

## **Charter Amendment Fact Sheet Election: November 2010**

**Q: What would the charter amendment do?**

A: It would:

1. Amend the Rent Control Law to:
  - a. Require landlords to give tenants a reasonable opportunity to correct most lease violations before serving a 3-day notice to cure or quit; and
  - b. Prohibit owner-occupancy evictions of tenants who are terminally ill or who have lived in their units for five or more years and are at least 62 or disabled, unless the would-be owner occupant also meets these criteria;
2. Add a new section to the City Charter to:
  - a. Require just cause to evict tenants from non rent controlled units, except single-family homes/condominiums and units subject to occupancy criteria such as government-owned, government-subsidized, or non-profit housing; and
  - b. Include in the just-cause requirement the specific changes made to the Rent Control Law referred to in paragraph 1.

**Q: Does the Rent Control Board support these changes?**

A: Yes. It was the Board that first asked the City Council to consider these proposed changes to the law.

**Q: When is the election?**

A: November 2, 2010

**Q: What are the arguments for and against the proposed amendments?**

A: As with any local ballot measure, the City Clerk solicited arguments for and against the measures. An argument in favor of the measure was submitted, but not an opposing argument. The City Attorney has prepared an impartial analysis (see reverse of this sheet). These documents can be viewed online at [http://www01.smgov.net/cityclerk/election\\_info.htm](http://www01.smgov.net/cityclerk/election_info.htm). Rent Control staff cannot offer argument or analysis about the measure.

**Q: Should I vote for the amendments?**

A: As employees of a government agency, Rent Control staff cannot advise you how (or even whether) to vote on any issue or candidate in any election.

**Q: Has SMRR, Action Apartment Association, or any other advocacy group taken a position on the proposed amendments?**

A: There is no connection between the Rent Control Agency and any political party or organization, and Rent Control staff cannot speak for them. To find out the position of any such organization, you should contact them directly.

BALLOT MEASURE AMENDING EXISTING CITY CHARTER RESTRICTIONS  
ON EVICTIONS FROM RENT CONTROLLED UNITS AND ADDING NEW CITY  
CHARTER PROVISIONS REQUIRING CAUSE TO EVICT TENANTS FROM  
NONRENT-CONTROLLED RENTAL UNITS

This measure would amend the City Charter by adding new requirements to Section 1806 of the Rent Control Law, which establishes the permissible causes for evictions from controlled rental units, and by adding a new article to the City Charter imposing the requirement that a landlord establish cause to evict a tenant from a nonrent-controlled rental unit.

The proposed amendments to Section 1806 would modify three of the permissible grounds for eviction. Specifically, as to an eviction based on a violation of a rental agreement requirement (other than the requirement to pay rent), a nuisance, or a refusal to grant the landlord access, the measure would add the requirement that the conduct has continued after service on the tenant of a written notice to cease. The notice to cease would have to state that a failure to cure might result in eviction, and it would have to be served a reasonable time before any notice terminating tenancy.

Additionally, the proposed amendments to Section 1806 would prohibit a landlord from evicting a tenant for owner occupancy if the tenant was certified as being terminally ill or if the tenant had resided in the unit for at least five years and was either at least 62 years old or disabled. However, a tenant in one of these categories could be evicted for owner occupancy if the landlord or relative who would occupy the unit was also in one of the categories.

The new City Charter article would specify permissible grounds for evicting a tenant from a nonrent-controlled rental unit. They would be the same as for evicting a tenant from a rent-controlled unit. Grounds for eviction would be limited to: nonpayment of rent; after service of a notice to cease, continued violation of the rental agreement (except the requirement to pay rent), continued nuisance, or continued refusal to grant access; owner occupancy; conviction for using the premises for illegal purposes; refusal, after written notice, to execute an extension of the rental agreement; subtenant holding over who had not been approved by the landlord; and removal of the property from the rental business.

The proposed new article contains the same limits on evictions of senior, disabled and terminally ill tenants for owner occupancy as the proposed amendments to the Rent Control Law. The remedies provisions authorize asserting the landlord's failure to comply as an affirmative defense in an unlawful detainer action and also authorize both civil and criminal enforcement. Specified types of units would be exempt from the new requirements.

The provisions on notices to cease are modeled on very similar provisions that were adopted by the voters in the City of Oakland and upheld by the Court of Appeal. Nonetheless, should this measure pass, litigation is likely.

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