

## Marin supervisors hear pleas for tenant protection

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As a tenant in Marin some years back, single mom Caroline Peattie had to uproot herself and her child frequently when the landlord would decide to sell the property or make other changes.

“I had to move four times in the first eight years of my son’s life,” said Peattie, now executive director of San Rafael-based Fair Housing Advocates of Northern California. “It was really difficult to navigate while working full-time, and with my son in day care and then in school.

“It only changed,” Peattie added, “when my parents died and left me some money so I could get a down payment and buy a house.”

Peattie was one of more than a dozen speakers at Tuesday’s Marin Board of Supervisors special meeting on affordable housing. Like many of those who testified, Peattie, who now helps others move into more stable housing, urged the board to adopt tenant protections. The two main ones discussed at the meeting include an ordinance to require “just cause” for evictions when there is only a month-to-month lease in place or a mandatory mediation rule triggered when rents are set to rise by more than 5 percent.

“The most effective way to help is to

provide tenant protections,” said Wendi Kallins of Forest Knolls. “For many of the people who rent, there’s no way to prove retaliation (in eviction cases).

“These landlords raise the rents because they can,” she said. “Sometimes they raise them 10 percent, two or three times a year.”

Landlord Dave Coury of San Rafael said he would support rent stabilization efforts.



*Landlord David Coury, speaking Tuesday during a Board of Supervisors special session on protections for renters, said he would support rent stabilization efforts. (Photo: Keri Brenner)*

“The largest single expense I have as a landlord is property tax, which is capped at 2 percent,” said Coury, whose voice rose to a roar at one point. “What justifies rent increases significantly greater than that?”

### TEARFUL STORIES

After more than two hours of sometimes tearful testimony, supervisors took no immediate action on those two main options, but said they supported both of them.

“I want to pursue the mandatory mediation idea,” said Supervisor Damon Connolly, a member, with Supervisor Katie Rice, of the board’s housing subcommittee. He added he backed the idea of the “just cause” ordinance, but he wanted to continue research to make sure it was implemented in a successful way.

“It seems that in most other cases where they’ve put a ‘just cause’ ordinance in place, it was accompanied by some type of rent control,” Connolly said. “That’s for the simple reason that a landlord can just jack up the rent and force people to move out.”

The board also gave its blessing to ideas from planning manager Leelee Thomas and director Brian Crawford of the county’s Community Development Agency. Those included transferring \$135,000 in additional money to a partnership program so that landlords can accept more low-income tenants, and a “do-over” on an overlay to give preferential zoning to new construction of affordable housing units.

“I think we need to revisit this overlay issue,” Connolly said. “The existing overlay has been in place since 2007 and there have been no new affordable units developed since then.”

### ‘TRAUMA TIME’

Crawford and Thomas also got the green light to create a plan for accommodating second-unit apartments at private homes under newly adopted state guidelines.

“The bottom line is, Marin County is functioning now with a zero vacancy rate (for affordable housing),” Rice said. “All the pressure is being put on tenants.”

Supervisor Judy Arnold agreed.

“It’s trauma time,” she said. “We need to get very serious about this issue.”

Speakers on Tuesday said they suffered evictions without warnings, despite being responsible renters and despite paying their bills on time and causing no problems.



*Caroline Peattie, executive director of Fair Housing Advocates of Northern California, told Marin supervisors Tuesday about her housing woes in the years before she was able to afford to buy a home. (Photo: **James Cacciatore**)*

“A landlord can have some legitimate reasons to force a tenant to move that are not retaliatory or discriminatory,” Peattie said. “But legitimate or not, it’s already a dicey proposition to be a tenant — even if you are a very good tenant — and to feel constantly de-stabilized.”

## EVICTION WORRIES

Legal options exist but a claim for retaliatory eviction is difficult to prove, experts said.

“We had 486 cases opened in 2016,” said Marin Deputy District Attorney Andres Perez, whose office is in charge of consumer and environmental protection. “Of those, most were involving landlord-tenant problems.”

David Levin, managing attorney for Legal Aid of Marin, said immigrants who come to his office are “more worried about eviction than deportation.”

The eviction conflict comes as new data shows rents in Marin County are on the rise.

Scott Gerber, director of Bradley Commercial Real Estate, said his summer Marin rental survey shows rents grew 6 percent countywide over summer 2016. Gerber, who tracks mostly large, high-end apartment complexes with amenities such as rental offices and pools, said the rent in San Rafael grew by 1.58 percent over summer 2016 to \$2,064 for a one-bedroom and to \$2,512 for a two-bedroom, one-bath unit.

That was lower than the figures from the data-tracking website [apartmentlist.com](http://apartmentlist.com), which said average San Rafael rents in July rose 3.6 percent over a year earlier, to \$2,470 for a one-bedroom apartment and \$3,110 for a two-bedroom.

## COLLABORATION

Gerber, who has been doing his survey for more than two decades, told supervisors that collaboration among all parties is the key.

“We have a common goal: a healthy county with a strong job market and housing stock,” he said.

“The elephant in the room is that we have a supply problem,” Gerber added. “We need more units that are affordable to the lower-income residents of this county. Rents have responded to the lack of new supply, but many don’t recall that rents have also dipped three times in the last 20 years,” he said, citing periods in 1993-96, 2000-02 and 2008-11.

He said the board needs to see it from both sides.

“Making it harder for rental property owners only threatens the health of the limited rental housing stock that we have,” he said. “We need to collaborate — the landlord partnership program is an example of that.

“By working together with Marin Housing, property owners and managers greatly expanded the local Section 8 program,” Gerber said.

On the tenant side, meanwhile, Julia Keily Reich of Marin Organizing Committee said her group will meet Aug. 9 with Connolly and Rice to provide a deeper look at the Marin rental market situation.

“We’re in favor of a ‘just cause’ ordinance and fines for retaliatory evictions,” she said. “We want them to hear more individual stories.”