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City of San Diego's Temporary Ban on Residential "No Fault Evictions"

Adam M. Peña, Esq.

SDVLP

Tenants' Rights Program

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Disclaimers

This is a general legal presentation. It is not legal advice.

This presentation does not cover every landlord-tenant relationship or type of tenancy. For example, this presentation does not address laws specific to subsidized housing, mobile homes, or care facilities. We will be talking about laws that apply in the City of San Diego.

The laws discussed may not apply to your situation. If you need legal advice about your specific situation, please talk to an attorney. Resources are listed at the end of this slideshow.

Temporary Ban on Residential “No Fault Evictions”

- Ordinance (law) #21447
- Passed 4/22/22
 - 6 out of 9 San Diego City Councilmembers voted in favor of it; 1 against, 2 recused
- Signed into law 4/22/22 by Mayor Todd Gloria
- **Effective 5/22/22**
 - Certain no fault notices on/after this date must comply
 - Until 9/30/22 OR 60 days after the end of the local state of emergency declared by the Mayor (whichever comes first)

Temporary Ban on Residential “No Fault Evictions”

- Purpose
 - To prevent tenant displacement, to promote economic stability and fairness within the City’s rental market during the pandemic, to prevent avoidable homelessness, and to preserve the public peace, health, safety, and welfare ...
 - Ensure people remain housed ...
 - To prevent eviction when there’s no just cause and the basis for the eviction is at no fault of the T
- T’s sudden displacement caused by no fault evictions can have a profound impact

Temporary Ban on Residential “No Fault Evictions”

- New law adds more teeth to City of San Diego’s “Tenants’ Right to Know” (TRTK) law **when it comes to no fault evictions**
- TRTK Review
 - City of San Diego Ts are protected by the city law -- the TRTK law
 - CA State law -- the 2019 Tenant Protection Act / AB1482 does NOT apply

TRTK cont'd

- Tenancy requirements
 - Tenancy *within* the City of San Diego;
 - Tenancy is *more* than 2 years long; AND
 - Tenancy is *not* exempt from TRTK
 - Exemptions include: institutional facilities, subsidized units, rooms rented to boarders, rental units in hotels, motels or in rooming houses for transient guests, mobile homes.
 - **If any of the above apply → T has no protection under TRTK (& TPA/AB1482 *also* doesn't apply or kick in)**

TRTK Notice Requirements

- Notice requirements
 - Written notice to quit or terminate
 - Notice must recite grounds under which the landlord is proceeding
 - Reasons for terminating a tenancy must conform with this local law

TRTK Just Causes for Eviction

- Under TRTK for most tenancies, L must state a specific reason under law for ending the tenancy (“at-fault” or “no fault”)
- Reasons include:
 - Failure to pay rent
 - Violation of Obligation of Tenancy
 - Nuisance
 - Illegal Use
 - Refusal to Renew Lease
 - Refusal to provide access
 - Correction of Violations
 - Withdrawal of Residential Rental Structure from the Rental Market
 - Owner or Relative Occupancy

What is “No Fault”?

- **No fault**

- Actions not committed by T

- L ends a lease with the T for reasons that **do not involve**, for example, any alleged...

- Non-payment of rent

- Wrongful behavior

- Lease violation/breach by the T

- **Actions committed by L**

- Withdrawal of all units from the rental market

- Compliance with a government order, court order, or local ordinance that requires vacancy

- Owner (or family member) intends to occupy unit

New Temporary Ban No Fault Evictions requirements

- New law adds more teeth to City of San Diego's "Tenants' Right to Know" (TRTK) law **when it comes to no fault evictions**
- To be clear
 - It only affects T living in the City of San Diego
 - Doesn't prohibit evictions where T is at fault
 - Temporarily prohibits **some** no-fault evictions
 - Until 9/30/22 OR 60 days after the end of the local state of emergency declared by the Mayor (whichever comes first)
 - Lengthens the notice period required for some no-fault just cause reasons

New Temporary Ban No Fault Evictions requirements

- Per new law, a **no fault eviction** is **allowed** if...

Citation: (a(1))

- L intends to remove all rental units from the rental market and has provided all affected T → **Written notice at least 6 months in advance; OR**

New Temporary Ban No Fault Evictions requirements

- Per new law, a **no fault eviction** is **allowed** if...

Citation: (a(2))

- L wants to take possession of rental unit for **repair/construction work *necessary* to *comply with a gov't/ct order*** that **necessitates vacating** the rental unit...
 - (a) concerning the **safety/habitability** of the rental unit, or
 - (b) where continued occupancy **severely threatens** the ***immediate health and safety*** of the occupants; OR

New Temporary Ban No Fault Evictions requirements

- Per new law, a **no fault eviction is allowed** if...
- Citation: (a(3))
 - L (or L's parent/grandparent/child/grandchild) intends to occupy the rental unit as their primary residence, and L has provided → **Written notice to the affected tenant at least 90 days in advance**

New Law vs. TRTK

New Law on No Fault Just Cause

- Withdrawal of Residential Rental Structure (all units) from the Rental Market
 - **At least 6 months' notice**
- L wants to take possession of rental unit for repair/construction work *necessary to comply with a gov't/ct order* that necessitates vacating the rental unit for
 - (a) safety/habitability of the rental unit, or (b) where continued occupancy severely threatens the *immediate health and safety* of the occupants
- Owner/Relative* Occupancy
 - *L's parent, grandparent, child or grandchild
 - **At least 90 days' notice**

TRTK on No Fault Just Cause

- Withdrawal of Residential Rental Structure* from the Rental Market
 - ***Must be all rental units in all buildings or structures on a parcel of land, not just one unit**
- Correction of Violations (repair or construction, after obtaining required permits)
- Owner/Relative* Occupancy
 - *L's spouse, parent, grandparent, sibling, child, grandchild, or resident manager
- **30DN for tenancies <1yr**
- **60DN for tenancies 1yr or more; 90DN for Section 8 that are post-initial contract period**

New Temporary Ban No Fault Evictions requirements

- Other important info to know
 - “Rental unit” = apts, condos, single-dwelling units, and hotel rooms that are not used solely for transient occupancies
 - “Endeavor to evict” = L taking/attempting to take any of the following actions:
 - Threatening to or actually serving a notice, filing, or prosecuting any action to obtain possession of the property rented by the T or otherwise seeking to evict that T, including resorting/prosecuting any UD action.

New Temporary Ban No Fault Evictions requirements

- Other important info to know
 - *T protections*
 - T may use the protections in the City law as an **affirmative defense** if L files an eviction action (unlawful detainer)
 - City reserves the right to enforce the administrative remedies in Chapter 1, Article 2 of the SD Muni Code and pursue any other remedies legally available against individuals **knowingly or intentionally violating the provisions of the City's law** or **falsifying info to qualify for the relief granted in the law**
 - *L protections*
 - T is **not relieved of paying rent**
 - L is **not restricted in recovering rent due**
 - L can **still evict for at fault reasons too**

RESOURCES FOR LEGAL HELP

SDVLP Tenants' Rights Program

Remote Eviction Notice Legal Clinic

(for tenants who have received a 30/60/90-day eviction notice)

- Apply via telephone at 619-235-5656 Ext. 127
- Apply online at www.sdvlp.org/trp-remote-legal-clinic/

ADDITIONAL RESOURCES, CONT'D

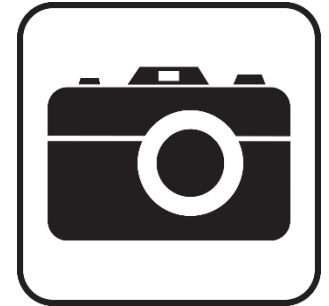
SDVLP Unlawful Detainer Clinic

- North County Unlawful Detainer Walk-In Clinic
 - For landlords and tenants who have questions about the eviction/Unlawful Detainer process
 - Provides legal information only, no advice
 - Can help with court paperwork
 - Vista Courthouse, S. 325 Melrose Dr., Vista, CA 92081
 - Monday – Friday, 8:30 am-12:30 pm; 1:30pm – 5:00 pm

ADDITIONAL RESOURCES - TENANTS

For legal advice and representation:

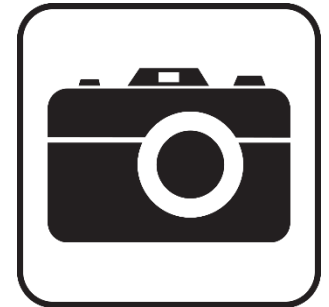
- Legal Aid Society of San Diego
 - www.laszd.org
- Disability Rights CA
 - www.disabilityrightsca.org
- Affordable Housing Advocates
 - www.affordablehousingadvocates.org
- Elder Law and Advocacy
 - www.seniorlaw-sd.org



ADDITIONAL RESOURCES CONT'D

For tenants' rights workshops and more:

- San Diego Eviction Prevention Collaborative (housinghelpsd.org)



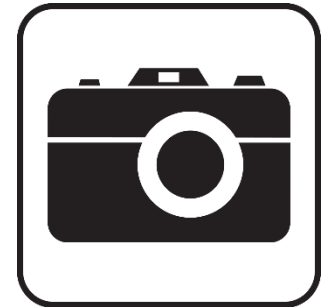
Other Resources

- Housing is Key (<https://housing.ca.gov/>)
- Law Help California (www.lawhelpca.org)
- Tenants: Tenants Together (www.tenantstogether.org)
- 211 (www.211sandiego.org)

ADDITIONAL RESOURCES - LANDLORDS

For Landlords:

- California Apartment Association
 - www.caanet.org
- Apartment Owners Association
 - <https://aoausa.com/>
- Local lawyer referral services
 - <https://www.sdcba.org/?pg=MainLRIS> (San Diego)
 - <https://www.lawreferral.org/> (North County)



**THANK YOU
& GOOD LUCK!
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