

PASADENA RENTAL BOARD

NOVEMBER 15, 2023

Agenda Item No. 1: Just Cause for Eviction Regulations

AGENDA ITEM NO. 4: PURPOSE

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Adoption of a Resolution Establishing Procedures for Administration and Enforcement of the Just Cause for Eviction Requirements of Article XVIII of the Pasadena City Charter.

BACKGROUND

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- “Just Cause” required to terminate a tenancy. Among the just causes:
 - ▣ Necessary and substantial repairs (1806(a)(8))
 - ▣ Owner Move-in (1806(a)(9))
 - ▣ Government order (1806(a)(11))
- Necessary and substantial repairs
 - ▣ Right of first refusal to a comparable unit owned by Landlord
 - ▣ Right of return to Rental Unit upon completion of repairs
- Government order
 - ▣ Right of first refusal to a comparable unit owned by Landlord
 - ▣ Right of return to Rental Unit upon compliance with order

BACKGROUND

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- Owner Move-in
 - ▣ Landlord or a qualifying relative
 - ▣ Landlord is natural person with at least 50% recorded ownership interest
 - ▣ Must be in “good faith”
 - ▣ No eviction permitted if:
 - Already occupying unit on the Property
 - Vacant comparable unit available before possession recovered
 - Tenant resided in unit for 5 years and elderly (60+), disabled, or terminally ill
 - ▣ Must move in within 60 days and occupy for 36 consecutive months

UPDATES TO PROPOSED REGULATIONS

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- **Elections for Tenants Terminated for Necessary & Substantial Repairs OR Government Order**
 - ▣ Section D (formerly subsection (5) of Section C) updated to be applicable to terminations of tenancies based on Government Order
 - ▣ Minor change related to timing of notice of elections where government order requires tenant to vacate in less than 30 days

UPDATES TO PROPOSED REGULATIONS

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- **Owner Move-In: Definition of “Natural Person”**
 - ▣ Previously provided in no case would corporation, LLC, partnership, trust or association be considered a “Natural Person”
 - ▣ Based on feedback received, following changes were made:
 - Natural person who is settlor or beneficiary of family trust that owns Rental Unit
 - “Family trust” means revocable living trust or irrevocable trust in which settlors/beneficiaries are related as sibling, spouse, domestic partners, child, parent, grandparent or grandchild
 - Natural person that owns 50 percent or more of equity interest in partnership or LLC that owns Rental Unit
- Notice of termination must now include proof of legal instrument giving interest in trust or LLC or partnership

UPDATES TO PROPOSED REGULATIONS

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- **Owner Move-In: Allowable Evictions**
 - ▣ Landlord may only seek to recover possession of one unit on a Property via owner move-in eviction
 - ▣ Exemption for primary dwelling units and ADUs on same Property
 - ▣ Limitation does not apply if Landlord or Qualifying Relative live in a unit on the Property that wasn't recovered via owner move-in eviction
- Other minor clean-up edits were made, including renaming “Statement of Occupancy” to “Certificate of Primary Residence”

AGENDA ITEM NO. 4: RECOMMENDATION

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- Consider and adopt a resolution adopting regulations establishing procedures for administration and enforcement of the just cause for eviction requirements of Article XVIII of the Pasadena City Charter