

PASADENA RENTAL BOARD

MARCH 27, 2024

Agenda Item No. 2: Proposed Regulations Addressing Permitting

- Consider proposed regulations addressing permitting issues related to evictions for “necessary and substantial repairs” and “demolition” and any public comments received on the proposed regulations.

goldfarb lipman attorneys

NO. 2: PURPOSE

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To receive a presentation on the proposed regulations addressing permitting issues related to evictions for “necessary and substantial repairs” and “demolition” and consider comments.

goldfarb lipman attorneys

BACKGROUND

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- “Just Cause” required to terminate a tenancy. Among the just causes:
 - ▣ Necessary and substantial repairs (1806(a)(8))
 - ▣ Withdrawal of unit permanently from rental market
- Board previously adopted regulations related to various aspects of just cause for eviction but deferred provisions related to permitting required for these two just causes

BACKGROUND

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- Necessary and substantial repairs
 - ▣ Landlord may evict Tenant to undertake substantial repairs necessary to bring unit into compliance with habitability laws
 - ▣ Must obtain all necessary permits from the City before terminating tenancy
 - ▣ City must independently verify that repairs are of the type that require tenant to vacate for at least 30 days
- No definition of “necessary permits”
- No specification of official responsible for verification of repairs

BACKGROUND

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- Withdrawal of unit permanently from rental market
 - ▣ Landlord may evict Tenant where Landlord plans to withdraw all rental units on the property from the rental market
 - ▣ If Landlord plans to demolish the rental units, Landlord must receive all needed permits from City before serving eviction notice
- No definition of “needed” permits
- City’s Planning and Community Development Department does not issue demolition permits before all tenants have vacated
 - ▣ But Tenants cannot be evicted unless Landlord first has all needed repairs

PROPOSED REGULATIONS

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- **Provide definition of “necessary” and “needed” permits**
 - Any permit(s) that the City of Pasadena’s Planning & Community Development Department, or other City department, normally issues prior to requiring the shut off of utilities to the Property and/or vacation of Property by all occupants
- However, there are some scenarios where there are **NO** permits that can be issued before property is vacated

PROPOSED REGULATIONS

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□ **In-Lieu Permit**

- Where there are no permits that can be obtained, Landlord can submit a Request for In-Lieu Permit to Rent Stabilization Department
- Will be on form provided by the Department
- Request shall include:
 - Project information
 - Landlord declaration
 - Verification statement (from City)
- Department staff will review within 20 days of receipt of request
 - If complete, will issue in-lieu permit 10 days after completing review
 - If incomplete, will inform landlord and timeline will restart

UPDATES TO PROPOSED REGULATIONS

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- In-Lieu Permit will satisfy requirements of Charter Amendment
- Board's or Department's failure to act in time with deadlines in the regulations does not automatically grant in-lieu permit or give landlord right to terminate tenancy without permits
- Regardless of type of permit, Landlord will include copy with termination of tenancy notice served on tenant

AGENDA ITEM NO. 2: RECOMMENDATION

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- Consider proposed regulations addressing permitting issues related to evictions for “necessary and substantial repairs” and “demolition” and any public comments received on the proposed regulations.