



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: ORD 19-031 **Name:**
Type: Ordinance **Status:** Scheduled PM
File created: 11/14/2019 **In control:** Board of Supervisors
On agenda: 11/19/2019 **Final action:** 11/19/2019
Title: Consider adoption of a Temporary Eviction Control Urgency Ordinance enacting a temporary prohibition on no-fault evictions from residential real property through the effective date of Assembly Bill 1482, the Tenant Protection Act of 2019. (ADDED VIA ADDENDA)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - An Urgency Ordinance of the County of Monterey, 3. Attachment B - Temporary Eviction Control Urgency Ordinance PowerPoint Presentation, 4. Completed Board Order Item No. 19.1, 5. Board Order and Ordinance No. 5319

Date	Ver.	Action By	Action	Result
11/19/2019	1	Board of Supervisors	adopted - county counsel	Pass

Consider adoption of a Temporary Eviction Control Urgency Ordinance enacting a temporary prohibition on no-fault evictions from residential real property through the effective date of Assembly Bill 1482, the Tenant Protection Act of 2019. (ADDED VIA ADDENDA)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

It is recommended that the Board of Supervisors adopt a Temporary Eviction Control Urgency Ordinance, enacting a temporary prohibition on no-fault evictions from residential real property through the effective date of Assembly Bill 1482, the Tenant Protection Act of 2019.

SUMMARY/DISCUSSION:

On October 8, 2019, California Governor Gavin Newsom signed Assembly Bill 1482 (AB 1482), the "Tenant Protections Act of 2019". AB 1482 addresses California's affordable housing crisis by preventing rent gouging and arbitrary evictions. AB 1482 becomes effective on January 1, 2020. The Unincorporated County of Monterey is home to approximately 37,072 housing units and 66% of those units are owner-occupied and 34% are renter-occupied and protected under AB 1482. Currently, no rent or eviction control protections are in place in unincorporated Monterey County, exposing those rental households to significant and unexpected rent increases or eviction notices without "just cause," otherwise known as "no fault" evictions.

There is a financial incentive for landlords to evict long-term, lower-income tenants, without cause, to raise rents and attract wealthier tenants before AB 1482 becomes effective. The owner of residential real property shall not terminate the tenancy without at-fault just cause, which shall be stated in the written notice of termination of tenancy.

The proposed ordinance would temporarily prohibit no-fault evictions through December 31, 2019, for residential real property that will be subject to the protections of AB 1482 beginning on January 1, 2020. The ordinance does not address rent increases because AB 1482 makes the prohibition on such increases retroactive to March of 2019; the prohibition on no-fault evictions is not retroactive.

The ordinance allows for the termination to be exempt from the provision of the ordinance if any of the following circumstances related to a termination of tenancy apply:

- (1) Owner will imminently demolish the residential real property or otherwise permanently remove the real property from any residential use or purpose in accordance with California Government Code Sections 7060-7060.7.
- (2) The owner, or one of the owner's parents, grandparents, grandchildren, children, spouse, domestic partner intend to move into and reside in the residential real property as his, her, or their primary residence. The residential real property must be occupied as the primary residence within three months of the tenant vacating the residence and continue to occupy the real residential property for at least one year.
- (3) The need to make substantial repairs in order for a dwelling to be habitable and be in compliance with applicable health and safety codes, and that such repairs cannot be completed while the dwelling unit is occupied.

The Board may choose to remove these exemptions from the Ordinance or agree that these exemptions remain in the ordinance.

The attached ordinance substantially mirrors the regulations of AB 1482 and local ordinances adopted by neighboring jurisdictions, and protects Monterey County residents from no-fault evictions in the period before AB 1482 goes into effect.

OTHER AGENCY INVOLVEMENT:

The California Governor signed into law Assembly Bill 1482, the Tenant Protection Act of 2019 (AB 1482).

FINANCING:

Adoption of this ordinance would not require funding or impact the County's general fund.

CEQA:

This action is not a project pursuant to the California Environmental Quality Act.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This proposed program correlates to the Health & Human Services Strategic Initiatives adopted by the Board of Supervisors by working towards the goals of improving health and quality of life outcomes to individuals and families to address the immediate threat to the public peace, health and safety and prevent displacement of tenants resulting from no-fault evictions and preventing an increase in the homeless population in Monterey County.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☐ Administration
☒ Health & Human Services
☐ Infrastructure
☐ Public Safety

Prepared by: _____
Anastacia Wyatt, Housing Program Manager, Ext. 5387

Approved by: _____
Nicholas E. Chiulos, Assistant County Administrative Officer, Ext. 5145

Attachments:

Board Report

Attachment A - An Urgency Ordinance of the County of Monterey, State of California

Attachment B: - Temporary Eviction Control Urgency Ordinance PowerPoint Presentation