



*Legal Aid's mission is to promote social justice and
advance basic human rights for vulnerable people in our community.*

May 15, 2023

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Sent electronically to: cityclerk@cityofpetaluma.org

RE: Comment on Agenda Item #8-Adoption of Residential Tenancy Protections
("Ordinance")

To the Honorable Petaluma City Council and Staff,

Legal Aid of Sonoma County (LASC) thanks you for your dedicated work on this Ordinance, particularly City Staff. As you know, LASC represents precariously housed renters and unhoused folks in Petaluma and the surrounding County with numerous legal issues including eviction and access to housing/benefits. This Ordinance, for the most part, will provide peace of mind and much needed stability for our clients. LASC encourages City Council to push this over the finish line, and adopt the Just Cause Ordinance tonight!

We commend Petaluma for recognizing the importance of protecting tenants from day one of their tenancy, as nearly all the just cause ordinances in California do. We commend you for ensuring that these protections apply more uniformly to all housing, be it subsidized or newly constructed. We commend you for being the first in Sonoma County to address the plight of renters in a meaningful way.

Legal Aid and the Sonoma County Tenants Union are working together to create an implementation tracking team, and will be following up on no-fault evictions to ensure landlord compliance. We will be able to use data from the City regarding Ellis Act and substantial rehab evictions because those no-fault evictions require some reporting to the City. It may have been an oversight, but nonetheless we urge you to include the reporting of owner move-in evictions so that no-fault evictions are tracked uniformly, and so we are not throwing away valuable data that can be used to inform the future of this Ordinance. In other Cities, owner move-in evictions are used as a pretense to evict tenants and raise the rent on new tenants moving in.¹

¹ [Crackdown on Fraudulent SF Evictions Passes Unanimously After NBC Bay Area Investigation Reveals Widespread Abuse](#)

By tracking what units have had owner move in evictions, at a minimum, you would be providing a tool for determining if these reasons for eviction are being abused, and if the six month right to re-rent is insufficient to discourage abuse. Without it, we will never know.

Recommendations for Future Amendments

We strongly urge you not to return to the prior strengths of the interim ordinance that closed the loopholes around no-fault evictions and provided a small degree of stability for educators and school aged children. Please pass this Ordinance knowing that future amendments will need to be considered, including but not limited to the following:

- As stated above, require landlords to file a notice with the City in the case of every no-fault eviction, and ensure these notices are being tracked.
- The small property owner exemption, as worded, has removed the state tenant protection provided to renters living in duplexes and triplexes, and other “units” where the owner has three or less. The Tenant Protection Act allows a City to expand tenant protections further than the state does, but the Legislature did not intend for it to be used to also weaken or remove otherwise existing state protections. The small property owner exemption should apply only to single family homes, which are exempt from state protections.
- In the case of an Ellis Act eviction, the owner should record a notice on the property before they withdraw from the rental market, to create a scheme for oversight and enforcement. The period of time for withdrawal of a rental unit should match the language of the Ellis Act itself, with a five year right to return. Six months does not reflect a permanent withdrawal and will likely encourage more Ellis Act evictions, which last only seven months before a unit is re-rented at a higher rental rate.
- Close the loophole allowing tenants to be evicted for substantial remodel/rehab – allow the tenants to reoccupy the unit at their original rent when the work is complete.
- Require that owners engaging in owner move-in evictions actually move in for a period of at least 2 years, with a right to re-rent during that time. Implement the many other necessary guidelines that other jurisdictions have successfully used to decrease abuse.
- Prohibit evictions of educators and households with school-aged children during the school year in the case of an owner move in eviction. City Staff claimed that they removed these protections due to a lack of public outcry. Several teachers, principals, and parents of school-aged children in Petaluma, as well as young people, have expressed their strong support for these protections throughout this long campaign. Families will continue to be needlessly impacted if this is not modified.

Conclusion

Legal Aid again thanks the City Council and Staff for their commitment to these protections. We are available as always to provide support for Petaluma residents and if any assistance is needed in tracking the success of the Ordinance. Thank you!

Sincerely,



Margaret DeMatteo, Housing Policy Attorney