Date: March 2, 2021
To: El Cerrito City Council
From: Aissia Ashoori, Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department
Subject: Year One Rental Registry Data and Tenant Protections Task Force Recommendations Report

**ACTION PROPOSED**
Receive and file a presentation on Year One Rent Registry Data and the Tenant Protections Task Force Recommendations Report

**BACKGROUND**
In August 2017, the Affordable Housing Strategy (Strategy), was adopted by the City Council to focus on the City’s housing goals that aim to protect, produce and preserve affordable housing for low-to-moderate income households. To achieve these goals, the Strategy identified four policy pillars along with various strategies for implementation.

*Policy Pillar A: Leverage Private Development to Address Affordable Housing Needs*
*Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations*
*Policy Pillar C: Encourage Development of “Missing Middle Housing” that Serves Low-and Moderate-Income Households*
*Policy Pillar D: Increase Local Funding to Continue Supporting Development of Affordable and Special Needs Housing*

The focus of the attached reports and presentation to the City Council is on Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations and the following Strategy implementation actions:

- **Strategy 4-2:** Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance and;
- **Strategy 6-1:** Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

Additional information regarding the Policy Pillars, along with their associated strategies, is included in Affordable Housing Strategy Pamphlet (Attachment 4).

The City Council and Community Development staff held multiple study sessions over a nine-month period between August 2018 and May 2019 to focus on Pillar B and discuss potential policy options. On May 7, 2019, the following actions were taken the City Council:
• Adoption of the Rent Registry Ordinance: El Cerrito Municipal Code Chapter 10.100 (Ordinance 2019-03), established an annual reporting requirement for all residential rental property owners to submit data into a City database regarding rents and other relevant information.

• Adoption of Just Cause for Eviction: El Cerrito Municipal Code Chapter 10.300 (Ordinance 2019-04), established enumerated reasons for which a landlord can terminate tenancy for multi-family properties with five or more units that received a Certificate of Occupancy issued before January 1, 2015. Note: Per a referendum petition filed with the City Clerk on June 10, 2019, this item was repealed by the City Council on July 31, 2019 (Ordinance 2019-07).

• Formation of the Tenant Protections Task Force: Established by Resolution 2019-33, this special body is comprised of eight members made up equally of landlords and tenants led by a professional facilitator/mediator along with Community Development staff as the liaison. The Task Force efforts were guided by Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations of the Strategy. The purpose of the Task Force was to bring together landlords and tenants to find common ground to make policy recommendations to the City Council for their consideration. The Task Force was initially slated to meet a minimum of three times over a six-month period.

On August 20, 2019, the City Council appointed eight members and adopted an amendment to the duties and responsibilities of the Tenant Protections Task Force to include the Just Cause for Eviction policy (Resolution 2019-51) and extended their duration to a period of 12 months. Due to COVID-19 and while waiting for the Rent Registry data, the City Council adopted Resolution 2020-46 on September 15, 2020 to allow the Task Force through December 2020 to complete their work. The Task Force was charged with examining and making recommendations regarding the policies below to the City Council for consideration, as defined in the Resolutions.

a. Rent Review programs
b. Tenant Relocation Assistance due to Demolition policy
c. Tenant Relocation Assistance due to Rent Increase policy
d. Just Cause for Eviction
e. Other recommendations considered by the Task Force with respect to Tenant Protections

Given the complexity of this topic, the City engaged the Consensus Building Institute (CBI), a non-profit organization with over twenty years of experience in providing facilitation and mediation services, to provide professional facilitation/mediation to support the Task Force.
ANALYSIS

Tenant Protections Task Force

The Tenant Protections Task Force Recommendations Report (Attachment 2) prepared by CBI, outlines, and details the background, process overview, meeting topics and recommendations. The policies in the report were guided by the City Council resolutions and recommendations are based on input from both tenants and landlords. The report also took into consideration policies where no action or consensus was reached. The Task Force met five times beginning Fall 2019 and dissolved on December 20, 2020.

Assembly Bill 1482: Tenant Protection Act of 2019

After the Task Force held its inaugural meeting on September 23, 2019, Governor Newsom signed Assembly Bill 1482: Tenant Protection Act of 2019 – Rent Caps on October 8, 2019, which took effect January 1, 2020 and sunsets January 1, 2030. AB 1482 includes annual rent increase caps of 5% plus inflation or 10%, whichever is lower; protections for ‘just cause’ and ‘no-fault’ evictions; relocation assistance; and revised tenant noticing requirements. Most multifamily rental properties that are at least 15 years old are subject to this law, with some exceptions. The Assistant City Attorney provided a presentation to the Task Force during the October 19, 2019 meeting to review AB 1482: Tenant Protection Act of 2019 (Attachment 3) along with a side-by-side analysis of it and the policies previously considered by the City Council. The Task Force utilized this information during their deliberations, as noted in CBI’s report.

Rent Registry

As direction to develop a Rent Registry was adopted by the City Council in May 2019, City staff worked to develop the Rent Registry system to be able to coincide data collection with the annual Business License process, which occurs annually every July. Rental property owners are required to obtain business licenses, so synchronizing the two programs aims to build efficiency and simplify communication with rental property owners. In the program’s first year, the program aimed to communicate the requirement and establish a system for collecting data. The first-year cycle sought data from property owners over a two-year reporting period between July 1, 2017 – June 30, 2019. The Year One, Rent Registry Presentation (Attachment 1) was shared with Task Force members in September 2020. In addition to presenting the data collected, it also covers information regarding lessons learned in the first year of the program.

COVID-19

In response to COVID-19, Community Development staff worked with the City Attorney and City Council to adopt an Urgency Ordinance Enacting a Temporary Eviction Moratorium to protect residential and commercial tenants financially affected by COVID-19. The Ordinance was adopted on March 25, 2020 and is set to expire upon the expiration of the local emergency or the Governor’s Proclamation Of A State of Emergency, whichever is later. The provisions provide temporary rent forbearance to those who qualify by providing 180 days, from the Ordinance expiration date, to catch up on unpaid rent and suspends late fees from being charged for qualified residential
and commercial tenants who can demonstrate loss of income or revenue due to COVID-19. The County and State also adopted temporary eviction and rent increases protections.

**STRATEGIC PLAN CONSIDERATIONS**
These reports fulfill the City’s Strategic Plan Goal C: Deepen a sense of place and community identity and specifically the strategy to promote strong neighborhoods.

**ENVIRONMENTAL CONSIDERATIONS**
This action is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061 (b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

**FINANCIAL CONSIDERATIONS**
This section is not applicable to this agenda item.

**LEGAL CONSIDERATIONS**
This section is not applicable to this agenda item.

Reviewed by:

Karen Pinkos, City Manager

Attachments:
1. Presentation
2. Recommendations Report
3. AB 1482 Summary, Tenant Protections Policies - Comparison Table
4. Affordable Housing Strategy Pamphlet
THE CITY OF EL CERRITO
RENT REGISTRY
YEAR ONE: PROGRAM UPDATE
MARCH 2, 2021

www.el-cerrito.org/rentregistry
Tenant Protections: City Actions

- **Affordable Housing Strategy**: Adopted August 2017
- Met with a variety of stakeholders and jurisdictions: Spring - Summer 2018
- Tenant Protections Study Session I: August 21, 2018
- Community Workshop: November 8, 2018
- Introduction of Tenant Protection Ordinances: December 18, 2018
- Citywide Mailing – Tenant Protection Study Session II: February 2019
- Tenant Protection Study Session II: February 19, 2019
- Study Session II (continued): Special Meeting: March 5, 2019
- May 2020: Just Cause for Eviction, Rent Registry and Task Force Adopted
- August 20, 2019: Tenant Protections Task Force Appointed
- March 25, 2020: Urgency Ordinance, COVID-19 Eviction Moratorium
TENANT PROTECTIONS: STATE ACTIONS

- AB 1482: Tenant Protection Act of 2019, effective January 1, 2020
- AB 1110: Rent Increase Noticing, effective January 1, 2020
- SB 329: Source of Discrimination, effective January 1, 2020
# RENT REGISTRY: IMPLEMENTATION TIMELINE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 21, 2019</td>
<td>City Council Adopted Chapter 10.100 Rent Registry</td>
</tr>
<tr>
<td>June 2019</td>
<td>Development of Online Rent Registry Portal &amp; Paper Form, Program Materials, etc. (existing business license software)</td>
</tr>
<tr>
<td>July 1, 2019</td>
<td>Annual Business License Renewals &amp; Rent Registry Notices</td>
</tr>
<tr>
<td>Data Reporting Period: July 1, 2017 – June 30, 2019</td>
<td></td>
</tr>
<tr>
<td>September 2019</td>
<td>New Staff Position, Administrative Clerk-Specialist</td>
</tr>
<tr>
<td>September &amp; October 2019</td>
<td>Tenant Protections Task Force Convened</td>
</tr>
</tbody>
</table>
Applies to all rental properties, including single-family residences and multi-family buildings, with some exceptions.

Exceptions:
- A room or any other portion of any property occupied by landlord or landlord’s immediate family
- Hotels, motels, bed and breakfasts, etc.
- On-site manager’s living unit
- Tenancy that is condition of employment by a landlord
- Units whose rents are controlled by any government agency
- Units acquired by the City intended to be used for public purposes
RENT REGISTRY: REGISTRATION PROCESS

City Provides 1st Notice to Owner/Manager with Instructions and Deadline

1st Completeness Determination Issued
1. Notice of Completion
2. Notice of Incompletion (new deadline)

Owner/Manager to Renew Business License (annual fee)

Owner/Manager to Register All Rentals Subject to Ordinance (annual fee)

Housing Analyst/Admin. Clerk Reviews Each Submission:
1. Paper
2. Electronic

Housing Analyst/Admin. Clerk Reviews Additional Information

2nd Completeness Determination Issued
1. Notice of Completion
2. Notice of Incompletion (new deadline)

Housing Analyst/Admin. Clerk Reviews Additional Information

3rd Completeness Determination Issued
1. Notice of Completion
2. Notice of Incompletion (new deadline)

Incomplete/Non-Responsive = Compliance Action

Refer to Code Enforcement

Initiate Administrative Citation Process

Work with City Attorney (outstanding cases)

Note: Activities shown in grey did not occur due to time constraints and COVID-19.
RESIDENTIAL RENTAL BUSINESS LICENSES: BY THE NUMBERS
FISCAL YEAR 2019/2020: JUNE 1, 2019 – JUNE 30, 2020

- 947 Active Residential Rental Business Licenses
- Covering 2,742 Units
- Estimated 4,000 Renter Households in El Cerrito (2015-2023 Housing Element)

<table>
<thead>
<tr>
<th>Status by Type</th>
<th># Licenses</th>
<th># Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Completion (completed)</td>
<td>700</td>
<td>1,906</td>
</tr>
<tr>
<td>Notice of Incompletion (submitted)</td>
<td>47</td>
<td>175</td>
</tr>
<tr>
<td>No Response (no action)</td>
<td>200</td>
<td>661</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>947</strong></td>
<td><strong>2,742</strong></td>
</tr>
</tbody>
</table>
July 1, 2017 – June 30, 2019 Reporting Period

747 Submissions

523 Completed by Paper

224 Completed Online

RENT REGISTRY: YEAR 1 RESPONSES RECEIVED
## RENT REGISTRY ORDINANCE: DATA POINTS

<table>
<thead>
<tr>
<th>PROPERTY OWNER INFORMATION</th>
<th>PROPERTY/UNIT INFORMATION</th>
<th>RENT HISTORY</th>
<th>TENANT HISTORY/ OCCUPANCY STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Name</td>
<td>• Address</td>
<td>• Previous Rent (24-month period)</td>
<td>• Date of Move-In</td>
</tr>
<tr>
<td>• Contact Information</td>
<td>• Number of Units</td>
<td>• Current Rent</td>
<td>• Date of Move-Out</td>
</tr>
<tr>
<td>• Number of Units Owned in El Cerrito</td>
<td>• Unit Number</td>
<td>• Date of Rent Increase</td>
<td>• Occupancy Status</td>
</tr>
<tr>
<td>• Business License Number</td>
<td>• Square Footage</td>
<td></td>
<td>• Reason for Move-Out</td>
</tr>
<tr>
<td></td>
<td>• Number of Bedrooms</td>
<td></td>
<td>• Housing Voucher Recipient</td>
</tr>
<tr>
<td></td>
<td>• Number of Bathrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• History of Capital Improvements / Major Maintenance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Overview of Properties by Type: Responses Received

<table>
<thead>
<tr>
<th>Property Types</th>
<th>Number of Units</th>
<th>Occupancy Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residence</td>
<td>283 Single-Family Residences</td>
<td>13 Vacant</td>
</tr>
<tr>
<td>Condominium/Townhome</td>
<td>10 Condominium/Townhome</td>
<td>1 Section 8</td>
</tr>
<tr>
<td>Accessory Dwelling Unit (ADU)</td>
<td>10 Accessory Dwelling Units</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>303 Properties/Units</strong></td>
<td><strong>14 Vacant</strong></td>
</tr>
</tbody>
</table>

| Small Multi-Family: 2-4 Units         | Duplex: 88 Properties; 176 Units         | 612 Rented                 |
|                                       | Triplex: 23 Properties; 69 Units         | 9 Vacant                   |
|                                       | Quadruple: 94 Properties; 376 Units      | 1 Section 8                |
|                                       | **205 Properties; 621 Units**            |                            |

| Medium Multi-Family: 5-40 Units       | 59 Properties                            | 557 Rented                 |
|                                       | **570 Units**                            | 13 Vacant                  |
|                                       |                                         | 4 Section 8                |

| Large Multi-Family: 41+ Units         | 3 Properties                             | 404 Rented                 |
|                                       | **412 Units**                            | 8 Vacant                   |
|                                       |                                          | 0 Section 8                |
EL CERRITO PROPERTY OWNER PROFILE: RESPONSES RECEIVED

El Cerrito Residents: 33%
Non-El Cerrito Residents: 67%

TOTAL # RENTAL UNITS IN EL CERRITO

Average 3.6 Units
Average 1.5 Buildings
AVERAGE TENANCY BY PROPERTY TYPE:
RESPONSE RECEIVED

- Single-Family: 6.86 Years
- Small MF: 6.67 Years
- Medium MF: 6.27 Years
- Large MF: 2.28 Years

Average Length of Tenancy
- SINGLE-FAMILY RESIDENCES
- CONDOS/TOWNHOMES
- ACCESSORY DWELLING UNITS
Responses Received by Property Type

- Single-Family: 94% (283)
- Condo/Townhome: 3% (10)
- ADU: 3% (10)
SINGLE-FAMILY, CONDO/TOWNHOME, ADU: AVERAGE RENTS BETWEEN 2017 – 2019
- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

AVERAGE RENTS

<table>
<thead>
<tr>
<th>Bedroom Size</th>
<th>Average Rent 2017</th>
<th>Average Rent 2018</th>
<th>Average Rent 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$1,092</td>
<td>$1,100</td>
<td>$1,087</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$1,714</td>
<td>$1,796</td>
<td>$1,877</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$2,072</td>
<td>$2,155</td>
<td>$2,285</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$2,485</td>
<td>$2,595</td>
<td>$2,773</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$2,904</td>
<td>$3,004</td>
<td>$3,044</td>
</tr>
<tr>
<td>5 &amp; 6-Bedroom</td>
<td>$3,813</td>
<td>$3,690</td>
<td>$3,960</td>
</tr>
</tbody>
</table>

Average Square Feet
- Average Square Feet 712
- Average Square Feet 724
- Average Square Feet 1125
- Average Square Feet 1420

- $1.09 per sf
- $1.71 per sf
- $2.07 per sf
- $2.48 per sf
- $2.85 per sf
- $2.90 per sf
- $3.81 per sf

Price per Square Foot (SF) 2019
- $2.60 per sf
- $2.03 per sf
- $1.96 per sf
- $1.64 per sf
- $1.44 per sf
SINGLE-FAMILY, CONDO/TOWNHOME, ADU: AVERAGE RENT INCREASES BY YEAR

Period: July 2017 - June 2019

- 2017-2018: 3.27%
- 2018-2019: 4.63%
SINGLE-FAMILY, CONDO/TOWNHOME, ADU: RENT INCREASE THRESHOLDS BETWEEN JULY 2017 - JUNE 2019

- No Rent Increase: 53%
- >5%: 23%
- >10%: 14%
- 10% to <10%: 9%
- Rent Decrease: 1%
SINGLE-FAMILY, CONDO/TOWNHOME, ADU:
REPORTED RENT INCREASES REASONS BY CATEGORY
Single-Family, ADU Condo/Townhome Reasons for Move-Out:
Reported by Property Owners/Managers

- Ill/Deceased: 1%
- Capital Improvements: 2%
- Moved Out of Area: 17%
- Unable to Afford Rent: 3%
- Student: 6%
- Purchased a Home: 12%
- New Job: 5%
- Other: 33%
- Unknown: 21%
SMALL MULTI-FAMILY: 2-4 UNITS
Small Multi-Family, 2-4 Units: Responses Received by Property Type

- Duplex: 28% (176)
- Triplex: 11% (69)
- Quadruplex: 61% (376)
SMALL MULTI-FAMILY, 2-4 UNITS:
- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

2-4 UNITS – AVERAGE RENTS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$1,154</td>
<td>$1,167</td>
<td>$1,172</td>
<td>$3.36 per sf</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$1,326</td>
<td>$1,406</td>
<td>$1,479</td>
<td>$2.38 per sf</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$1,621</td>
<td>$1,702</td>
<td>$1,811</td>
<td>$2.13 per sf</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$2,144</td>
<td>$2,255</td>
<td>$2,424</td>
<td>$1.71 per sf</td>
</tr>
</tbody>
</table>

Average: 385 Square Feet
Average: 623 Square Feet
Average: 850 Square Feet
Average: 1,417 Square Feet
SMALL MULTI-FAMILY, 2-4 UNITS: AVERAGE RENT INCREASES BY YEAR

Period: July 2017 - June 2019

- 2017-2018: 5.22%
- 2018-2019: 5.48%
SMALL MULTI-FAMILY, 2-4 UNITS:
RENT INCREASE THRESHOLDS BETWEEN JULY 2017 - JUNE 2019

- No Rent Increase: 43%
- >5%: 18%
- >10%: 23%
- 10% to 15%: 1%
- Rent Decrease: 1%

Agenda Packet Page 103 of 150
Rent Increase Reasons

- **Annual Increase**: 14%
- **Capital Improvements**: 6%
- **Cost of Living**: 12%
- **First in Several Years**: 4%
- **Increased Expenses**: 21%
- **New Tenant**: 28%
- **Maintenance/Repair**: 12%
- **Unknown**: 3%
- **Other**: 0%

**Small Multi-Family, 2-4 Units:**
Reported Rent Increases Reasons by Category
SMALL MULTI-FAMILY, 2-4 UNITS:
REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS
MEDIUM MULTI-FAMILY: 5-40 UNITS
Medium Multi-Family, 5-40: Responses Received by Property Type

- **5-9 Units**: 44% (252)
- **10-19 Units**: 22% (122)
- **20-40 Units**: 34% (196)
MEDIUM MULTI-FAMILY, 5-40 UNITS:
- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

5-40 UNITS – AVERAGE RENTS

- Studio: Average 575 Square Feet
  - 2017: $2,140
  - 2018: $2,89 per sf
  - 2019: $1,611

- 1-Bedroom: Average 600 Square Feet
  - 2017: $1,388
  - 2018: $2.64 per sf
  - 2019: $1,492

- 2-Bedroom: Average 804 Square Feet
  - 2017: $1,764
  - 2018: $2.39 per sf
  - 2019: $1,583

- 3-Bedroom: Average 1045 Square Feet
  - 2017: $2,190
  - 2018: $2.29 per sf
  - 2019: $2,364

Average Price Per Square Foot (SF) 2019:
- Studio: $2,140
- 1-Bedroom: $1,388
- 2-Bedroom: $1,764
- 3-Bedroom: $2,190
MEDIUM MULTI-FAMILY, 5-40 UNITS: AVERAGE RENT INCREASES BY YEAR

Period: July 2017 – June 2019

- 2017-2018: 1.00%
- 2018-2019: 4.10%
MEDIUM MULTI-FAMILY, 5-40 UNITS:
RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019

- No Rent Increase: 37%
- >5%: 27%
- >10%: 23%
- 10% > 10%: 3%
- Rent Decrease: 3%
MEDIUM MULTI-FAMILY, 5-40 UNITS:
REPORTED RENT INCREASES REASONS BY CATEGORY

- Cost of Living: 48%
- Market Rate: 14%
- New Tenant: 10%
- Increased Expenses: 9%
- First in Several Years: 2%
- Maintenance/Repair: 2%
- Other: 2%
- Unknown: 0%
- Capital Improvements: 1%
- Annual Increase: 12%

Agenda Packet Page 111 of 150
MEDIUM MULTI-FAMILY, 5 - 40 UNITS:
REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS
LARGE MULTI-FAMILY: 41+ UNITS
LARGE MULTI-FAMILY, 41+ UNITS:
- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

### 41+ UNITS - AVERAGE RENTS

<table>
<thead>
<tr>
<th>Bedroom Size</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$2,588</td>
<td>$2,588</td>
<td>$2,588</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$2,156</td>
<td>$2,309</td>
<td>$2,330</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$2,394</td>
<td>$2,525</td>
<td>$2,586</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$3,750</td>
<td>$4,181</td>
<td>$4,144</td>
</tr>
</tbody>
</table>

- Average: 640 Square Feet
- Average: 750 Square Feet
- Average: 944 Square Feet
- Average: 1372 Square Feet

Price per square foot:
- $4.04 per sf
- $3.10 per sf
- $2.73 per sf
- $3.01 per sf
LARGE MULTI-FAMILY, 41+ UNITS: AVERAGE RENT INCREASES BY YEAR

Period: July 2017 – June 2019

- 2017-2018: 2.41%
- 2018-2019: 1.56%
LARGE MULTI-FAMILY, 41+ UNITS:
RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019

- No Rent Increase: 34%
- Rent Decrease: 12%
- > 10%: 11%
- 10% >: 6%
- > 5%: 37%
LARGE MULTI-FAMILY, 41+ UNITS: REPORTED RENT INCREASES REASONS BY CATEGORY

- **Annual Increase (lease renewal)**: 22%
- **Unknown**: 53%
- **Market Rate**: 25%
- **Capital Improvements**: 0%
- **Cost of Living**: 0%
- **First in Several Years**: 0%
- **Increased Expenses**: 0%
- **New Tenant**: 0%
- **Maintenance/Repair**: 0%
- **Other**: 0%
LARGE MULTI-FAMILY, 41+ UNITS:
REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS
RENTAL MARKET TRENDS
AVERAGE EFFECTIVE RENTS (PER SQUARE FOOT) FOR MULTIFAMILY PROPERTIES BETWEEN 2017 - 2020: CONTRA COSTA COUNTY, EL CERRITO, BERKELEY, RICHMOND, SAN PABLO

Source: CoStar
**Overall System Improvements:**
- Database analysis automation
- Enhance automation between business license portal, rent registry and land use permitting software
- Enforcement software is not available in current system (Data Ticket, January 2021)
- Drop Down Menu Options: Collect more robust data

**Year 2 Improvements:**
- Switched to all electronic submissions (some exceptions)
- Reporting Period: 7/1/2019 – 6/30/2020 (1-year)
COVID-19 LEGISLATIVE UPDATES

- City of El Cerrito, City Council: Urgency Ordinance 2020-03 - Temporary Moratorium on Evictions for Residential & Commercial Tenants
  - www.el-cerrito.org/covid19
- Contra Costa County, Board of Supervisors: Urgency Ordinance 2021-04 - Temporary Eviction Moratorium on Residential & Certain Commercial Real Property Tenants and Certain Residential Rent Increases
  - https://www.contracosta.ca.gov/7836/Eviction-and-Rent-Freeze-Ordinance-FAQs
- State of California, Governor Newsom: Assembly Bill 3088 – Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020
  - https://landlordtenant.dre.ca.gov
THANK YOU!
Executive Summary of Outcomes and Recommendations

The City Council of El Cerrito convened a Tenant Protections Task Force to advise and develop recommendations on tenant protections consistent with the El Cerrito Affordable Housing Strategy, Pillar B - Reduce the Risk of Displacement and Help Stabilize At-Risk Populations. Between 2018 and 2019, the City Council held several study sessions to discuss various tenant protection policies. In May 2019, the City Council adopted the Rent Registry and Just Cause for Eviction (later repealed by the City Council due to a referendum petition) Ordinances. At the same time, the City Council provided direction to form a Special Tenant Protections Task Force. In Resolution 2019-33, the City Council requested that the Task Force consider recommendations in several categories, including rent review; tenant relocation assistance due to demolition and rent increase, and other recommendations with respect to tenant protections. The duties of the Task Force were subsequently amended through Resolution 2019-51 to also include a policy on Just Cause for Eviction based on the results of a referendum petition. To this end, in August 2019, the City Council appointed a Task Force of eight residents representing landlords and tenants. The Task Force met five times between the fall of 2019 and fall of 2020 with the assistance of a facilitator from the Consensus Building Institute (CBI). This report summarizes consensus recommendations and documents the process including policies considered, but not recommended for City Council consideration.

Task Force Recommendations

The Task Force was a consensus-seeking body and determined that at least six of the eight members would need to support a potential policy to recommend to Council. During its final deliberation, one member was absent so the recommendations reflect the number of members present – seven members participated in the final meeting.

Category C: Tenant Relocation Assistance due to Rent Increase
- The Task Force re-iterates support for the “rent cap” in Assembly Bill 1482 and does not recommend further action at this time. (7 of 7 members present supported)

Category D: Just Cause for Eviction
- The Task Force re-iterated support for Just Cause in Assembly Bill 1482 (6 of 7 members present supported) and does not recommend further action at this time (7 of 7 members present supported).
Category E: Other Recommendations considered by the Task Force with respect to Tenant Protections

- Continue the Rent Registry and consider adding more data parameters. (7 of 7 members present)
- Establish a self-reporting tool for tenants on rents, evictions, etc. (6 of 7 members present supported)
- Consider program to provide legal advice to tenants and small landlords (6 of 7 members present supported)
- Convene events and provide education and outreach to tenants and landlords on best practices (7 of 7 members present supported)
- Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts (6 of 7 members present supported)

No Recommendations

Category A: Rent Review Programs
The Task Force did not reach consensus on recommendations in this category.

Category B: Tenant Relocation Assistance due to Demolition Policy
The Task Force did not reach consensus on recommendations in this category.
Background
The City of El Cerrito convened a special advisory Tenants Protection Task Force in fall 2019 to advise on tenant protections to further advance the City’s Affordable Housing Strategy. The Task Force met twice in fall 2019, paused its activities to review the Rent Registry data and due to COVID-19, and then met three times in fall 2020, concluding its work in November of 2020. For additional background information, please visit the City’s website at www.el-cerrito.org/tenantprotections.

Affordable Housing Strategy and Pillar B
The City of El Cerrito adopted its El Cerrito Affordable Housing Strategy in August 2017. The Strategy identified four policy pillars with associated strategies and action items to proactively achieve the City’s affordable housing goals to protect, produce, and preserve housing over five years.

The Task Force’s efforts concentrated on Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations, which recommends exploring tenant protection policies for tenants at risk of displacement.

Contents

Background.................................................................................................................................................3
Affordable Housing Strategy and Pillar B.................................................................................................3
City Council Resolution and Recommendation Categories.................................................................4
Tenant Protections Task Force Members.................................................................................................4
Process Overview.......................................................................................................................................5
Facilitation...................................................................................................................................................5
Timeline and Events....................................................................................................................................5
Meetings and Outcomes............................................................................................................................5
Task Force Recommendations...................................................................................................................5
Category A: Rent Review Programs .........................................................................................................6
Category B: Tenant Relocation Assistance due to Demolition Policy .....................................................6
Category C: Tenant Relocation Assistance due to Rent Increase Policy ..................................................6
Category D: Just Cause for Eviction .........................................................................................................7
Category E: Other Recommendations considered by the Task Force with respect to Tenant Protections.................................................................................................................................7
Appendix: Scorecard and Definition of Consensus ..................................................................................9
Relevant Pillar B strategies include:

- **Strategy 4-2**: Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance and
- **Strategy 6-1**: Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

**City Council Resolution¹ and Recommendation Categories**

The City Council adopted Resolution 2019-33 to create the Tenant Protections Task Force to advise the City Council on tenant protection policies within the City of El Cerrito. Consistent with the resolution, the Task Force reviewed and considered recommendations for the City Council in the following categories:

- Category A: Rent Review Programs
- Category B: Tenant Relocation Assistance due to Demolition Policy
- Category C: Tenant Relocation Assistance due to Rent Increase Policy
- Category D: Just Cause for Eviction
- Category E: Other recommendations considered by the Task Force with respect to Tenant Protections

**Tenant Protections Task Force Members**

The resolution called for eight residents, representing four tenants and four landlords, to serve on the Task Force to find common ground. The Task Force was to convene at least five times with limited duration of twelve months.² Individuals applied to the City to serve. Then, as part of a stakeholder issue assessment, an impartial facilitator interviewed applicants to identify issues and concerns related to the Task Force’s charge. The City Council then appointed eight members to serve. They included the following individuals (listed alphabetical by last name):

- Buddy Akacic, tenant
- Isis Bastet, tenant
- Richard Bell, tenant
- George Gager, tenant
- Norman LaForce, landlord
- Peter Pan, landlord
- Elizabeth “BJ” Thorsnes, landlord
- Tyra Wright, landlord

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¹ On May 21, 2019 the City Council (Resolution 2019-33) directed staff to form a Tenant Protections Task Force of eight (8) members made up equally of landlords and tenants. The purpose of the Task Force is to bring together landlords and tenants to find common ground in order to make policy recommendations to the City Council for their consideration. The Task Force works on Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations of the City’s Affordable Housing Strategy. The Task Force will meet a minimum of 3 times led by a professional facilitator/mediator and staffed by the City’s Housing Analyst as the staff liaison. On July 31, 2019 the City Council modified the duties, responsibilities and duration (Resolution 2019-51) for the Task Force to include Just Cause for Eviction with a limited duration of twelve months from appointment. The City Council also took action to extend the duration of the Task Force on September 1, 2020 (Resolution 2020-46).

² The original approach was to have three meetings, which was later expanded to five meetings to work through the issues. The City also extended the process to accommodate the Rent Registry data analysis and disruption caused by Covid.
Process Overview

Facilitation
To assist the Task Force, the City contracted with the Consensus Building Institute to provide facilitation services. The role of the facilitator was to remain impartial toward the content of the issues under discussion. The facilitator interviewed all task force applicants as part of an issue assessment, which helped frame Task Force discussions. The facilitator worked closely with staff to design the agenda and outcomes for each session based on the City Council Resolutions. The facilitator provided facilitation services during the meeting, helping participants to reach desired outcomes for each meeting and invite members of the public to participate as well. The facilitator was also responsible for writing this summary report.

Timeline and Events
The Task Force convened in September 2019. After holding its first two meetings in fall of 2019, the Task Force paused its activities to provide staff time to analyze the newly adopted rent registry ordinance. With the onset of Covid-19 and shelter-in-place and time necessary to analyze Rent Registry data, the Task Force waited longer in hopes that it would be able to reconvene in person. After a number of months, the Task Force moved its deliberations to an online format in fall of 2020, completing its work in November.

During the course of the Task Force’s work, the State of California adopted Assembly Bill 1482: Tenant Protection Act of 2019 in October 2019 that address a number of the categories for which the City Council had requested recommendations. The Task Force’s recommendations reflect this.

Meetings and Outcomes
All meetings were conducted under the Brown Act and open to the public. The Task Force held five meetings as outlined here.

<table>
<thead>
<tr>
<th></th>
<th>9/23/19</th>
<th>10/29/19</th>
<th>9/22/20</th>
<th>10/27/20</th>
<th>11/18/20</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Organize Task Force</td>
<td>Explore Potential Tenant Protection Policies</td>
<td>Review Rent Registry Data</td>
<td>Discuss Rent Registry Data</td>
<td>Assess Level of Support for Policy Recommendations</td>
</tr>
</tbody>
</table>

Task Force Recommendations
The Task Force established a decision-making rule that it was striving for consensus. The definition of consensus spans the range from support or abstention. Further at least six of the
eight Task Force members needed to support the recommendation. The Task Force agreed to forward recommendations with a tally of the votes. This report summarizes the outcomes – what the Task Force recommended – as well as the policies considered, but not recommended.

Category A: Rent Review Programs
The Task Force did not reach consensus on recommendations in this category.

Considered, but not Recommended
[a-1] Establish rent review mediation and dispute resolution program (mandatory mediation). (4 of 7 members present supported)
Support: Mediation is a helpful tool to resolve disputes.
Concern: Mandatory programs can create a path for delay. Potential costs are a concern.

[e-7] Provide mediation and dispute resolution for all landlord / tenant issues, including but not limited to issues of rent increases (County offers via Echo Housing) (5 of 7 members present supported)
Support: Provides an opportunity for landlords and tenants to resolve disputes.
Concern: Costs of potential program was most common concern. Consider breaking into several categories for mediation.

Category B: Tenant Relocation Assistance due to Demolition Policy
The Task Force did not reach consensus on recommendations in this category.

Considered, but not Recommended
[b-1] No action at this time. (4 of 7 members present supported)
Support: A recommendation does not feel necessary at this time. The City should wait and see what happens with AB1482 implementation.
Concern: Council requested recommendations rather than no action. Tenants need support.

[b-2] Increase relocation assistance payment to 2-3 months of rent (3 of 7 members present supported)
Support: Demolition does occur. Relocation assistance should be considered, and a policy developed in more detail.
Concern: Unnecessary in El Cerrito at this time with the Covid-19 pandemic.

Category C: Tenant Relocation Assistance due to Rent Increase Policy Recommendation
The Task Force re-iterates support for the “rent cap” in AB1482 and does not recommend further action at this time. (7 of 7 members present supported)

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3 The rent cap places an upper limit on annual rent increases: five percent (5%) plus cost-of-living inflation or up to a maximum of 10 percent (10%) increase each year, whichever is less.
Support: The rent cap is the law and needs to be followed.
Concern: None expressed.

Considered, but not Recommended
[c-2] Provide relocation assistance of 3 months of rent as a result of rent increase of more than 20% over a two-year period (2 of 7 members present supported)
Support: While AB1482 is law, support for a back-up policy might be advisable.
Concern: This policy is unnecessary given AB1482 and the pandemic. ♦ If AB1482 goes away, then relocation assistance would be a good policy for Council to consider.

[c-3] Provide tenants additional time to find new home (3 of 7 members present supported)
Support: Giving adequate time to tenants to find a new home provides balance.
Concern: Each case is unique, and the tenant and landlord should negotiate the time needed. ♦ Unsure how to handle the details and set this into policy. ♦ Too vague to support as a policy.

Category D: Just Cause for Eviction
Recommendation
The Task Force re-iterated support for Just Cause in AB1482 (6 of 7 members present supported) and does not recommend further action at this time (7 of 7 members present supported).
Support: Members expressed support for Just Cause as a state law.

Considered, but not Recommended
[d-2] Institute a Just Cause eviction policy to go into effect immediately upon occupancy (i.e. no minimum occupancy requirement) (2 of 7 members present supported)
Support: Appreciation expressed for this potential policy being more stringent than AB1482.
Concern: Sometimes, acting immediately is necessary when tenants show signs of being problematic. Having flexibility is valued and helpful to tenants as well.

Category E: Other Recommendations considered by the Task Force with respect to Tenant Protections
Recommendations
Continue the Rent Registry (7 of 7 members present supported) and consider adding more data parameters.
Support: Supportive of the program. Encourage including small landlords and corporate landlords.
Concern: Generally supportive of collecting additional data, but concerned about potential costs to the City.

[e-2] Establish a self-reporting tool for tenants on rents, evictions, etc. (6 of 7 members present supported)
Support: More data could prove helpful and deepen understanding of the rental market in El Cerrito.
Concern: Could prove difficult because tenants may not want to share data. Potential costs are a concern.

[e-4] Consider program to provide legal advice to tenants and small landlords (6 of 7 members present supported)
Support: Booklets and web sites would be helpful. • If providing, advice should be extended to everyone (fair to both landlord and tenants).
Concern: Potential costs are a concern.

[e-5] Convene events and provide education and outreach to tenants and landlords on best practices (7 of 7 members present supported)
Support: Education is helpful.
Concern: No concerns expressed.

[e-6] Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts (6 of 7 members present supported)
Support: The City’s role is to help avoid displacement. ♦ The tenant and landlord are responsible for fostering cooperation.
Concern: No concerns noted.

Considered, but not Recommended
[e-3] Establish a proposed a minimum lease term that would require a property owner to offer a minimum lease term of 12 months to current and prospective tenants. (3 of 7 members present supported)
Support: This potential policy would provide predictability.
Concern: This policy is unnecessary. Each tenant and landlord should be able to negotiate the lease term. The landlord should be able to offer a term that s/he wants. ♦ Could reduce inventory if landlord was unable to rent for short term when that is all that is available.
Appendix: Scorecard and Definition of Consensus

Due to the number of recommendations under consideration, the Task Force, during its last meeting, ranked each potential recommendation using a scale of 1-5. “1” demonstrated disagreement. “2-5” indicated different levels of support, but all constituted approval. 6 of 8 members had to vote “2-5” for “approval” to be recommended to council. Below is the scorecard with the ranking for each recommendation. One member was absent. Members were invited to submit additional recommendations to Council.

<table>
<thead>
<tr>
<th>Category</th>
<th>Proposed Recommendation</th>
<th>Task Force Member</th>
<th>Total Voting 2-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Rent Review Programs</td>
<td>(a-1) Establish rent review mediation and dispute resolution program (mandatory)</td>
<td>3 3 5 1 4 1 4 3</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(a-2) Provide mediation and dispute resolution for all landlord/tenant issues</td>
<td>4 4 3 1 4 2 1</td>
<td>5</td>
</tr>
<tr>
<td>b. Tenant Relocation Assistance</td>
<td>(b-1) No action at this time</td>
<td>1 5 1 5 5 1 5 4</td>
<td>4</td>
</tr>
<tr>
<td>due to Demolition Policy</td>
<td>(b-2) Increase relocation assistance payment to 2-3 months of rent</td>
<td>1 4 1 1 5 1 3 3</td>
<td>3</td>
</tr>
<tr>
<td>c. Tenant Relocation Assistance</td>
<td>(c-1) No action at this time</td>
<td>5 5 5 5 2 5 4 7</td>
<td>7</td>
</tr>
<tr>
<td>due to Rent Increase Policy</td>
<td>(c-2) Provide relocation assistance of 3 months of rent as a result of rent increase</td>
<td>1 1 3 1 1 5 1 2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(c-3) Provide tenants additional time to find new home</td>
<td>1 4 1 3 1 3 1 3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>(c-4) Reiterate support for “rent cap” in AB 1482</td>
<td>5 5 5 5 5 5 5 5</td>
<td>7</td>
</tr>
<tr>
<td>d. Just Cause for Eviction</td>
<td>(d-1) Reiterate support for “Just Cause” in AB 1482</td>
<td>5 5 5 5 2 5 5 7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>(d-2) Institute a “Just Cause” eviction policy to go into effect immediately upon</td>
<td>1 1 3 1 1 5 1 2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(d-3) No action at this time</td>
<td>5 5 2 5 5 2 5 7</td>
<td>7</td>
</tr>
<tr>
<td>e. Other</td>
<td>(e-1) Continue Rent Registry</td>
<td>5 5 5 5 5 5 5 5</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>NEW: (e-2) Consider adding more parameters to Rent Registry</td>
<td>5 5 5 2 3 5 3 4</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>(e-3) Establish a proposed minimum lease term that would require a property</td>
<td>5 1 2 1 1 5 1 3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>(e-4) Consider program to provide legal advice to tenants and small landlords</td>
<td>3 2 3 4 5 1 5 5 2 3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>(e-5) Convene events and provide education and outreach to tenants and landlords on best practices</td>
<td>3 2 5 5 5 5 5 3 7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>(e-6) Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts</td>
<td>1 2 5 5 3 5 4 6</td>
<td>6</td>
</tr>
</tbody>
</table>

**Voting Scale**

5 - I am very pleased with this recommendation and fully support it
4 - I am mostly satisfied with this recommendation, I can support it
3 - I can accept this recommendation, but I have some reservations
2 - Stand aside: I want my concern noted in writing, but I’ll let the recommendation go forward as supported / consensus
1 - Disagree: I do not support this recommendation

6 out of 8 members required to support to then recommend to Council

**Levels of Support**

- **5**: I am very pleased with this recommendation and fully support it
- **4**: I am mostly satisfied with this recommendation; I can support it
- **3**: I can accept this recommendation, but I have some reservations
- **2**: Stand aside: I want my concern noted in writing, but I’ll let the recommendation go forward as supported / consensus
- **1**: Disagree: I do not support this recommendation
AB 1482 Tenant Protection Act of 2019

Status

AB 1482 passed the California Legislature and, the bill was signed by Governor Newsom on October 8, 2019.

Summary

The following are the key elements of AB 1482:

- Places an upper limit on annual rent increases: five percent (5%) plus cost of living inflation,\(^1\) or up to a maximum of 10 percent (10%) increase each year, whichever is less.
- Rent should not be increased more than two times over a 12 month period.
- Requires landlords to have and state a “just cause” to evict tenants who have occupied the premises for 12 months (or 24 months if a new roommate moves in).
- Establishes exemptions from the rent cap and the just cause provisions (see below).
- Requires that landlords notify tenants of the rent cap and just cause provisions.
- Certain evictions require landlords to provide relocation assistance to tenants.
- Establishes that the rent cap is only applicable to existing tenants. When filling vacant units, or establishing a new tenancy where no tenant from the prior lease remains, the owner can establish a new rent in any amount, and the rent cap applies thereafter.
- Goes into effect on January 1, 2020 (with some retroactive provisions).
- Sunsets on January 1, 2030.
- Does not preempt any local rent control or just cause ordinances.\(^2\)

Details

Rental Types Exempt from Rent Cap:

1. Deed-restricted affordable housing for very low, low, or moderate income
2. Higher education dorms
3. Housing that has been issued a certificate of occupancy within the last 15 years
4. A duplex in which the owner occupies one of the units
5. Single family residences/condos unless owned by a real estate trust or a corporation\(^3\)

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\(^1\) Defined as percentage change in the regional consumer price index (CPI).

\(^2\) Except that any local just cause ordinance enacted after September 1, 2019 must be at least as protective as AB 1482.

\(^3\) For this exemption, the owner must provide the tenant with written notice that the property is exempt using the following specific statement: “This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of (footnote continued)
Rental Types Exempt from Just Cause Requirement:

1. Transient and tourist hotel occupancy  
2. Nonprofit hospital, religious facility, or extended care facility housing  
3. Dorms (K-12 and higher education)  
4. Housing that has been issued a certificate of occupancy within the last 15 years  
5. A duplex in which the owner occupies one of the units  
6. Owner-occupied residences where a tenant shares bathroom or kitchen with the owner  
7. Single family residences/condos unless owned by a real estate trust or a corporation  
8. Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including Accessory Dwelling Units (ADU)/Junior ADUs

Just Cause:

The following are the key elements of the “Just Cause” provisions:

- Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination  
- Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.
- Divides “just cause” into two categories: at-fault and no-fault.
- Requires a landlord who terminates the tenancy based on a no-fault cause to provide relocation assistance to the displaced tenant in an amount equal to one month’s rent, unless a court or government agency determines that the tenant caused the condition requiring the vacancy.
- The bill allows tenants the opportunity to remedy curable just cause reasons.

The following are at-fault just causes for terminating a tenancy:

1. Failure to pay rent  
2. Material breach of the lease including sublets or assignments in violation of lease  
3. Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions  
4. Maintaining a nuisance, committing waste

Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

4 See footnote 4 above.

5 The owner and tenant may also agree, in lieu of direct payment, to waive the payment of rent for the month after the notice of termination of tenancy is given.
5. Criminal activity or using the premises for unlawful purpose
6. Refusal to allow the landlord to enter the dwelling pursuant to a lawful request
7. Failure of the tenant to vacate after giving formal notice of intent to vacate

The following are no-fault just causes for terminating a tenancy:

1. Owner intent to occupy the property (or their spouse, children, grandchildren, parents, or grandparents), if the tenant agrees or the lease allows for such unilateral termination
2. Withdrawal of the property from the rental market
3. Landlord’s compliance with a government order or local ordinance requiring the residence be vacated
4. Intent to demolish or to substantially remodel the property where the tenant has to vacate the property for at least 30 days

Relocation:

No-fault just causes may be eligible for relocation assistance or a rent waiver equal to one month’s rent based on the rent rate that is in effect at the time of termination of tenancy. The property owner must advise the tenant of this right when issuing a termination of tenancy. Relocation payments are due within 15 calendar days of service of the notice, otherwise the termination may be void.

Required Disclosure:

This bill requires the following notice be provided in 12 point font to all new tenants or renewed tenants starting July 1, 2020, and to existing tenants no later than August 1, 2020:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. California law also provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Section 1946.2 of the Civil Code for more information.”

If a property is exempt, the following notice must be provided to tenants:

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (c)(5) and 1946.2 (e)(7) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

Retroactivity:

This bill applies to all rent increases occurring on or after March 15, 2019. If a landlord has raised the rent beyond the permissible amount between March 15, 2019 and January 1, 2020, the
rent on January 1, 2020 shall be the rent as of March 15, 2019, plus the maximum increase permissible under the bill. The landlord, however, would not be required to refund any rent paid between March 15, 2019 and January 1, 2020 that exceeded the allowable increased
Date: October 24, 2019  
To: Tenant Protection Task Force  
Prepared by: The City of El Cerrito  
Subject: Tenant Protections – Background, Summary and Comparisons

December 2018
The City Council Considered:
❖ Mandatory Minimum Lease Term
❖ Mandatory Notice of Termination of Tenancy
❖ Rent Review (mandatory mediation)
  ➢ no further action taken
❖ Tenant Relocation Assistance (introduced demolition; amended to include rent increase)

January 2019
The City Council Considered:
❖ Mandatory Minimum Lease Term
❖ Mandatory notice of termination of tenancy
❖ Tenant Relocation Assistance (including demolition and qualifying rent increase)
Action deferred, direction to return with Just Cause and Rent Registry

February-March 2019 - Study Sessions held

May 2019
The City Council considered and passed:
❖ Just Cause for Eviction
❖ Rent Registry
❖ Task Force to consider additional (unacted upon) tenant protections

July 2019
❖ Just Cause for Eviction referendum

October 2019
❖ State of California passed AB 1482
  ➢ Rent cap
  ➢ Just Cause and No-Fault Evictions
  ➢ Tenant Relocation Assistance (for No-Fault)
❖ Not covered under AB 1482
  ➢ Mandatory Minimum Lease Term
  ➢ Mandatory Notice of Termination of Tenancy (to City, beyond State law)
  ➢ Rent Review (mandatory mediation)
  ➢ Rent Registry
# AB 1482 and Tenant Protections Considered/Adopted by El Cerrito

<table>
<thead>
<tr>
<th>Type of Tenant Protection Policy</th>
<th>Policy Defined by City Council Task Force Resolution?</th>
<th>Considered by City Council? Passed?</th>
<th>Covered by AB 1482?</th>
<th>Comments/Additional Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent Review Program (mandatory mediation)</td>
<td>A. Rent Review</td>
<td>Proposed, no action taken.</td>
<td>No</td>
<td>Establishes 5% annual threshold for property owners when issuing rent increases and those in excess of 5% can be disputed by tenants.</td>
</tr>
<tr>
<td>Tenant Relocation Assistance – Demolition</td>
<td>B. Relocation (demolition)</td>
<td>Considered, not passed.</td>
<td>Only for “no-fault” Just Cause terminations</td>
<td>See below chart – <em>Tenant Relocation</em> Program that requires property owners to provide relocation benefits when application is submitted to the City to demolish or approve a land use change.</td>
</tr>
<tr>
<td>Tenant Relocation Assistance – Rent Increase</td>
<td>C. Relocation (rent increase)</td>
<td>Considered, not passed.</td>
<td>Only for “no-fault” Just Cause terminations</td>
<td>See below chart – <em>Tenant Relocation</em> Refer to AB 1482 Summary as it pertains to rent increase caps (5% + CPI)</td>
</tr>
<tr>
<td>Just Cause for Eviction</td>
<td>D. Just Cause</td>
<td>Considered, passed but later repealed by referendum action.</td>
<td>Yes</td>
<td>See below chart – <em>Just Cause</em> Restrictions reasons for which property owners can evict.</td>
</tr>
<tr>
<td>Mandatory 12-month Minimum Lease</td>
<td>E. Other</td>
<td>Considered, not passed.</td>
<td>No</td>
<td>Program that requires property owners to offer tenants the option of a minimum lease term of 12-month to current and prospective tenants.</td>
</tr>
<tr>
<td>Requiring Termination Notice to City</td>
<td>E. Other</td>
<td>Considered as a standalone ordinance, not passed. Certain required notice was included in the City’s Just Cause Ordinance, which passed but was later repealed by referendum action.</td>
<td>No</td>
<td>Program that requires property owners to notify the City anytime a tenancy is terminated.</td>
</tr>
<tr>
<td>Rent Registry</td>
<td>E. Other</td>
<td>Considered, passed and in effect.</td>
<td>No</td>
<td>See El Cerrito Municipal Code Chapter 10.100 Tracks &amp; monitors rents as well as rent increases</td>
</tr>
</tbody>
</table>

*Please visit [www.el-cerrito.org/tenantprotections](http://www.el-cerrito.org/tenantprotections) for additional background information*
# Tenant Relocation Assistance

<table>
<thead>
<tr>
<th>Tenant Relocation Considered by City (not passed)</th>
<th>Tenant Relocation Covered by State Law (AB 1482)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eligibility</strong></td>
<td><strong>Eligibility</strong></td>
</tr>
<tr>
<td>• Household income cannot exceed *120% of the Area Median Income (AMI)</td>
<td>• Displacement as a result of “no fault” terminations:</td>
</tr>
<tr>
<td>• Displacement as a result of:</td>
<td>▪ Removing unit from rental market</td>
</tr>
<tr>
<td>▪ Removing unit from rental market</td>
<td>▪ Demolishing unit</td>
</tr>
<tr>
<td>▪ Demolishing unit</td>
<td>▪ Substantially remodeling unit</td>
</tr>
<tr>
<td>▪ Remodeling unit</td>
<td>▪ Owner or eligible family member intends to occupy</td>
</tr>
<tr>
<td>▪ Change to nonresidential use</td>
<td>▪ Gov’t order requiring residence be vacated</td>
</tr>
<tr>
<td>• Displacement as a result of:</td>
<td>• Order determining the tenant is at fault for the condition</td>
</tr>
<tr>
<td>▪ More than 20% rent increase over two-year period</td>
<td>• Tenant fails to vacate after the expiration of the no-fault notice to terminate the tenancy</td>
</tr>
<tr>
<td><strong>Eligibility Exceptions</strong></td>
<td>• “At fault” terminations not eligible</td>
</tr>
<tr>
<td>• Owner or eligible family member intends to occupy</td>
<td>▪ Failure to pay rent</td>
</tr>
<tr>
<td>• Landlord already paying relocation benefits under state law</td>
<td>▪ Material breach of the lease</td>
</tr>
<tr>
<td>• Need to vacate based on damage resulting from an earthquake, fire, flood, natural disaster, civil disturbance, or accident outside landlord’s control</td>
<td>▪ Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions</td>
</tr>
<tr>
<td>• Tenant provided with alternative housing on site or nearby, and displacement is for a period no more than one year</td>
<td>▪ Maintaining a nuisance, committing waste</td>
</tr>
<tr>
<td><strong>Rental Type Exceptions</strong></td>
<td>• Criminal activity/unlawful purpose</td>
</tr>
<tr>
<td>• Single-family residence</td>
<td>• Refusal to allow the landlord to enter the dwelling pursuant to a lawful request</td>
</tr>
<tr>
<td>• Room rentals where the landlord lives on site</td>
<td>• Failure of the tenant to vacate after giving formal notice of intent to vacate</td>
</tr>
<tr>
<td>• Accessory Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>• Condos, townhomes, etc.</td>
<td></td>
</tr>
<tr>
<td>• Hotels, motels, group housing, etc.</td>
<td></td>
</tr>
<tr>
<td>• On-site manager's unit</td>
<td></td>
</tr>
<tr>
<td>• Housing units as condition of employment</td>
<td></td>
</tr>
<tr>
<td>• Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs</td>
<td>• Nonprofit hospital, religious facility, or extended care facility housing</td>
</tr>
<tr>
<td>• Owner-occupied residences where a tenant shares bathroom or kitchen with the owner</td>
<td>• Dorms (K-12 and higher education)</td>
</tr>
<tr>
<td>• Transient and tourist hotel occupancy</td>
<td>• Housing that has been issued a certificate of occupancy within the last 15 years</td>
</tr>
<tr>
<td>• Nonprofit hospital, religious facility, or extended care facility housing</td>
<td></td>
</tr>
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## Tenant Relocation Assistance

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<tr>
<td>• Rents regulated by any govt. agency</td>
<td>• A duplex in which the owner occupies one of the units</td>
</tr>
<tr>
<td>• Units acquired by govt. agency intended for public purpose</td>
<td>• Single family residences/condos unless owned by a real estate trust or a corporation</td>
</tr>
</tbody>
</table>

### Amount

- Three month’s rent based on **HUD Fair Market Rent (FMR)** calculation for Contra Costa County + deposit (with exceptions) + rental agency subscription + 1 month for special circumstances
- One month’s rent

### Administrative Fees

- City to establish cost recovery fee to administer ordinance
- Not Applicable

#### *2019 Area Median Income Limits for Contra Costa County*

- 1-person = $93,850
- 2-persons = $107,250
- 3-persons = $120,650
- 4-persons = $134,050
- 5-persons = $144,750
- 6-persons = $155,500

#### **Current HUD FMR FY 2020**

- Studio: $1,488
- One-Bedroom: $1,808
- Two-Bedroom: $2,239
- Three-Bedroom: $3,042
### Just Cause for Eviction

<table>
<thead>
<tr>
<th>Applicability</th>
<th>Just Cause for Eviction Considered by City (passed/repealed)</th>
<th>Tenant Relocation Covered by State Law (AB 1482)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• All rental units and tenancies, except those units exempted below</td>
<td>• Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.</td>
</tr>
</tbody>
</table>
| Just Causes for Termination | • “At fault” Causes:  
  ▪ Failure to pay rent  
  ▪ Breach of rental agreement  
  ▪ Tenant illegal activities  
  ▪ Violations of health & safety code  
  ▪ “No fault” Causes:  
    ▪ Substantial renovation  
    ▪ Condominium Conversion  
    ▪ Removing a unit from market  
    ▪ Owner or eligible family member intends to occupy | • “At fault” Causes:  
  ▪ Failure to pay rent  
  ▪ Material breach of the lease  
  ▪ Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions  
  ▪ Maintaining a nuisance, committing waste  
  ▪ Criminal activity/unlawful purpose  
  ▪ Refusal to allow the landlord to enter the dwelling pursuant to a lawful request  
  ▪ Failure of the tenant to vacate after giving formal notice of intent to vacate  
  ▪ “No fault” Causes:  
    ▪ Removing unit from rental market  
    ▪ Demolishing unit  
    ▪ Remodeling unit  
    ▪ Owner or eligible family member intends to occupy  
    ▪ Order requiring residence be vacated |
| Rental Type Exceptions | • Single-family dwelling unit  
  • Unit with a certificate of occupancy issued after 1/1/2015  
  • ADUs  
  • Duplex, triplex, quadraplex  
  • Units where the landlord or landlord family lives on site  
  • On-site manager's unit | • Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs  
  • A duplex in which the owner occupies one of the units  
  • Owner-occupied residences where a tenant shares bathroom or kitchen with the owner |
### Just Cause for Eviction

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</tr>
<tr>
<td><strong>Other Provisions</strong></td>
<td><strong>Fees</strong></td>
</tr>
<tr>
<td>• Prohibitions on Tenant Harassment</td>
<td>$35.00 per unit/annually</td>
</tr>
<tr>
<td></td>
<td>Allows tenants the opportunity to remedy</td>
</tr>
<tr>
<td></td>
<td>curable just cause reasons.</td>
</tr>
<tr>
<td><strong>Fees</strong></td>
<td><strong>Not Applicable</strong></td>
</tr>
</tbody>
</table>

$35.00 per unit/annually
Regional Housing Needs Assessment (RHNA)

As of December 31, 2020

<table>
<thead>
<tr>
<th></th>
<th>Very Low (0-50% AMI)</th>
<th>Low (51-80% AMI)</th>
<th>Moderate (81-120% AMI)</th>
<th>Above Moderate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 - 2022 RHNA</td>
<td>100</td>
<td>63</td>
<td>69</td>
<td>166</td>
<td>398</td>
</tr>
<tr>
<td>Permitted and/or Built Units</td>
<td>62</td>
<td>6</td>
<td>13</td>
<td>479</td>
<td>560</td>
</tr>
<tr>
<td>Percent of Need Achieved</td>
<td>62%</td>
<td>10%</td>
<td>19%</td>
<td>289%</td>
<td>141%</td>
</tr>
<tr>
<td>Current Remaining Need</td>
<td>38</td>
<td>57</td>
<td>56</td>
<td>-313</td>
<td>-162</td>
</tr>
<tr>
<td>*Proposed</td>
<td>0</td>
<td>4</td>
<td>9</td>
<td>112</td>
<td>125</td>
</tr>
<tr>
<td>*Entitled</td>
<td>47</td>
<td>39</td>
<td>12</td>
<td>844</td>
<td>942</td>
</tr>
<tr>
<td>Projected Remaining Need</td>
<td>-9</td>
<td>14</td>
<td>35</td>
<td>-1269</td>
<td>-1229</td>
</tr>
</tbody>
</table>

*Proposed and entitled figures are estimates pending the issuance of building permits.

Contact Us

Melanie Mintz, Community Development Director
Email: MMintz@ci.el-cerrito.ca.us

Aissia Ashoori, Affordable Housing Analyst
Email: AAshoori@ci.el-cerrito.ca.us

Website: www.el-cerrito.org/CommDev

The City of El Cerrito serves, leads and supports our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.
In August 2017, the City Council adopted the City’s first Affordable Housing Strategy. The Strategy identified a set of program and policies to be advanced in the near and medium-term to proactively address the city’s housing needs. Below is a summary of the major policies and programs identified in the Strategy to produce, protect and preserve affordable housing.

Policy Pillars & Strategies

Pillar A. Leverage Private Development to Address Affordable Housing Needs

1. Establish a new inclusionary zoning policy for affordable housing
2. Monitor the effectiveness of the City’s existing incentive programs in delivering affordable housing units

Metro 510, El Cerrito Plaza
Completed; 2017-2018

Pillar B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

3. Partner with local affordable housing developers to preserve existing deed restrictions
4. Implement policies to preserve the low-cost housing stock
5. Consider implementing new short-term rental restrictions
6. Explore tenant protection policies
7. Consider strategies to encourage landlords to rent to Section 8 voucher holders
8. Partner with Contra Costa Homeless Services

Hana Gardens Senior Apts.
Completed; 2018

Pillar C. Encourage Development of “Missing Middle” Housing Types

9. Encourage the development of accessory dwelling units (ADUs)
10. Review the General Plan to identify and remove barriers to missing middle housing types
11. Partner with private groups interested in creating co-housing communities

Pillar D. Increase Local Funding to Continue to Support of Low Income & Special Needs Housing

12. Work with BART to develop affordable & mixed-income housing projects on BART property
13. Coordinate transportation projects with affordable housing proposals to attract state funding through AHSC
14. Provide land use incentives to developers that build a higher share of accessible units then required
15. Explore new local taxes or fees to fund affordable housing
16. Work with other jurisdictions in Contra Costa County to place a countywide affordable housing bond on the ballot
17. Monitor proposed state legislation that would create new funding sources for affordable housing
18. Defer or waive City fees affordable housing development