

Proposed Residential Tenant Protection Ordinance for Unincorporated County



Housing, Land Use, Environment, and Transportation Committee
May 16, 2024

Background – Existing Law

County of Santa Clara Ordinance Code Division C5 (1993)

- Requires relocation assistance for residential tenants displaced due to unsafe or hazardous conditions
- Lacks effective monitoring and enforcement mechanism

California Tenant Protection Act (AB 1482, 2019)

- Provides limited statewide protections for residential tenants
- Landlords can only evict for “just cause”
- *At-Fault Just Cause* – e.g., non-payment, nuisance, lease violations, and unlawful conduct
- *No-Fault Just Cause* – e.g., owner move-in, withdrawal of property from rental market, and intent to demolish or substantially remodel
- Requires relocation assistance for all no-fault just cause evictions
- Expressly authorizes cities and counties to adopt more protective regulations

Background – Renters in Unincorporated Area

ACS 2022 5-Year Estimates Regarding Owner-Occupied and Renter-Occupied Units in Unincorp. Area

Location	Owner-Occupied Units	Renter-Occupied Units	Total Occupied Units	Owner Occupied %	Renter Occupied %
Alum Rock CDP ³	1,960	814	2,774	71%	29%
Burbank CDP	1,185	809	1,994	59%	41%
Cambrian Park CDP	872	338	1,210	72%	28%
East Foothills CDP	2,076	296	2,372	88%	12%
Fruitdale CDP	307	158	465	66%	34%
Lexington Hills CDP	753	137	890	85%	15%
Loyola CDP	1,105	163	1,268	87%	13%
San Martin CDP	1,485	551	2,036	73%	27%
Stanford CDP	929	2,700	3,629	26%	74%
Rural Unincorp. County	11,513	2,924	14,437	80%	20%
Total Unincorporated County	22,185	8,890	31,075	71%	29%

Background – Renters in Unincorporated Area

ACS 2022 5-Year Estimates Regarding Type of Renter-Occupied Units in Unincorporated Area

Location	Renter-Occupied Housing Units	% of Renter-Occupied Units that are Single-Family Residences	% of Renter-Occupied Units that are in 2-Unit Buildings	% of Renter-Occupied Units that are in Multi-Family (3 or more units) Buildings
Alum Rock CDP	814	92%	1%	4%
Burbank CDP	809	41%	10%	49%
Cambrian Park CDP	338	86%	3%	2%
East Foothills CDP	296	90%	2%	8%
Fruitdale CDP	158	49%	10%	41%
Lexington Hills CDP	137	80%	0%	20%
Loyola CDP	163	100%	0%	0%
San Martin CDP	551	88%	0%	7%
Stanford CDP	2,700	8%	0%	92%
Rural Unincorp. County	2,924	60%	1%	35%
Total Unincorporated County	8,890	50%	2%	46%

Proposed Residential Tenant Protection Ordinance for Unincorporated Santa Clara County

- ❑ Repeal and replace Division C5 to expand just cause eviction protections and relocation assistance requirements for residential tenants in the unincorporated county in accordance with state law

- ❑ Cities with local tenant protection ordinances: San José, Mountain View, Sunnyvale, Milpitas, and Palo Alto

- ❑ Address gaps in state law
 - Expand categories of protected tenancies
 - Limit and clarify authority for just cause evictions
 - Match local relocation assistance requirements for all no-fault evictions
 - Adopt compliance and enforcement scheme tailored to County programs

Tenant Protection Ordinances in SCC

Summary and Comparison to Proposed County Ordinance

Jurisdiction	Minimum Occupation Period for Tenant Protections	Carveout for Single Family Homes, Townhomes, Condos	Carveout for Housing Built in the Last 15 Years
California (Tenant Protection Act)	12 months	Yes, but statute applies to properties owned by corporations.	Yes
San José	7 days	Yes	No
Mountain View	None	Yes	No, but ordinance carves out units built after effective date of ordinance (December 2016).
Palo Alto	6 months	Yes, but ordinance applies to properties owned by corporations.	No
Sunnyvale	12 months	Yes, but ordinance applies to properties owned by corporations.	No
Milpitas	12 months	Yes, but ordinance applies to properties owned by corporations.	Yes
Draft County Ordinance	None	No	No

This table summarizes and compares certain provisions in state law and local tenant protection ordinances. The information above synthesizes complex regulatory requirements and is not exhaustive.

Tenant Protection Ordinances in SCC

Summary and Comparison to Proposed County Ordinance

Jurisdiction	Enhanced Protections for Family Members and Subleasing	Special Restrictions on Evictions for Remodelling	Extended Notice for Ellis Act Evictions	Special Restrictions on Evictions for Owner Move In	Local Rent Control Ordinance
California (Tenant Protection Act)	No	No	None	Owner must be a "natural person" with (1) at least a 25-percent recorded ownership interest, (2) any recorded ownership interest if the property is divided among family members, or (3) a recorded interest in a property owned through an LLC or LLP.	n/a
San José	Yes	Yes - only authorizes evictions for rehabilitation and repairs.	120 days or 1 year for senior, seriously ill, and disabled tenants	Owner must be a "fee owner" with at least a fifty percent interest in the property.	Yes
Mountain View	Yes	Yes - only authorizes evictions for rehabilitation and repairs.	120 days or 1 year for senior and disabled tenants	Landlord must be a "natural person" with at least a fifty percent recorded ownership interest in the property.	Yes
Palo Alto	No	No	None	Landlord must be a "natural person."	No, but the City has a rental registry program.
Sunnyvale	No	No	None	Identical to state law.	No
Milpitas	No	No	None	Authorizes move-in by an "owner" or their family member.	Yes
Draft County Ordinance	Yes	Yes - only authorizes evictions for rehabilitation and repairs.	120 days or 1 year for senior and disabled tenants	Owner must be a "natural person" with at least a fifty percent recorded ownership interest in the property.	No

This table summarizes and compares certain provisions in state law and local tenant protection ordinances. The information above synthesizes complex regulatory requirements and is not exhaustive.

Relocation Assistance Requirements in SCC and LA

Comparison of Base Relocation Assistance Amounts (excluding special circumstance additions)

	Studio / 0 Bed	1 Bed	2 Bed	3 Bed	4+ Bed	Description
Proposed	\$ 7,149	\$ 8,082	\$ 9,396	\$ 12,033	\$ 13,275	Three months' FMR
San José	\$ 6,925	\$ 8,400	\$ 10,353	\$ 12,414	\$ 12,414	San José is exploring a Consumer Price Index adjustment to increase assistance beyond these amounts codified in 2017; additional assistance available for special circumstances
Mountain View	\$ 7,149	\$ 8,082	\$ 9,396	\$ 12,033	\$ 13,275	Three months' FMR; limited to households with income \leq 120% of median income in the county plus \$5,000; additional \$8,000 available for special circumstances.
Sunnyvale	Two months of actual rent in all cases.					
Milpitas	One month of actual rent in all cases.					
Palo Alto ($<$ 10 units)	One month of actual rent in all cases.					
Palo Alto (10+ units)	\$ 7,000	\$ 9,000	\$ 13,000	\$ 17,000	\$ 17,000	Additional assistance available for special circumstances.
County of Los Angeles	\$ 7,654	\$ 8,662	\$ 10,797	\$ 13,115	\$ 14,759	Additional assistance available for special circumstances.

SCC Tenant Protection Ordinance

QUESTIONS?

Panelists

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