

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**AN URGENCY ORDINANCE OF THE COUNTY OF SAN MATEO IMPLEMENTING
TENANT EVICTION PROTECTIONS AND LIMITING LARGE RENTAL RATE
INCREASES EFFECTIVE IMMEDIATELY TO AVOID CIRCUMVENTION OF
ASSEMBLY BILL 1482 (AB 1482)**

SECTION 1. FINDINGS.

The Board of Supervisors of the County of San Mateo hereby makes the following findings in support of the immediate adoption and application of this urgency ordinance:

WHEREAS, the “Tenant Protection Act of 2019” (Assembly Bill [AB] 1482) was approved by the California Legislature on September 11, 2019 and signed into law by the Governor on October 8, 2019; and

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019 codified as California Civil Code sections 1946.2 (Just Cause Eviction) and 1947.12 (Rent Caps) will provide eviction protections and limits on rent increases in the State of California; and

WHEREAS, the County of San Mateo, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for its residents; and

WHEREAS, housing instability threatens the public peace, health and safety as eviction from one’s home can lead to homelessness; loss of community; strain on household finances due to payment of rental application fees and security deposits; stress and anxiety caused by the experience of displacement; increased commute times and traffic impacts if replacement affordable housing cannot be found in the County in which the tenant works; and interruption of the education of any children in the home;

and

WHEREAS, eviction creates particular hardships for individuals and households of limited means, given the shortage of housing, especially affordable housing, within the County of San Mateo and the San Francisco Bay Area region generally; and

WHEREAS, as AB 1482 does not go into effect until January 1, 2020, owners of residential real property could seek to evict tenants without just cause in order to implement rent increases that would not otherwise be possible after the effective date of AB 1482; and

WHEREAS, the County desires to prohibit such possible exorbitant rental rate increases as well as evictions without just cause during this transition period; and

WHEREAS, the County finds and determines that regulating the relations between owners of residential real property and tenants during this interim period will increase certainty and fairness within the residential rental market in the unincorporated areas of the County and thereby serve the public peace, health and safety; and

WHEREAS, in adopting this urgency ordinance, the County is taking action consonant with and in coordination with actions recently taken by other nearby local jurisdictions, including the City of San Mateo, the City of Redwood City and the City of Menlo Park; and

WHEREAS, California Government Code section 25123 authorizes the Board of Supervisors to adopt an urgency ordinance to protect the public peace, health or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by four-fifths of the Board of Supervisors; and

WHEREAS, this urgency ordinance would establish the rental protections that would otherwise go into effect on January 1, 2020 under AB 1482 in the unincorporated areas of the County of San Mateo to (1) prohibit an owner of residential property (with specific exceptions) from terminating a tenancy without just cause, and (2) prohibit an owner of residential real property from annually increasing rent more than 5% plus the percentage change in the cost of living (which amounts to a total of 9% for the County of San Mateo); and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health and safety as failure to adopt this urgency ordinance could result in the homelessness and displacement of the County's residents in advance of the effective date of AB 1482; and

WHEREAS, based upon the facts and circumstances describe above, the County finds that this ordinance is necessary as an emergency measure for preserving the public peace, health and safety, and therefore, it may be introduced and adopted at one and the same meeting, and shall take effect immediately upon its adoption; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act (Pub. Resources Code § 21000, *et seq.*, "CEQA") pursuant to the following, each a separate and independent basis: CEQA Guideline Section 15183 (Action Consistent with the General Plan and Zoning); Section 15378 (Not a "Project"); and Section 105061(b)(3) (No Significant Environmental Impact).

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, ordain as follows:

SECTION 2. INCORPORATION OF ASSEMBLY BILL 1482.

Assembly Bill 1482 signed by the Governor on October 8, 2019 and attached as Exhibit A is hereby incorporated by reference into this ordinance and shall be effective in the unincorporated areas of the County of San Mateo immediately as described in Sections 4 and 5 below.

SECTION 3. DEFINITIONS.

- (a) For purposes of this ordinance, the following definitions shall apply:
 - (1) “Owner” and “Residential Real Property” have the same meaning as those terms are defined in California Civil Code section 1954.51.
 - (2) “Tenancy” or “Tenancies” means the lawful occupation of residential real property and includes a lease or sublease.

SECTION 4. JUST CAUSE EVICTION PROTECTIONS.

- (a) Section 2 of AB 1482 (referred to here as the “Just Cause Eviction Protections”) shall be effective as follows:
 - (1) Any termination of tenancy notice served by an Owner on a tenant on or after November 19, 2019 shall comply with the Just Cause Eviction Protections of AB 1482.
 - (2) Any unlawful detainer action filed on or after November 19, 2019, with respect to a Tenancy shall comply with the Just Cause Eviction Protections.
- (b) An Owner’s failure to comply with the Just Cause Eviction Protections as required under this ordinance may be asserted as an affirmative defense to any unlawful detainer action.
- (c) Any waiver of the rights under this section shall be void as contrary to public policy.

SECTION 5. RENTAL RATE LIMIT PROVISIONS.

(a) Section 3 of AB 1482 (referred to here as the “Rental Rate Limit Provisions”) shall be effective as follows:

(1) All notices of rent increase served on Tenancies on or after September 20, 2019 shall comply with the Rental Rate Limit Provisions. This section shall become operative on November 19, 2019.

(2) In the event that an Owner has served a tenant with any rent increase notice on or after September 20, 2019 that does not comply with the Rental Rate Limit Provisions:

i. The notice shall be invalid as to the amount of rent in excess of that allowed by the Rental Rate Limit Provisions.

ii. The rental rate increase will be deemed to be the rental rate increase permitted by the Rental Rate Limit Provisions, if any, provided the Owner serves the tenant with an amended notice containing the authorized amount within ten (10) days of the effective date of this ordinance.

(b) The Owner’s failure to comply with the Rental Rate Provisions as required under this ordinance may be asserted as an affirmative defense to any unlawful detainer action.

(c) Any waiver of the rights under this section shall be void as contrary to public policy.

SECTION 6. NOTICE TO TENANTS OF RIGHTS.

Owners shall provide written notice to tenants of their rights pursuant to this ordinance. The notice must be provided in English, and in a language other than English if the tenant has been provided a copy of the rental agreement in one of the languages

specified in California Civil Code section 1632.

SECTION 7. AUTHORITY; URGENCY STATEMENT.

The Board of Supervisors of the County of San Mateo hereby finds that there is a current and immediate threat to the public health, safety and welfare that warrants the implementation of tenant eviction protections and the limitation of large rental rate increases effective immediately to avoid circumvention of AB 1482. This finding is based upon all of the facts recited in this ordinance and in the memorandum to the Board of Supervisors dated November 19, 2019.

SECTION 8. SEVERABILITY.

If any provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Supervisors, it is the intent of the Board of Supervisors that such invalid provisions(s) be severed from the remaining provisions of this ordinance.

SECTION 9. EFFECTIVE DATE.

This ordinance is effective immediately and shall expire on December 31, 2019.