



# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** Councilmember Donald Rocha  
**SUBJECT:** JUST CAUSE ORDINANCE  
**DATE:** May 8, 2017

Approved

*Don Rocha*

Date

*5-8-17*

*PH*

## RECOMMENDATION

1. Approve the staff recommendation, consistent with the memo from Vice Mayor Carrasco, Councilmember Peralez and myself and the memo from Councilmembers Arenas and Jimenez.
2. Additionally, approve the memo from Mayor Liccardo and Councilmember Jones dated May 5, 2017.

## ANALYSIS

I greatly appreciate that Mayor Liccardo and Councilmember Jones have recommended approving both Just Cause ordinances. Approval of these ordinances will allow us to provide immediate protections to tenants who may be at risk of losing their homes. I recommend approving their memo along with the staff recommendation.

I would like to make some brief comments on recommendation 4.a in my colleague's memo, which proposes that the Council direct staff to return at a later date with an amendment to the Just Cause ordinance that would establish criminal activity as an independent basis for eviction. I support the intent of my colleagues to ensure that rental housing is safe for everyone, but at the same time I'm concerned that, if drawn too broadly, the proposed provision could have unintended consequences. For example, we certainly would not want to make it easier to evict a couple for domestic violence, as the threat of eviction could discourage the victim from reporting the crime. We may also want to think carefully about a situation where an entire family could be evicted for a crime committed by a teenager, especially if it was a first offense and the parent or foster parent had not been given an opportunity to remedy the problem. These and other possible scenarios should cause us to think very carefully about how such a provision is crafted.

That said, I support the direction offered in the memo from Mayor Liccardo and Councilmember Jones. I am able to support recommendation 4.a because it does not recommend adopting ordinance language now, but instead directs staff to bring this issue back to the Council. By allowing for additional time and staff work, we will have the

opportunity to vet this issue and have a robust policy conversation about it. I don't want to predetermine what the outcome of that conversation should be, but in my opinion it may be helpful for staff to at least evaluate the following policy options:

- Establish a list of specific crimes or types of crimes that could serve as the basis for an eviction.
- Require that the tenant be provided "written notice to cease" before an eviction. Such notice would allow the tenant an opportunity to remedy the problem before being evicted.
- Establish specific criteria as to the timeframe and location of the criminal activity, to ensure that tenants are not evicted for crimes committed in the past or which are not related to their tenancy.
- Any other policy options which staff may wish to propose.

I don't know whether it would make sense to include any of these options, but I do think we should at least consider them. I want to again thank the Mayor and Councilmember Jones for their support for the staff recommendation, as well as thank the rest of my colleagues for their work on this issue.