

Marin supervisors improve renter protection with ‘just cause’ ordinance

By RICHARD HALSTEAD | rhalstead@marinij.com | Marin Independent Journal
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Beginning in January, landlords who rent three or more units in unincorporated Marin will be required to have a “just cause” for evicting tenants.

The Marin County Board of Supervisors voted unanimously Tuesday to adopt an ordinance that creates the new requirement. Supervisors did so after years of lobbying by housing advocates who called for them to take more effective action to address the critical shortage of affordable housing in Marin.

“I am supportive of the ordinance as drafted; I think it’s been very carefully crafted,” said Supervisor Katie Rice.

The ordinance puts the just cause requirement into effect for a two-year trial period beginning Jan. 17, 2019. It exempts landlords who rent fewer than three units. It also exempts all accessory dwelling units and junior accessory dwelling units.

County planning staff estimates the new law will apply to about 12 percent of Marin County’s rental housing stock, about 3,401 out of 27,581 units.

“It’s one small plank in a nice-looking fence we’re trying to build that does something about addressing the housing crisis,” Rice said. “It’s not a panacea.”

Supervisor Dennis Rodoni said, “I’m happy to support this ordinance. I do want to recognize though that we do have additional work to do. I’m a little concerned that perhaps 90 percent of West Marin doesn’t qualify for this ordinance.”

In addition to requiring a just cause for eviction, the ordinance also requires landlords with three or more units to register their units annually with the county.

At Tuesday’s hearing, Meredith Parnell, a member of the **Marin Organizing Committee**, which has been the leading voice calling for action to address the housing crisis, said that all Marin rental properties, regardless of size, should be required to register with the county.

Parnell told the board, “In previous meetings, some of you have argued that we need more data in order to know what the problem is, but without a comprehensive registry, there no way to collect that data.”

“We have no idea who owns property in Marin,” Parnell said. “Are there foreign investors with whole portfolios of single-family homes? Are there slumlords? If the county wants to do effective landlord outreach and education, we need a complete registry.”

Suzanne Sadowsky, who heads the board of the San Geronimo Valley Affordable Housing Association, also called for a more comprehensive registry.

Sadowsky said the affordable housing crisis is even more dire in West Marin than in other parts of the county due to the proliferation of short-term rentals via the internet.

“It’s not just a matter of protections for individual tenants, which is extremely important,” Sadowsky said. “It is also the importance of keeping our communities whole and keeping them as neighborhoods where families can continue to live in and thrive.”

Only one person spoke in opposition to the ordinance during the hearing.

“I think you’re handcuffing the landlords, and 90 percent of the tenants that live in these buildings who will be subject to the tenants you can’t get out,” said Dave Wilson, a real estate broker.

Wilson suggested that the just cause ordinance would make it more difficult for landlords to remove undesirable tenants, such as sex offenders and spousal abusers.

Wilson said he once rented a unit in a four-plex that he owns to a registered sex offender and only found out about the tenant’s criminal record after another tenant informed him of it.

“Because I’m allowed to in the state of California, I gave him 30 days notice. He and his two sons moved out, and I didn’t have a lawsuit, and I didn’t have a problem,” Wilson said. “He left and he knew exactly why, and we never discussed it.”

Just causes for eviction under the new ordinance include: failure to pay rent, breach of rental contract, illegal activities by the tenant, threat of violent crime, and nuisance behavior.

In addition tenants may be evicted if the landlord or his parents or children intend to move into the unit, if the landlord needs to make repairs to bring the unit into compliance with health and safety codes, or if the landlord intends to permanently remove the unit from residential use.

The supervisors previously 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 were hesitant to seek mediation without a just-cause ordinance to protect them from eviction.

The Marin Organizing Committee (MOC) is urging the San Rafael City Council to follow the county’s lead and put in place mandatory mediation and a just cause ordinance. Prior to Monday’s meeting of the San Rafael council, MOC announced that residents of a 28-unit apartment building in the Canal district had recently been notified of a \$900 rent increase by the building’s new owner.

After a three-hour session discussing the just cause initiative in September, Supervisors Damon Connolly and Judy Arnold remained opposed. Both joined with the majority Tuesday.

“It’s hard to believe,” Connolly said, “but there has been a three-year debate on this issue.”