

Marin supervisors want to move ahead with ‘just cause’ ordinance

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Marin County will soon be implementing a “just cause” housing ordinance designed to prevent landlords from evicting tenants without a good or just cause.

The Board of Supervisors on Tuesday directed county staff to

prepare optional forms of the ordinance for consideration at an upcoming meeting. The three supervisors backing the creation of the ordinance said they intend to exempt small mom-and-pop landlords who rent only three or four housing units.

That decision came after a nearly three-hour evening session attended by about 200 people at the Civic Center in San Rafael. Two of the five supervisors — Damon Connolly and Judy Arnold — dissented. Both Connolly and Arnold said they need to see more data to convince them such an ordinance is necessary.

Just-cause ordinances do not prevent landlords from evicting tenants for valid reasons such as failure to pay rent, breach of the lease or criminal activity. They also allow landlords to evict if they or a family member want to move in, or they want to substantially rehabilitate the unit or convert it into a condominium.



Paul Epp speaks during a workshop as the Marin supervisors consider a just-cause housing ordinance before a packed house at the Marin Civic Center in San Rafael on Tuesday. (James Cacciatore/Special to the Marin Independent Journal)

Housing advocates have been calling for the board to adopt a just-cause ordinance for some time. The board began discussing just cause in 2015 but had previously resisted the idea.

Instead, county supervisors passed a law prohibiting landlords from discriminating against people using Section 8 housing vouchers and funded a new program to incentivize more landlords to rent to people using housing vouchers.

The supervisors also adopted a mandatory mediation ordinance requiring landlords to enter into mediation with tenants if they increase rents more than 5 percent within a 12-month period. That ordinance became effective in January.

Housing advocates, however, said tenants are unlikely to seek mediation without a just-cause ordinance to protect them from eviction.

One of the speakers Tuesday, David Gregory, minister at Community Congregational Church in Tiburon, said, "Many renters in Marin are afraid, especially our most vulnerable populations.

"At the Marin Organizing Committee we hear stories of renters who are too afraid to report a broken stove, mold on the walls or code violations," Gregory said. "They know that if they get evicted there will be nowhere to go."

The Marin Organizing Committee (MOC), which includes many of Marin's religious congregations among its members, played a leading role in operating Marin's rotating emergency shelter team program, known as REST, for 10 years. MOC also led in the push for a just-cause ordinance.

Last week, it was announced that a deal had been struck to phase in a 40 percent rent increase at two buildings in San Rafael's Canal neighborhood affecting 40 housing units. The rent hike will take place over 16 months instead of becoming effective Sept. 1 as originally planned.

Kevin Garcia said Tuesday that the affected tenants shied away from the just-cause meeting out of fear of retribution.

"They're afraid of being evicted," Garcia said. "It's true that a just-cause ordinance would not have protected these renters by itself, but a just-cause ordinance plus mandatory mediation would have allowed them to negotiate without being afraid."

Opponents of just cause have questioned whether a just-cause ordinance will prevent people from being forced to move due to rising rents and expressed fear that a just-cause ordinance will ultimately lead to rent control.

Tom Schaal of Schaal Realty Advisers, said Tuesday, “I talked with my investors — some are institutional and some are private — about how they feel about just cause. Every single answer I got was, ‘Oh, it’s a precursor to rent control.’”

Jack Wilkinson of San Rafael, a local landlord, said Tuesday, “What I see with this ordinance is a camel’s nose under the tent.”

Like several landlords who spoke Tuesday, Wilkinson said he doesn’t evict tenants unless they fail to pay their rent.

“I don’t raise rents to keep up with the market,” Wilkinson said. “I want a tenant paying me rent. If I evict them I lose more money by him not paying rent than him staying there at a lower rent. As a businessman, I don’t make foolish business decisions.”

Another just-cause skeptic, Jim Aptfel, said, “What I find curious throughout this whole process is that there is no eviction data for Marin being shown to the public.”

Aptfel said he recently obtained data from the Marin County Superior Court showing that unlawful detainer filings in Marin declined steadily over the past seven years.

Supporters of just cause, however, note that many tenants are evicted without a landlord having to take legal action. Supervisor Judy Arnold said the county needs to track how often that is occurring.

Not all landlords fear a just-cause ordinance.

Paul Epp, a Marin resident with rental properties in San Francisco, said, “As a landlord with properties subject to just-cause, it has been my experience that if you’re a good landlord this type of ordinance will not affect you; it just protects tenants from unscrupulous landlords.”

According to the report prepared by planning staff for Tuesday’s meeting, as of June 2017 average rents in Marin had increased 65 percent since 2005, to \$2,448 per month. Based on housing affordability standards, a household would need to earn \$8,187 per month or \$98,240 per year to afford the average rental in Marin.

Louise Gilbert, a senior citizen who has lived in an apartment complex in San Anselmo for the past 18 years, said Tuesday that her rent has consistently been raised 4 percent per year but just recently she was notified it is being raised by 19 percent.

Gilbert said the increase will stretch her finances to the limit, and she fears for the future.

“It’s kind of scary because I see the trajectory that I’m being faced with,” Gilbert said. “I know an older woman who was recently evicted from the complex is living in her car. I feel there is no safety net for Marin seniors.”

Tom Gable, pastor of Marin Lutheran Church in Corte Madera, which is a member of the Marin Organizing Committee, said Tuesday that Marin’s housing crisis is hurting Marin’s seniors and residents of color disproportionately.

In June, a community advisory group formed to identify barriers to fair housing in Marin put adoption of a just-cause ordinance at the top of its to-do list. Marin County has been tasked by the Department of Housing and Urban Development to more actively address its impediments to fair housing.

“How can we talk so much about equity, and then passively watch as low-income people and people of color of all ages get swept slowly out of our community?” Gable said. “Many of us are up in arms about ICE breaking up families, but are we willing to see that the housing market does the same thing? We may not be deporting families across the U.S. border but here in Marin, we’re deporting families from our county.”