We’ve discussed many of these legislative updates at length since the Governor signed a batch of important bills last autumn. Given the significant changes for tenants, this month’s Practice Tip is devoted to a few of the more significant changes to the landscape for tenants that are now in effect.

Click here for our summary of California housing legislation from 2019, including bills that passed, those that remain pending in 2020, and those that were rejected. Below are the highlights of just a few housing statutes. New statutes generally took effect on January 1st, unless a different effective date is specified.

**AB 1482 (Chiu)** is now in full effect! This legislation generally caps annual rent increases at 5% plus CPI for covered units, as well as requiring just cause eviction once tenants have resided in the home for a year or more. Enforcement of the provisions is not designated to any state agency, and is thus left almost entirely to tenants and their advocates, most frequently in the UD context.

Advocates should look closely at the statute to assess whether a unit in question is covered by either the rent cap or just cause provisions.

All rental units in the state are covered by AB 1482 **EXCEPT** the following:

- Single-family homes, unless they are owned or controlled by a corporation (and the tenant is notified of the exemption);
- Any units covered by a local rent control ordinance that is lower than the cap;
- Units constructed in the past 15 years;
- Mobilehomes;
- Duplexes in which the owner is living in one of the units at the time the tenancy in the other unit commences, but only as long as the owner continues to live there;
- Affordable housing subject to a deed restriction, regulatory agreement or other agreement with a governmental agency; and
- Dorms.

Types of units specifically exempted from the Just Cause provisions:

- Housing in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, or an adult residential facility;
- Transient and tourist hotel occupancies;
• Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who lives at the property;
• Single-family owner-occupied residences in which the owner-occupant rents or leases no more than two units or bedrooms; and
• Accessory dwelling units and junior accessory dwelling units.

For more information about AB 1482, click here and here.

SB 329 (Mitchell) is also now in full effect. This legislation adds housing assistance as a protected source of income under the Fair Employment and Housing Act (FEHA), meaning landlords are no longer permitted to discriminate against tenants because they receive housing assistance, including Housing Choice Vouchers. As a practical matter, this means that landlords are generally prohibited from listing “No Section 8” in their advertisements and they are prohibited from refusing to rent to voucher holders based on “administrative burden.” Like other forms of discrimination covered by FEHA, enforcement of this new law is designated to the Department for Fair Employment and Housing (DFEH), along with a private right of action. Advocates should keep in mind that FEHA already contains a provision that landlords assessing tenant eligibility based on income should focus their assessment on the amount to be paid by the tenant. See Gov’t Code § 12955(o). Keep an eye out for this and other landlord strategies to avoid leasing to tenants with vouchers.

(Separate, but related, the long-awaited FEHA regulations related to discrimination in housing are now in full effect and can be found here.)

SB 330 (Skinner) makes a number of changes to the law to speed the processing of housing project applications, limit downzoning, and limit controls on growth that impede housing production. In most cities and counties, the bill prohibits the demolition of existing housing unless all units will be replaced, and unless all units affordable to or occupied by lower-income households be replaced with a unit deed-restricted to be affordable to those households (jurisdictions where this applies can be found here). Existing residents must receive relocation benefits and have an opportunity to live in the new development. If you have any questions about the implementation of this law in your community, please reach out to Matt at mwarren@wclp.org to connect with a working group on the subject.

AB 1763 (Chiu) relates to Density Bonus Law, providing for an 80% density bonus and one additional incentive or concession for projects in which at least 80% of the units will be affordable to lower-income households and no more than 20% will be affordable to moderate-income households, and eliminates density controls for affordable projects near major transit stops.

AB 1110 (Friedman) requires 90 days’ notice if a landlord of a residential dwelling with a month-to-month tenancy increases the rent by more than 10% of the amount of the rent charged to a tenant annually.

AB 1399 (Bloom) clarifies that for purposes of setting Ellis Act timelines, there is only one withdrawal date of a property from the rental market, and that units in an Ellised property cannot be brought back on to the market in a piecemeal fashion.

SB 200 (Monning) establishes the Safe and Affordable Drinking Water Fund to provide a source of funding to secure access to safe drinking water for all Californians while also ensuring long-term sustainability of drinking water systems.
A recap of sponsored bills from Western Center on Law & Poverty and the California Rural Legal Assistance Foundation after the first year of the 2019-2020 legislative session can be found here. For more questions on these legislative changes, please reach out to any of us on the WCLP Housing team: Anya Lawler (alawler@wclp.org), Sasha Harnden (aharnden@wclp.org), Madeline Howard (mhoward@wclp.org), Alex Prieto (aprieto@wclp.org), and Matt Warren (mwarren@wclp.org).