

# Emergency measures: Bay Area cities scramble to stop recent spike of displaced renters

## Increase precedes new statewide eviction law

By **MARISA KENDALL** | [mkendall@bayareanewsgroup.com](mailto:mkendall@bayareanewsgroup.com) | Bay Area News Group

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**SUNNYVALE** — Every December, 57-year-old Ana Chaverri looks forward to setting up a big Christmas tree, decking out her apartment in lights and having her whole family over. But this year, she can't do any of that because she won't have a home.

Chaverri and the other residents of her four-unit building in Sunnyvale recently received 60-day notices to vacate their apartments — part of what tenant rights advocates say is a recent wave of displacement sparked, ironically, by a state law intended to protect renters. Chaverri, a librarian who works archiving documents for the Air Force at Moffett Field, and her 41-year-old niece, an office manager at a San Jose-based software company, have to move out by Dec. 15.

“I feel so sad knowing it's not going to be my little house anymore, you know?” said Chaverri, who plans to sleep in her van until she can save enough money for a security deposit and first and last month's rent at a new place. “It's terrible.”

Assembly Bill 1482, passed in September, will cap annual rent increases at about 9% and prevent landlords from removing tenants without an approved reason, such as failure to pay rent. But the law doesn't go into effect until Jan. 1. In the meantime, activists around the state report some landlords are using this window to kick existing tenants out now, presumably with the hope of moving in new, higher-paying renters.

Chaverri has no proof that's why her landlord is asking her to leave, and the landlord could not be reached for comment. The property manager declined to comment. But enough 60-day notices have been reported since September that Bay Area cities are now rushing to approve last-minute measures to protect residents until the new year.

“We really were caught on our back foot, and we had to scramble,” said Redwood City Mayor Ian Bain. “And not every city can move as quickly as we did.”

Redwood City in late October passed an emergency ordinance capping rents and banning most evictions where the tenant is not at fault — essentially implementing a local version of AB 1482 two months early. Other Bay Area cities have passed similar measures limiting evictions or limiting both evictions and rent increases, including Daly City, Milpitas, San Mateo, San Carlos and Menlo Park. Los Angeles also passed an emergency ordinance, and Palo Alto is set to consider one Monday. San Jose, Oakland and San Francisco already have long-standing rent control and eviction protection ordinances.

Sunnyvale has not considered a measure that could protect Chaverri and her neighbors.

“We are not aware of similar notices given to other residents,” Deputy City Manager Jaqui Guzman wrote in an email. “Currently, the City is not considering an urgency ordinance on this matter.”

Advocates say renters all over the Bay Area suddenly are receiving no-cause 60-day notices to vacate their apartments. The Legal Aid Society of San Mateo County saw a spike in calls as soon as AB 1482 passed, said directing attorney Shirley Gibson.

“We’re seeing so many of them expiring on Dec. 31 that it can’t possibly be a coincidence,” she said.

AB 1482 limits annual rent increases to 5% per year plus the cost of inflation, which was 4% in the Bay Area as of April. The law includes a safeguard to make sure landlords don’t impose massive rent hikes before AB 1482 takes effect: If they raise the rent above the 9% cap, come Jan. 1, the rent will default back to what it was in March. But there’s nothing in AB 1482 to prevent landlords from evicting current tenants and replacing them with new renters who can be charged more. Under AB 1482, whenever a tenant moves out, the landlord can set the rent at market rate and proceed with annual 9% increases from there.

The California Apartment Association, which initially opposed AB 1482 but ultimately took a neutral position on the bill, said it does not condone landlords issuing mass termination notices, and would never advise an owner to use eviction to circumvent upcoming state law.

“It is important to remember, however, that termination notices without cause are issued for many reasons, including to evict tenants engaged in criminal activity when witnesses fear for their personal safety, and taking away this tool, particularly with termination notices already in the pipeline, stands to create significant confusion for rental owners and property managers,” spokesman Mike Nemeth wrote in an email.

The bill’s author, Assemblyman David Chiu, D-San Francisco, said he and his staff didn’t predict that “unscrupulous and greedy” landlords would try to circumvent the law by removing tenants before Jan. 1. Even if they had, it’s much harder to retroactively undo an eviction than a rent increase.

“We tried to anticipate everything we possibly could have, and we tried to make our law as strong as we possibly could have,” Chiu said. “But there were limits as to what we could do.”

As soon as Chiu and his staff learned about the uptick in displacements, they reached out to tenant rights groups, began working with cities to draft emergency protection ordinances, and set up a statewide hotline for renters. But in Redwood City, Bain wishes

the legislator had reached out earlier, so city staff could have had an ordinance ready before the bill passed.

Todd Rothbard, a Santa Clara-based attorney who represents landlords in eviction disputes, said it makes sense property owners would try to get around the law before it takes effect. That's especially true of owners who voluntarily kept their rents below market for years, and don't want to be locked into those low rates come Jan. 1.

"What a shock these landlords want to look out for their self-interest financially," Rothbard said. "One of the many unintended consequences of ill-thought-out legislation."

In October, Chaverri and her niece received a notice to vacate signed by their property manager at Cal-Western Property Management. The notice gave them a deadline of Dec. 27, but because they are using their security deposit to pay their last month's rent, they will need to leave by Dec. 15.

Chaverri and her niece were paying \$1,200 a month for the one-bedroom apartment — far below Sunnyvale's market rate of \$2,700, according to Zillow. The price went up gradually over the years — it was \$700 when Chaverri moved in 14 years ago.

That Sunnyvale building changed hands in October after the prior owner died, and the current owner, identified as Lloyd T. Murphy Trustee in property records, could not be reached. A representative at Cal-Western would not comment on why the landlord was asking tenants to move out. But the property went up for sale a week after Chaverri received her notice to vacate, and was listed for almost \$2 million on Redfin.com.

Chaverri's notice likely would not be legal if it were issued after AB 1482 takes effect, said Gibson, the San Mateo County attorney. The law allows landlords to remove tenants who have done nothing wrong in certain cases, such as if the owner wants to move in, if the units will be removed from the rental market or if the owner is making significant renovations. Selling the building is not an approved reason.

Chaverri already is starting to outfit her van in preparation for her new life. A futon spread with a flowered comforter takes up the back of the vehicle, and black tarps cover the windows — a make-shift fix until Chaverri buys curtains. She has a tiny Christmas tree she plans to display on her dashboard.

Chaverri has been telling herself the experience will be like camping. But her niece, Blanca Del Rio, hates the idea of her aunt sleeping in a van out on the street.

"It's so sad," said Del Rio, who plans to couch surf until she can find a new apartment. "This is how homelessness begins."

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**If you received a notice to vacate your home**

Renters in need of more information or assistance can call the statewide AB 1482 hotline, run by tenant advocate organization ACCE Action, at 888-428-7615.

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