



MARCH 15, 2023

Dear Councilmembers,

RE: RENT REGULATION, RENTAL ASSISTANCE, AND EVICTION PROTECTIONS

For the last 8 months tenants across Larkspur have shared their personal stories about the state of housing insecurity they currently face. We even learned that half of all Larkspur residents are renters and half of all renters are rent-burdened. Thousands are struggling just to make ends meet, stay in their homes, and stay in our community. These are working families, seniors on fixed incomes, and young people trying to start their lives. Many have already been forced to leave Larkspur and even California.

We were heartened at the last city council meeting to hear that the majority of the city council agreed that there was a **need for rent stabilization in Larkspur**. Rent stabilization would provide real housing security for half of the city's population by placing a reasonable cap on annual rent increases.

Specifically, **we need a cap on annual rent increases that is tied to inflation as a fair and rational standard, not arbitrarily set to 4%.**

- Most CA jurisdictions with rent control set their cap on annual rent increases relative to the change in the Consumer Price Index (CPI), because that provides a fair and objective standard, based on the real rising costs of landlords over time.
- We ask the council to adopt a rental cap of 60% of CPI or 5%, whichever is lower.
- This would approximate the rising costs of landlords without inflating the measurement with the accelerating costs of housing, while at the same time providing an upper limit against runaway inflation years.



- 4% is an arbitrary cap and one that would still be far too high for most tenants if charged year after year, as wages do not come close to rising 4% per year.

We need real rent stabilization, not a rent dispute resolution model.

Considering the power imbalance that currently exists between Landlord and renters, the proposed rent dispute resolution model for administering rent regulations would put the entire burden of enforcement on the tenant.

- It is unreasonable and unfair to expect tenants to appeal high rent increases imposed by their landlord, on whom they completely depend for their housing.
- It is all the more unreasonable given that such an appeal simply triggers mandatory mediation and binding arbitration between the tenant and landlord, rather than a third-party review of the rent increase.
- Landlords should have to receive permission from the city up front for any rent increase that exceeds the cap; it should not be the responsibility of tenants, who are in an inherently dependent and vulnerable position relative to their landlords, to appeal those rent increases.
- Rent stabilization is a proven mechanism for evaluating petitions for higher rent increases and making fair and reasonable determinations based on the merits of each case.

Just Cause Eviction Protections

For rent stabilization to truly be effective, it must be accompanied by a full set of robust protections for tenants displaced due to no-fault evictions, not simply slightly higher relocation payments.

AB1482 has virtually no provisions to discourage, prohibit, or guard against well known and commonly exploited loopholes [owner move-ins, substantial remodels, or permanent removals from the rental market (aka Ellis Act evictions)]. That is why we need local just cause eviction protections to supplement AB1482. These protections should be focused on closing these loopholes and providing support for tenants who are evicted due to no fault of their ow



We are calling for the following provisions to be adopted:

1. Relocation Payments

To cover the real costs of local relocation and enable tenants evicted, due to no fault of their own, to find a new place to live within the same community.

- This means they must cover first and last month's rent, security deposit, and moving expenses.
- We're asking for at least 3-4 month's fair market rent to cover these costs.

2. Right of Return

This means that if a tenant is evicted having done nothing wrong, they are able to move back into their former unit, at their former rent (plus any lawful increases) if it ever again becomes available.

- This is the least we can do to ensure that a tenant has the opportunity to move back to their home if it becomes available, if the tenant has done nothing wrong and is nonetheless forced out of their home.
- If this provision is *not* included, then landlords can easily exploit no-fault evictions to circumvent rent control, by legally evicting their long-term tenants then jacking up rents on their new tenants.

3. Closing Ellis Act Eviction loopholes.

Under state law, Ellis Act Evictions can easily be abused to bypass rent control by evicting long-term tenants under the pretense of removing the unit from the market, then re-renting the unit to new tenants at much higher rents.

There are a few ways to stop this abuse:

- The landlord should be liable to the tenant for triple damages if they re-rent the unit within two years of the original eviction.
- Re-rentals within five years cannot exceed the original rent, plus any lawful increases under rent stabilization.



- The original tenant should also have a right of return for five years.

Here is an interactive map from the Anti-Eviction Mapping Project showing [Ellis Act Evictions](#)

4. **Extra protections for the most vulnerable tenants**

Including those who are elderly, disabled, and terminally ill, as well as teachers and students during the school year.

- Specifically, no-fault evictions due to owner move-ins should be severely restricted if not prohibited for these groups.
- It is not ethical for someone with a disability or terminal illness to be forced out of their home because their landlord decides they want their brother to move in.

We urge the City Council to adopt an ordinance that establishes strong Rent Stabilization and Just Cause Eviction Protections in Larkspur.

Thank you for your continued work and your consideration.

Sincerely,

Skylark Tenants Association