

# PRHB Section 8 Guidance Letter



Dear Stakeholder:

As you are likely aware, on November 8, 2022, the voters of the City of Pasadena (the “City”) voted to adopt Measure H, which added the “Pasadena Fair and Equitable Housing Charter Amendment” (“Charter Amendment”) to the Pasadena City Charter. The City adopted a resolution certifying the results of the election on December 12, 2022, and the Charter Amendment went into effect on December 22, 2022.

While the Charter Amendment imposes rent control and just cause for eviction protections on most rental units in the City, some types of rental housing are exempt from either the rent control requirements or both the rent stabilization and just cause requirements of the law. Among the types of housing that are exempt from both rent control and just cause are “Rental Units which a government unit, agency or authority owns, operates, or manages, or in which government-subsidized Tenants reside, if applicable federal or state law or administrative regulation specifically exempt such units from municipal rent control.” (Charter Amendment § 1804(a)(4).)

The Pasadena Rental Housing Board (the “Board”), which is responsible for the implementation and administration of the Charter Amendment, has received several questions regarding the types of Rental Units and tenancies that are exempted from the Charter Amendment pursuant to Section 1804(a)(4). As a result, the Board is issuing this guidance to assist landlords, tenants, and other stakeholders in determining which provisions of the Charter Amendment, if any, are applicable to their situation.

## **Q: Are Section 8 Housing Choice Voucher recipients exempt from provisions of the Charter Amendment?**

A: There is no applicable federal or state law or administrative regulation that specifically exempts Section 8 Housing Choice Voucher recipients from municipal rent control. Therefore, if the Rental Unit in which a Section 8 Housing Choice Voucher recipient resides is otherwise covered by either the just cause for eviction protections or both the rent stabilization and just cause for eviction protections of the Charter Amendment, then the Section 8 voucher recipient’s tenancy is covered by those same provisions.

As an example, if a Section 8 Housing Choice Voucher recipient resides in a multifamily apartment building where all of the other tenancies are covered by both rent stabilization and just cause, then the Section 8 voucher recipient is also covered. Similarly, if a Section 8 voucher recipient resides in a single-family home that would be subject to the just cause for eviction protections if any other tenant resided there, then the Section 8 voucher recipient is entitled to the just cause protections.

## **Q: How are rent increases calculated for Section 8 Housing Choice Voucher tenancies that are covered by the rent stabilization provisions of the Charter Amendment?**

A: A rent increase for a Section 8 Housing Choice Voucher tenancy that is covered by rent stabilization should be calculated by applying the effective Annual General Adjustment (AGA) to the entire Housing Assistance Payment (HAP) contract rent, not just the tenant’s share of the rent. Further, pursuant to the Charter Amendment, the rent for these tenancies may not be increased more than once in any twelve-month period.

A landlord that seeks to increase their Section 8 Housing Choice Voucher tenant’s rent pursuant to the provisions Charter Amendment must still submit the proposed rent increase to the Pasadena Department of Housing for approval.

**Q: Can Section 8 Housing Choice Voucher recipients file petitions for downward adjustment of rent pursuant to Sections 1813(c), (d), and (e) of the Charter Amendment?**

A: Yes. Once the Board has established the petition process, a Section 8 Housing Choice Voucher recipient may file a petition for downward adjustment of rent due to the landlord's failure to maintain habitable premises, a reduction in maintenance or housing services, and/or unlawful rent.

**Q: Are Rental Units subsidized by Section 8 Project-Based Vouchers exempt from the provisions of the Charter Amendment?**

A: No. As with the Section 8 Housing Choice Voucher Program, there is no applicable federal or state law or administrative regulation that specifically exempts Rental Units subsidized with Section 8 Project-based Vouchers from municipal rent control.

**Q: Are other forms of government-subsidized housing exempt from the provisions of the Charter Amendment?**

A: It depends. If there is an applicable federal or state law or administrative regulation that specifically exempts Rental Units covered by those programs from municipal rent control, then those units will be exempt pursuant to the Charter Amendment.

**Q: Who can I contact for more information regarding my specific situation?**

A: The Board has housing counselors who are available to assist with specific situations. While the housing counselors cannot provide legal advice, they are able to provide other types of assistance and clarify the generally applicable rules. To speak with a housing counselor, send an email to [rentalboard@cityofpasadena.net](mailto:rentalboard@cityofpasadena.net).

While the Board is working to fully staff up its program, please allow at least 48-72 hours for a response. To speed up the process, please include the following information in your initial email: name, address of the Rental Unit(s), length of tenancy, and if applicable, amount of Rent charged for the Rental Unit(s).

The Board thanks you for your patience as we work to develop our program and looks forward to working with all members of the community in the implementation of the Charter Amendment.

Sincerely,

Members of the Pasadena Rental Housing Board