



March 13, 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 Stronger Tenant Protections

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

We are 42 diverse organizations from good government, civil rights, ethnic-based direct service, labor unions, and advocacy groups. We are committed to pursuing bold action to provide affordable, equitable, and sustainable housing in areas already urbanized—closer to jobs, transit, and daily amenities. A stronger tenant protection ordinance is necessary to create sustainable, affordable, and stable housing so all communities can thrive in San Diego.

We appreciate Council President Elo-Rivera's tireless advocacy for equitable housing rights ranging from affordable housing to tenant protections. We also thank Council President Pro Tem Montgomery Steppe and Councilmember LaCava for their support in declaring Housing as a Human Right, and the Mayor for his leadership on the homelessness crisis and lack of affordable housing in our city.

Past and current economic forces continue to result in severe income inequality. As part of a multitude of strategies to combat skyrocketing rents, we support the construction of new housing as one element toward ensuring San Diegans facing housing insecurity do not fall into homelessness. Additional safeguards are also imperative to address affordability, including stronger tenant protections. Furthermore, the City of San Diego currently has an ordinance behind even State law regarding the protections it provides to renters. Cities such as San Jose, Los Angeles, and others across the State with similar housing and unhoused issues have gone above and beyond State law and passed measures to protect their vulnerable populations.

Although the COVID-19 pandemic exacerbated much of the economic hardship and housing instability San Diegans faced over the last few years, tenants have experienced this issue long before the pandemic, disproportionately affecting our refugees, low income, and communities of color. Much data and reports demonstrate that San Diego tenants will likely continue being at risk for displacement and evictions, especially as the housing affordability crisis persists. The City of San Diego residents will likely continue falling into homelessness because of the currently limited tenant protections.

Studies show that evictions can negatively impact physical and mental health, including birth outcomes and mortality.¹ A study also illustrates that evictions can increase the likelihood of job loss, which can further exacerbate a cycle of housing insecurity.² For children, eviction can mean a disruption in their education, increased stress and anxiety, and adverse health outcomes.³ We have attached our fact sheet with additional information and the protections that our communities seek.

Passing strong and enforceable tenant protections is an effective tool that can contribute to preventing San Diegans from becoming unhoused and raises the living standards for all families. As the City Council continues to work on addressing the homelessness and housing affordability crisis, we must pass strong permanent tenant protections.

¹Himmelstein, Gracie, and Matthew Desmond. Health Affairs, 2021, *Eviction and Health: A Vicious Cycle Exacerbated By A Pandemic*, <https://www.healthaffairs.org/doi/10.1377/hpb20210315.747908/full/health-affairs-brief-housing-health-equity-himmelstein.pdf>. Accessed 25 Oct. 2022.

²Ordway, Denise-Marie. "How Eviction, Housing Loss Affects Job Security among the Working Poor." *The Journalist's Resource*, 21 Apr. 2016, <https://journalistsresource.org/economics/eviction-housing-jobs-poor-low-income/#:~:text=The%20likelihood%20that%20a%20worker,to%20those%20who%20have%20not>. Accessed 25 Oct. 2022.

³ Todres J, Meeler L. Confronting Housing Insecurity—A Key to Getting Kids Back to School. *JAMA Pediatr*. 2021;175(9):889–890. doi:10.1001/jamapediatrics.2021.1085, <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780351>

We urge you to demonstrate your commitment to the fair treatment of renters by undoing patterns of segregation, ensuring housing stability in our city, and passing a policy that includes:

- Closing loopholes in no-fault evictions that bad faith landlords take advantage of, such as lax rules around the use of substantial remodeling or removal of a unit from the market, as reasons to evict tenants.
- Protections that begin at the start date of the tenancy and apply to existing leases.
- Meaningful short-term and long-term relocation assistance for displaced tenants.
- Additional protections and relocation support for vulnerable populations of the elderly, disabled, terminally ill, and families with minor children, and mandate eviction reporting requirements.

In addition, we are including a fact sheet below that specifies our critical key recommendations for keeping more families protected from displacement and falling into homelessness.

Thank you,

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Business for Good

Blake Hofstad
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San Diego Tenants United

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Fact Sheet: Need for a Stronger Tenants Protection Law in the City of San Diego

Why?

- Approximately 14.5% of San Diegans—almost 200,000 people—live below the poverty line in the City of San Diego. ^[1]
- The housing crisis in San Diego disproportionately affects low-income communities, including those experiencing homelessness, people of color, and immigrants.
- 81% of extremely low-income renters in the County spend more than half of their income on rent. ^[2]
- Housing demand far outpaces supply despite more permissive city policies, and new housing construction has been declining since 2016. ^[3]
- San Diego rents rose about 6% in 2022, outpacing the state average. ^[4]
- The Regional Task Force on Homelessness estimates that for every ten people placed in housing, thirteen more fall into homelessness.
- Eighty-five percent of the over 7,800 individuals calling 2-1-1 San Diego for housing assistance needed help within three months, and nearly one-third said they needed assistance within three days.
- 2-1-1 San Diego found that 25 percent of individuals facing housing instability became homeless within four months. ^[5]
- Preliminary court filings for eviction cases reached a five-year high in October 2022, with nearly 1,150 new court case filings during the month, jumping up almost 30% from September, according to data from the San Diego County Superior Court.
- According to the Legal Aid Society of San Diego, 2,341 San Diego residents called to receive assistance related to evictions during the period October 1st, 2018, through September 30th, 2019. ^[6]
- A disproportionate number of calls for Legal Aid assistance came from neighborhoods that have a higher share of racial minorities, with almost half (47 percent) coming from five zip codes that are predominantly low-income and non-white.
- Unlike many other cities, San Diego does not require reporting and, thus, does not retain data about evictions.
- Currently, the City of San Diego has tenant protections weaker than State law; as a big city with a housing crisis, San Diego should be at the forefront of protecting its most vulnerable populations.

^[1] U.S. Census Bureau, 2013-2017 American Community Survey.

^[2] San Diego City and County Joint meeting on the housing crisis, 2022, LeSar Development Consultants

^[3] Analysis on Improving Housing Affordability, 1/24/23 City Council presentation, Office of the Independent Budget Analyst

^[4] <https://www.apartmentlist.com/rent-report/ca/san-diego>

^[5] 2-1-1 San Diego, et al. (August 2019). "Housing Instability in San Diego County," Pages. 7-8.5

^[6] Legal Aid Society of San Diego, 10/1/2018 - 9/30/2019 Number of Evictions Cases Opened.

Key Recommendations

Preventing people from falling into homelessness is as critical as housing the unhoused. The factors highlighted above demonstrate the need for more robust tenant protections in San Diego. City Council must urgently pass a strong Tenant Protections ordinance that provides immediate protections for tenants. The following are recommendations for inclusion:

Students and their families:

A landlord may not evict a tenant with a minor child or a tenant under 18 years old who has resided in their unit for 12 months or more from a unit within 30 days of the school year.

- Benchmarks: San Jose, San Francisco, Seattle, Berkeley, Petaluma, Mountain View, Santa Monica, Santa Ana

Substantial Remodels and Repairs:

A landlord must provide written notice to a tenant of short-term displacement of 60 days or less for repairs to their unit and pay the tenant \$200 per day that they cannot be in their unit or subtract the payments from their monthly rent. A landlord must offer the displaced tenant an alternate comparative unit with the same original base rent charged until the repairs are complete. A landlord may only evict a tenant if the tenant fails to vacate temporarily, and if they do, the landlord must give the original tenant the right of first refusal to return and hold the unit for 60 days.

- Benchmarks: San Jose, Bell Gardens, Los Angeles, Alameda, Santa Monica, Santa Cruz, Santa Ana

Owner and Owner-Relative Move-ins:

Landlords who own less than fifty percent of the total property ownership may not pursue owner move-in evictions and only permit one unit per building for this type of eviction. The landlord or relative must move in within 90 days and remain in the unit for at least three years. A landlord may not pursue this type of eviction against tenants who have lived in the unit for at least three years, are at least 60 years of age, disabled, or terminally ill.

- Benchmarks: Bell Gardens, Petaluma, Mountain View

Withdrawal of Units from the Market:

A landlord would be required to provide 1) notice to tenants in writing, 2) relocation payments of up to six months of fair market rent or more for qualified tenants, 3) the right of return for the original tenants to reoccupy the unit at the same original base rent, and 4) if the tenant declines to reoccupy the unit after it returns to the rental market, the base rent for the new tenant shall be the base rent lawfully paid by the former, plus any lawful adjustment. Furthermore, disabled or elderly tenants could extend their tenancy up to 1 year after they receive a termination notice.

Suppose a rental unit is offered again for rent or lease for residential purposes within two years of the withdrawal date. In that case, the landlord shall be liable to the tenant for displacement, the City of San Diego may institute civil proceedings against any landlord for damages and eviction of tenants, and any landlord who offers the rental unit again for rent or lease shall first offer the unit to the tenant displaced within five and ten years of withdrawal.

- Benchmarks: San Jose, Petaluma, Mountain View, Santa Ana

Legal Remedies:

In eviction proceedings, tenants could use certain retaliation efforts as a defense against eviction. For example, a tenant may use a landlord's refusal to issue a W-9 for rental assistance when asked to as a defense. In addition, a tenant could pursue legal action within three years against landlords who fail to pay certain relocation payments, fail to complete repairs, or fail to reoffer units withdrawn from the market to initially displaced tenants. This violation shall render the landlord liable to the tenant in a civil action for wrongful eviction damages, including damages for emotional distress.

- Benchmarks: Bell Gardens, Petaluma, San Francisco, Mountain View, Berkeley, Alameda, Santa Monica, Sacramento, San Jose, Santa Cruz, Vallejo, Santa Ana