

A-28



Katherine Douglas

Public Comment

**From:** Rich Appelbaum <richappelbaum@ucsb.edu>  
**Sent:** Sunday, July 9, 2023 1:33 PM  
**To:** sbcob  
**Cc:** maureen earls; Larry Severance  
**Subject:** CLUE submission for BOS July 11 meeting, administrative item A-28, "Consider recommendations regarding an Ordinance to amend County Code Chapter 44 to revise Article IV, Just Cause for Residential Evictions, and add Article V, Mandatory Right of First ...  
**Attachments:** CLUE recommendation re amending County Code Chapter 44, Article IV, and adding Article V.docx

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Dear SB County Clerk of the Board,

Please include the attached as CLUE's comment at the July 11 Board of Supervisors meeting, on administrative item A-28 (supervisors Williams and Capps), "recommendations regarding an Ordinance to amend County Code Chapter 44 to revise Article IV, Just Cause for Residential Evictions, and add Article V, Mandatory Right of First Refusal and Mandatory Offer of Residential Lease." I understand our comment will be distributed to the Board and posted online. Is there a way to know if testimony will be permitted, and, if so, roughly what time that might happen?

Best,

Rich Appelbaum

Co0-chair, CLUE Housing Justice Workgroup



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July 9, 2023

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Dear Chair Williams and Board of Supervisors,

Clergy and Laity United for Economic Justice (CLUE) wholeheartedly endorses the League of Women Voters' June 26 letter to the Board, commending the Board and County staff for strengthening the ordinance entitled "Just Cause for Residential Evictions" (County Code Chapter 44), and for holding a first reading on additional amendments to this ordinance on June 27. The LWV letter provides data that clearly shows a need for additional lower-income housing; that current lower-income housing is at great risk of conversion to expensive market-rate housing; that our county is rapidly losing its existing affordable housing stock; and that to address these critical challenges "nonprofits and the Housing Authority can build new deed-restricted apartments or purchase and rehabilitate older, unregulated apartments and make them deed-restricted." CLUE supports the LWV's recommendations to the Board:

...we support the staff's recommendations to add language to the existing ordinance that: 1) requires landlords to offer tenants a one-year lease, 2) allows tenants the right of first refusal to return to their apartments, and 3) clarifies what constitutes a "substantial remodel," namely one that is meant to improve compliance with health and safety laws. We also suggest two additional recommendations.... we encourage the Board of Supervisors to discuss the implications of adding more clarification to the ordinance that: 1) Caps the amount of rent increase a landlord can charge when a tenant wants to return after a remodel, and 2) Provides protections to tenants throughout the eviction process.

CLUE supports one additional recommendation to the Board: that it add language to the existing ordinance to the effect that under the above proposed revisions, apartments temporarily vacated for the purpose of "substantial remodeling" (defined as "meant to improve compliance with health and safety laws") are not subject to Costa Hawkins vacancy decontrol provisions. Since the tenant has right to return, we believe that the ordinance would now fall under Costa Hawkins sections 1954.52-53, which states that vacancy decontrol

does not apply to any dwelling or unit that contains serious health, safety, fire, or building code violations, excluding those caused by disasters for which a citation has been issued by the appropriate governmental agency and which has remained unabated for six months or longer preceding the vacancy [§1954.52 (d)]

Notwithstanding any other provision of law, an owner of residential real property may establish the initial rental rate for a dwelling or unit, except where any of the following applies (§1954.53 (a): (1) The previous tenancy has been terminated by the owner by notice pursuant to Section 1946.1 or has been terminated upon a change in the terms of the tenancy noticed pursuant to Section 827 except a change permitted by law in the amount of rent or fees. For the purpose of this paragraph, the owner's termination or nonrenewal of a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant, shall be construed as a change in the terms of the tenancy pursuant to Section 827.

We recognize that this is a bold step, but under our current critical affordable housing crisis, we believe that such bold steps are necessary.

With much appreciation for the steps the Board has already taken,

Richard Appelbaum and Wayne Mellinger

Co-Chairs, CLUE Housing Justice Workgroup