the rental marketplace, on same terms with TPA adjusted rent for the first five years.
- **Intent to move-in** – If owner or family member fails to occupy within 90 days of termination or fails to reside for 3 consecutive years.
- **Substantial Rehab** - After rehab is complete the tenant has the right to reoccupy the unit.

Other Protections

PETALUMA ORDINANCE

Notice of Tenant
Rights required

No termination for
tenants exercising
their rights

Civil cause of action

Tenants can recover
attorneys' fees if
they prevail in an
unlawful detainer

City reserves right
to enforce

Noting Requirements

PETALUMA ORDINANCE

English &
Spanish &
language of lease

New / renewal of
lease or rent
increase

Sale of property

Petaluma
Ordinance
changes

Noting Requirements

PETALUMA ORDINANCE – NO FAULT NOTICES

Notice must be
recorded &
provided to tenant

Notice of right to
relocation

Notice to City if
owner plans to
move in

Notice to City
regarding rehab
plans

Input received / Possible Amendments

Right of 1st refusal for 10 years under the Ellis Act is onerous – consider shorter time

Additional 50% relocation is onerous – remove this clause

Noticing and forms are onerous

Tenants in suffrage – remove or keep in definition of covered tenants – affects ability of landlords to let leases expire without issuing a notice of termination

Input received / Possible Amendments

Should tenancies less than a year be permitted to expire without notice – e.g., for sabbatical leaves or active-duty activation?

Should the protection for terminations affecting teachers and students be more limited?

Should some of the exemptions in the TPA be retained – such as for non-corporate landlords with a limited number of rental units?

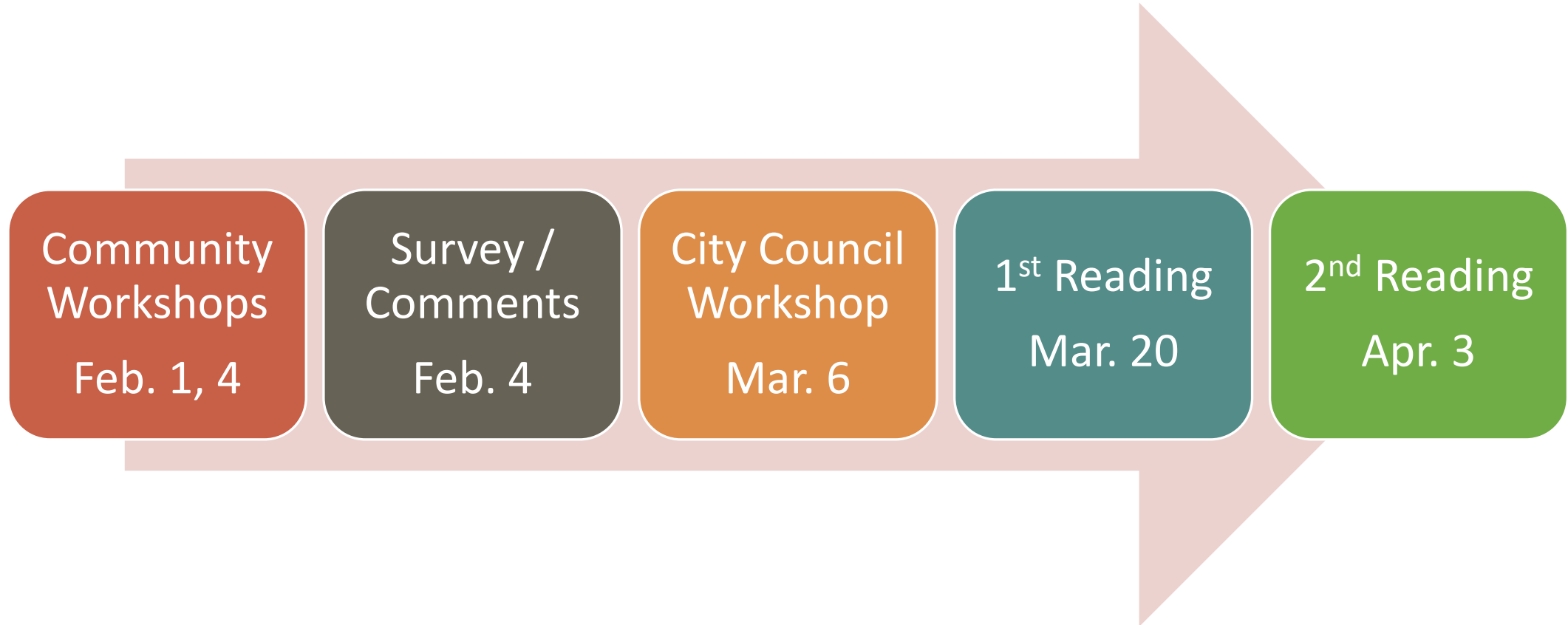
Input received / Possible Amendments

Should additional grounds for fault-based termination be added? Such as committing waste, or refusal to enter a new, lawful lease?

Should relocation rights be adjusted or eliminated if the landlord qualifies as a low-income household?

Let the ordinance expire, it is unnecessary

NEXT STEPS



Questions?

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www.cityofpetaluma.org/tenancyprotections