

February 16, 2023

San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063

To the honorable Supervisors Pine, Corzo, Mueller, Slocum, and Canepa,

As the San Mateo Anti-Displacement Coalition (SMADC), we are writing to urge you to take swift action to stop a wave of evictions by passing a robust just cause for eviction ordinance.

SMADC represents community organizations across San Mateo County committed to fighting housing displacement for low-income people, communities of color, people living with disabilities, and others who have faced structural and systemic barriers to safe, stable, healthy, and affordable homes. We are writing to support the inclusion of a clearer commitment within the county housing element to implement a stronger just cause for eviction ordinance.

Thousands of San Mateo County residents are facing evictions that threaten to cause displacement or even homelessness. A [recent investigation by the San Jose Mercury News](#) shows that evictions in our county have steadily increased over the past year and are now higher than pre-pandemic levels. Evictions create lasting harm to individuals, families, and our communities. Evictions disrupt childrens' education, cause workers to miss work and lose employment, force people into precarious housing situations or out of our communities entirely, and lead to lasting mental and physical health impacts.

**A local just cause for eviction ordinance is one of the most powerful tools our cities can implement to prevent evictions.** Just cause for eviction ordinances, which already exist in two dozen California cities, require landlords to have “good cause” when pursuing eviction, such as the tenant failing to comply with the lease or the owner moving in. They give tenants stability, security, and legal protection against unfair and arbitrary evictions. They protect tenants who speak up against poor living conditions, discrimination, or landlord harassment from retaliatory evictions. A [recent study](#) in four California cities, including East Palo Alto, found that evictions and eviction filings decreased after passing local just cause for eviction ordinances.

San Mateo County is increasingly becoming a home to renters, and our laws need to catch up to safeguard their homes. Across the county, 40% of households are renters. This rate is much higher for people of color due to decades of discrimination and exclusion from homeownership opportunities: 58% of Black, 62% of Latino, 53% of South Asian, and 46% of Filipino households in San Mateo County are renters ([Bay Area Equity Atlas](#)). Nearly half of all renters in the county are cost-burdened, spending more than one-third of their income on rent. A staggering 71% of Central American residents are cost burdened, leaving little left over for food, child care, healthcare, or other basic needs ([Bay Area Equity Atlas](#)).

California passed the Tenant Protection Act (TPA), a state just cause for eviction law in 2019,<sup>1</sup> but that law leaves out many tenants and has loopholes that have limited its effectiveness. This law explicitly authorizes cities to pass stronger local ordinances, because the state legislature intended the state law to be a floor, not a ceiling, on tenant protections.<sup>2</sup> We also note that cities are not constrained by the Costa-Hawkins Act in enacting local just cause laws.

Local eviction protections allow us to add protections based on the problems we see locally. San Mateo is at the epicenter of one of the most dire housing crises in the state, and we need stronger local protections.

In particular, a local just cause for eviction should:

1. **Protect against unfair evictions from Day 1.** State law excludes tenants who have lived in the unit less than one year.<sup>3</sup> However, many in our community are facing arbitrary evictions sooner than that. A local just cause ordinance should cover all tenants from day one of their tenancy.
2. **Prevent reevictions by closing the “substantial remodel” loophole.** Under state law, a landlord can evict a tenant if they intend to demolish or “substantially remodel” the property, which means the remodel requires a permit from a governmental agency, cannot be reasonably accomplished with the tenant in place, and requires the tenant to vacate the property for at least 30 days.<sup>4</sup> However, landlords are using loopholes to evict tenants for remodels that do not meet those requirements. Several cities have passed ordinances requiring landlords to obtain permits *before* serving tenants an eviction notice, including Richmond, Oakland, Long Beach, Los Angeles, and South Pasadena. A local just cause ordinance should only require a tenant to move out if the landlord is making substantial repairs necessary for the tenants’ health and safety where such repairs cannot be completed while the tenant is living in the unit, and only after the landlord has obtained all necessary permits from the City.
3. **Allow tenants the option to return to their home following a substantial remodel.** Under the substantial remodel provision under state law,<sup>5</sup> a landlord can evict a tenant in order to remodel their unit, and the tenant has no right to return to the unit once the renovations are complete. A local just cause ordinance should clarify that tenants only have to vacate temporarily under this just cause reason and give tenants the right to return after repairs are made with a rental agreement of the same terms and at the same rent.
4. **Regulate Ellis Act evictions.** California’s Ellis Act<sup>6</sup> allows landlords to take their property off the rental market, while giving localities the power to regulate these evictions to protect tenants and prevent abuse. Under state law, removing the property from the rental market is an allowable just cause reason to evict,<sup>7</sup> but without any local regulation, this reason is a loophole

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<sup>1</sup> Civil Code § 1946.2.

<sup>2</sup> Civil Code § 1946.2(g)(1)(B).

<sup>3</sup> Civil Code § 1946.2(a).

<sup>4</sup> Civil Code § 1946.2(b)(2)(D).

<sup>5</sup> *Id.*

<sup>6</sup> Gov. Code § 7060 et seq.

<sup>7</sup> Civil Code § 1946.2(b)(2)(B).

that threatens to swallow the rule. A local just cause ordinance should provide explicit procedures and protections, including: requiring landlords to follow a transparent process in order to remove a property from the rental market; providing tenants with longer notice (120-days or 1-year for tenants who are elderly or have disabilities); requiring landlords to remove the entire building from the rental market, not just a single unit; establishing penalties for landlords who re-rent the property after pursuing a bad faith Ellis Act eviction; and giving tenants the right to return at the same rent if the property is re-rented.

5. **Regulate owner move-in evictions.** Under state law, the owner move-in just cause provision<sup>8</sup> lacks specificity and has been frequently abused. Local ordinances like Richmond's provide further regulation to prevent this abuse. A local just cause ordinance should include detailed provisions to prevent abuse, including: prevent corporate landlords from using owner move-in as a just cause reason to evict; require the notice to state the name, address, and relationship to the landlord of the person intended to occupy the unit; restrict owner move-ins when there are vacant units in the building or in other properties owned by the landlord, or when the person moving in already lives in the property or in another property owned by the landlord; and provide that the landlord or their relative must intend in good faith to move in within 90 days after the tenant vacates and occupy the unit as their primary residence for at least 36 consecutive months. If the landlord or their relative specified in the notice fails to move in within 90 days, the landlord should be required to offer the unit to the tenant who vacated and pay for the tenant's moving expenses. A local just cause ordinance should also bar owner move-in evictions where the tenant has lived in the unit for at least five years and is either elderly, disabled, or terminally ill.
6. **Expand relocation payments for all no-fault evictions.** State law only provides for relocation payments equal to one month of the tenant's rent,<sup>9</sup> which is inadequate to cover the costs of moving, security deposits, first and last month's rent at a new rental unit, and increased rent levels. These are all unplanned expenses for the tenant, and the tenant should be reasonably compensated commensurate with the loss of their housing through no fault of their own.. A local just cause ordinance should cover a minimum of four months of the tenant's rent to cover the full costs of relocation for all no-fault evictions, with additional payments for tenants who are low-income, disabled, elderly, have minor children, or are long-term tenants.
7. **Expand which units are governed by just cause.** State law excludes many types of housing units from just cause protections, including units less than 15 years old and many single-family home rentals.<sup>10</sup> A local just cause law should cover all units on the market, with only narrow exceptions for certain types of housing (e.g. deed restricted units in affordable developments). In East Palo Alto, the vast majority of single-family homes are covered by their just cause for eviction ordinance..
8. **Provide greater specificity for all "no-fault" just cause eviction reasons to ensure maximum compliance.** Legal aid service providers frequently report that some property owners use the

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<sup>8</sup> Civil Code § 1946.2(b)(2)(A).

<sup>9</sup> Civil Code § 1946.2(d)(2)-(3).

<sup>10</sup> Civil Code § 1946.2(e).

ambiguity in state law to evict tenants without cause using the no-fault reasons – including substantial remodel, removing the property from the rental market and owner move-in, as discussed above. To protect tenants from eviction and homelessness due to abuse of the law, many cities have developed best practices around providing further specificity to the definitions of these no-fault reasons. A local just cause ordinance should provide greater specificity for all no-fault reasons to ensure tenants are not evicted without just cause

9. **More specifically define “at-fault” just cause reasons for eviction.** Local just cause ordinances should enumerate and specifically define “at-fault” just causes for eviction, to ensure that things such as minor curable lease violations do not lead to immediate evictions.
10. **Provide tenants with recourse if their landlord attempts to recover possession in violation of the law.** State law lacks adequate enforcement mechanisms. A local just cause ordinance should clearly state that a tenant may assert their landlord’s failure to comply with any requirement of the ordinance as an affirmative defense in an eviction case and provide aggrieved tenants with a private right of action for equitable relief, damages, and restitution so tenants can enforce their rights if their landlord violates the law. A local just cause ordinance should also provide for enforcement by County Counsel.

Many communities across the state and in San Mateo County have passed strong local just cause for eviction protections, including East Palo Alto and Mountain View. In order to create a just cause for eviction ordinance, we urge you to take the following actions:

- **Include a housing element program to adopt a local just cause for eviction ordinance with specific policies by a clear deadline.** Every Bay Area jurisdiction must update its housing element by January of 2023, and every housing element must include actions to affirmatively further fair housing (AFFH). Renters are disproportionately people of color, due to decades of discrimination and outright exclusion from homeownership opportunities. Moreover, arbitrary evictions often target people of color, immigrants, and other members of protected classes who may be “less desirable” renters in the minds of some landlords. Cities should include a commitment to adopt a just cause for eviction ordinance in the program of actions that will be taken in order to meet the AFFH requirements, address the housing needs of low-income renters, as well as to meet the requirement to preserve existing, non-subsidized, affordable housing stock.
- **Prioritize just cause for eviction for consideration by the Board of Supervisors in 2023.** With evictions already on the rise, we need just cause for eviction passed this year. We urge you to take a public position to support passing a strong local ordinance in 2023.

Cities such as Richmond,<sup>11</sup> Berkeley,<sup>12</sup> and many others have already passed strong just cause for eviction ordinances, creating models for your city to follow. The Anti-Displacement Coalition is also happy to arrange meetings between jurisdiction representatives and renter protection advocates to help you craft an ordinance that works best for your community.

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<sup>11</sup> Chapter 11.100 of [Richmond City Code](#).

<sup>12</sup> Chapter 13.76.130 of [Berkeley City Code](#).

Ultimately, our communities need long-term, permanent solutions to stop and reverse displacement and create safe, affordable, healthy, and stable housing for all. As we build towards these long term solutions, we urge you to take action today to pass just cause for eviction protections.

We look forward to working with you to advance this and other important policy solutions,

Chris Schildt  
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Pacifica Housing 4 All

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