



# Memorandum

TO: Mayor and City Council

FROM: Councilmember Arenas  
Councilmember Jimenez

DATE: April 14, 2017

SUBJECT: Actions Related to Tenant Protection Ordinance.

APPROVED

DATE: APRIL 14, 2017

*Sylvia Arenas PM*

*Sergio Jimenez*

## RECOMMENDATION

1. Recommend the adoption of Staff Policy Alternative # 2: ***Implement an Ordinance with Just Cause Eviction Requirements with automatic enrollment for all tenants***, and to not adopt Staff's Recommendation Number 1 in its Memorandum dated April 7, 2017.
2. Adopt Staff Recommendations Number 2, 3, and 4 in the Memorandum of April 7, 2017
3. Pending City Attorney Approval, adopt an interim urgency ordinance providing good cause protections for all tenants in San Jose. Such urgency ordinance will provide that ***NO landlord shall take action to terminate any tenancy, including but not limited to making a demand for possession of a rental unit, threatening to terminate a tenancy either orally or in writing, serving any notice to quit or any eviction notice, bringing any action to recover possession, or be granted recovery of possession unless such landlord can demonstrate good cause for eviction. Good cause is defined as one or more of the good causes listed in section 17.23.1230(B) of the staff's draft ordinance.***

## BACKGROUND

The Housing Department developed the Tenant Protection Ordinance based on direction by the City Council at its meeting of April 19, 2016. Since that time, new evidence has come to light that calls for the Council to revisit that decision.

As of the beginning of the year, 55 no cause evictions have been given by landlords in San Jose.

That equates roughly to a no-cause eviction every other day. The displacement of several hundred or more families a year without cause is an unbearable and unnecessary hardship for our families and our communities. The recent displacement of hundreds of tenants due to the tragic flooding in San Jose exemplifies how catastrophic it is to lose one's home and stability at a moment's notice.

On April 13, 2017 a large majority of the Housing & Community Development Commission voted to institute a full just cause ordinance with automatic enrollment across the City. This is resounding evidence that the broader community is in favor of just cause.

As stated in the Housing Department's Memorandum dated April 7, 2017 the scope of this ordinance would apply to 97,901 units, if each unit has at least 3 residents this ordinance would protect nearly 300,000 individuals. This is approximately 30% of San Jose's population.

Full just cause protection for tenants would help create a more level playing field for renters caught in our City's housing crisis. Combined with a strong Ellis Act Ordinance, the City Council can enact policies to help preserve the stability and diversity of our communities. It is important to note that just cause does not hinder the eviction process. Landlords will have the same rights to evict tenants who violate lease agreements, fail to pay rent, or whose actions or behavior meet the standard of just cause.

This Ordinance should be implemented in such a way as to ensure that landlords are not permitted to have a window to issue a surge of no cause evictions as happened in Mountain View after the adoption of Measure V.

In addition, an ordinance without an enrollment process will also be less expensive and burdensome to administer as the protections are automatically applied to all tenants.