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To halt evictions and rent hikes, Menlo Park council enacts 2020 state law immediately

by Kate Bradshaw / Almanac

In response to concerns that landlords are preemptively hiking rent or evicting Menlo Park tenants to get around a new state renter protection law that goes into effect on Jan. 1, the Menlo Park City Council voted unanimously on Tuesday, Nov. 12, to enact the law immediately.

The ordinance is intended to thwart landlords seeking to evict renters without reason or raise rent dramatically for tenants before the new state law, AB 1482, takes effect to ban those practices. In addition, it will apply retroactively to some renters who have received eviction notices since Sept. 12 but have not yet moved out, and will give tenants who have received major rent increases a clear legal path forward.

Because the council received reports that some Menlo Park landlords were taking advantage of the short window before the law takes effect to raise rent dramatically and evict renters without cause, it scheduled its meeting for Nov. 12 to address the matter. The city's new ordinance is considered an "urgency ordinance" and met the requirements for being expedited more quickly than the typical, slower process, which usually requires a first and second reading.

Susan Lacoste, a retired Menlo Park resident who received a 60-day eviction notice on Oct. 8, the day Gov. Gavin Newsom signed AB 1482, urged the council to approve the ordinance. She introduced herself as someone who has lived in the same apartment for 27 years and worked in various departments at Stanford for 40 years. She lives a quiet life with her cat, watching old movies, gardening and riding a bike with colorful pinwheels around town, she said.

"When I received an eviction notice with no warning, it was like a punch in the stomach," she told the council. "I don't know what to do. I check Craigslist every other day and I get queasy."

Laura Gates, who also received a notice to vacate by the end of December, wrote in an email to the council that she is a senior in ill health who underwent a leg amputation earlier this year. "Where would I go? I can't leave the area in the middle of a medical crisis and have to start anew with a different hospital and physicians," she wrote.

"The bottom line is that tenants need some protection in this very tough rental market. Between Stanford, Facebook and other large employers it is next to impossible to find a reasonable place to live and impossible in a short period of time. We have been good tenants and good citizens of Menlo Park and I ask that the City Council do everything it can to protect (its) residents."

After the initial staff report on the issue was released on Nov. 7, the city attorney's office worked with Community Legal Services in East Palo Alto to modify the draft language to ensure it would protect renters who have already received eviction notices but have not yet moved out.

In addition, Assistant City Attorney Cara Silver noted that on Oct. 26, Gov. Newsom declared a state of emergency in response to the wildfires in the state. One provision of the declaration is that it puts a statewide criminal penalty on "price gouging" on goods and services – including rental housing – defined as increases of more than 10%.

Silver explained that AB 1482 has two parts, each offering new legal protections to some renters statewide starting Jan. 1 and lasting for the next five years.

The first part covers eviction. Specifically, a landlord cannot evict a tenant unless he or she has a "just cause." Evictions are allowed in situations where it's the tenant's fault – for example, if the tenant doesn't pay rent, is a nuisance, or violates another lease term – and in some circumstances where the tenant is

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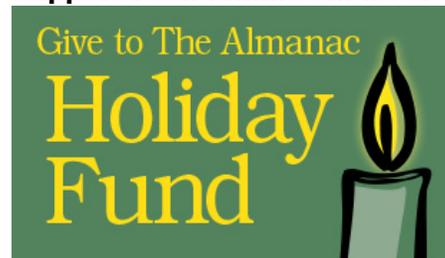
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not at fault, such as if the landlord takes the housing units off the market, moves in, or allows a family member to move in.

In the latter category of these "no-fault" evictions, landlords would be required to pay anywhere between one and four months' rent to the displaced household to help cover relocation costs. Households earning more than 80% of the area median income will get one month's rent as relocation assistance; those under that income level will get a payment equivalent to three months of rent, or four if the household includes a minor, senior or person with disabilities.

The second part covers rent increases. Under the law, a landlord can increase rent only by 5% plus the annual increase in the Consumer Price Index, or by 10%, whichever is lower. Since this year's annual increase in the index was 4%, the maximum allowable rent increase in 2020 will be 9%.

Under the new law, there is a provision that starting in 2020, the baseline rent to which that 9% increase can be applied is whatever a tenant's rent was on March 15, 2019. However, the law permits a landlord to keep overpayments if he or she has increased rent and the tenant pays it before the rent increase limits take effect in the new year.

In that situation, renters are in a tricky situation: They can either risk eviction by not paying the additional rent, or overpay the landlord, Silver explained. Menlo Park's newly adopted policy offers legal protection to tenants who choose not to overpay between now and the new year, a form of "affirmative defense," as described by Councilwoman Catherine Carlton.

However, the state and city policies come with a significant asterisk: The law doesn't apply in a number of rental housing situations.

Specifically, renters of single-family homes or condos not owned by a corporation, real estate investment trust or limited liability company; housing units that are 15 years old or newer; school dorms; already-restricted affordable housing; and duplexes in which an owner occupies one of the units are not eligible for these protections.

Other situations not covered by these protections for renters include when an owner is renting out a bedroom or two in his or her home, or when a renter shares a bathroom or kitchen facility with the owner. Hotels, hospitals, religious facilities and care facilities are also exempt.

After the council's vote, Lacoste told The Almanac she felt relieved, at least for the next few months, noting that she is still concerned about the possibility that the owner will choose to upgrade the apartments or take them off the market.

"Well, it's a load off my mind for the moment," she said.

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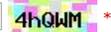
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