

MEDIATION & BINDING ARBITRATION PROGRAM

ISSUE

- Large rent increases causing instability, stress, and displacement of Hayward residents.

PROPOSED POLICY

- Policy would encourage communication between tenants and landlords for rent increases exceeding 5%.
- If tenants and landlords cannot resolve dispute, mediation would be available to both parties.
- If dispute cannot be resolved in mediation, arbitration would be made available.
- Arbitrator reviews documents and statements and evaluates the need for rent increases above 5%.
- The decision reached in arbitration is binding.

APPLIES TO

- Pre-1979 units except single family homes and condominiums.

INTENDED OUTCOMES

- Creates housing stability through predictable rent increases.

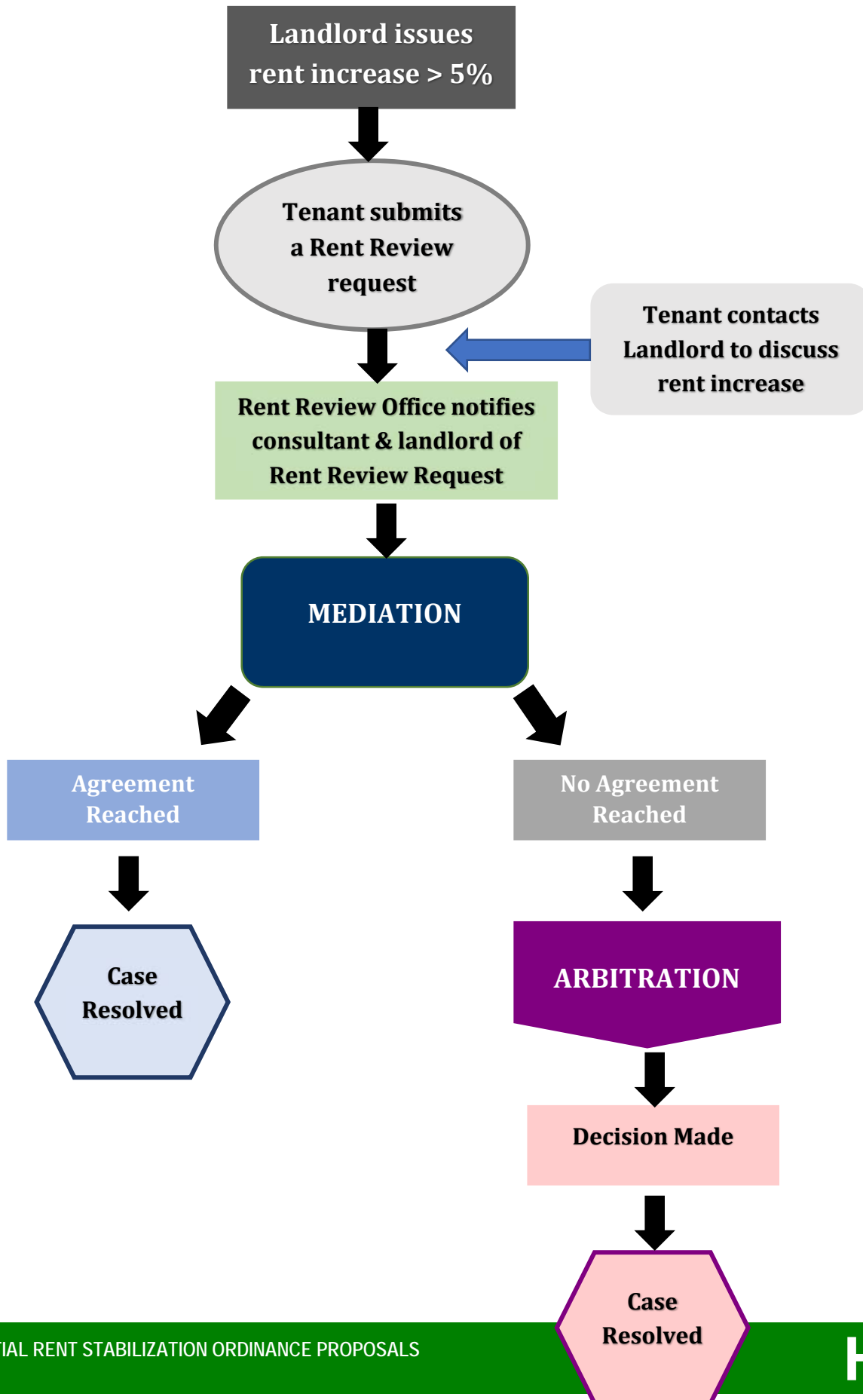
LET US KNOW WHAT YOU THINK

- What are your thoughts on the proposed policy?
- Are we missing anything?
- Please provide any additional comments on the proposed policy or any other rent issues in the City.

QUICK FACTS BOX

- 22,237 estimated rental units in City
- 48% of all housing units are rental units
- 14,941 estimated units covered by current policy
- 1979 – the year the current policy was adopted
- 7,931 decontrol applications received by the City
- 1,000 – 1,600 units estimated to be currently protected from large rent increases.

PROPOSED MEDIATION & BINDING ARBITRATION PROCESS



Elimination of Process for Decontrolling Rent-Controlled Units

ISSUE

- There are only 1,000-1,600 units in the City of Hayward protected from large rent increases.
- The current rent stabilization policy exempts landlords from rent control, if the landlord makes repairs costing more than \$1,500 - \$3,100 when the unit becomes vacant.

PROPOSED POLICY

- Eliminate process for decontrolling rent-controlled units.

APPLIES TO

- Approximately 1,000 to 1,600 remaining rent-controlled units.

INTENDED OUTCOMES

- Preserve remaining estimated 1,000 to 1,600 rent-controlled units within the City.

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FILING RENT INCREASE & EVICTION NOTICES

ISSUE

- There is a lack of data about rent increases and termination of tenancy in the City, which makes it difficult to address concerns about housing affordability and stability effectively.

PROPOSED POLICY

- Require housing providers to file rent increase and termination of tenancy (eviction) notices with the City.

APPLIES TO

- All rental units.

INTENDED OUTCOMES

- The City will track information about rent increases and termination of tenancy including the reason for terminating tenancy.
- Enable the City to identify housing trends, address rental housing issues, and propose potential solutions based on data.

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Relocation Assistance Program for Evictions Where Tenant Not at Fault

ISSUE

- Some evictions are due to no fault of the tenant and the unexpected loss of housing makes it difficult for tenants to find new housing because they are unprepared to pay for a new deposit, first months and last months, and moving costs.

PROPOSED POLICY

- A relocation assistance program would require a landlord to pay a tenant for their relocation costs if the tenant is required to move due to a no-fault eviction (owner move-in, withdrawal of a unit from the rental market, or in compliance with a government requirements).
- The payment would be required for both permanent or temporary displacement.
- Landlords would need to pay three times the fair market rents for permanent relocation, or a daily rate based on hotel costs for temporary relocation.

APPLIES TO

- All rental units.

INTENDED OUTCOMES

- Reduce the risk that a tenant will experience extreme housing instability and/or become homeless due to the costs associated with the unexpected loss of housing.

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TENANT RETALIATION PROTECTIONS

ISSUE

- Some tenants avoid communicating with landlords and/or raising concerns about their housing situation due to fear of retaliation from landlords.
- While State law protects a tenant from retaliation by a landlord, it does not provide detailed examples of retaliation nor does it establish specific monetary penalties for engaging in retaliatory behavior.

PROPOSED POLICY

- A local tenant protection policy provides tenants with legal rights if they are harassed or retaliated against by a landlord and establishes penalties paid to tenants, if the policy is violated.
- A local policy can provide detail about unacceptable landlord conduct that State law speaks to more generally (examples provided separately).

APPLIES TO

- All rental units.

INTENDED OUTCOMES

- Identify unacceptable landlord conduct that would be considered harassment.
- Establish minimum monetary penalties.
- Provide greater security to tenants, which could encourage better communicate with landlords and/or raise concerns about unacceptable conduct.

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TENANT RETALIATION PROTECTIONS - PROPOSED POLICY

A tenant retaliation protection policy would specifically define harassment and provide tenants protection from bad faith business practices such as:

1. Disrupt, reduce, or withhold services to rental units.
2. Failure to perform repairs and maintenance required by contract or law.
3. Failure to perform and complete repairs in a timely and professional manner consistent with State law.
4. Abuse right of access to rental unit as limited by State law.
5. Use lies, threats, or violence to make a tenant vacate a rental unit, including threats regarding immigration status.
6. Failure to accept or acknowledge receipt of a tenant's rent.
7. Interfere with a tenant's right to privacy, including inquiries about immigration status.
8. Interfere with tenant's right to quiet use and enjoyment of rental unit as defined by State law.