



Via email to council@burlingame.org

October 31, 2019

City of Burlingame, City Council

Re: Eviction Data Prior to Tenant Protection Act of 2019

Dear Honorable Mayor, Vice-Mayor, and Councilmembers:

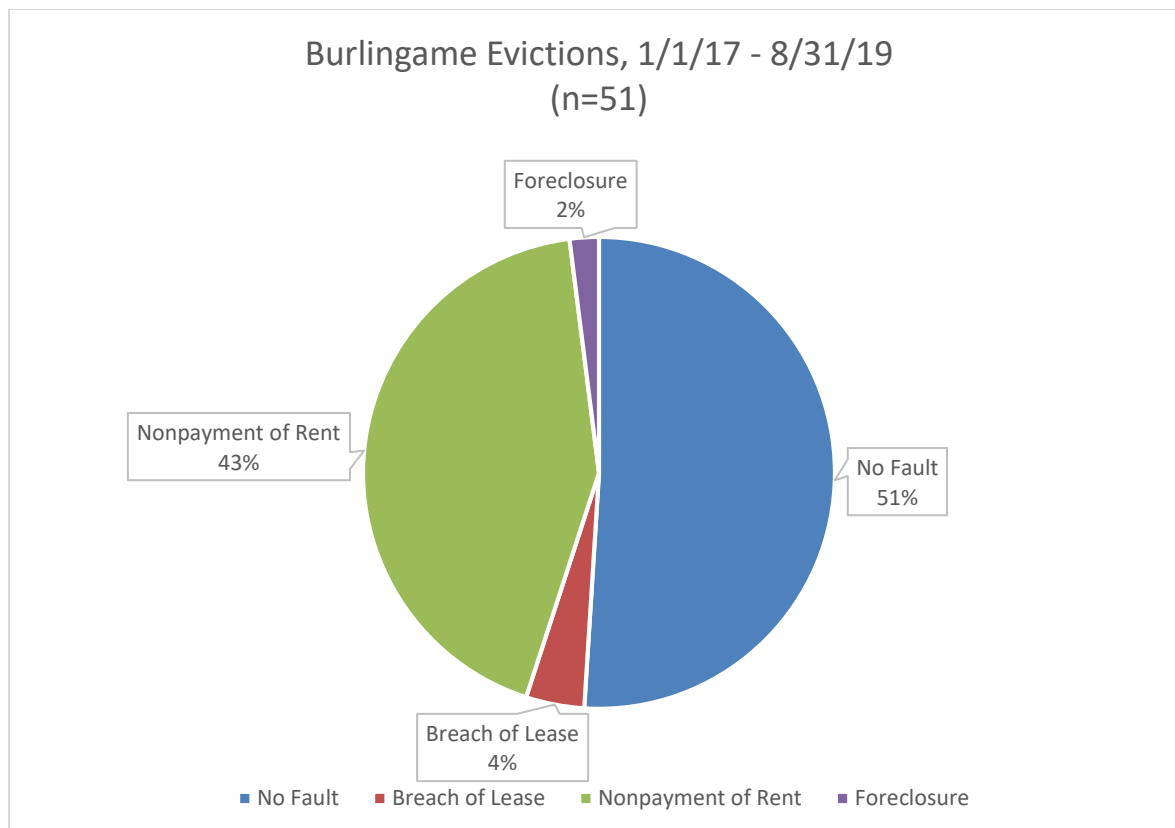
I understand that the City Council has been asked to consider an implementation plan for the Tenant Protection Act of 2019 (AB 1482), including a local urgency ordinance to make those protections immediately available to Burlingame residents. I am writing on behalf of Legal Aid Society of San Mateo County to provide eviction data relevant to your deliberations.

Legal Aid is funded by the San Mateo County Department of Housing to provide eviction defense services to low-income tenants in the County, including in Burlingame. Part of our role in providing these services is to collect and report data regarding the households that seek legal assistance through Legal Aid. Although the data we are able to provide is only a sample of the total eviction activity that occurs in the County, which cannot accurately capture the full scale of displacement, we are confident that based on the volume and duration of our data collection it is a representative sample of the demographics of households facing eviction.

The “just cause for eviction” provisions of AB 1482 are potentially the most impactful in the Burlingame rental housing landscape. No fault terminations of tenancy – in which the tenant is not alleged to have violated the lease, and usually no reason is stated by the landlord – are the most frequent type of eviction occurring in Burlingame. These are precisely the types of evictions that AB 1482 addresses, invalidating the terminations that state no reason and allowing for only narrow circumstances in which landlords may proceed with eviction for cause that is not based on tenant fault. Compliance with this new requirement will result in a significant shift in current practices in Burlingame.

Frequency of No Fault Evictions

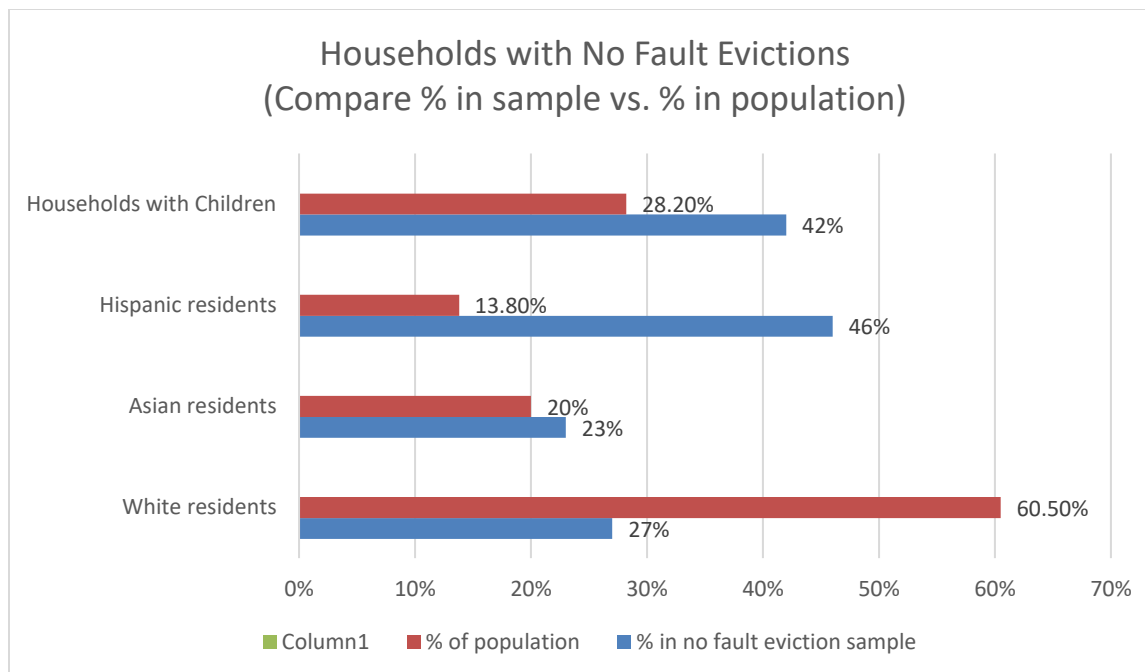
Between 1/1/17 and 8/31/19, over a period of 32 months, Legal Aid assisted 51 households in Burlingame with eviction notices (average of 1.6 per month). The reasons for eviction in these cases are summarized below:



The high frequency of no fault evictions in Burlingame over this period is very consistent with similar patterns throughout San Mateo County. For example, over the same 32 month period, 51.6% of Daly City eviction activity was based on no fault terminations, and 52.5% of Redwood City eviction activity was based on no fault terminations.

Demographic Composition of No Fault Eviction Sample

Within the no fault eviction sample of 26 households (average of 0.8 per month), high percentages of this group were families with children under 18 (11 households, or 42%), included a disabled household member (9 households, or 34.6%), or were reported by a tenant who identified as Hispanic (12 tenants, or 46%). These features of households with no fault eviction notices were disproportionately represented in the sample, compared to their representation in the Burlingame population. This pattern is also consistent with the characteristics of no fault evictions throughout the County, which are disproportionately targeted to tenants who are African American, Hispanic, disabled, and families with children. (See *San Mateo County Regional Assessment of Fair Housing*, Section II, pages 5-6, <https://housing.smcgov.org/sites/housing.smcgov.org/files/SMC%20Regional%20AFH%20Final%20Report%2020171002.pdf>).



Increased Eviction Activity Since Passage of AB 1482

In some jurisdictions, we have noted remarkable increases in the number of no fault termination notices being reported since the September 11, 2019 passage of AB 1482 by the Assembly. For example, in Daly City, we observed a more than 200% increase above the average monthly rate of reported no fault notices between 9/12/19 and 10/10/19. The January 1, 2020 implementation date of AB 1482 protections, and an effort to take advantage of the window of opportunity before tenants have greater protections, is almost certainly a factor in this surge. Real estate industry professionals have in fact encouraged landlords to do so. (See <https://www.latimes.com/business/story/2019-10-07/california-landlords-respond-to-rent-caps>).

It is difficult to state with certainty that Burlingame is experiencing a surge in eviction or rent increase activity, given that the monthly average reports to Legal Aid from this city are typically low. In September 2019, two Burlingame tenants reported receipt of no fault termination notices. In October 2019, one more was reported. This represents a small increase (1.5 average over two months, compared to 0.8 average over the prior 32 months), and indicates some Burlingame residents would be displaced on the eve of AB 1482 implementation if no protective action were taken by the City Council.

I hope this information is useful to your plans for implementing AB 1482 in Burlingame, and I invite you to contact me at sgibson@legalaidsmc.org if there is anything I can do to be of assistance.

Sincerely,
Shirley E. Gibson
Directing Attorney