

# Local Tenant Protections

## Just Cause and Anti-Harassment Analysis

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# Today

1. Anti-Harassment Ordinance
2. Supplement Just Cause for Eviction Protections



Antioch is more than a third renters: in 2019, there were 36,138 housing units in Antioch and 13,221 of them, or 36.6%, were occupied by tenants.



Source: American Community Survey, 2019 (1-Year Estimates)

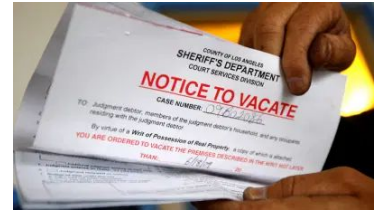
**In 2019, 64% of renter households in Antioch were cost-burdened (paid 30 percent or more of their income in rent).**

In March 2021, a KQED investigative report found that during the pandemic, **Antioch had the most evictions per renter households** out of all nine Bay Area counties



Source: KQED Report,  
More Than 500 Bay Area Residents Have Been Evicted  
During the Pandemic, Despite Protections.

**Antioch's COVID-19 eviction rate was 207.2 per 100,000 renter households, nearly double that of Richmond, and approximately 50 times the rate of Oakland.**



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# Tenant Anti-Harassment Protections

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# What is a tenant anti-harassment ordinance?

**Specifies bad-faith conduct that constitutes harassment of tenants and lists penalties**

- **There is no specific state law protecting tenants from harassment**
- **Harassment leads to illegal evictions**  
Eviction protections work better where tenants are also protected from harassment
- **Requires safe and healthy housing**  
Encourages repairs and prevents unsafe situations
- **Encourages enforcement**  
Private attorneys can enforce the law

# Sample Provisions

**An anti-harassment ordinance provides that the following bad faith conduct is illegal:**

- **Failing to make required repairs**
- **Not taking care with repairs**
- **Interrupting housing services or utilities**
- **Entering a tenant's unit without permission**
- **Threatening a tenant with physical harm**
- **Attempting to coerce a tenant to move out**
- **Threatening to report a tenant to ICE**
- **Discriminating against a tenant**
- **Violating a tenant's right to privacy**

# Cities with tenant anti-harassment ordinances



- **San Francisco**
  - **Berkeley**
  - **Oakland**
  - **Richmond**
  - **Los Angeles**
  - **Long Beach**
  - **Los Angeles County  
(unincorporated)**
  - **Santa Ana**
- Other cities throughout  
California**



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# Just Cause For Eviction Protections

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# What is just cause for eviction?

**Specifies that tenants can only be evicted 'for cause' and not for no reason or an arbitrary reason**

- Lists causes for which tenants can be evicted
- Requires a landlord to state the cause in the eviction notice
- Typically requires the landlord to send the eviction notice to the housing department
- Helps protect against retaliation, discrimination, and harassment

Limits of AB 1482  
Just Cause (State law):  
**Why pass a local law?**



- **Many tenants are excluded from protection under the state law**
- **“Substantial remodel” loophole**
- **Removing a unit from the rental market loophole**
- **No ability to add local protections**

More effective protections, data-gathering, and specific protections to fit the local jurisdiction

# Exemptions

AB 1482 excludes all of these tenants from just cause protections:

- Tenants of less than 1 year (and in some cases, 2 years)
  - Most single family homes and condos
  - Buildings less than 15 years old
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# Substantial Rehabilitation

Loophole to AB 1482

- A landlord can evict a tenant to remodel their unit and the tenant is not allowed to return
  - The remodel doesn't have to be necessary
  - After the tenant leaves, the landlord can raise the rent higher than they would have otherwise been allowed
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# Removing a Unit from the Rental Market

Loophole under AB 1482

- The Ellis Act is a state law that allows landlords to permanently remove a property from the rental market
- In order for tenants to be protected, cities have to implement the Ellis Act protections
- If a city has not implemented the protections, a landlord can evict a tenant to 'remove a unit from the market' for an unspecified time and after the tenant leaves can rent it out for a higher price

# Authorized Ellis Act Protections

- 1) Relocation amounts
- 2) Regulate residential re-rental;
- 3) Require landlords to file certain notices;
- 4) Extended times to protect elderly and disabled tenants;
- 5) Require landlords to withdraw entire buildings from the rental market.



Alliance of Californians for Community Empowerment

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