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Bay Area renters displaced during holiday season highlight 'loopholes' in new California law

30

Renter protection law passed in September can't help them



WALNUT CREEK, CA – DECEMBER 9: Cait Hudson stands outside her apartment complex in Walnut Creek, Calif., on Monday, Dec. 9, 2019. Hudson received notice from her landlord in November that her lease

With the holidays fast approaching, some Bay Area residents are counting down the days until they'll be forced from their homes — what activists are calling further examples of renters falling through the cracks in a new tenant-protection law.

Assembly Bill 1482, passed in September, is intended to protect Californians from the state's ruthless rental market by capping rent increases at about 9% per year, and prohibiting landlords from evicting tenants without an approved reason. But the law can't help the residents of a 14-unit building in Walnut Creek, due to what activists call "loopholes" in the legislation.

As a result, during a season they had planned to spend shopping for gifts and making holiday travel plans, the renters — some of whom have to be out by Dec. 31 — instead are shopping for a new place to live.

"It's been super stressful," said 31-year-old Cait Hudson, a real estate agent who was surprised to come home last month and find a notice to vacate taped to the door of her Lacassie Avenue apartment. Hudson, who had been paying \$1,850 for a one-bedroom apartment, has to move out by the end of the month, when her six-month lease expires.

The building's manager, Savvy Properties, did not respond to multiple requests for comment. The company has listed several units in the Lacassie Avenue building for rent on its website, priced between \$2,350 and \$2,500, with a notice advising the exterior of the property is undergoing renovations that are scheduled to be finished in late December.

The building is owned by Lori Christopherson, according to the Contra Costa County Assessor's Office. Attempts to reach her were unsuccessful.

Tenant rights advocates say renters have been getting displaced more frequently over the past several months as landlords rush to raise prices and remove tenants before AB 1482, which goes into effect Jan. 1, ties their hands. The problem is so pervasive that nearly 50 California cities and counties, including Palo Alto, Redwood City, Menlo Park and San Mateo, have [passed emergency](#)

The California Apartment Association cannot condone mass evictions intended to get around a pending law, according to spokesman Mike Nemeth.

“AB 1482 is coming up quickly, and our main priority right now is to educate rental owners about this law and how to follow it,” he wrote in an email. “Right now, the industry needs to focus on following the law, not beating the clock to circumvent it.”

Even if Walnut Creek had enacted an emergency ordinance, it likely wouldn’t protect the Lacassie Avenue renters because they haven’t lived in the building long enough. AB 1482 only prevents landlords from removing tenants without cause if the tenant has lived there at least a year — and the city emergency ordinances generally mirror that provision. Hudson and the other Lacassie Avenue tenants this news organization spoke to moved in this year, and were given six-month or month-to-month leases. At least one renter said he asked for a year-long lease, and was denied.

Some tenant advocates worry they will start seeing more landlords who refuse to sign year-long leases, just so they can avoid being bound by parts of AB 1482, said Daniel Saver, an attorney with Community Legal Services in East Palo Alto who represents tenants in rental disputes.

“Landlords will try to find every opportunity to exploit every loophole in the law,” he said. “There’s a lot of creative landlords and creative landlord attorneys out there who are going to try to do everything they can to avoid having the law applied to them.”

AB 1482’s rent cap, which limits rent increases to 5% per year plus inflation — which was 4% in the Bay Area as of April — does apply to tenants who have lived in their home for less than a year. And if landlords raise the rent more than that now, come Jan. 1, the rent will default back to what it was in March. But by removing their tenants instead, new people can be charged a higher price. The rent cap doesn’t limit the base rent a landlord sets for a new tenant.

In another twist, Savvy Properties offered to let some Lacassie Avenue tenants stay in the building — as long as they moved to a different unit, and paid up to \$650 more per month, according to conversations with tenants and a review of documents they received from Savvy Properties. That 35% increase wouldn’t be allowed under AB 1482. But having tenants move into a new unit circumvents that rule.

Savvy Properties recently rescinded that offer, citing the ongoing renovations.

Blayne Wagner, a 23-year-old software engineer who lives in the Lacassie Avenue building with his girlfriend, received notice last month that they have to be out by Jan. 31. The couple has found a new one-bedroom apartment in Lafayette for \$1,950 — \$100 more than what they pay now — and their current landlord agreed to let them out of their lease early so they could move in right away. But the process was frustrating, Wagner said.

“I’m really happy with how it turned out,” he said, “but it was really stressful and we had to hustle to make that happen.”

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