



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Jacky Morales-Ferrand

**SUBJECT:** ACTIONS RELATED TO TENANT  
PROTECTION ORDINANCE

**DATE:** May 8, 2017

Approved

Date

5/8/17

## SUPPLEMENTAL

### REASON FOR SUPPLEMENTAL

The reason for this supplemental memo is to inform City Council of amendments made to the Proposed Tenant Protection Ordinance and the associated Urgency Ordinance.

### BACKGROUND

Subsequent to the posting of the Proposed Tenant Protection Ordinance, the Housing Department received comments from tenant and landlord representatives pertaining to the Proposed Ordinance. A letter was submitted by the California Apartment Association on May 5, 2017, outlining specific concerns with the proposed Tenant Protection Ordinance language. The concerns highlighted Section 17.23.1240.B which included compliance requirements that served as a “pre-condition” for a landlord prior to the issuance of a just cause notice to vacate. Although this language is consistent with ordinance language in other jurisdictions, it may be unclear to landlords how these conditions would be met. Additionally, conversations with tenant advocate groups raised concern with the same pre-condition language, also stating that the proposed language may cause confusion to tenants and landlords.

### ANALYSIS

Based on this input, the following changes were made to the Proposed Ordinance.

- 1) “Section 17.23.1240.B Just Cause Protections” was modified to remove the requirement for the unit to comply with the warrant of habitability and the Apartment Rent Ordinance before the landlord can pursue eviction.
- 2) “Section 17.23.1260.B Notice of Termination to the Tenant and City” was modified to provide that the landlord may use a notice of termination that complies with the Ordinance instead of the form provided by the Director.

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- 3) Exhibit A to the Urgency Ordinance was replaced with the correct version of the Proposed Ordinance.

The revisions to the Proposed Tenant Protection Ordinance will result in greater clarity for all parties exercising their rights under the Ordinance in the future. Additionally, references were added to the regulations where it was commented that additional clarity was needed.

Questions were also asked as to how an adopted Ordinance would affect notices to terminate or vacate that have already been served. No cause notices and evictions in progress prior to the effective date of the Ordinance will not be affected. Until the Tenant Protection Ordinance or Urgency Ordinance is effective, owners may still issue no cause notices.

/s/

JACKY MORALES-FERRAND

Director of Housing

For questions, please contact Rachel VanderVeen, Program Administrator, Housing, at (408) 535-8231.