



April 21, 2023

San Diego Mayor and City Council Members
City Administration Building
202 C Street, 10th Floor
San Diego, CA 92101

RE: San Diego Organizations and Groups Support Amending the Residential Tenant Protection Ordinance

Dear Mayor Gloria, Council President Elo-Rivera, and Councilmembers,

Climate Action Campaign (CAC) is a non-profit organization based in Southern California with a simple mission: create a zero carbon future through effective and equitable policy action. We are a member of the coalition of 42 organizations representing working families, environmental organizations, and social justice advocates fighting for stronger tenant protections.

Climate justice is social justice. We simply can't address the climate crisis without simultaneously addressing the housing crisis. Housing is a human right and everyone deserves quality housing that is affordable and close to life's essentials, like good schools, jobs, grocery stores, and parks. Tenant protections must be used to prevent San Diegans from becoming unhoused and substantially improve the quality of life for people living in San Diego.

We appreciate the efforts of the Council President to pass tenant protections as a critical tool to prevent evictions, homelessness, and displacement. [The draft ordinance](#) as currently written, while seemingly more robust than the protections currently in place, contains gaping loopholes that will cause San Diego families to continue to be unfairly evicted, displaced, and, at worst, pushed into homelessness. Without addressing these critical issues, you will be protecting predatory landlords and their ability to profit on the backs of working families in San Diego.

For the Residential Tenant Protection Ordinance to comply with the spirit of this Council's proclamations around Housing as a Human Right, San Diego families need the City Council to make the following changes:

1. **Close 3-Month Loophole:** The exemption of a lease of three months or less, including unlimited lease extensions, must be removed from the definition of a "tenant." This exemption is overbroad, will lead to abuse, and creates a loophole for predatory landlords to extend three-month leases indefinitely to evade protections. This loophole also



disproportionately affects Section 8 voucher holders who aren't eligible to apply for short-term leases. City Council must include tenants in leases of three months or less in the definition of a tenant.

2. **Modify “Withdrawal” Language:** Families being evicted at no fault of their own should not be subject to conditions where a landlord removes their residential rental property from the market but not all properties. We must keep the withdrawal description outlined in the Tenant Right to Known (TRTK) law: "The landlord seeks to withdraw **all** buildings or structures on a parcel of land from the rental market." The TRTK withdrawal definition has been in place for nearly two decades. The description in the current draft ordinance is worse and weakens protections. If a landlord wants to leave the rental housing business, they should remove all their units from the market, not just one unit, to evict and displace a family.
3. **Include Right to Return:** Displaced renters should have a right to protection by having the right to return to their unit at the same contract rent without reapplying for their original unit. In the current draft ordinance, the right to receive an offer to renew tenancy does not apply to the Ellis Act (withdrawal of units from the market) nor include it at the actual rent, with allowable increases, and without having to reapply. Displaced renters need protections, including a penalty for a landlord who withdraws the unit from the market, then re-rents it within 2, 5, or 10 years. For example, the City of Chula Vista has a six-month contract rent or small area fair market rent (whichever is higher) as a penalty for returning the unit to the market within two years. No penalty means no liability or accountability, and landlords are not incentivized to follow the rules.
4. **Collect Eviction Data:** The City of San Diego needs to track eviction data by requiring all eviction notices to be filed with the City. Eviction data will help the City and nonprofit organizations better understand displacement in their communities. It will also help the City direct scarce resources, monitor their impact, track compliance with important tenant protections, and monitor the effectiveness of the Residential Tenant Protection Ordinance. Such data will enable the city to craft targeted policies and stabilize communities.
5. **Modify Relocation Assistance:** Tenants facing eviction require more significant relocation assistance fixed to the higher of contract rent or Small Area Fair Market Rents (whichever is higher). This is consistent with the City of Chula Vista protections. Tying relocation to contract rent benefits tenants in high-end units and creates displacement for those who have lived in their homes longer or in lower-income areas. The additional assistance for seniors and people with disabilities should also apply to rentals that include school-aged children.



6. **Provide School Year Protections:** Families with school-aged children facing evictions should have protection against displacement during the school year. Studies show that for children, eviction can mean a disruption in their education, increased stress and anxiety, and adverse health outcomes. We are proposing the City Council adopt school-year protections. "School year" shall mean the first day of instruction for the Fall Semester through the last day for the Spring Semester, as posted on the San Diego Unified School District website for each year. San Francisco, Petaluma, Mountainview, Berkeley, Santa Monica, and San Jose, among many other cities, offer school year protections.

We also ask the City Council and Mayor to support the Community Budget Alliance's priority ask of \$5M to be allocated in the proposed budget for the San Diego Eviction Prevention Program, which provides legal assistance and tenants' rights education to renters.

San Diego families facing eviction, displacement, and homelessness need more robust protections. This Residential Tenant Protection Ordinance, if passed without amendments to close loopholes, would, in effect, be weaker than the recently passed Chula Vista ordinance and one of the weakest in the state. As the second largest city in the state, we should be setting the standard.

Sincerely,

Madison Coleman

Madison Coleman
Policy Advocate
Climate Action Campaign