



Fair Housing Advocates of Northern California

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BY EMAIL TO mgardner@townoffairfax.org

March 4, 2019

Town Council
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RE: Proposed Urgency Ordinance and Just Cause Ordinance, Items 10-11,
March 6, 2019 Town Council Meeting

Dear Council Members,

In December of 2017 and 2018, as part of their efforts to preserve housing affordability and prevent displacement, the Board of Supervisors passed a Just Cause for Eviction ordinance. The Just Cause for Eviction ordinance would prevent the termination of renter's leases without cause, providing greater security and stability for responsible tenants while retaining landlords' rights to terminate a lease for valid reasons, such as non-payment of rent or other violation of a lease agreement, such as creating a nuisance. Tenants would no longer have to fear that reporting unsafe housing conditions would result in reprisals that would cause them to lose their housing and require them to leave their community.

Fair Housing Advocates of Northern California (FHANC) wholeheartedly supports a Just Cause for Eviction Ordinance in the town of Fairfax and urges the Town Council to adopt such an ordinance as part of an integrated approach that supports other policies already in place, such as the Source of Income ordinance. FHANC believes this is a crucial step to preserving affordable housing for the most vulnerable populations in the county.

The burden of unaffordability is borne by tenants who are harmed by the current lack of housing, many of whom devote half or more of their monthly income towards their rent in order to live in Fairfax and the County. At worst, they are forced out of the County altogether or face homelessness. We continue to see those tenants at our agency. For those who choose to stay near the jobs, schools, or support systems that sustain them, the choice is sometimes living in a car or couch-surfing. For families with children or people with disabilities (including senior citizens), staying housed becomes exponentially more difficult.

FHANC's complaint-based investigations and systemic investigations during the last several years have uncovered discriminatory practices in Marin County, such as offering fewer units, quoting higher rents, refusing to rent and/or falsely denying the availability of units, and stating more burdensome qualification requirements for Latinos, African-Americans, families with children, and persons with disabilities. Some clients who received no-cause termination notices or excessive rent increases felt that the issuance of the notice was due to discriminatory reasons, particularly if they were the only family, or African-American, or Latino at the complex. As housing providers are permitted to give significant rent

A local non-profit helping communities eliminate housing discrimination

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increases and terminate a tenancy for no reason at all, members of protected classes increasingly feel as though they have been discriminated against.

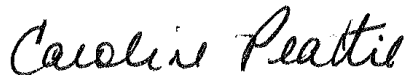
Implementing a Just Cause for Eviction ordinance would provide responsible tenants with assurances that they can have a stable home so long as they abide by the terms of the lease, or the housing provider doesn't have other cause to end a tenancy. Limiting the basis for which tenancies can be terminated will help reduce discrimination against in-place tenants and displacement of members of protected classes.

Until there is a Just Cause for Eviction ordinance, a housing provider can terminate a tenancy for no reason at all for month-to-month tenants, providing only 30, 60, or 90 days' notice (depending on the length of tenancy and whether a housing subsidy is used). Moving with limited notice poses a number of difficulties for people with physical disabilities, whose homes may have been modified to meet their needs or have other attributes that are necessary because of a disability, such as being located on a ground floor. In addition, families with children face additional challenges, as the location of their home is often tied to a school district or possibly a specific school that meets the disability-related needs of a child. The tight rental market magnifies these problems, particularly as there is a dearth of units with more than 1 bedroom. When there is a lack of rental protections for tenants, it is members of protected classes who are targeted and/or suffer disproportionately, contributing to the County's segregated housing patterns.

Marin County has taken action to address segregation and to address racial disparities by passing the Just Cause Eviction ordinance, and it is important, given the number of rental housing units in Fairfax, that the town follows suit. *We must do more to keep people housed in Fairfax and Marin County and to affirmatively further fair housing.*

We applaud the Town Council for considering a just cause ordinance as well as an urgency ordinance, and encourage you to implement just cause without delay. It is an important step toward stabilizing housing for those with the fewest resources, and positively impacting people of color, families with children, and people with disabilities.

Sincerely,



Caroline Peattie
Executive Director