ITEM NO. 20

STAFF REPORT CITY OF OCEANSIDE

DATE: April 10, 2024

TO: Honorable Mayor and City Councilmembers

FROM: Housing and Neighborhood Services Department

SUBJECT: **ACCEPTANCE OF A REPORT ON RESIDENTIAL TENANT PROTECTIONS, INCLUDING INFORMATION REGARDING ASSEMBLY BILL 1482 AND SENATE BILL 567**

SYNOPSIS

Staff recommends that the City Council:

1. Accept a report on California Assembly Bill (AB) 1482 and Senate Bill (SB) 567 and other local measures to address tenant protections;
2. Provide direction to proceed with a program for outreach and education to inform residential tenants of their rights and remind property managers and landlords of their legal obligations; and,
3. Approve a budget appropriation in the total amount of $25,000, with $20,000 for an amended scope of work of an existing Professional Services Agreement with CSA San Diego County for such education services and $5,000 for City costs for materials and supplies.

BACKGROUND

At the City Council's workshop on Affordable Housing Production Strategies held on August 30, 2023, staff received direction to return with a future item to report on the tools available to address residential tenant displacement, including a discussion on any measures other cities take to protect their residents from unwarranted displacement. Consistent with prior Council direction, this staff report provides an overview of existing state law which currently provides significant tenant protections from displacement as well as a description of measures other cities have taken to further strengthen such protections. As discussed in this report, staff does not recommend implementing any additional protection measures at this time given recent changes to state law which have yet to go into effect. However, staff is seeking Council authorization to appropriate additional funding to enhance tenant and landlord education efforts by an existing City vendor, CSA San Diego County ("CSA").

As further discussed below, AB 1482, which went into effect on January 1, 2020, created a statewide limit on rent increases for certain residential rental properties and strengthened eviction protections for renters. While AB 1482 sought to protect residents, due to the high demand for housing, loopholes in the law resulted in some landlords

moving tenants out only to bring rental units back on the market at higher rental rates. SB 567, which seeks to address some of these loopholes in the prior legislation, was signed by Governor Newsom on September 30, 2023 and becomes effective April 1, 2024. SB 567 aims to enhance tenant protections through greater enforcement tools and seeks to address specific scenarios related to tenancy terminations in California rental housing.

ANALYSIS

Renting in a Tight Rental Housing Market

Forty-one percent (41%) of the City's housing is rental housing, amounting to nearly 26,925 housing units.[1] The rental vacancy rate in Oceanside is approximately 3 percent. This rate is lower than average, which means there are fewer available rental units in our community. Optimal vacancy rates are at the 5-6 percent range. When vacancy rates are low, it often leads to increased competition among renters, potentially resulting in higher rents due to the scarcity of housing.

Of all Oceanside renters, it's estimated that 74 percent of lower-income renters pay more than 30 percent of their total income in rent, with 44 percent paying more than 50 percent of income towards rent.[2] These cost-burdened and severely cost-burdened households, disproportionally impacting persons of color, are at heightened risk of housing instability, downsizing or relocating out of necessity, and, in some cases, experiencing homelessness due to evictions. Policies and programs that seek to assist and provide guidance to these residents and minimize displacement could positively impact their financial, and emotional stability and physical well-being.

Oceanside Households	Cost Burdened (>30% Income for Rent)	Severe Cost Burdened (>50% Income for Rent)
All Renters	57%	29%
Lower Income Renters (80% or less of AMI)	74%	44%
Rents	2 Bedroom Unit	3 Bedroom Unit
Median Oceanside Rent	$ 2,494[3]	$ 3,248[4]
Affordable Rent **Lower Income Renters** (80% or less of AMI)	$ 1,440	$ 1,600

[1] American Community Survey, 2018 5-Year Estimates
[2] HUD CHAS (Comprehensive Housing Affordability Strategy) Data 2006-2019
[3] Zillow.com and Apartments.com
[4] Apartments.com

State Laws Related to Residential Tenant Protections

AB 1482

Recognizing the high cost of housing and the impact of these costs on many Californians' housing stability, the state established the California Tenant Protection Act of 2019 or AB 1482, as codified in California Civil Code Sections 1946.2, 1946.12, and 1946.13 (the "Act"). A summary of AB 1482 is provided as Attachment 1.

AB 1482 codified eviction protections statewide for residential tenants, regardless of income level, and in continuous and lawful occupancy of residential real property for a minimum 12-month period. It sets specific conditions for ending a residential tenancy: terminations must be based on Just Cause, which can be either At-Fault or No-Fault. Evictions based on At-Fault Just Cause means the tenant took actions (or lack of actions) that warrant ending their tenancy. Typical reasons are nonpayment of rent or violations of the terms of the lease. No-Fault Just Cause evictions are allowed for limited reasons even where the tenant has not violated the lease and has paid their rent. No Fault Just Cause reasons for terminating a tenancy include: (1) owner or owner's family member move-in; (2) substantial remodel or complete demolition of the rental property; (3) taking the property off the rental market (Ellis Act); and (4) a court order or other law forcing the closure of the rental property.

AB 1482 also gives tenants certain rights and benefits when their tenancy is ended based on Just Cause. These include:

- Receiving a notice of tenant protections as an addendum to the lease or other written notice;
- Opportunity to cure, for curable lease violations, an At Fault Just Cause eviction;
- Written notice of termination at least 30-60 days prior to termination with specifics of cause for eviction; and,
- 1-month's rent or waiver of last month's rent for relocation assistance for a No Fault Just Cause eviction.

Moreover, AB 1482 allows local governments to make their own rules to provide additional tenant protections. If there is a conflict between the local rules and AB 1482, the local rules prevail.

In addition to requiring At Fault or No-Fault Just Cause for terminating a tenancy, AB 1482 imposes state-wide rent control, setting a rent cap at 5% a year plus the percentage change in the regional cost of living (CPI) from the previous year, but not to exceed 10% for the year. Rents can be increased twice in a year so long as it does not exceed the rent cap for that year. For San Diego County, for those rent increases that take effect on Aug. 01, 2023 through July 31, 2024, the maximum rent increase is 10%. Local jurisdictions also have the ability to establish their own local rent control provisions.

SB567

According to the bill's author, SB 567 was introduced to close "loopholes" in AB 1482 that some landlords were exploiting by evicting tenants without fulfilling the stated reasons listed in the termination notice, such as substantial remodel of rental units and owner move-in provisions.[5] SB 567 introduces modifications to these two specific No Fault tenancy terminations for required conditions, noticing and remedies. An owner's failure to comply with any provision of this section for tenancy terminations renders the written termination notice void (Civil Code §1946.2(g)).

For example, SB 567 requires owners who end a tenancy for substantial remodeling to include specific language in the termination notice. The notice must state the work to be performed, the availability of copies of any required permits, the date the owner expects to complete the work or demolish the building, and notification that if the substantial remodel or demolition is not commenced or completed, the tenant must be offered the opportunity to re-rent the unit at the same rent and lease terms (Civil Code § 1946.2(b)(2)(D)).[6]

Also, for evictions based on owner or owner's family move-in, SB 567 requires: (1) the owner or relative to move in within 90 days after the tenant leaves; (2) the owner or relative to live in the unit as their primary residence for at least one year; (3) the eviction notice to disclose the name of the person who is moving into the unit and the relationship to the owner, and to state that the tenant may request proof that the intended occupant is a qualifying relative of the owner; and, (4) that there is no other similar unit vacant on the property that the owner or relative could move into instead (Civil Code § 1946.2(b)(2)(A)). If the owner or relative does not move in within 90 days, or if they do not live there as their primary residence for at least one year, then the former tenant must be offered an opportunity to move back in at the same rent and lease terms and must be reimbursed reasonable moving expenses in excess of the relocation assistance provided.[7]

SB 567 also creates new consequences for violations of the Act (Civil Code §1946.2(h)).

1. An owner who attempts to recover possession of a rental unit in material violation of the law is liable to the tenant in a civil action for damages of up to 3 times the actual damages, in addition to punitive damages.
2. Owner who demands or receives rent payments in excess of the maximum allowed may be liable in civil action for damages up to 3 times the amount in excess of the rent allowed if the owner acted willfully or with fraud or malice.
3. Authorizes the Attorney General and the City Attorney to bring actions for injunctive relief against the owner.

[5] https://caanet.org/governor-signs-bill-revising-states-no-fault-eviction-requirements/

[6] https://oag.ca.gov/system/files/media/Tenant-Protection-Act-Landlords-and-Property-Managers-English.pdf

[7] Civil Code, § 1946.2(b)(2)(A)

Local Measures

Rent Stabilization/Rent Control

Currently in the San Diego County region, no jurisdiction has implemented a rent stabilization or rent control ordinance for rental housing, with the exception of those applying to mobile home communities. The San Diego region relies on the statewide rental rate cap. With 98 percent (98%) of Oceanside's housing stock older than 15 years, most rental housing would be subject to the state rent cap.[8] Jurisdictions in California with rent control are primarily in Los Angeles County and the Bay Area including the cities of Los Angeles, Unincorporated Los Angeles County, Beverly Hills, Culver City, West Hollywood, Inglewood, Santa Monica, Berkeley, Campbell, East Palo Alto, Fremont, Hayward, Los Gatos, Oakland, Palm Springs, San Francisco, San Jose, and Thousand Oaks.

Tenant Protections

In the last year, two San Diego County jurisdictions, the cities of Chula Vista and San Diego, adopted their own local Tenant Protection Ordinances (TPOs) that extended beyond the protections in effect under AB 1482 but prior to the new provisions of SB 567, effective April 1, 2024. Both cities recently adopted amendments to their TPOs prior to April 1, 2024 to ensure consistency with state law and to provide clarity to rental housing providers and tenants about what tenant protections apply in their cities. A summary of the key elements of State Law and the cities of Chula Vista and San Diego's laws are provided in Attachment 3.

City of Chula Vista

The City of Chula Vista enacted Chula Vista Municipal Code Chapter 9.65 offering greater tenant protections. That Chapter became effective March 1, 2023. Discussion of tenant protections, collection of local data, hiring of consultants, and working with various stakeholders, from tenants, housing providers, to advocacy groups, began in September 2021 with approval of their Ordinance occurring in November 2022. On February 20, 2024, the Chula Vista City Council approved amendments to its local TPO for compliance with SB 567 and also directed staff to return in six months to review and discuss the enhanced protections provided under Chapter 9.65 and the need for possible revisions.

Chula Vista's tenant protections follow many of the provisions of AB 1482, with the following key additions:

- Applicable to all apartment communities regardless of age of the structure.
- Notice of Termination of Tenancy submitted to the City within three (3) days for duplexes and apartment complexes.
- Adds to the definition of substantial remodel improvements valued at $40 or more per square foot and necessary to be vacant for more than sixty (60) days rather than thirty (30) days.
- Extends tenant benefits to begin from day-one of tenancy, rather than after a year.
- For No-Fault Just Cause evictions in complexes of three (3) or more units, relocation assistance is provided at the greater of two (2) months' contracted rent

[8] City of Oceanside. (2023, June). City of Oceanside General Plan 2021-2029 Housing Element.

or two (2) months of Small Area Fair Market Rent. For seniors or persons with disabilities, relocation assistance shall be the greater of three (3) months' contracted rent or three (3) months of Small Area Fair Market Rent.
- Includes criminal violation of a misdemeanor in certain violation circumstances
- Adds 12 specific harassment/retaliatory behaviors prohibited and applicable to single family residences owned by a business entity and properties with two or more units held for rental.

As of March 1, 2024, Chula Vista has received 63 notices of termination, with property owners in compliance and no fines assessed. Chula Vista has not seen an influx of tenant inquiries.

City of San Diego
The City of San Diego previously adopted a "Tenants' Right to Know" Ordinance in 2004 (San Diego Municipal Code sections 98.0701-98.0760) that is considered a "just cause" ordinance but provides fewer protections than AB 1482. The State's strengthened eviction protections under AB 1482 were determined not to apply in the City of San Diego because of a provision in AB 1482 that limits its applicability to jurisdictions without a previously-existing just cause ordinance. Therefore, based upon San Diego's 2004 TPO, San Diego recently amended its Municipal Code for alignment with AB 1482 and to provide enhanced tenant protections. San Diego's TPO became effective June 24, 2023 after significant data collection, establishment of a Working Group with industry and tenant advocates, and community engagement with stakeholders, Council President's Office, and Mayor's Offices beginning in the Fall of 2022. Amendments to San Diego's TPO for consistency with SB 567 were approved on February 27, 2024.

San Diego's tenant protections follows many of the provisions of AB 1482, with the following few key additions:

- Offers protections beginning on day-one of tenancy (with exemptions for fixed term leases of three months or less);
- For No-Fault Just Cause evictions, provides two (2) months' rent relocation assistance or three (3) months' rent for seniors or a person with disabilities.
- Strengthens protections for when a substantial remodel can and can't be used for a no-fault termination;
- Ensures tenants have more noticing when substantial renovations will happen;
- Requires education and resources for tenants provided at move-in by the City;
- Provides tenants more options for temporary relocation; and,
- Provides accountability measures allowing attorney fees, exemplary damages, and a process for buyout agreements, creating additional legal resources for tenants.

City of Oceanside
The City of Oceanside relies on the statewide tenant protections offered through AB 1482 and SB 567. Currently, Oceanside's housing efforts are primarily focused on providing opportunities for lower-income housing and housing stability through the production of affordable housing and provision of rental housing assistance. The City team also works

with residents and property owners and their agents on education, outreach, and counseling on fair housing and landlord-tenant issues. As further described below, the City also partners with CSA to provide fair housing and landlord-tenant counseling to the Oceanside community.

As presented and directed at the City Council August 30, 2024 workshop on Affordable Housing Production Strategies, staff has been actively engaged in its production efforts. In July 2024, the 60-unit Greenbrier Village permanent supportive housing development will open its doors to those at-risk of homelessness and formerly unsheltered persons. At the end of February 2024, South River Village, a 43-unit affordable development, received all necessary financing to begin construction this Spring 2024, with an anticipated opening of late Winter 2025. Staff continues to work with other market rate housing developers on density bonus/inclusionary housing developments that set aside a percentage of the units for very low- and low-income households, with nearly 450 affordable housing units in the entitlement and development pipeline.

City Council has previously approved a total of over $2 million in federal HOME funds for the implementation of a Tenant Based Rental Assistance (TBRA) program administered on behalf of the City by Interfaith Community Services (ICS) at www.interfaithservices.org. The HOME funded TBRA program is intended to be a bridge program for those families struggling to pay rent at this time. With case management, housing navigation and other assistance provided by ICS, the program goal is to stabilize participants' housing and income within a 12-month time frame and reviewed on a case-by-case basis for up to an additional 12 months. The HOME statute limits assistance to a maximum of two years. It is expected that assisted households, in working with ICS, may move into more financially sustainable homes, address a temporary situation, or be provided some level of economic relief to stabilize their financial situation by the end of the assistance period. To date, a total of 72 households have been assisted with the first phase of the TBRA program through $1.1 million in funding.

Last year, the City Council also allocated funding for a Tenant Screening Reimbursement program to assist low-income households applying for rental housing with some level of assistance to mitigate barriers to obtaining housing. The City reimburses households living in Oceanside or seeking housing in Oceanside with reimbursement of costs for up to three tenant screening reports/applications. More information for this program is available on the Housing and Neighborhood Service Department's website at https://www.ci.oceanside.ca.us/government/housing-neighborhood-services/rental-application-assistance-program. To date, three households have been assisted and staff is continuing to market the program within the community and with its community partners in order to increase the level of participation.

The City is in its first-year contract with CSA (www.c4sa.org) to provide fair housing and landlord-tenant counseling to the Oceanside community. CSA is funded through the City's federal CDBG funds in compliance with federal fair housing requirements to provide such services for U.S. Department of Housing and Urban Development (HUD) programs, such as CDBG, HOME, and Housing Choice Vouchers. Currently, CSA provides walk-in

services at the Chavez Resource Center located at 605 San Diego Street Monday through Thursday from 8:30 am to 4:30 pm. CSA is also available by email at oureach@c4sa.org or phone at 619-444-5700. From the start of their contract on July 1, 2023 through December 31, 2023, CSA has provided assistance to 28 Oceanside households with the majority seeking assistance with landlord-tenant issues (i.e. rent increases, lack of responses to maintenance issues, unfair citations, possible discrimination claims regarding availability of housing, and reasonable accommodations requests).

Housing and Neighborhood Services Department staff provides information on all its available housing resources on its Department webpage. Additionally, staff assigned to the Department's front counter, Housing Choice Voucher (aka Section 8) program, and Community Resource Centers are informed of the available resources and distribute such information to the households and persons they serve. Staff routinely shares information on available housing assistance programs at meetings, events, through its email distribution list with its community partners serving mutual clients/customers and its networking groups.

Tenant Protection Policy Options

Rent Stabilization/Rent Control

At this time, staff does not recommend that the City adopt its own rent stabilization or rent control policy but, rather, recommends that the City rely on the rent cap established under AB 1482 at 5% a year plus the percentage change in the regional cost of living (CPI) from the previous year but not to exceed 10% for the year. Further analysis of the need to limit rent increases, the impact on the building industry and rental property owners, and the required City staffing and financial resources necessary to support the implementation of such policies would be needed prior to pursuing a local rent control ordinance.

Tenant Protections

Acknowledging the competitive rental market and financial burden disproportionately affecting lower income families and persons of color, staff offers the following options for the protection of residential tenants. Staff recommends that the City Council proceed with Option 1 to provide greater outreach and education of State law under AB 1482 and SB 567.

Staff Recommendation:

1. Education and Outreach. Collaborate with the community partners and the State on an education and outreach campaign targeting existing and future residential tenants and property owners and their agents regarding the requirements of State law for rent caps and tenant protections (AB 1482 and SB 567).

    a. Partners may include the State of California, Legal Aid Society of San Diego (LASSD), Southern California Rental Housing Association (SCRHA), California Apartment Association (CAA), CSA and other community partners

    b. Maintain and update, as necessary the Housing and Neighborhood Services webpage dedicated to landlord/tenant resources (https://www.ci.oceanside.ca.us/government/housing-neighborhood-services/housing/landlord-tenant-rights-responsibilities)

    c. Include educational information in future annual business license renewal mailings to apartment owners.

    d. Amend the existing PSA with CSA to provide an enhanced education and outreach campaign on rights and responsibilities of tenants and landlords under the California Tenant Protections Act (AB 1482 and SB 567) to include social media ads, constant contact posts, distribution of written materials, and focused community presentations.

Because the full impact of SB 567 has yet to be realized and in consideration of the staffing resources that would be needed to implement such actions, staff does not recommend the following Option 2:

2. City Code Providing Additional Tenant Protections. As previously noted, state law allows local jurisdictions to set conditions that afford greater protections to tenants. The City could adopt a TPO to go beyond those requirements of AB 1482 and SB 567 to include such provisions but not limited to:

    a. Providing protections beginning on day one of tenancy instead of requiring 12 months of tenancy;
    b. Requiring two months' relocation assistance at contract rent for no fault terminations of tenancies, with three months' assistance for seniors and people with disabilities; and,
    c. Other protections, as directed.

Should the City Council wish to consider implementation of a local TPO providing additional tenant protections, staff would be compelled to work with stakeholders, inclusive of those directly affected by the rental housing market such as residential tenants, representatives of apartment communities, residential property owners and their agents, and the building industry, to better understand the need and impact of strengthening protections beyond state law. Staff would also need to assess and report on the staffing resources needed for implementation of such a program.

Given the upcoming effective date of SB 567 on April 1, 2024, staff is recommending that the City continue to monitor and gather information as to the need for greater protections through local laws. Current California Tenant Protections, particularly with SB 567, may provide significant protections to residential tenants when residents are well informed and property owners and their agents are reminded of their legal obligations under the Act. Should the State not extend the protections of the Act beyond the sunset date of January 1, 2030, the City, at that time, could consider implementation of its own local TPO.

FISCAL IMPACT

Administration and implementation of any contemplated monitoring and regulation of the rental housing market for the purpose of providing tenant protections and education and outreach to benefit all residential tenants and property owners and their agents is not an eligible use of current housing funds available to the City of Oceanside from federal and state funding sources. These financial resources are limited solely for the benefit of lower-income households and to specifically increase housing opportunities and assistance for these population groups. Therefore, any funding for a city-wide program benefitting all residential tenants should be designated from the City's General Fund.

Staff is requesting an appropriation in the total amount of $25,000 from the City's General Fund Unassigned Fund Balance to provide for costs associated with implementation of an outreach and education campaign on landlord-tenant rights and responsibilities related to AB 1482 and SB 567. Staff is requesting $20,000 to amend the existing PSA with CSA, for a total contract amount of $45,000, to provide an enhanced education and outreach for tenant protections and landlord responsibilities. An additional $5,000 is requested for City-provided materials, supplies and services for such activities as direct mailers or inclusion of information in business license renewals. Appropriate the funds to the accounts as noted below.

Description	Request to Appropriate	Account Number	Funding Source Requested
Outreach and Education Campaign by CSA San Diego	$20,000	900959101.5305	General Fund Unassigned Fund Balance $3.1 million available 101.3100.0001
City Materials Supplies & Services	$ 5,000	900959101.5305	
TOTAL	**$25,000**		

INSURANCE REQUIREMENTS

Does not apply.

CITY ATTORNEY'S ANALYSIS

Should the City Council provide direction to develop a local ordinance, the City Attorney will prepare the ordinance consistent with applicable state law.

RECOMMENDATION

Staff recommends that the City Council:

1. Accept a report on California Assembly Bill (AB) 1482 and Senate Bill (SB) 567 and local measures to address tenant protections;
2. Provide direction to proceed with a program for outreach and education to provide guidance to protect Oceanside residential tenants and remind property managers and landlords of their legal obligations; and,
3. Approve a budget appropriation in the total amount of $25,000, with $20,000 for an amended scope of work of an existing Professional Services Agreement with CSA San Diego County for such services and $5,000 for costs of the City for materials and supplies.

PREPARED BY:

Leilani Hines
Housing and Neighborhood Services Director

SUBMITTED BY:

Jonathan Borrego
City Manager

REVIEWED BY:

Jill Moya, Financial Services Director

ATTACHMENTS:

1. Summary of Assembly Bill 1482
2. Summary of Senate Bill 567
3. Comparative Analysis of AB 1482, SB 567 and local Ordinances of the Cities of San Diego and Chula Vista
4. CSA San Diego County services

CITY OF OCEANSIDE
NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

California's Tenant Protection Act: Rent Maximums and Evictions for Just Cause

The Tenant Protection Act of 2019 – AB 1482 Approved 10/08/2019
Codified in California Civil Codes §1946.2 and §1947.12

When does this law go into effect?

- Starts January 1, 2020 and expires on January 1, 2030 (unless continued by the State)

Rent Caps

What is the allowable rent increase?

- Rent for residential property may not increase more than 5% plus the percentage change in the regional cost of living (CPI) from the previous year
- Maximum rental increase for the year cannot exceed 10%
- Your rent cannot be raised more than two times in a twelve-month period, and the total increase cannot exceed the annual allowable amount
- You are entitled to proper notice of a rent increase, at least 30 days' written notice if your landlord intends to raise your rent less than 10% or 90 days if more than 10% of the what the rent was twelve (12) months prior.

	Maximum Rent Increase
For rent increases that took effect Aug. 01, 2022 through July 31, 2023	10%
For rent increases that take effect on Aug. 01, 2023 through July 31, 2024	**10%**

What rental units are covered under Rent Caps?

Applies to both rental properties leased by a property owner and/or its representatives (e.g. landlord or property management company) AND tenants who are subleasing their housing unit.

What rental units are not included?

- Apartment communities built within the last 15 years.
- Single family residences, condos or townhouses not owned by a real estate investment trust, corporation, or LLC AND if the tenant was provided with a specific written notice that the residential property is exempt.
- Owner-occupied duplex (owner occupies one of the units as their principal place of residence but rents the other).
- Housing already under rent control AND the rent increase is less than allowed in this law.
- Housing restricted as affordable housing.
- School dormitories.
- Mobilehomes.

THIS IS NOT LEGAL ADVICE, FOR MORE INFORMATION PLEASE CONTACT:
LEGAL AID SOCIETY OF SAN DIEGO, INC. · 877-534-2425 · http://lassd.org

300 N. COAST HIGHWAY | OCEANSIDE, CA 92054 | TEL (760) 435-3360 | FAX (760) 757-9076

CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

Evictions for Just Cause

As of January 1, 2020, your landlord needs 'Just Cause' in order to evict you, if:

- All tenants have lawfully and continuously lived in the property for 1 year or more, or
- At least one tenant has lawfully and continuously lived in the property for 2 years or more.
- 'Just Cause' can be either 'At-Fault' or 'No-Fault.

'At-Fault' Reasons for Eviction	'No-Fault' Reasons for Eviction
✓ Non-payment of rent ✓ Material breach of rental agreement ✓ Nuisance ✓ Damaging property ✓ Non-renewal of lease ✓ Criminal activity on the property ✓ Subletting in violation of lease ✓ Denying landlord access ✓ Using the premises for an unlawful purpose ✓ Employee, agent, or licensee's failure to vacate after termination ✓ Failure to deliver possession as provided in written notice/offer	✓ Owner or relative move-in: Must be the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents. ✓ Taking the property off the rental market (Ellis Act) ✓ Compliance with a government order, court order, or local ordinance that requires vacancy ✓ Intent to demolish or substantially remodel the property
In most cases, owners must first give a notice of violation and an opportunity to cure the violation prior to issuing notice of termination.	Relocation assistance is required for evictions based on 'No-Fault,' equal to one-month's rent paid within 15 days of service of the no-fault eviction notice. Owner has option of waiving, in writing, last month's rent instead of making relocation payment

Exempt from the just cause requirements - Owners must notify tenants if the property is exempt from 'Just Cause'.

- Includes those exempt from the new rent control, and:
- Single-family owner-occupied residences, provided that owner-occupant is renting no more than two units or bedrooms
- Housing in which the tenant shares bathroom or kitchen facilities with the owner (must be owner's principal residence)
- Transient and tourist hotels
- Nonprofit hospitals, religious facilities, and other care facilities

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300 N. COAST HIGHWAY | OCEANSIDE, CA 92054 | TEL (760) 435-3360 | FAX (760) 757-9076

Rev 08/23

CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

Landlord-Tenant Resources

Whether renting a room, an apartment, a house, or a duplex, the relationship between a renter and the property owner is governed by federal and state laws. The City of Oceanside does not enforce federal and state laws related to landlord-tenant issues. The following information and resources may be of assistance to you or visit our Landlord-Tenant web page:

State of California

- Guide to Tenant's and Landlord's Rights and Responsibilities (Sept 2020)
- Arrendatarios de California (Español)
- Legal Guides
- Landlord Tenant Resources at Housing is Key

Legal Aid Society of San Diego

The City of Oceanside contracts with Legal Aid Society regarding landlord-tenant and fair housing issues. Please contact Legal Aid regarding these matters.

- Get Help with Services

North County Office
Hours: 9:00 a.m. to 5:00 p.m. M-F
100 E. San Marcos Blvd, Suite 308
San Marcos, CA 92069

San Diego Superior Court Self Help Center

- Landlord Tenant
- Frequently Asked Questions: Tenants or Landlords

Lawyer Referral & Information Service and Landlord Tenant Information from the **San Diego County Bar Association.**

- Landlord-Tenant Law

(800) 464-1529
(619) 231-8585
LRIS@sdcba.org

San Diego Volunteer Lawyer Program

Free civil legal services to disadvantaged families, seniors, persons with disabilities, persons infected with HIV or AIDS, and domestic violence survivors in San Diego County. Contact this group by attending a clinic at one of several locations.

619.235.5656
info@sdvlp.org
707 Broadway, Suite 1400
San Diego, CA 92101

NOTE:

The names and contact information are provided as a resource and not in the way of an endorsement by the City of Oceanside. The resources list is intended as a brief overview and may not include all available local, state and federal resources.

CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

"LÍMITE DEL INCREMENTO DEL ALQUILER" y "CAUSA JUSTA " EN CALIFORNIA

La Ley Para Proteger A Los Inquilinos de 2019 – AB 1482 Aprobado en 10/08/2019
Por California Civil Código §1946.2 and §1947.12

¿Cuándo comienza esta ley?

- Comienza 1 de enero de 2020 hasta el 1 de enero de 2030 (a menos que el Estado continúe)

Límite del Incremento del Alquiler

- El "límite de alquiler" restringe que el propietario aumente su alquiler más del 5% + la tasa de inflación local o el 10% (lo que sea menor)
- Su alquiler no puede aumentarse más de dos veces en un período de doce meses y el aumento total no puede exceder la cantidad anual permitida.
- Tiene derecho a recibir una notificación adecuada de un aumento de alquiler, al menos 30 días si su arrendador tiene la intención de aumentar su alquiler menos del 10% o 90 días si es más del 10 % de lo que era el alquiler doce (12) meses antes.

	Máximo Incremento Del Alquiler
Para los aumentos de alquiler que entraron en vigencia desde el 1 de agosto de 2022 hasta el 31 de julio de 2023	10%
Para los aumentos de alquiler que entraron en vigencia despuse de el 1 de agosto de 2023 hasta el 31 de julio de 2024	**10%**

¿Qué viviendas están cubiertas por la ley para límite del incremento del alquiler?

Se aplica tanto a las propiedades de alquiler alquiladas por el dueño de la propiedad y/o sus representantes (por ejemplo, el propietario o la empresa de administración de la propiedad) como a los inquilinos que subarrendan su unidad de vivienda.

Vivienda Excluida

- Vivienda construida en los pasados quince años
- Viviendas unifamiliares ocupadas por el dueño
- Duplexes si el dueño vive en otra Vivienda
- Viviendas sujetas a control local de alquiler con mayor protección
- Restringida como viviendas económicas.
- Vivienda donde la escuela es las propietaria
- Viviendas casas moviles, unifamiliares o condos sin que sean propiedad corporativa o no es propriedad del parque de cases moviles

ESTO NO ES UN CONSEJO LEGAL, PARA MAYOR INFORMACIÓN POR FAVOR COMUNÍQUESE CON:
LEGAL AID SOCIETY OF SAN DIEGO, INC. · 877-534-2425 · http://lassd.org

300 N. COAST HIGHWAY | OCEANSIDE, CA 92054 | TEL (760) 435-3360 | FAX (760) 757-9076

Rev 08/23

CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

Causa Justa del Desalojo

A partir del 1ro de enero de 2020, su arrendador necesita "Causa Justa " a fin de desalojarlo, si:

- Todos los arrendatarios han vivido legal y continuamente en la propiedad por un año o más, o
- Por lo menos un arrendatario ha vivido legal y continuamente en la propiedad por 2 años o más.
- "Causa Justa " es caracterizada como "Con Culpa" o "Sin Culpa"

Razones del Desalojo "Con Cupla"	Razones del Desalojo "Sin Cupla"
✓ El no pago del alquiler ✓ Violación sustancial del contrato de arrendamiento ✓ Molestia ✓ Tirar Basura ✓ El no firmar un nuevo contrato de arrendamiento similar ✓ Actividad criminal ✓ Subarrendar en violación del contrato de arrendamiento ✓ Negar la entrada al arrendador ✓ Usar la vivienda para un propósito ilícito ✓ El no desalojar después de haberle dado al dueño una notificación por escrito del intento de terminar el arrendamiento ✓ La falla del empleado, agente, o concesionario en desalojar después de terminarse la relación	✓ Dueño o familiar (esposa del dueño, pareja de hecho, hijos, nietos, padres, o abuelos) intentan ocupar la unidad ✓ Retiro de la vivienda del mercado de alquiler (Ley Ellis) ✓ Cumplimiento de una orden del gobierno, orden de la corte, u ordenanza local que requiere el desalojo ✓ El dueño intenta derribar o remodelar la vivienda sustancialmente Ayuda para la reubicación se requiere para los desalojos "Sin Culpa" equivalente a un mes de alquiler pagada dentro de los 15 días de la entrega judicial de la notificación del desalojo "Sin Culpa".
En la mayoría de los casos, el dueño primero deben dar un aviso de infracción al arrendatario y darle la oportunidad de solucionar la infracción antes de emitir el aviso de rescisión.	El dueño tiene la opción de renunciar, por escrito, del último mes de alquiler en lugar de hacer el pago de reubicación.

Vivienda Excluida - La nueva ley no aplica a:

- Incluye las viviendas excluidas de los límites del incremento del alquiler;
- Arrendatarios que comparten el baño o cocina con un dueño en la residencia principal del dueñoHoteles, motels, y pensiones a corto término; y,
- Hospitales sin ánimo de lucro, establecimientos de cuidados religiosos para los ancianos, y establecimientos residenciales para cuidado de adultos.
- Los dueños también deben notificar a los arrendatarios si la propiedad es exenta de "Causa Justa.

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NEIGHBORHOOD SERVICES DEPARTMENT / HOUSING

California's Tenant Protection Act:

- Evictions for Just Cause – Substantial Rehabilitation & Owner Move-In
- Enforcement

The Tenant Protection Act of 2019, as amended by SB 567 Effective 04/01/2024
Codified in California Civil Codes §1946.2 and §1947.12

Evictions for Just Cause

As of January 1, 2020 through January 1, 2030, your landlord needs 'Just Cause' in order to evict you, if:

- All tenants have lawfully and continuously lived in the property for 1 year or more, or
- At least one tenant has lawfully and continuously lived in the property for 2 years or more.
- 'Just Cause' can be either 'At-Fault' or 'No-Fault.
- As of April 1, 2024 there are additional requirements for No-Fault Evictions based on Substantial Rehabilitation of the Unit or an Owner/Relative Moving In.

No-Fault Eviction: Substantial Rehabilitation eff April 1, 2024

- Applies when the property owner intends to demolish or substantially remodel the property to replace or substantially modify any structural, electrical, plumbing, or mechanical system.
- Written notice must be provided and include:
  - Stating if the remodel or demolition does not commence or is completed, the owner must offer you the opportunity to re-rent at the same rent and terms. Tenant must notify within 30 days and reoccupy within 30 days of notifying of their acceptance of the offer to re-rent.
  - Description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished.
  - A copy of the permits or if no permit required a copy of the signed contract with the contractor completing the work.
  - Tenant must inform owner of interest in re-occupying the unit and contact information.

No-Fault Eviction: Owner/Relative Move-In eff April 1, 2024

- Written notice of name and relationship to owner. Tenants may request proof of a relationship.
- Owner or relatives must move in within 90 days.
- If the owner/relatives fails to occupy the unit within 90 days, the owner must offer the unit to the same tenant at the same rental rate and terms and reimburse the tenant for reasonable moving expenses beyond relocation assistance.

THIS IS NOT LEGAL ADVICE, FOR MORE INFORMATION PLEASE CONTACT:
LEGAL AID SOCIETY OF SAN DIEGO, INC. · 877-534-2425 · http://lassd.org

COMPARISON OF STATE LAW FOR RENT CAPS AND TENANT PROTECTIONS WITH LOCAL JURISDICTION TPOs

Description	**California Tenant Protections Act of 2019** AB 1482 Codified as State Civil Code § 1946.2, 1947.12, and 1947.13 Effective April 1, 2024 Sunset January 1, 2030	**California Tenant Protections**; Termination of Tenancy Senate Bill 567 Codified as State Civil Code § 1946.2 and 1947.12 Effective January 1, 2021 Sunset January 1, 2030	**City of San Diego** Effective June 24, 2023 Updated February 27, 2024 (SB 567)	**City of Chula Vista** Municipal Code Chapter 9.65 Effective March 1, 2023 Sunset January 1, 2030 Updated February 20, 2024 (SB 567)
ANNUAL RENT INCREASE ("RENT CAP") Civil Code Section 1947.12	5% plus the applicable Consumer Price Index (CPI) or 10%, whichever is lower		Same as State Law	Same as State Law
San Diego County: Increase starts between 8/1/23 and 7/31/24	10% allowable rent increase		Same as State Law	Same as State Law
Rent Increase Notice	Provide formal written notice — a call, text, or email is not enough — at least 30 days before the increase can take effect. If the rent increase is more than 10%, must provide notice at least 90 days before the increase can take effect.		Same as State Law	Same as State Law
Applicability	Rental properties leased by a property owner and/or its representatives (e.g. landlord or property management company) AND tenants who are subleasing their housing unit		Same as State Law	Same as State Law
Not included	Apartment communities built within the last 15 years Single family residences, condos or townhouses not owned by a real estate investment trust, corporation, or LLC AND if the tenant was provided with a specific written notice that the residential property is exempt Owner-occupied duplex (owner occupies one of the units as their principal place of residence but rents the other) Housing already under rent control AND the rent increase is less than allowed in this law Housing deed restricted as affordable housing or subject to an agreement that provides housing subsidies		Same as State Law Adding short term residential as an exemption	Same as State Law with the exception of no limitation to the age of structure

COMPARISON OF STATE LAW FOR RENT CAPS AND TENANT PROTECTIONS WITH LOCAL JURISDICTION TPOs

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	School dormitories Mobilehomes			
EVICTIONS FOR JUST CAUSE Civil Code Section 1946.2	'Just Cause' is required in order to evict a tenant. 'Just Cause' can be either 'At-Fault' or 'No-Fault.		Same as State Law	Same as State Law
Applicability	All tenants have lawfully and continuously lived in the property for 1 year or more, or At least one tenant has lawfully and continuously lived in the property for 2 years or more.		Same as State Law	Same as State Law
Exemptions	Inclusive of those exempt from the rent control Single-family owner-occupied residences, provided that owner-occupant is renting no more than two units or bedrooms Housing in which the tenant shares bathroom or kitchen facilities with the owner (must be owner's principal residence) Transient and tourist hotels Nonprofit hospitals, religious facilities, and other care facilities		Same as State Law	Same as State Law
"At-Fault" Reasons for Eviction	Non-payment of rent Material breach of rental agreement Nuisance Damaging property Non-renewal of lease Criminal activity on the property Subletting in violation of lease Denying landlord access Using the premises for an unlawful purpose Employee, agent, or licensee's failure to vacate after termination Failure to deliver possession as provided in written notice/offer		Same as State Law	Same as State Law

COMPARISON OF STATE LAW FOR RENT CAPS AND TENANT PROTECTIONS WITH LOCAL JURISDICTION TPOs

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Noticing	If it is a curable violation, tenant must first be give a notice of violation and an opportunity to cure the violation prior to issuing notice of termination (3-day Notice to Quit).		Same as State Law	Same as State Law
"No-Fault" Reasons for Eviction	Owner or relative move-in. Must be the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents.	Written notice of name and relationship to owner. Tenant may request proof of relationship. Owner or relatives to move in within 90 days. Failure to occupy within 90 days, the owner must offer unit to the same tenant at the same rental rate and terms and reimburse for reasonable moving expenses beyond relocation assistance. Owner or relatives to occupy the residential real property for a minimum of 12 continuous months as the person's primary residence.	Same as State Law	Same as State Law
	Taking the property off the rental market (Ellis Act)		Same as State Law	Same as State Law
	Compliance with a government order, court order, or local ordinance that requires vacancy		Same as State Law	Same as State Law

COMPARISON OF STATE LAW FOR RENT CAPS AND TENANT PROTECTIONS WITH LOCAL JURISDICTION TPOs

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	Intent to demolish or substantially remodel the property The replacement or substantial modification of any structural, electrical, plumbing, or mechanical system. Requires a permit.	Written notice must be provided: Stating if the remodel or demolition does not commence or is completed, the owner must offer you the opportunity to re-rent at the same rent and terms. Tenant must notify within 30 days and reoccupy within 30 days of notifying acceptance of the offer to re-rent.	Same as State Law	Same as State Law *Improvements $40 or more per square foot*
	Cannot be reasonably accomplished in a safe manner with the tenant in place and requires the tenant to vacate the residential real property for at least 30 days.	Description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the expected date by which the property will be demolished. A copy of the permits or if no permit required a copy of the signed contract with the contractor completing the work. Tenant must inform of interest in re-occupying the unit and contact information.	Written notice under penalty of perjury the reason for termination, scope of the work, and why the work requires the tenant to vacate for at least 30 days along with a copy of the permit. (Similar) *Post permit within 3 business days* *Permit must be issued before landlord serves notice*	*Necessary to be vacant for more than sixty (60) days.*
Noticing	Tenancy < 12 months = 30 days		*Provide a notice of the local protections available.*	Same as State Law
	Tenancy ≥ 12 months = 60 days		*Provide a copy of the SD Tenant Protection Guide which will include educational information and resources.*	*Duplex or 3+ Dus :* *Notice to also be provided to the City within 3 business days.*

COMPARISON OF STATE LAW FOR RENT CAPS AND TENANT PROTECTIONS WITH LOCAL JURISDICTION TPOs

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Relocation Assistance	One-month's rent paid within 15 days of service of the no-fault eviction notice. Option of waiving, in writing, last month's rent instead of making relocation payment		*From day one of tenancy (12 month occupancy not required), except short term leases of 3 mos or less* *Two (2) months of the contracted rent* *If Elderly or Disabled, then three (3) months of assistance.* *First offer unit to displaced tenant if the unit is offered for rent within 5 years of certain no-fault just cause evictions.*	*From day one of tenancy (12 month occupancy not required)* *3 or more Dus :* *Greater of two (2) months of the HUD Small Area FMR or two (2) months of actual rent* *If Elderly or Disabled, then three (3) months of assistance.*
ENFORCEMENT & REMEDIES Civil Code Section 1946.2		Owner who attempts to recover possession of a rental unit in material violation of those provisions liable in a civil action up to 3 times the actual damages, in addition to punitive damages. Owner who demands or receives rent payments in excess of the maximum allowed may be liable in a civil action damages up to 3 times the amount in excess of the rent allowed if owner acted willfully or with fraud or malice. Authorizes the Attorney General and the city attorney or county counsel, within whose jurisdiction the rental unit is located, to bring actions for injunctive relief against the owner	Landlord attempts to recover possession in violation of protections or failure to provide relocation assistance are liable for not less than 3 times actual economic damages and relocation assistance *Tenant may file an action and seek injunctive relief, equitable relief, and punitive damages* *Ability to recover costs and attorney fees City may enforce, including civil and criminal remedies*	*Owner or Tenant to participate in education, mediation* *Administrative Citations or Civil penalties at $5,000 per violation per day and punitive damages.* *Criminal Violation: Owner may be guilty of a misdemeanor punishable by a fine of not more than $1,000 and/or imprisonment for a period of not more than six months in cases where the Owner's interference with a Tenant's occupancy involves (a) threat, fraud, intimidation, etc.; (b) a public nuisance; (c) cutting off utilities; or restricting trade (including delivery services) to or from a Tenant.*
HARRASSMENT Civil Code Section 1942.5	Prohibits retaliatory evictions due to a tenant's exercise of a legal right.		Same as State Law	*Specifies 12 harassment/ retaliatory behaviors*

Attachment 4

CSA San Diego County

Our Services

- Fair Housing Counseling
- Landlord-Tenant Counseling
- Foreclosure Prevention
- Workshops & Training
- First Time Buyer Education

Visit us in Oceanside

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Oceanside satellite office -Chavez resource center

605 San Diego St, Oceanside, CA 92058

Open: Monday, Tuesday, Wednesday & Thursday

Hours: 8:30 AM - 4:30 PM

To submit an inquiry or for more information:

Email:outreach@c4sa.org - Phone: 619-444-5700 - Website: c4sa.org

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CSA San Diego County is a 501(c)(3) nonprofit organization whose primary mission is the promotion of social justice and public welfare through programs, services, and advocacy against all forms of discrimination, including advocacy for the eradication of housing discrimination to assure equal housing opportunity for all individuals.