



Tacoma Housing Authority

**TENANT PROTECTIONS
of
GOOD CAUSE and EXTENDED NOTICE REQUIREMENTS
to
TERMINATE MONTH-to-MONTH RESIDENTIAL TENANCIES:
A Review of the Law in American Jurisdictions
and the Research and Public Literature About Their Effects**

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TABLE OF CONTENTS

1.	SOME BACKGROUND	1
2.	SOME KEY FINDINGS.....	3
3.	“GOOD CAUSE” REQUIREMENTS.....	4
3.1	Jurisdictions and the Array of Good Cause Requirements	4
3.2	Possible Effects of “Good Cause” Requirements on Landlords and Tenants.....	5
3.2.1	<i>Good Cause as a Restriction on the Rights of Property</i>	<i>5</i>
3.2.2	<i>Good Cause and Reducing Unlawful Discrimination, Retaliation or Abuse by Landlords.....</i>	<i>5</i>
3.2.3	<i>Good Cause Gives Tenants A Measure of Security, Especially Low-Income Tenants, Especially in Tight Markets.....</i>	<i>7</i>
3.2.4	<i>Good Cause Reduces the Number of Evictions.....</i>	<i>7</i>
3.2.5	<i>Good Cause and the Prevention of Homelessness.....</i>	<i>9</i>
3.2.6	<i>Good Cause May Discourage Rental Housing Investment and Remove Rental Housing from the Rental Market.....</i>	<i>9</i>
3.2.7	<i>Good Cause As a Barrier for Weak Tenant Applicants</i>	<i>10</i>
3.2.8	<i>Good Cause and the Removal of Troublesome Tenants</i>	<i>12</i>
3.2.9	<i>State Law Does Not Allow a City to Require Good Cause for a Landlord’s Refusal to Renew or Extend a Fixed Term Lease</i>	<i>14</i>
4.	EXTENDING NOTICE TO TERMINATE A MONTH-TO-MONTH TENANCY	15
4.1	Jurisdictions Requiring More Than 20 Days Termination Notice	15
4.2	Possible Effects on Landlords and Tenants of Longer Notice Requirements	15
4.2.1	<i>Longer Notice Period Helps Tenant Find Their Next Home, Especially in a Tight Rental Market, and Avoid Homelessness or the Disastrous Effects of Forced Displacement</i>	<i>16</i>
4.2.2	<i>Increased Rent Loss and Damage During A Longer Notice Period.....</i>	<i>17</i>
4.2.3	<i>Effect of Longer Notice Period on Weak Tenant Applicants</i>	<i>17</i>
4.2.4	<i>State Law Likely Does Not Allow a City to Require a Tenant to Give More Than 20 Day Notice to Terminate a Month to Month Tenancy.....</i>	<i>17</i>
5.	LITERATURE REVIEW	18

APPENDICES

- Appendix A:** Tacoma Rent Burden – Housing Needs By Income (2017)
- Appendix B:** Sampling of Tenant Protection Laws in American Jurisdictions
- Appendix C:** Tenant Protection Proposals: Summary of Policy Alternatives

1. SOME BACKGROUND

The Tacoma City Council is considering proposals to enhance the legal protections for residential tenancies. The Council is responding to a crisis shortage of affordable housing for the City's residents.

This crisis in Tacoma has developed over many years. In 2010, the City Council convened an advisory group to study the matter and recommend ways to preserve and increase the City's supply of affordable housing. The report offered 25 recommendations. It concluded that "the City of Tacoma has an affordable housing crisis. It will only worsen as the City's population grows and ages over the next two decades unless Tacoma takes immediate action to ensure an adequate supply of affordable housing for its existing and anticipated residents at all income levels."¹ That was in 2010.

As the report predicted, the crisis has worsened in the intervening years. The crisis shows in a number of ways, including a low vacancy rate and rapidly rising rents. Tacoma rents increased by 16% at single-family rentals and 17% at multi-family rentals between March 2016 and March 2018. Forty percent of Tacoma's residents pay more than 30% of their income toward housing costs.² Tacoma's rental market is unaffordable for households at incomes that reach well up into the city's working population. Appendix A shows the mismatch in Tacoma between rents and household income. The crisis is a national one.³ A downstream effect of this housing shortage both nationally and in Tacoma is rising rates of homelessness. In 2017, the City Council declared the extent of homelessness in the City to constitute a "public health emergency"⁴.

Recently, the crisis showed dramatically with the displacement of 58 low-income households upon the sale of their apartment complex. Many of them had disabilities. The new owner served 20 day notices to terminate their tenancies to make way for a substantial and long overdo fix up. In an immediate and impressive response, Tacoma's Mayor led an effort that prevailed on the owner to delay the eviction deadline. The Mayor also directed the City to coordinate public and private relocation efforts. Yet, the experience illustrated the emergency and hardship that results from a 20 day notice to move out of a home, especially in such a tight rental market. In a further response, the City Council enacted an emergency requirement for an extended notice of 107 days to terminate residential tenancies because of demolition, substantial fix up or change of use. The requirement expires on September 30, 2018.

The Council is now considering permanent enhancements for the legal protections of residential tenants. This paper examines two of them:

¹ City of Tacoma Affordable Housing Policy Advisory Group, *Policy Recommendations to the City Council*, page 12 (December 2, 2010). [Link to Report](#)

² BERK., Enterprise., Wang, F. (2018). *Affordable Housing Action Strategy Overview*. [Link](#)

³ National Low Income Housing Coalition. (2018). *Out of Reach-The High Cost of Housing*. [Link to Article](#) (It is impossible to afford a two-bedroom apartment anywhere in the United States when earning minimum wage full time.)

⁴ City of Tacoma Ordinance 28430. May 9, 2017. [Link](#) City of Tacoma Ordinance 28460. October 17, 2017. [Link](#)

- (1) requiring landlords to show good cause to terminate a month-to-month tenancy and to refuse to renew a fixed term tenancy (Washington law presently does not require landlords to have or prove good cause in these situations);
- (2) requiring landlords to provide a notice longer than 20 days to terminate a month-to-month tenancy. (Washington law presently allows a landlord to terminate upon 20 day notice).

This paper identifies jurisdictions in the United States that require “Good” or “Just Cause” or notices longer than 20 days to terminate a residential month-to-month tenancy or to refuse to renew a fixed term residential tenancy. This paper also surveys the research literature and public reports describing the effects these requirements have on the interests of tenants and landlords.

PLEASE NOTE:

- Jurisdictions and the research literature use the terms “Just Cause” and “Good Cause” to mean the same thing. This paper uses the term “Good Cause”.
- This paper focuses only on these policies and their effect on residential tenancies. It offers no information on the termination of commercial or agricultural tenancies.

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2. SOME KEY FINDINGS

1. At least 23 American jurisdictions require some version of Good Cause to terminate a month-to-month tenancy or to refuse to renew a fixed term tenancy. Seattle is the only Washington State jurisdiction to do so. Its Good Cause requirement does not apply to the refusal to renew a fixed term tenancy.
2. Washington State is an outlier in its allowance of a termination of a month to month residential tenancy upon a notice of 20 days. A majority of states require 30 or more day notice to terminate a month-to-month tenancy. Some local jurisdictions in the Pacific Northwest experiencing an affordability crisis require 60 days. The purpose of these increased notice periods is to help alleviate the hardship and the emergency that results when tenants, especially low-income ones, are displaced and to give them a better chance to find new housing in a tight rental market.
3. Longer notice periods increase the risk of rent default and damage to the property during the notice period.
4. Good Cause and longer notice requirements for termination can help prevent evictions and homelessness.
5. Good Cause and extended notice requirements affect how landlords operate. Little published research is available on the type or extent of these effects. The University of Washington published a report in June 2018 that has at least an indirect pertinence. It surveyed tenants and landlords in Seattle about three other types of tenant protections that the City of Seattle’s recently enacted: (i) requiring landlords to rent to the first in time qualified applicant; (ii) limiting a landlord’s ability to consider an applicant’s criminal history; (iii) requiring landlords to accept security deposits in installment payments. The landlords responding to that survey reported that these measures will make them less willing to rent to tenants with weaker credit, rental or criminal histories. This matches what landlords advised THA about the possible effects of a Good Cause and extended notice requirements.
6. Public housing authorities are the region’s largest landlords. They have a long experience with Good Cause requirements. That experience shows little deterrent effect on their ability as landlords to remove troublesome tenants.
7. American jurisdictions show an array of Good Cause or notice requirements. This array offers the Tacoma City Council a range of possible policies to consider, including some notable “middle ground” policies that seek to address concerns about their effect on the rental market.

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3. “GOOD CAUSE” REQUIREMENTS

3.1 Jurisdictions and the Array of Good Cause Requirements

The chart in Appendix B shows 23 jurisdictions in the United States that require landlords to show Good Cause to terminate a month-to-month tenancy. The majority of those jurisdictions also require Good Cause to refuse to renew a fixed term tenancy (Seattle does not.⁵). Appendix C shows a visual representation of the range of such requirements.

Seattle is the only jurisdiction in Washington State requiring Good Cause. In order to terminate a residential lease in Seattle, a landlord must state and have one of 18 approved reasons listed in the Good Cause Eviction Ordinance. Other jurisdictions with Good Cause regulations include a number of California cities such as East Palo Alto, Hayward, San Jose, San Diego as well as Washington D.C., New York City and the State of New Jersey. Most of these jurisdictions also have some form of rent control.

These jurisdictions vary in the application or meaning of Good Cause. Some like Seattle apply the requirement to all rental units; others apply it only to multi-family properties. Hayward, CA applies it only to properties with 5+ units. San Jose applies it only to properties with 3+ units. Another possible distinction would focus not on the number of units in a property but on the number of units that the owner has in its rental portfolio. Such distinctions would respond to evidence that the larger corporate owners may present the greater risk of evictions without adequate cause. For example, the Federal Reserve Bank of Atlanta identified that eviction rates are higher in single family rentals with large corporate owners and institutional investors.⁶

Most jurisdictions do not apply Good Cause requirements to owner occupied properties. In San Diego, Good Cause regulations apply only to tenancies when the renter has had at least two years of tenancy. In San Francisco and New York City, Good Cause is only applicable to rent controlled units.

Jurisdictions also vary in their definition of Good Cause. Common Good Cause reasons include failure to pay rent, an owner’s plan to sell the property or the owner’s plan to substantially fix-up the property.

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⁵ Washington courts have ruled that Seattle’s Good Cause ordinance does not require a landlord to have cause to refuse to renew a fixed term tenancy. *See Carlstrom v. Hanline*, 98 Wn. App. 780, 786-87, 990 P.2d 986 (2000).

⁶ Federal Reserve Bank of Atlanta. (2016). *Corporate Landlords, Institutional Investors, and Displacement: Eviction Rates in Single-Family Rentals*. [Link to Article](#)

3.2 Possible Effects of “Good Cause” Requirements on Landlords and Tenants

Good Cause regulations and the allowable reasons to evict a tenant vary across jurisdictions. A number of jurisdictions with Good Cause regulations also have rent control or other tenant protections such as relocation assistance. For example, 15 jurisdictions in California have Good Cause regulations coupled with rent control.⁷ This variation makes it difficult to isolate the effects of any single requirement, such a Good Cause. Below are some possible effects or concerns commonly attributed to Good Cause requirements. The research support for these effects and concerns also varies.

3.2.1 *Good Cause as a Restriction on the Rights of Property*

Landlords correctly note that a Good Cause requirement restricts their ability to choose their tenants. The requirement, accordingly, restricts their use of their private property.”⁸ From the landlord’s view, the requirement is therefore a restriction on the rights of property.

Another consideration, however, rounds out an understanding of this concern. A tenant’s interest in a residential tenancy is also a property interest. Both the landlord’s property interest and the tenant’s property interest in a residential tenancy take their dimension and character as “rights” from the law. Many laws limit property rights for reasons thought sufficient. For example, federal, state and Tacoma law restricts discrimination in real estate transactions for housing purposes, including rental housing. The question remains then what should the law direct on the question of Good Cause. That is a policy question for the City Council to answer.

3.2.2 *Good Cause and Reducing Unlawful Discrimination, Retaliation or Abuse by Landlords*

State law already outlaws rental practices, including evictions, that constitute unlawful discrimination, retaliation or abuse. *See* Chap. 49.60 RCW; RCW 59.18.240. Evidence of such unlawful practices would be a defense in an eviction action.

Responsible landlords and property management firms do not evict without adequate cause. That has been THA’s long experience with its many landlord partners who participate in its rental assistance programs by accepting THA’s rental subsidy payment on behalf of THA client households. Landlords generally have strong financial incentives to avoid eviction. Evictions are expensive to pursue, even without a cause requirement. Vacancies are expensive. THA also recognizes that its landlords represent only a portion of the rental market.

⁷ Urban Habitat. (2018). *Strengthening Communities through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond*. [Link to Article](#)

⁸ Carroll, A. B. (2008). 1. *The International Trend toward Requiring Good Cause for Tenant Eviction: Dangerous Portents for the United States?*, 432. [Link to Article](#)

Available research suggests that unlawful practices, including unlawful evictions, remain persistent in the wider rental market, especially tight ones where the power and bargaining positions greatly favor the landlord. Surveys of tenants report this to be a common tenant perception. A recent study of the Seattle rental market surveyed tenants and landlords. It reported tenant “frustration with the lack of transparency in the leasing process and, in absence of sufficient housing alternatives, many feel vulnerable to discrimination or other forms of maltreatment at the hands of landlords.”⁹ These tenants reported that discriminatory exclusion as “becoming worse as the market tightened. . . . and more insidious.” *Id.* at 7.

A 2016 Harvard Civil Rights-Civil Liberties Law Review study found that “Hispanic tenants in predominantly white neighborhoods were roughly twice as likely to be evicted as those in predominantly non-white neighborhoods. Hispanic tenants were also more likely to get evicted when they had a non-Hispanic landlord.”¹⁰

A 2005 Urban Institute study found that people with disabilities encountered even more discrimination than that experienced by Hispanic or African American renters in the same housing market.¹¹ A 2015 HUD study found that people who use wheelchairs are more likely to be denied an opportunity to view housing in a property with accessible units.¹² A 2012 HUD study found that among those who contact agents about recently advertised housing, black renters learn about 11.4% fewer units, Hispanic renters learn about 12.5% fewer units and Asian renters learn about 9.8 fewer available units than qualified white renters. “The forms of discrimination that persist (providing information about fewer units) raise the costs of housing search for minorities and restrict their housing options.”¹³

Requiring a landlord to state and prove a legal reason for terminating a tenancy could help suppress evictions that are unlawfully discriminatory or retaliatory. But there is no available research supporting this prospect.

However, one report examining unlawful retaliatory evictions, concluded that the lack of legal protections for tenants can incentivize a landlord to

⁹ *Seattle Rental Housing Study* (University of Washington Center for Studies in Demography and Ecology pages 2, 7-9 (June 2018)) [Link to Report](#)

¹⁰ Gershenson, C., Greenberg, D., & Desmond, M. (2016). Discrimination in Evictions: Empirical Evidence and Legal Challenges. *Harvard Civil Rights-Civil Liberties Law Review*: volume 51. [Link to Article](#)

¹¹ Turner, M., Herbig, C., Kaye, D., Fenderson, F., & Levy, D. (2005). *Discrimination Against Persons with Disabilities: Barriers at Every Step*. [Link to Article](#)

¹² HUD Office of Policy Development and Research. (2012). *Housing Discrimination against Racial and Ethnic Minorities* (p. XV, Publication). [Link to Article](#)

¹³ HUD Office of Policy Development and Research. (2015). *Housing Discrimination in the Rental Housing Market Against People Who are Deaf and People Who Use Wheelchairs* (p. 6, Publication). [Link to Article](#)

ignore repairs. “Landlords for lower-cost apartments also may have no incentive to ensure that housing is maintained at an adequate standard. Indeed, a tenant who complains about legitimate habitability concerns, such as faulty plumbing, may be asked to leave simply because it is cheaper and more expedient to replace the tenant than to fix the underlying problem.”¹⁴

3.2.3 *Good Cause Gives Tenants A Measure of Security, Especially Low-Income Tenants, Especially in Tight Markets*

Good Cause requirements offer a measure of security to tenants, in two ways. **First**, it assures them that they will not lose their home without an adequate reason. This assurance and the peace of mind it allows tenants to feel have important value even if their landlord would never seek their eviction. **Second**, a Good Cause requirement protects them from unwarranted eviction should they ever receive a termination notice.

These reassurances have value even presuming that most landlords would not seek to evict without good cause. Even in those cases, a Good Cause requirement offers important protection where the landlord is honestly mistaken about his or her “cause”.

These assurances are especially valuable for low-income tenants in expensive or tight rental markets, like Tacoma’s.

3.2.4 *Good Cause Reduces the Number of Evictions*

Some data appear to show that Good Cause requirements reduce the number of evictions. One data set comes from the City of East Palo Alto, California. Community Legal Services of East Palo Alto (CLSEPA). The organization provides legal representation for tenants facing eviction. In 2014, it assessed the effect on its practice of the local Good Cause ordinance. It did this by tracking the number of “pay to stay” settlements (where a tenant agrees to the rent increase and is not evicted) compared to other cities in the county without a Good Cause requirement. During the test period CLSEPA obtained settlements for 70% of cases in East Palo Alto vs. only 14% of cases in other cities without Good Cause regulations.¹⁵¹⁶

Comparisons are also available, but hard to interpret, among cities with and without Good Cause ordinances. The City of Seattle is the only jurisdiction in Washington State with Good Cause regulations. Seattle’s rate of eviction is drastically lower (0.22%) than in other Washington cities without Good Cause regulations. Spokane has an eviction rate of 1.66%, Tacoma 0.93% and Vancouver 1.02% according to the Eviction Lab.¹⁷ These Seattle data,

¹⁴ National Law Center on Homelessness and Poverty. (2018). *Protect Tenants, Prevent Homelessness*, 14. [Link to Article](#)

¹⁵ Management Partners. (2017). *City of Fremont Rent Control and Just-Cause Eviction: Review of Programs*. [Link to Article](#)

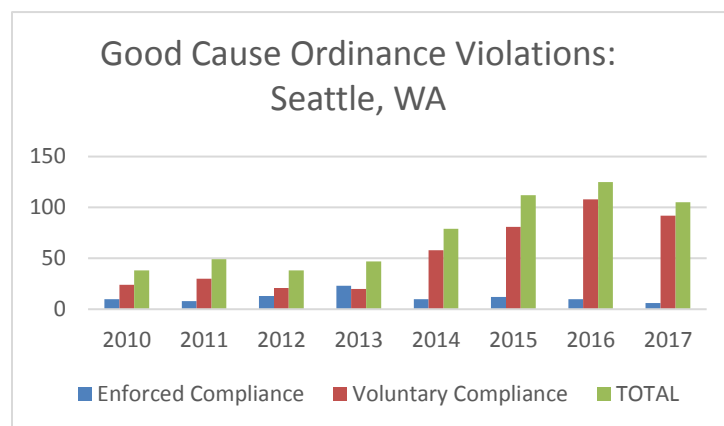
¹⁶ Barton, S. (2015). *Review of the City of East Palo Alto Rent Stabilization Program*. [Link to Article](#)

¹⁷ Princeton University. (2018). *Eviction Lab*. [Link](#)

however, are hard to interpret for at least two reasons. **First**, Seattle has had a good cause ordinance since 1982. Yet the eviction rate in Seattle has fallen by 66% since 2000. **Second**, evictions are hard to track or even define. In these ways, it is not possible to attribute Seattle’s lower eviction rate to Good Cause regulations alone.

More revealing Seattle data might be the results of the city’s administrative enforcement of the Good Cause requirement. In the past three years Seattle has opened an average of 114 Good Cause violation cases per year. A “violation” means the City found that a landlord issued an invalid termination notice. The majority of those cases (82%) result in voluntary landlord withdrawal of the notice.

GOOD CAUSE ORDINANCE VIOLATIONS IN SEATTLE¹⁸



Other data suggests that an enforced Good Cause eviction ordinance results in some reduction of displacement.¹⁹ A report by Matthew Desmond and Carl Gershenson titled, *Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors* states that, “Social scientists have long believed that gentrification-in the form of neighborhood revitalization and concomitant population shifts to more affluent households-leads to the systematic displacement of low-income residents. Landlords operating in gentrifying neighborhoods may provoke evictions by raising rents or may clear buildings through “no cause” evictions in hopes of attracting a better-off clientele.”²⁰

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¹⁸ City of Seattle. Code Violations Database. [Link](#)

¹⁹ Calkins, Desmond & Wong. (2015). *Improving Health and Housing in South King County*. [Link to Article](#)

²⁰ Desmond, M., Gershenson, C. (2016). Who gets evicted? Assessing individual, neighborhood, and network factors, Social Science Research. [Link to Article](#).

3.2.5 *Good Cause and the Prevention of Homelessness*

Data show that eviction is a leading cause of homelessness, especially when it occurs on short notice in a tight rental market. Fifty percent of homeless adults cite eviction or rental problems as the cause of their homelessness”²¹ The Pierce County Human Services data of 2018 reported that eviction was one of the three primary reasons people give for their homelessness, accounting for 9% of the reported instances of homelessness. (The other two reasons are lack of affordable housing (16%), underemployment (11%).²² A study completed by the National Law Center on Homelessness & Poverty and St. Martin’s University found eviction to be a leading cause of homelessness in Puyallup, Washington.²³ According to Hartman and Robinson approximately two out every five cases of homelessness is caused by eviction or involuntary displacement.²⁴ Hartman and Robinson conclude:

And since most of these studies are of displacement by public bodies that have some legal responsibilities to both provide adequate relocation housing and to maintain records of their work, it is virtually certain that evictions deriving from the private sector units-which comprise over 90 percent of the nation’s housing stock-have far worse results. And to the extent that those evicted are the most vulnerable elements of the population, such persons will also have the most difficulty locating suitable alternative housing”

Id. at 468.

These studies suggest that to the extent Good Cause requirements reduce eviction, they will also reduce homelessness.

3.2.6 *Good Cause May Discourage Rental Housing Investment and Remove Rental Housing from the Rental Market*

Jurisdictions enact Good Cause regulations often in response to a housing shortage as a means to provide safeguards to tenants and to mitigate displacement. One report noted, however, that Good Cause is not a sustainable long term solution because it discourages new investments in rental property and the development of new rental housing. This would compound vacancy rate and affordability issues.²⁵

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²¹ Gershenson, C., Greenberg, D., & Desmond, M. (2016). *Discrimination in Evictions: Empirical Evidence and Legal Challenges*. Harvard Civil Rights-Civil Liberties Law Review: volume 51. [Link to Article](#)

²² Pierce County. (2018). *2018 Point-In-Time Count Results*. [Link](#)

²³ National Law Center on Homelessness and Poverty. (2018). *Protect Tenants, Prevent Homelessness*, 17. [Link to Article](#)

²⁴ Hartman, C., & Robinson, D. (2003). *Evictions: the hidden housing problem*. [Link to Article](#)

²⁵ [Ibid.](#) Pg. 432

The rental stock might also diminish further if in response to Good Cause regulation landlords and investors sell their rental property. No research appears to have studied whether this happens. A recent University of Washington study of Seattle, however, reported some suggestive findings about landlord responses to other forms of tenant protections in that city.²⁶ The study focused on three recent Seattle ordinances: (i) restriction on landlord’s ability to consider an applicant’s criminal history, (ii) restriction on move-in fees, and (iii) a requirement that landlords accept the first in time qualified applicant. The study reported:

Attitudes toward the First-in-Time ordinance are especially negative, with large majorities of landlords – and especially those reporting flexible rental standards – reporting that the ordinance places an undue burden on landlords and may reduce housing access for lower-income renters. About 40% of landlords have sold, or plan to sell, property in response to City ordinances governing the housing market.
Id. at 2.

About one-third [of landlords surveyed] report that the First-in-Time ordinance is a major reason for the decision to sell. A similar proportion of landlords report that the decision to sell is at least partially motivated by changes to rules about the use of criminal records.
Id. at 26 (citations omitted).

Other studies on the topic also do not focus on Good Cause requirements. They suggest that the concern that landlords will sell out of the rental market are most prominent in markets that have rent control. Even in those jurisdictions, however, the evidence seems mixed.²⁷ Little research can be found focused on Good Cause ordinance in the absence of rent control to determine whether such an ordinance impedes rental housing investment.

3.2.7 *Good Cause As a Barrier for Weak Tenant Applicants*

Good Cause requirements may make it harder for some tenants to find housing. Tenants with weak credit, rental or criminal histories rely on finding landlords willing to relax their screening criteria to admit applicants despite those weak histories. Landlords may be less willing to take such a risk if a Good Cause ordinance makes it harder to evict should the risk turn

²⁶ *Seattle Rental Housing Study* (University of Washington Center for Studies in Demography and Ecology (June 2018) [Link to Report](#))

²⁷ Urban Habitat. (2018). *Strengthening Communities through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond*. [Link to Article](#) (“The potential loss of rental units and subsequent increases in rental rates are top concerns among those skeptical about rent control. However, most “mom and pop” landlords do not withdraw from the rental market to avoid rent control. During the first decade after the passage of rent control, Berkeley lost 3,309 units due to the loss of residential hotel rooms and the conversion of rental units to owner-occupied units. A comparative study showed that the adjacent cities of Kensington, Albany, and Oakland also lost units, demonstrating that “the loss of units turns out to be a general trend in stable census tracts in Northern Alameda County, not something that is unique to Berkeley.”)

out unfavorably. While there is no available research either to confirm or dispel this concern, it is a plausible expectation, especially in a tight and competitive rental market. Private landlords have shared this concern with THA.

A recent University of Washington survey of landlords reported a similar view about other forms of tenant protections that the City of Seattle recently enacted. One of those protections obliges landlords to accept the first in time of qualified applicants:

About 60% of the [landlord] respondents agree or strongly agree with the idea that First-in-Time would have the unintended consequence of limiting landlords' ability to rent to applicants with few economic resources. While these negative sentiments about the repercussions of the First-in-Time ordinance are fairly common across groups of landlords, there are important variations. Most notable is the observation that landlords managing or owning moderate-sized buildings (2-4 units and 5-19 units) are most likely to strongly agree with the idea that First-in-Time would limit their ability to rent to tenants with relatively few economic resources. This is important because, as reported above, these landlords are among the most likely to view their rental criteria as somewhat flexible. Thus, the perception of these landlords is that this flexibility would be limited by the First-in-Time ordinance, and to the potential detriment of lower-income residents.²⁸

More generally, the survey reported the view of “many” landlords that “they want to serve the community and have worked with tenants with imperfect tenant credentials in the past, but their ability to do so has been hampered by regulatory changes.” *Id.* at 11.

Many property owners/managers suggested that, in response to the ordinances, they have or will have to implement stricter rental application requirements, thereby reducing housing access for some. They also suggest that, as a result, this will make it more difficult to take a chance on people who don't qualify. Some suggested they had or may move toward more high-end or short-term rentals; one suggested they might leave the market entirely. *Id.* a 12.

“About 40% of the landlords responding to the [UW] survey reported that they have already adopted stricter rental requirements in response to the City's recent ordinances, and another 24% report that they plan to adopt stricter standards in the future.” *Id.* at 25.

²⁸ *Seattle Rental Housing Study* (University of Washington Center for Studies in Demography and Ecology page 22 (June 2018) [Link to Report](#))

The expression of these concerns distinguished between small landlords and large, corporate landlords:

Several property owners/managers noted that market demand and property taxes put upward pressure on rents but also argued that city ordinances will diminish the stock of affordable housing by placing the biggest burdens on smaller-scale landlords and those managing the most affordable housing, forcing them to shift their focus to the provision of more expensive housing or short-term rentals (e.g., through Airbnb). The group emphasized that this reflects a conflation of property owners/managers with few units with big property management companies that have more bureaucratic and financial resources to navigate regulatory changes. *Id.* at 12.

There is no research addressing whether this concern about the inadvertent effect of these other tenant protections on weak tenants would also arise with Good Cause Requirements. To the extent that concern does arise, two “middle ground” Good Cause proposals from other jurisdictions would help to address it:

- The Probation Proposal:
the Good Cause requirement would not apply until a set number of months into the tenancy adequate to give the landlord a chance to ensure the tenant adheres to the lease requirements, e.g., 4 months.²⁹
- Small Landlord Exemption:
the Good Cause requirement would apply only to multi-unit properties or owners with multiple properties.³⁰ This limitation would exempt most of Tacoma’s housing stock, which is predominantly single family homes.³¹

3.2.8 *Good Cause and the Removal of Troublesome Tenants*

Both landlords and tenants have an important shared interest in the landlord’s ability to remove nuisance tenants. Does Good Cause make that harder to do? The question has some nuance.

Present state law already provides landlords with shorter termination notices for serious lease violations. They vary in their effectiveness and speed: 3 day notice for waste, nuisance and unlawful business RCW 59.12.030(5); 3 day notice to pay rent or vacate (RCW 59.12.030(3); 10 day

²⁹ San Diego County Apartment Association. (January 2015). SDCAA White Paper: City of San Diego Cause Eviction Ordinance. [Link to Article](#)

³⁰ See Hayward & San Jose, CA in Appendix A.

³¹ U.S. Census Bureau. (2012-2016) *Selected Housing Characteristics*. [Link](#). (66% of Tacoma’s housing stock is single family detached or attached dwellings).

notice to comply with the lease or vacate (RCW 59.12.030(4)). To adjudicate these terminations, if necessary, state law also provides an accelerated court proceedings. It is called the unlawful detainer cause of action. Chap. 59.12 RCW. This process can provide a court hearing within 14 days after an unlawful detainer lawsuit is served.³² Additionally, most terminations, even for cause under the present law, do not require court proceeding because the tenant moves out on his or her own.

However, if the matter does require a court proceeding, a Good Cause requirement will make that proceeding harder and more expensive to engage. It asks the landlord to bear the burden of proof to justify an eviction.³³ That can be hard to do especially if the case requires the testimony of other tenants who may be reluctant to testify against a neighbor, especially an aggressive one. Research literature on this question is hard to find. “The effectiveness of just cause ordinances is difficult to track statewide because most of the cases are taken directly to the courts for resolution and the results are not published in a comprehensive way.”³⁴

The experience of public and nonprofit landlords is instructive. Their funding, their mission or the law already requires them to have Good Cause in order to terminate a tenancy. This is true of the region’s public housing authorities. They report that despite Good Cause requirements they manage to remove troublesome tenants and to do so without undue need to litigate.

Tacoma Housing Authority, for example, has a portfolio of about 1,500 rental apartments or homes. In the past year, THA filed court papers against only 17 or 1.1% of its tenant households. Of those 17 filings, 13 (0.9% of the portfolio) resulted in a court hearing. 10 of those filings (0.7%) resulted in the need for a writ of restitution and of those only 6 (0.4%) required sheriff’s action. Of all those 13 scheduled court hearings, only 6 (0.4%) were contested. In most cases THA tenants agree to mutual terminations, voluntarily move out, cure the default or resolve the issue with property management.³⁵ This chart summarizes the THA experience.

³² (Attorney at Law Hannah, Jackowski, Eisenhower Carlson, personal communication, July 6, 2018) “A show cause hearing can occur 14 days after service of the summons and complaint at the earliest...THA gives tenants additional time... and show cause hearings generally happen closer to 21 days after service of the unlawful detainer pleadings.”

³³ Management Partners. (2017). *City of Fremont Rent Control and Just-Cause Eviction: Review of Programs*. [Link to Article](#)

³⁴ [Ibid.](#)

³⁵ THA property management and attorneys at law who represent THA in unlawful detainer proceedings.

TABLE 1: THA COURT FILINGSS & EVICTION DATA

No. Of Units	No. of Court Papers Filed	No. of Court Hearings Scheduled <i>(all hearings, includes no shows & defaults)</i>	No. of Contested Court Hearings	No. of Writs of Restitution	No. of Sheriff Evictions
1,500	17	13	6	10	6
100%	1.1%	0.9%	0.4%	0.7%	0.4%

King County Housing Authority (KCHA) reports a similar experience with a much larger portfolio of about 3,800 rental housing units. In the past year, KCHA issued 37 (0.4%) notices to terminate. Only 12 writs of restitution were issued in its cases during that time³⁶

One possible explanation for THA and KCHA's small use of the court system is their internal grievance processes. Both agencies offer tenants a grievance process to contest a termination notice before it even gets to court. The grievance process starts with an informal attempt to settle the matter in a face to face meeting. If that is not successful, the grievance process then offers the tenant a formal hearing. Both agencies use neutral third party hearing examiners to adjudicate the hearing. The hearing examiners are attorneys. This process, both in its informal and formal stages, provides tenants a meaningful and respectful chance to have their say and to feel that the housing authority at least understands and considers their views. That by itself has value. That value can often dispense with the need for a court hearing to serve at least that purpose.

3.2.9 *State Law Does Not Allow a City to Require Good Cause for a Landlord's Refusal to Renew or Extend a Fixed Term Lease*

Washington State courts have ruled that state law does not allow a city to require a landlord to have or show good cause for a refusal to renew or extend a fixed-term tenancy. *Carlstrom v. Hanline*, 98 Wn. App. 780 (Div. II 2000). In that case, the court reviewed the question under the Just Cause ordinance of the City of Seattle. The court ruled that under state law a fixed term tenancy ends upon the expiration of its term without further notice or action by the parties.³⁷ This ruling does not limit a city's ability to require a landlord to have or show good cause to terminate a month to month tenancy.

³⁶ (Bill, Cook, King County Housing Authority, personal communication, July 9, 2018)

³⁷ RCW 59.18.220 ("In all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time.").

4. EXTENDING NOTICE TO TERMINATE A MONTH-TO-MONTH TENANCY

4.1 Jurisdictions Requiring More Than 20 Days Termination Notice

Appendix B shows the range of notice periods American jurisdictions require to terminate a month to month residential tenancy. The range runs from 7 days to 90 days. 31 states require at least a 30-day notice. In comparison with the majority, the State of Washington is an outlier. It allows either party (the landlord or tenant) to terminate a residential month-to-month tenancy upon giving written notice of only 20 days. RCW 59.12.030(2).³⁸

More jurisdictions are re-examining the required notice in response to the pressures of higher growth, gentrification and displacement, tight rental markets, increasing rents and rent burdens that low income residents must face upon receiving a notice to terminate their tenancy. Vancouver and Bellingham, WA recently adopted a 60 day notice period. Portland requires 90 days for no cause terminations. State law in California requires a 30 day notice, but at least 60 days for a tenancy longer than one year. San Jose, CA requires a landlord to provide either 60 days notice with a right to arbitrate or 90 days without a right to arbitrate. The 90 day period increases to 120 days if the vacancy rate in San Jose is below 3%. The state of Colorado requires a 91 day notice for a tenancy of 1 year or longer, 28 days for a tenancy greater than 6 months but less than 1 year and 7 days for a tenancy less than 6 months.

Some notice periods vary with the reason for the termination. For example, Washington State law requires 120 day notices for a termination resulting from a condo conversion. RCW 59.18.200. In Seattle, a landlord may terminate a month-to-month tenancy with a 20 day notice for the 18 reasons named in the Good Cause ordinance and with a 90 day notice to sell the property or to occupy it.

4.2 Possible Effects on Landlords and Tenants of Longer Notice Requirements

There is little research on the effects varying notice requirements have on the interests of landlords and tenants. However, a substantial literature describes the devastating effects on tenants resulting from eviction, especially on low-income households and especially in tight rental markets.³⁹ THA received informed judgments from both landlords and tenants in Tacoma about their current experiences with the present 20 day notice period.

³⁸ North Carolina is even more of an outlier than Washington State. It allows termination of a month to month residential tenancy upon written notice of 7 days.

³⁹ *See generally*, Mathew Desmond, *Evicted: Poverty and Profit in the American City* (Crown Books 2016)

4.2.1 *Longer Notice Period Helps Tenant Find Their Next Home, Especially in a Tight Rental Market, and Avoid Homelessness or the Disastrous Effects of Forced Displacement*

In a tight rental market like Tacoma's, a tenant has dim prospects for finding housing within 20 days:

- seeking housing suitable in size, cost, and location pertinent to work, school, child care, and services;
- affording the repeated application fees;
- affording the last month's rent and security deposits;
- affording the cost of moving.

Total expenses can be several thousands of dollars. The challenge is worse for low-income tenants, tenants with weak credit, rental or criminal histories or tenants with disabilities who need a special accommodation.

The difficulties worsen further in rental markets like Tacoma's with a wide mismatch between incomes and rents. *See* Appendix A. The median renter household income in Tacoma is \$35,892,⁴⁰ substantially less than the area median household income of \$53,553⁴¹. Tacoma renter households make up nearly 50% of the total population. According to a recent report by Berk, Enterprise & Wang presented to Tacoma City Council in April 2018, 40% of Tacoma's renter population is considered rent burdened.⁴² All this coupled with the rapid escalation of housing demand caused by one of the nation's fastest growing housing markets. According to RentCafe's data Tacoma is experiencing a year-to-year rent increase of 7.7%.⁴³ This strongly indicates that Tacoma is facing a surge of involuntarily displaced residents with few affordable housing options available.

Available research suggests a strong causal link between eviction and homelessness. *See above* Section 3.2.5.

Further research shows that the effects of eviction on a person or family and their health can be disastrous. Studies conducted by MIT's Department of Urban Studies & Planning found that the stress from eviction or threat of eviction causes serious health concerns.⁴⁴ The Rapid Health Impact Assessment reports that evictions in Boston, MA are more likely to come from low income neighborhoods with higher percentages of people of color who are already more likely to suffer from physical, mental and maternal health problems. These problems compound after experiencing an eviction and persist over time.⁴⁵

⁴⁰ U.S. Census Bureau. (2012-2016) *American Community Survey 5-Year Estimates*. [Link](#)

⁴¹ [Ibid](#) (HUD 2018 AMI is \$74,600, renter AMI is unavailable for 2018).

⁴² BERK., Enterprise., Wang, F. (2018). *Affordable Housing Action Strategy Overview*. [Link](#)

⁴³ Tacoma Daily Index. (2017). *Housing Reports-Tacoma has one of the fastest growing rents in the State*. [Link](#)

⁴⁴ MIT's Dept. of Urban Studies & Planning. (2016). *Just Cause Eviction: Rapid Health Impact Assessment*. [Link](#)

⁴⁵ *Ibid*. [Link to Article](#) ("A survey of 2,700 low income urban mothers from 20 cities found that those who went through eviction had worse self-reported health, depression, and parental stress. These effects lasted over time – 2

Those most affected by evictions and involuntary displacement are at those most disadvantaged in a competitive market for housing, employment and services: low-income households, people of color and women with children. Evictions have compounding negative effects on these populations. Hartman and Robinson describe such effects as job loss, switching schools midyear with harmful effects on education, damage to credit (furthering the difficulty to rehouse) and psychological trauma associated with the forced loss of community.

4.2.2 *Increased Rent Loss and Damage During A Longer Notice Period*

Landlords, both market rate and nonprofit, including housing authorities, report that tenants are more likely to default on rent or damage the property after receiving a notice to terminate. This would mean that the risk of this loss grows with any increase in the duration of the notice period.

During the notice period, landlords retain their normal remedies for tenant misconduct or default, including 3 day notice to vacate for nonpayment of rent, 3 day notice to terminate for waste, nuisance or unlawful business, withholding the security deposit and police intervention for criminal behavior. Yet, these remedies can be slow in the face of willful default or lease violations by a tenant who knows he or she will be leaving anyway.

4.2.3 *Effect of Longer Notice Period on Weak Tenant Applicants*

A longer notice period to terminate a month-to-month tenancy may reduce a landlord's willingness to relax their standard tenant screening criteria on tenant applicants with weak credit, rental or criminal histories. This is similar to the concern that the same effect would result from a Good Cause requirement. *See above section 3.2.7.*

4.2.4 *State Law Likely Does Not Allow a City to Require a Tenant to Give More Than 20 Day Notice to Terminate a Month to Month Tenancy*

State law likely allows a city to require a **landlord** to give a notice to terminate a month to month tenancy longer than the 20 day notice contemplated by state law in RCW 59.18.200(1). State law does not likely allow a city to require the **tenant** to give a longer notice. No published court case has answered this question. The likely answer appears instead from the primary state laws governing landlord-tenant relations: Unlawful Detainer Act, Chap. 59.12 RCW; Landlord-Tenant Act, Chap. 59.18 RCW. RCW 59.18.230(1) expressly forbids any agreement that would waive a tenant's rights under Chap. 59.18 RCW. Presumably, this would preclude the waiver of the tenant right to terminate a month to month tenancy on 20 day notice set forth in RCW 59.18.200(1)(a). If a tenant cannot waive his or her right it is not likely that a city may force such a result by ordinance. More generally, Washington courts have ruled that these laws must "be strictly construed in favor of the tenant." *Everett v. Terry*, 114 Wn.2d 558, 569 (1990).

years later, evicted mothers still had higher rates of material hardship and depression than those who weren't evicted.")

5. LITERATURE REVIEW

- Barton, S. (2015). *Review of the City of East Palo Alto Rent Stabilization Program*. [Link to Article](#)
 - **Subject Matter:** This paper reviews the City of East Palo Alto's (EPA) rent stabilization program and provides recommendations for the future.
 - **Summary:** This paper states that Just Cause Eviction laws provide tenants with greater stability and protections against retaliation and excessive rent increases. The author highlights the importance of adequate community legal services because tenants are not likely to have the financial means to hire a lawyer to represent them. Recommends minimal changes to ordinance language and the development of an emergency rental assistance fund because Just Cause eviction ordinances are not sufficient to stabilize low income household and prevent homelessness or forced removal from the community.
- Calkins, Desmond & Wong. (2015). *Improving Health and Housing in South King County*. [Link to Article](#)
 - **Subject Matter:** This paper examines policies that may improve health and housing conditions in South King County.
 - **Summary:** The paper describes Seattle's Good Cause ordinance and cites violation statistics dating back to 2005. It suggests that the most positive impact is the ordinance's ability to limit displacement caused by evictions. The paper also examines enforcement costs and implementation requirements.
- Carroll, A. B. (2008). *The International Trend toward Requiring Good Cause for Tenant Eviction: Dangerous Portents for the United States?* [Link to Article](#)
 - **Subject Matter:** Observes how rent control and Good Cause ordinances have impacted European housing markets and the housing crisis and examines American trends toward regulation.
 - **Summary:** The use of Good Cause and rent controls have further stressed the housing market in Europe and has led to limited housing stock available. This report examines how the U.S has begun to implement tenant protections and suggests that these will have a disastrous effect on the economy and further tighten the housing supply.
- Mathew Desmond, *Evicted: Poverty and Profit in the American City* (Crown Books 2016)
 - **Subject Matter:** A record of a sociologist's close and extended observations of tenants and landlords in Milwaukee, Wisconsin and how their respective interests show in the workings of the local rental market.
 - **Summary:** "No moral code or ethical principle, no piece of scripture or holy teaching, can be summoned to defend what we have allowed our country to become." (page 434)

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- Friedman, R., G. (2017). *House Votes to Restrict No-Cause Evictions, Lift Ban On Rent Control*. [Link to Article](#)
 - **Subject Matter:** This news article reports on the passage of House Bill 2004 in Oregon which enforces a 60 day notice of eviction and relocation fees to tenants who are evicted with no cause.
 - **Summary:** House lawmakers in Oregon passed a bill that lifts the ban on rent control in the state of Oregon and provides some tenant protections. Representatives disagree about whether or not this bill will help solve the housing shortage and crisis in Portland and other cities in Oregon.
- Gilderbloom, I., J. (2007). *Thirty Years of Rent Control: A Survey of New Jersey Cities*. [Link to Article](#)
 - **Subject Matter:** Examines 76 rent controlled cities over a 30 year period to analyze the impacts of rent control on rents, new rental construction and quality of units.
 - Summary:** Moderate rent control had no significant impact on median monthly rent and new construction. “At best, it appears that most rent control ordinances have only succeeded in preventing rent increases that are excessive. These ordinances have also provided protection against arbitrary evictions, incentives for maintenance of rentals, and knowledge to tenants about the level of rent increases to expect in the future. Certainly, this is a small improvement for tenants who have had none of these protections in the unfettered market.”
- Gershenson, C., Greenberg, D., & Desmond, M. (2016). *Discrimination in Evictions: Empirical Evidence and Legal Challenges*. Harvard Civil Rights-Civil Liberties Law Review: volume 51. [Link to Article](#)
 - **Subject Matter:** Examines discrimination in evictions.
 - **Summary:** Discrimination in the rental market has been widely studied. Discrimination in evictions has not and this is the first article to examine racial and ethnic discrimination in eviction decisions. The authors note that discrimination in evictions is more difficult to examine due to the potential array of factors at play in eviction cases (e.g., nonpayment of rent). The article cites that Hispanic renters in predominately white Milwaukee neighborhoods were twice as likely to be evicted as those in non-white neighborhoods.
- Gunn, Steven. “*Eviction Defense for Poor Tenants: Costly Compassion or Justice Served?*”, Yale Law & Policy Review, volume 13:385, 1995:
 - **Subject Matter:** This study analyzed outcome of eviction cases in New Haven, CT comparing the economic impact of legal services for tenants.
 - **Summary:** This paper demonstrates the methodological flaws of two previous studies and demonstrates a broader understanding of the effects of tenant legal services.

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- Hartman, C., & Robinson, D. (2003). *Evictions: the hidden housing problem*. *Evictions: the Hidden Housing Problem, Housing Policy Debate*: volume 14, issue 4. [Link to Article](#)
 - **Subject Matter:** This article is a literature review of the cause and effects of evictions nationwide.
 - **Summary:** This paper identifies the lack of comprehensive data surrounding evictions in America. It pieces together much of the existing studies and resources in order to establish a comprehensive starting place for future researchers.
- Management Partners. (2017). *City of Fremont Rent Control and Just-Cause Eviction: Review of Programs*. [Link to Article](#)
 - **Subject Matter:** This paper reviews the State of California’s rent stabilization programs and Just Cause eviction programs and provides options for similar programs for the City of Fremont.
 - **Summary:** Includes Just Cause eviction matrix for several CA cities. Provides three options for the city to consider for rent control options (enhanced mediation, and two options for rent regulation/stabilization).
- MIT’s Department of Urban Studies & Planning. (2016). *Just Cause Eviction: Rapid Health Impact Assessment*. [Link to Article](#)
 - **Subject Matter:** Examines Just Cause eviction & implications for health in Boston, MA. The primary stakeholder giving input was City Life/Vida Urbana (CLVU), a community organization that works to help people in the Boston area remain in their homes, and an organizational member of the Right to Remain coalition.
 - **Summary:** This paper supports legislation for Just Cause Eviction and states that eviction or moving under threat of eviction leads to traumatic events proven to hurt health.
- National Law Center on Homelessness and Poverty. (2018). *Protect Tenants, Prevent Homelessness*. [Link to Article](#)
 - **Subject Matter:** This report explores the links between housing instability and homelessness as well as the laws that might reduce housing instability.
 - **Summary:** Strong renter’s rights can reduce housing instability, remove barriers to housing access and prevent homelessness (Just Cause Eviction, rent stabilization, guarantee right to counsel, source of income discrimination laws etc.).
- PolicyLink. (2018). *Equitable Development Toolkit*. [Link to Article](#)
 - **Subject Matter:** This paper presents a toolkit for affordable housing development and preservation.
 - **Summary:** The relevant tool is “Regulate the Private Housing Market.” Regulations identified include rent control, conversion controls and transfer taxes.
 - Highly controversial. Rent control only remains in NYC, New Jersey, Washington D.C. & California.
 - Property owners complain about bearing the cost of rent control

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- The Legal Aid Society of San Mateo County.(2016). *San Mateo County Eviction Report*. [Link to Article](#)
 - **Subject Matter:** This report identified who is being evicted in San Mateo County and how evictions have increased in recent years.
 - **Summary:** Highlights some of the health impacts of evictions and draws attention to the high number of evictions in the Silicon Valley region.
- The Oregonian. (2017). *Portland Landlords Must Pay Relocation Costs To Evict Tenants Without Cause*. [Link to Article](#)
 - **Subject Matter:** Details the relocation assistance laws enacted by Portland in 2017
 - **Summary:** Landlords provide relocation assistance if they enact no-cause evictions or increase rent by 10 percent or more in a 12-month period (\$2900-4500 but exempts landlords with one rental property), no increase over 5% unless 90 days notice given.
- Urban Habitat. (2018). *Strengthening Communities through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond*. [Link to Article](#)
 - **Subject Matter:** The goal of this policy report is to investigate and challenge common arguments against rent control and Just Cause evictions. Urban Habitat studied rent boards and policy outcomes in Berkeley, Santa Monica, and Richmond to assess the effects of the most robust programs, and to detail the work and resources required for building a new rent board.
 - **Summary:** This paper argues for rent control and tenant protections and uses data to show that rent control and Just Cause evictions continue to protect vulnerable renters and hold down rent prices in Berkeley and Santa Monica. The paper cites high profits for landlords, limited loss of rental units, no impacts on new construction, no decrease in property values, added protections for vulnerable renters and neighborhood stabilization. The article presents a case against common landlord complaints and fears regarding rent control and Just Cause eviction. In particular, the article cites that the potential loss of mom and pop rental units did not occur in Berkeley.
 - Includes Just Cause eviction and rent control map for CA.
- *Seattle Rental Housing Study* (University of Washington Center for Studies in Demography and Ecology (June 2018) [Link to Report](#)
 - **Subject Matter:** “This report summarizes a multi-method study designed to provide additional insights into prevailing dynamics in Seattle’s rental housing market. We use a mixture of qualitative and quantitative techniques to better understand the challenges faced by tenants in their efforts to locate and maintain affordable housing, and to assess landlords’ characteristics, practices, and reaction to City of Seattle (City) ordinances related to criminal background checks and move-in fees, and the First-in-Time ordinance. In the absence of consistent baseline data, a formal evaluation of these ordinances is not possible. Thus, a central goal of the project is to develop baseline information to inform the development and assessment of future ordinances. To that end, the project also reflects efforts to build new, flexible sources of data to study variations in rent across neighborhoods and time, and an effort to foster scientific collaborations to address these rental policies and practices.”

- **Summary:** The findings of the report include the following:
 - “1. Focus groups and interviews with a variety of tenant groups highlight significant barriers to accessing safe and affordable housing. High and rising costs of rent are a consistent theme and are often cited by tenants as a major factor driving their consideration to move out of Seattle.
 - “2. At the same time, barriers to housing access go well beyond high rent costs. Tenants often express frustration with the lack of transparency in the leasing process and, in absence of sufficient housing alternatives, many feel vulnerable to discrimination or other forms of maltreatment at the hands of landlords. Tenants using housing vouchers appear to be especially disadvantaged in finding affordable housing, suggesting the need to increase incentives for landlords to rent to voucher recipients.
 - “3. Although few tenants have strong familiarity with the requirements and intended outcomes of the City’s recent housing ordinances, many express skepticism about the potential for these policies to provide protection against maltreatment or to increase access to housing. Many tenants report a belief that owners and managers are adept at working around these ordinances.
 - “4. Overall, this study points to strong value in City efforts to engage with tenants, on a regular basis, to assess challenges they face in the navigation of the housing market, the operation of housing ordinances, and the resources available for tenants.
 - “5. While tenants often feel vulnerable, many of the landlords we spoke to report feeling vilified in recent public policy debates and tend to view recent City ordinances as overly punitive. Many also express the opinion that recent City housing ordinances may inadvertently reduce housing access.
 - “6. Our survey of over four thousand landlords in the Seattle area indicates that the majority of them own or manage a small number of units and/or buildings, and more than half maintain rental property as a way to supplement their main income or support their retirement.
 - “7. Recent rent increases tended to be more common, and larger, among landlords managing large- (20+ unit) and moderate-sized buildings than among landlords managing smaller buildings, and are also relatively large among landlords who manage multiple buildings. While landlords most often cited increasing taxes and repair costs as the primary motivations for rent increases, landlords managing larger buildings were especially likely to report that recent rent increases have been in response to recent City ordinances. “
 - “8. A majority of landlords report that they use a standard set of criteria in deciding to whom to rent their property, but more than half also report that they exercise flexibility in those criteria. Managers of larger buildings are more likely than managers of smaller buildings to employ standard rental criteria and are less likely to relax these criteria in a way that may allow for tenants with imperfect applicant characteristics. “

“9. In general, large majorities of landlords who responded to the survey reported feeling left out of debates about the development of the City’s housing ordinances and only 10% supported any of the central goals the City has adopted in developing new housing policies. Large majorities of landlords believe that ordinances to limit move-in fees, the First-in-Time ordinance, and the ordinance to limit criminal background checks are likely to be ineffective. Attitudes toward the First-in-Time ordinance are especially negative, with large majorities of landlords – and especially those reporting flexible rental standards – reporting that the ordinance places an undue burden on landlords and may reduce housing access for lower-income renters. About 40% of landlords have sold, or plan to sell, property in response to City ordinances governing the housing market.

“10. While landlords generally hold negative views about City ordinances related to rental-market practices, comments offered by respondents also point to considerable misinformation about the intent and operation of these ordinances. Thus, there is a clear need for outreach programs aimed at educating landlords on the operation of existing ordinances, and engaging landlords on the development of future ordinances.”

Id. at 1-2.

NOTE: The report cautions about the statistical worth of its survey results: “We caution the reader that interpretations of statistical significance typically rest on the assumption that the sample represents a random sample of the population. Although our sample is large and diverse, because it is voluntary, we cannot be certain that the sample is random. For this reason, we do not refer to statistical significance of differences in the report.” *Id. at 14.* Despite this caution, the University of Washington report is the most detailed available survey of landlords of a particular jurisdiction about the tenant protections that the survey addresses.

- Your Way Home Montgomery County & HealthSpark Foundation. (2018). *Unlocking Doors to Homelessness Prevention*. [Link to Article](#)
 - **Subject Matter:** Focuses on prevention for households at risk of eviction, does not discuss laws or regulations regarding notice or Just Cause
 - **Summary:** not relevant for regulation.

APPENDIX A

CITY OF TACOMA'S ESTIMATED RENT BURDEN-HOUSING NEED BY INCOME 2017 – 2040

2017 Household Gross Income levels ¹		No. of renter households ² % of renter population ³	Affordable Monthly Housing Payment ⁴	2017 Monthly Rental Housing Costs ⁵	Affordable Units Needed for Rent Burdened Households								
					% of rent burdened households ⁶		2017 (existing need)		2017 – 2040 (future need) ⁸		Totals (existing and future need)		
					rent burden (% of gross income that households pay for rent and utilities) ⁷								
					>30%	>50%	>30%	>50%	>30%	>50%	>30%	>50%	
Computer Programmer (\$90,420/year)		80% AMI ↓	\$2,261	\$2,017 – 4BR \$1,666 – 3BR \$1,145 – 2BR									
Area Median (AMI) Income (\$25.09/hour;\$52,200/year)			13,845 36%		\$1,305								
Starting Teacher (\$21.88/hour; \$45,500/year)					\$1,101	11%	1%	1,523	139	998	91	2,521	230
Work Force Housing Needs	Low Income; 80% AMI (\$20.07; \$41,750/year)		7,750 20%	\$1,013									
	Secretary/Admin. Asst. (\$19.18/hour;\$40,890)			\$1,012									
	Medical Lab Technician (\$17.63/hour;\$38,440)			\$988	53%	10%	4,108	775	2,671	504	6,779	1,279	
	Median Renter Household Income (\$17.26/hour; \$35,892)			\$897									
	Retail Sales (\$13.01/hour;\$34,330/year)			\$787	\$881 – 1BR								
	Very Low Income; 50% AMI (\$12.55/hour/\$26,100/year)		6,745 18%	\$634	\$773 – 0BR								
	Cook, short order (\$12.16/hour;\$25,290)			\$632									
	Home Care Aide (\$12.10/hour;\$25,253/year)			\$631	83%	39%	5,598	2,631	3,764	1,769	9,362	4,400	
	City of Tacoma Minimum Wage (\$12.00/hour;\$25,044/year)			\$626									
	Federal Poverty Line for Family of 4 (\$11.83/hour;\$24,689/year)			\$617									
Extremely Low Income; 30% AMI (\$15,650/year)	9,855 26%		\$391										
SSI Disability Income (\$750/month;\$9,007/year)		\$225		76%	64%	7,490	6,307	4,978	4,192	12,468	10,499		
TANF for Family of 3 (\$521/month; \$6252/year)		\$143											
Affordable Units Needed					18,719	9,852	12,411	6,556	31,130	16,408			
Estimated Existing Affordable Units (hard units and rental assistance vouchers) ⁹					1,300	5,200							
Net Additional Affordable Units Needed					17,419	4,652			29,830	11,208			
City of Tacoma Vision 2040 Target for Additional Affordable Rental Units											14,750		

1. U.S. Department of Labor Bureau of Labor Statistics, March 2017 Metropolitan and Nonmetropolitan Occupational Employment and Wage Estimates Tacoma, WA Metropolitan Division: http://www.bls.gov/oes/current/oes_45104.htm#19-0000
U.S. Dept. HUD CHAS Data Query Tool Tacoma, Washington 2009-2013 American Community Survey at: https://www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html
City of Tacoma Minimum Wage: <http://www.cityoftacoma.org/cms/one.aspx?objectId=89891>
SSA SSI Federal Payments Amounts For 2018 at: <https://www.ssa.gov/oact/cola/SSI.html>
Washington State DSHS Economic Services Administration TANF and Support Services: <https://www.dshs.wa.gov/esa/community-services-offices/tanf-and-support-services>
SSI Federal Payment Amounts for 2018: <https://www.ssa.gov/oact/cola/SSI.html>
U.S. Dept. HUD, FY 2017 Income Limits Summary Individual AMI at: <https://www.huduser.gov/portal/datasets/il/2017/2017summary.pdf>
U.S. Census bureau, 2012-2016 American Community Survey 5-year Estimates, Tacoma city, Washington: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

2. U.S. Housing and Urban Development 2009-2013 American Community Survey at: https://www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html

3. Tacoma has 38,195 renter households. 2009-2013 American Community Survey. The % of that total in each income tier derives from dividing the number in each tier by that total. The % and number for the top tier are households at or above 80% AMI.

4. "Housing is considered to be affordable when the cost of housing plus utilities equals no more than 30% of household [gross] income." Page 38 of Tacoma-Lakewood Consortium Consolidated Plan 2015-2019.

5. Tacoma, WA. HUD FMR FY 2018, https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2018_code/2018summary.pdf
HUD calculates Fair Market Rents (FMR) annually. "In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities." FMRs reflect the rent for the 40th percentile of the market. U.S. Housing and Urban Development,

6. U.S. Housing and Urban Development 2009-2013 American Community Survey at: https://www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html

7. Households paying >30% of their income include those paying >50%.

8. The City projects that 51,417 households will join the city by 2040. One Tacoma Comprehensive Plan, December, 2015. 49% of current city households rent. Tacoma-Lakewood Consortium Consolidated Plan 2015-2019 (page 38). Applying that % to the new households means 25,194 of them will rent. Applying the % of the current renter population in each income tier and rent burden categories estimates the number of the new renter households in each income tier that will be rent burdened.

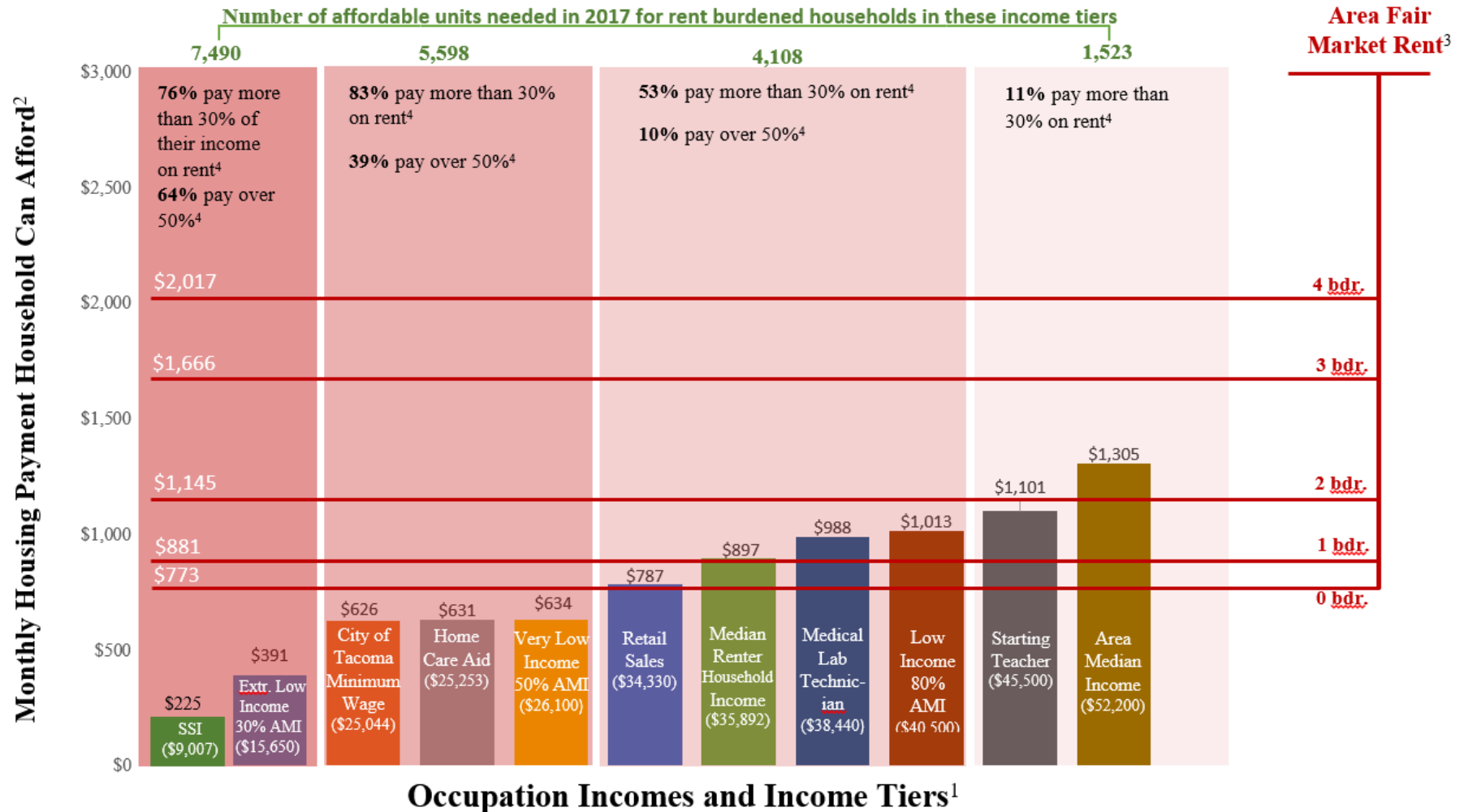
9. State of Washington HOUSING NEEDS ASSESSMENT (Washington State Department of Commerce 2015) (<http://www.commerce.wa.gov/wp-content/uploads/2016/10/AHAB-needs-urban-Tacoma.pdf>)
NOTE: The assessment reported 6,278 subsidized housing units in 2015. This includes units whose subsidy were set to expire by 2017. This does not include units built since 2015. These units are affordable to a range of incomes from zero to 80% AMI. This estimate judges that 80% are affordable to the lowest income households, which are the most rent burdened.

APPENDIX A: HOUSING NEEDS BY INCOME IN TACOMA

[AN APPENDIX OF THA'S REVIEW OF GOOD CAUSE AND NOTICE REQUIREMENTS] – Page 1

(Last Revised August 22, 2018)

CITY OF TACOMA'S ESTIMATED RENT BURDEN-HOUSING NEED BY INCOME 2017:



1. U.S. Department of Labor Bureau of Labor Statistics, March 2017 Metropolitan and Nonmetropolitan Occupational Employment and Wage Estimates Tacoma, WA Metropolitan Division: www.bls.gov/oes/current/oes_45104.htm#19-0000
 U.S. Department of Housing and Urban Development CHAS Data Query Tool Tacoma, Washington 2009-2013 American Community Survey at: www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html
 City of Tacoma Minimum Wage: www.cityoftacoma.org/cms/one.aspx?objectId=89891
 Social Security Administration SSI Federal Payments Amounts For 2018 at: www.ssa.gov/oact/cola/SSI.html
 SSI Federal Payment Amounts for 2018: www.ssa.gov/oact/cola/SSI.html
 U.S. Department of Housing and Urban Development, FY 2017 Income Limits Summary Individual AMI at: www.huduser.gov/portal/datasets/il/2017/2017summary.pdf
 U.S. Census bureau, 2012-2016 American Community Survey 5-year Estimates, Tacoma city, Washington: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

2. "Housing is considered to be affordable when the cost of housing plus utilities equals no more than 30% of household [gross] income." Page 38 of Tacoma-Lakewood Consortium Consolidated Plan 2015-2019

3. Tacoma, WA, 2018 FMR HUD calculates Fair Market Rents (FMR) annually. "In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities." FMRs reflect the rent for the 40th percentile of the market.

4. U.S. Housing and Urban Development 2009-2013 American Community Survey at: www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html

APPENDIX B
Sampling of Tenant Protection Laws in American Jurisdictions

Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
Washington State	7,400,000	\$41,061	11%	2.70%	0.82%	NO (20 DAYS)	NO	N/A	NO	Other protections: 30-day notice to raise rent.
Seattle, WA	704,000	\$51,326	13%	4.00%	0.22%	20 - 90 DAYS DEPENDING ON THE CAUSE	YES	ALL RENTAL UNITS (Does not apply to not renewing a fixed term tenancy)	YES	Other protections: Source of income discrimination, tenant relocation assistance for: demolition, major renovation or land use change for tenants >50% AMI, 60 day notice for rental increase <10%, security deposit payment in installments, CAP on move-in fees @ 10% of monthly rent, first-in-time (in court) Notice period to terminate month-to-month: 90 days to owner occupy, 20 days for substantial rehab or condo conversion, 90 days to sell the unit Local landlord retaliation law
Spokane, WA	217,108	\$26,808	20%	1.30%	1.66%	NO	NO	N/A	NO	Other protections: No additional protections beyond State law
Tacoma, WA	211,000	\$35,892	18%	3.60%	0.93%	NO	NO	N/A	YES (temporary)	Other protections: By Ordinance 28508, Tacoma temporarily requires landlords seeking to terminate (for Demolition, Substantial Fix-Up, Change of Use or Expiration of Affordability Requirements) to give tenants a 7 day notice of a chance to meet to discuss the termination, to have the meeting at least 10 days prior to the issuance of a 90 day termination notice.
Vancouver, WA	175,000	\$38,769	14%	3.00%	1.02%	60 DAYS	NO	N/A	YES	Other protections: 45-day notice of rent increase, source of income protections Notice period to terminate month-to-month: 60-day notice to vacate (landlord owns 5+ units)

Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
Bellingham, WA	87,574	\$30,125	22%	2.00%	0.67%	60 DAYS	NO	N/A	YES	Other protections: source of income protections, 60 notice for rent increase < 10% Notice period to terminate month-to-month: 60-day notice to vacate (except if the landlord lives in the unit with the tenants)
Portland, OR	640,000	\$36,883	17%	3.00%	0.81%	90 DAYS FOR NO CAUSE	NO	N/A	YES	Other protections: Landlords provide relocation assistance: if they enact no-cause evictions, increase rent by 10 percent or more in a 12-month period, lease expiration with no option to renew or replace the lease (costs are \$2900-4500. Exempts landlords with one rental property. 90 day notice required for rent increase over 5%
East Palo Alto, CA	29,765	\$47,236	17%	N/A	N/A	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	YES	ALL SINGLE AND MULTI FAMILY DWELLINGS (Does not apply to not renewing a fixed term tenancy)	YES	Other protections: rent control - one rent increase per year, rent increase capped at 80% of CPI, landlords can bank rent increases for three years if they have not increased rent
Fremont, CA	234,962	\$87,751	5%	3.90%	0.59%	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	NO	N/A	YES	Other protections: The Rent Review Program provides for a review and, if necessary, a formal hearing for proposed rent increases in excess of 5 percent in any 12-month period. Provides landlords and tenants a procedure to meet to discuss issues related to rent increases (mediation). Unclear who pays for the designated mediator. No Rent Control

Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
West Hollywood, CA	36,698	\$54,542	14%	N/A	N/A	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	YES	ALL RENTAL UNITS (Applies to not renewing a fixed term tenancy)	YES	Renters are 80% of the population. Other protections: This jurisdiction adopted rent control that addresses swings in the market. The City's rent stabilization division administers the maximum allowable rent and when rent can be increased. This varies on when the tenancy began. Mandated landlord/tenant mediation program
San Francisco, CA	870,887	\$68,324	13%	2.50%	0.25%	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	YES	ALL RENT CONTROLLED UNITS (Applies to not renewing a fixed term tenancy)	YES	Other protections: Tenants rights to relocation assistance for no-fault evictions Rent control units existing prior to 1979
Berkeley, CA	118,585	\$42,029	20%	3.00%	0.23%	30, 60 OR 90 DAYS	YES	ALL RENTAL UNITS (Applies to not renewing a fixed term tenancy)	YES	Other protections: Traditional rent control provides annual maximum rents for each unit rather than providing a maximum percentage allowed. (Usually annual increases are defined in relation to CPI or a flat rate).
San Jose, CA	1,000,000	\$60,447	11%	2.30%	0.42%	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW) 60 DAYS NOTICE INCLUDES TENANT RIGHT TO ARBITRATE OR GIVE 90 DAY NOTICE WITH NO ARBITRATE CLAUSE, 120 DAYS IF VACANCY RATE >3%	YES	PROPERTIES WITH 3+ UNITS (Applies to not renewing a fixed term tenancy)	YES	Other protections: Relocation benefits for good cause reasons based on landlord decision (rehab, owner move in, code enforcement, removal of unit) Rent Control: no increases above 5% per year Landlords must submit a notice to terminate tenancy with Good Cause with the city

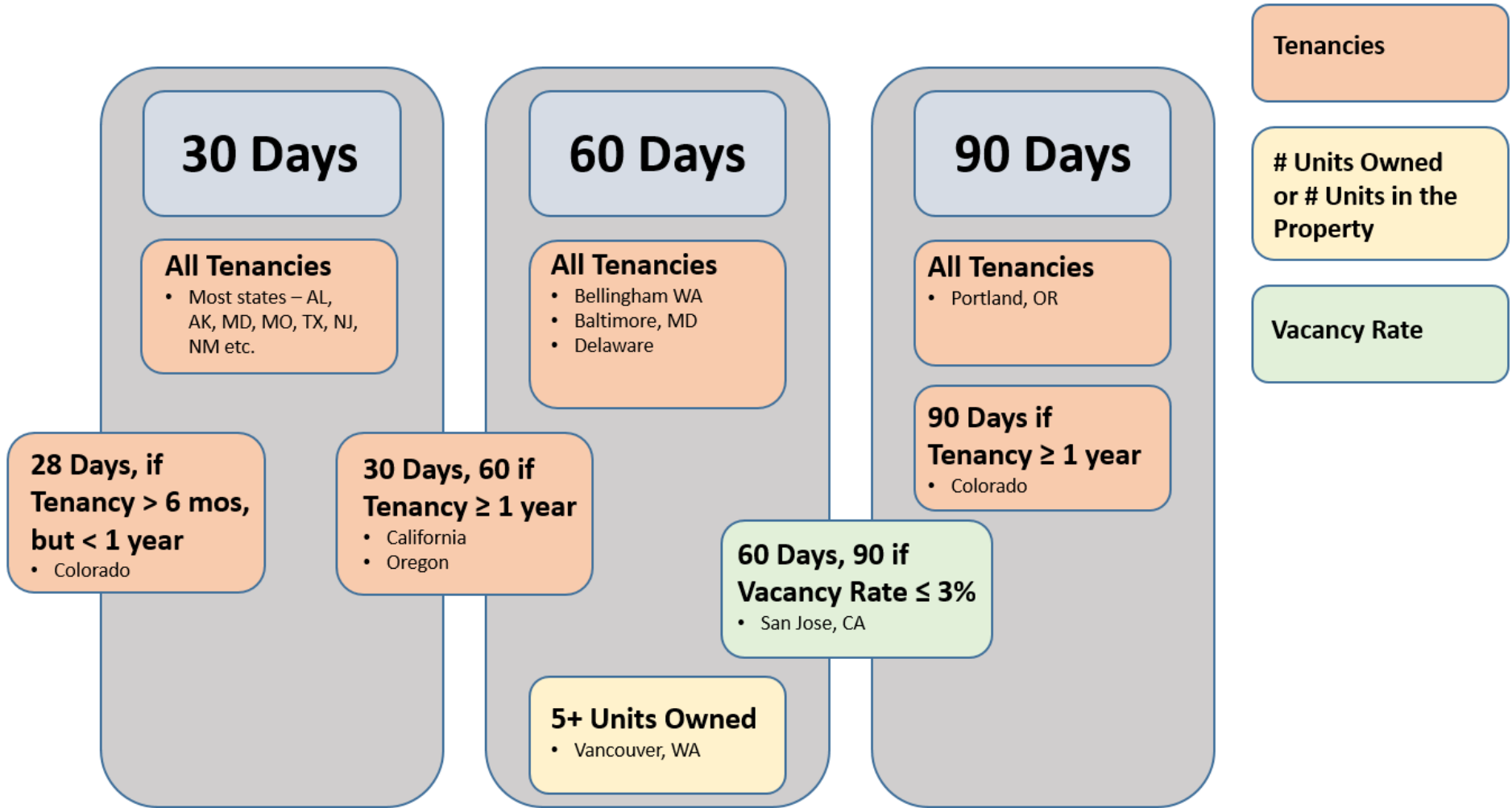
Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
Hayward, CA	158,937	\$36,950	13%	2.50%	0.94%	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	YES	PROPERTIES WITH 5+ UNITS (Does not apply to not renewing a fixed term tenancy)	YES	Other protections: Rent control (5+ units), exempts anything built after 1979 Rent controlled units can only increase rent by 5% yearly (can bank two years of increases up to 10%) Must provide a form to petition the increase Can increase rent to market value after voluntary vacancy
California State	37,253,956	\$43,419	16%	3.80%	0.83%	30 DAYS / 60 FOR TENANCY 1YR+ (STATE LAW)	AT LEAST 18 JURISDICTIONS HAVE JUST CAUSE (15/18 ALSO HAVE RENT CONTROL)	N/A	NO	Other protections: 60 day notice if tenant has resided at least 1 yr. Rent increases - 30 days for >10%, 60 days for <10%. Costa-Hawking Act Rent Control Restrictions: Single-family homes cannot be covered by rent control. Buildings built after 1995 cannot be covered by rent control, and cities that already had rent control at the time of Costa-Hawkins' passage are prevented from expanding it. All rent control laws must include "vacancy decontrol," meaning property owners can raise rents to whatever price they want once a tenant moves out of a rent-controlled unit.
New York City, NY	8,500,000	\$42,581	20%	3.40%	1.61%	30 DAYS	YES (FOR RENT STABILIZED UNITS, BUT THESE DO NOT HAVE MONTH-TO-MONTH LEASES)	ALL RENT STABILIZED UNITS (Applies to not renewing a fixed term tenancy)	YES	Other protections: Rent control and rent stabilization laws apply to a portion of properties based upon factors of building tenure. Rent stabilized tenants have a right to one or two year lease renewals
Washington D.C.	694,000	\$49,113	18%	5.80%	2.59%	30 DAYS	YES	ALL RENTAL UNITS (Applies to not renewing a fixed term tenancy)	YES	Other protections: Rent control (rent increases limited by CPI + a certain percentage) & tenants can legally challenge rent increases

APPENDIX B: SAMPLING OF TENANT PROTECTION LAWS IN AMERICAN JURISDICTIONS
[AN APPENDIX OF THA'S REVIEW OF GOOD CAUSE AND NOTICE REQUIREMENTS] – Page 4
(Last Revised August 22, 2018)

Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
Topeka, KS	126,587	\$28,994	18%	12.00%	4.30%	30 DAYS (STATE LAW)	NO	N/A	YES	Other protections: State law caps security deposit amount to one month's rent
Kansas City, MO	488,943	\$31,739	18%	5.58%	4.19%	30 DAYS	NO	N/A	NO	
Baltimore, MD	611,648	\$30,722	23%	16.00%	?	60 DAYS (Except SFRs)	NO	N/A	NO	Other protections: 60 day notice if landlord recovers dwelling for family, seeks to demolish, substantial remodel
San Diego, CA	1,419,516	\$50,692	15%	3.70%	0.67%	30 DAYS / 60 FOR TENANCY 1YR+ (State Law)	YES	YES, BUT REQUIRES AT LEAST 2 YRS OF TENANCY (Applies to not renewing a fixed term tenancy)	?	No Rent Control
Chicago, IL	2,716,450	\$35,017	22%	5.46%	1.10%	30 DAYS	NO	N/A	NO	
Boston, MA	658,279	\$40,766	21%	3.10%	1.30%	30 DAYS	CONSIDERING	N/A	YES	Good cause pertains to foreclosing owners/lenders not ordinary landlords. Considering Good Cause Eviction (approved by Boston City Council waiting for State deliberations) Other protections: Caps move in fees to first, last and security. Security is one months rent Condo conversions - elderly/disabled low income tenants granted 5 year notice & assistance finding another unit. All other tenants receive one year notice (cannot raise rent over 10% during this notice period). Relocation benefits can be granted

Jurisdiction	Population 2016	Renter Household Median Income 2016	Poverty Rate 2016	Vacancy Rate	Eviction Rate	>20 Day Notice to Terminate Month-to-Month Tenancy?	Good Cause Requirement		Other Tenant Protections	Notes
							Yes/No	Coverage		
New Jersey State	8,915,456	\$42,169	11%	5.70%	0.01%	30 DAYS	YES	ALL RENTAL UNITS (Applies to not renewing a fixed term tenancy)	NO	Other protections: Cannot evict or fail to renew a lease Rent control in some municipalities (around 1/5th) Average year rent increases are 2% and are tied to CPI
North Carolina	9,940,828	\$31,027	16.8%	7.2%	4.61%	7 DAYS	NO	N/A	NO	2 day notice for weekly tenancy 7 day notice for month-to-month 1 month notice for annual lease (all notice given upon the expiration of terms)
Colorado State	5,359,295	\$39,538	12%	4.8%	2.75%	91, 28 or 7 DAYS	NO	N/A	YES	91 days for tenancy of 1 year or longer 28 days for tenancy of 6 months or longer 7 days for tenancy of less than 6 months No requirement for notice of rent increase.
New Hampshire State	1,327,503	\$40,305	9%	4.5%	1.7%	30 DAYS	YES	<u>Not applicable to</u> (a) Single-family houses, if the owner of such a house does not own more than 3 single-family houses. (b) Rental units in an owner-occupied building containing 4 units or fewer. (d) Single-family houses acquired by banks or other mortgagees through foreclosure.	NO	

APPENDIX C.1
TENANT PROPOSALS
SUMMARY OF POLICY ALTERNATIVES:
NOTICE PERIOD TO TERMINATE A MONTH-TO-MONTH TENANCY



APPENDIX C.2
TENANT PROPOSALS
SUMMARY OF POLICY ALTERNATIVES:
GOOD CAUSE TO TERMINATE A MONTH-TO-MONTH TENANCY

