Update on Tenant Protections in the Unincorporated County

2025 UPDATE ON THE CHALLENGE GRANT FELLOWSHIP STEERING COMMITTEE RECOMMENDATIONS AS DELIVERED TO THE BOARD OF SUPERVISORS, SEPTEMBER 26, 2022

Alameda County Housing & Community Development Department

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Executive Summary

After receiving direction from the Board of Supervisors and a Challenge Grant from the Partnership for the Bay's Future, Alameda County staff engaged in research and a stakeholder engagement process to analyze existing conditions in the Unincorporated County's rental market. The unincorporated area of the county represents a population of approximately 150,000 residents; 41%, or about 20,000, of which are renter households. Following their outreach and analysis, the Challenge Grant Steering Committee and Fellow produced a report for presentation to the Board in September of 2022. After the Steering Committee made their initial recommendations, the County funded a variety of outreach, education, and direct services for tenants and rental property owners funded by one-time federal funds, which will soon expire. Concurrently the Board and staff conducted further engagement and considered a variety of possible ordinances to meet the goals outlined in the original report, ultimately passing a Rental Mediation ordinance in December of 2024 and a Just Cause ordinance in February of 2025.In light of these actions, and at the direction of the Board, staff have updated this report to take account of changing conditions in the unincorporated areas, further stakeholder feedback, and the impact of the recently passed ordinances and other programs funded by the County.

This report summarizes the context of rental regulation in Unincorporated Alameda County, detailing the history of the Challenge Grant effort, the County's efforts to implement regulations, and the regional policy standards guiding adoption of tenant protections. This report further conducts a comparative survey of the rental regulations in effect at the State level and passed by each of the cities within the County, as well as an analysis of the cost and staffing necessary to feasibly enforce such regulations.

Finally, this report recommends consideration and passage of new policies and programs to better facilitate the relationship between tenants and rental property owners in the unincorporated areas of the County. These policy recommendations are based on best practices throughout the Bay Area and State, conditions on the ground in the unincorporated areas, the findings of the original Challenge Grant Steering Committee, stakeholder feedback, and direction from the Board. Each recommendation is presented with information regarding implementation and stakeholder concerns. The main recommended policies are:

- Adopt a Proactive Rental Inspection Pilot Program in Ashland, Cherryland, and Hayward Acres
- Amend the Business License Tax Ordinance to Create a Rental Registry
- Adopt Local Anti-Harassment Protections
- Expand Outreach, Education, and Legal Aid Services
- Establish Rent Stabilization or a Rent Review Board
- Establish Fair Chance Protections
- Establish an Emergency Rental Assistance Program

Section I: Background

Rental Housing Conditions in the Unincorporated County

The Unincorporated Areas of Alameda County— comprised primarily of the six Census Designated Places (CDPs) of Ashland, Cherryland, Castro Valley, Fairview, San Lorenzo, and Sunol, as well as small areas of the east County—have a total population of 147,916 as of the 2020 Decennial Census. This makes Alameda County's unincorporated population the largest in the Bay Area apart from that of Contra Costa County. Of these unincorporated residents, 41% of households, or about 20,000 households, are renters.

Overall, 43% of Unincorporated County households are lower-income, with this trend especially concentrated among renter households, 62% of which are lower-income and 21% of which are Extremely Low-Income (with incomes less than 30% of Area Median Income). According to the Housing and Urban Development Department's (HUD) Comprehensive Housing Affordability Strategy (CHAS) data, 58% of renters in the Unincorporated County live in a building with at least one Housing Problem and the majority of these tenants are lower income (49% of total renter households). A Housing Problem is defined to mean a housing cost burden, overcrowded conditions, or physical defects. Approximately 70% of housing units in the unincorporated areas are over 50 years old, an age that usually necessitates major repairs. A more complete summary of demographic information is included in Exhibit C.

As shown in the chart below, many renters in the unincorporated areas also face unaffordable housing costs, with a significant number either cost-burdened (paying more than 30% of their income towards housing costs) or severely cost-burdened (paying more than 50% of their income towards housing costs). While this level is high overall, it is especially pronounced in Ashland and Cherryland.

Cost-Burden and Severe Cost-Burden in Renter Households by CDP

	Ashland	Cherryland	San Lorenzo	Castro Valley	Fairview	Alameda County
% Renter Households Severely Cost-Burdened	27.1%	28.9%	21.6%	22.9%	24.2%	22.5%
% Renter Households Cost-Burdened	53.5%	53.5%	43.4%	46.1%	47.2%	44.4%

HUD CHAS data

In a competitive market where the supply of housing increases as demand increases, competition would hold rents to the minimum necessary to cover the operational costs and provide property owners with a reasonable profit. Such a market would also incentivize compliance with applicable laws and regular repairs, as renters in sub-optimal situations could seek alternate housing without difficulty. Due to several decades of supply not increasing with demand, Bay Area rents are abnormally high and vacancy rates remain low, leaving many renters without alternatives to costly or sub-optimal housing.

While Alameda County has invested in legal aid services through AC Housing Secure (the Countywide homeless prevention and anti-displacement legal program), evictions still outpace capacity; between July 2023 and June 2024, there were 261 eviction fillings county-wide for each tenant legal services attorney; the sustainable suggested workload is about 40 cases per year. Eviction rates have fallen since the spike just after the Eviction Moratorium ended, but they are still higher than pre-pandemic levels. Outcomes of evictions depends heavily on available tenant protections and services, as shown in the Bay Area Housing Finance Authority's (BAHFA) recent reports on Evictions and Tenant Legal Services in the Bay Area. BAHFA's work illustrates the impact of educational resources, mediation as an alternative to court, and legal aid for lower-income tenants. Legal aid is particularly vital because a large portion of tenants cannot afford representation on their own and existing legal aid providers across the Bay Area lack the resources to provide full coverage, end-to-end representation for every household who qualifies. Counties with higher investment in legal services, most especially San Francisco, have much higher rates of tenants receiving representation, which results in much lower rates of eviction filings ending in displacement or default judgements.

The Challenge Grant Steering Committee

In 2018, the Alameda County Board of Supervisors directed the Community Development Agency's (CDA) Housing and Community Development Department (HCD) to investigate tenant protections in the Unincorporated County after the AC Housing Secure Anti-Displacement program was approved. In 2019, following preliminary research, HCD applied for and received a Challenge Grant (Grant) from the Partnership for the Bay's Future to staff and fund research and analysis of options for tenant protections in the Unincorporated County.

The Grant required a Steering Committee, which began meeting in February 2020, just as the COVID-19 pandemic began. It included staff from Alameda County Public Health, Planning and Code Enforcement, Healthy Homes, Districts 3 and 4, Resources for Community Development, the nonprofit associated with the grant application, and the HCD Manager responsible for oversight of the Planning Grant. The Grant also provided a Research Fellow who was responsible for researching possible solutions as well as staffing the steering committee. The Steering Committee met monthly for over a year to identify issues and possible solutions to protect tenants from displacement. The Steering Committee heard from stakeholders across nineteen stakeholder meetings, including several meetings with My Eden Voice and groups that represented rental property owners across Alameda County (Rental Housing Association and Bay East Association of Realtors specifically).

Following this engagement, the Steering Committee prepared a list of eight recommendations for comprehensive tenant protections based on the highest needs identified by the community of the unincorporated areas of the County during the 2-year intensive community engagement process. These recommendations consisted of;

1. Creation of a Proactive Rental Inspection Program and Rental Registry
2. Passage of a Just Cause for Eviction Ordinance
3. Passage of a Rent Stabilization Ordinance
4. Establishment of a Rent Review Board and Rent Stabilization Ordinance

5. Passage of an Anti-Harassment Ordinance
6. Strengthening of a Rental Mediation Program
7. Passage of a Fair Chance Housing Ordinance
8. Strengthening of Tenant Legal Assistance Resources

The recommendations from the Challenge Grant Steering Committee were presented in 2020/2021 to the Supervisors of Districts 3 and 4. Following these meetings, the Steering Committee prepared the initial version of this report, which was brought before each of the Unincorporated County Municipal Advisory Councils (MACs) in the fall of 2021, to the Unincorporated Services Committee on September 22, 2021, and January 24, 2022, and the Joint Health and Social Services Committee in January 24, 2022.

Draft ordinances for the first phase of recommended policies were then taken to the Unincorporated Services Committee, and to the Transportation and Planning Committee on the following dates:

- Rent Registry and Proactive Rental Inspection Ordinance
  - Unincorporated County Services Committee - 3/23/22
  - Transportation and Planning Committee - 5/9/22

- Fair Chance Ordinance
  - Unincorporated County Services Committee - 5/25/22
  - Transportation and Planning Committee - 7/13/22

- Just Cause Ordinance
  - Unincorporated County Services Committee - 6/22/22
  - Transportation and Planning Committee - 7/13/22

- Revised Rental Registration Ordinance
  - Unincorporated County Services Committee - 7/27/22

At each of those hearings, the community provided significant input, with tenants universally in support of stronger protections and rental property owners in opposition to additional restrictions in combination with the COVID-19 Eviction Moratorium. Following these hearings, the original version of this report was presented to the Board in September of 2022. The report laid out a three-phased approach to implement all of the Steering Committee's recommendations over several years, with the first phase to include Just Cause, Fair Chance, and Rental Registration ordinances (after direction from the Transportation and Planning Committee to separate the Registration from the Proactive Inspection Ordinance). Future phases were anticipated to include review and development of Rent Stabilization, Anti-Harassment ordinances, and a Rent Board. The Rental Mediation ordinance was also to be explored earlier in the phasing at District 4's request. Staff anticipated the need for additional resources to implement these programs, necessitating discussion of fees throughout the process.

County Public Process

After the initial presentation of this report, the Alameda County Board of Supervisors pursued the recommended policies via a phased approach. The first phase included consideration of Just Cause for Eviction, Fair Chance, and Rent Registry ordinances—with the latter containing Anti-Harassment protections as well—as discussed by the Unincorporated Services Committee, Unincorporated MACs, and Transportation and Planning Committee.

On December 20, 2022 (Item No. 50), the Board approved a first reading of the Just Cause, Rent Registry, and Fair Chance ordinances. At the second reading of the ordinances on February 28, 2023 (Item No. 92), the motion to adopt the ordinances did not receive sufficient votes, and the Board directed staff to return to the Unincorporated Services Committee with the ordinances for further discussion to determine if a consensus could be found between rental housing providers and tenants in the Unincorporated County.

Additionally, after this direction was given, the 9th Circuit issued a decision on *Yim v. City of Seattle*, a constitutional challenge to Seattle's Fair Chance Housing Ordinance, which found that measures prohibiting rental property owners from asking tenants about their conviction or incarceration history may be unconstitutional depending on the evidence submitted in support of their passage and the viability of alternative solutions. Due to this ruling, additional consideration of Fair Chance was paused on the advice of County Counsel. HCD staff met with staff from Berkeley, Oakland and San Francisco (cities with local Fair Chance ordinances) to determine whether those cities would adjust their Fair Chance ordinances in light of the ruling. At that time, each city was considering changes to their ordinance implementation to allow the collection of past arrest and conviction history while still banning the use of such information to deny a tenant's application.

On June 28, 2023, the Unincorporated Services Committee determined that Supervisor Miley (District 4) would spearhead stakeholder meetings and return to the Board with revised versions of the Just Cause Ordinance and a Rental Mediation Ordinance. As a result, in the Fall of 2023, Supervisor Miley hosted several meetings of tenants and rental housing providers, which did not result in consensus between the parties. At that time, rental housing providers indicated that they did not want to provide information to a government agency about their business, and the Rental Registration Ordinance was put on hold. Supervisor Miley's office then contracted with an outside mediator to facilitate two stakeholder meetings with representatives from rental housing providers and tenants in the unincorporated areas, which resulted in a Just Cause ordinance that did not protect tenants living in single family rentals unless the owner of such a unit was a corporation—and thus covered by State law—and a Dispute Resolution/Mediation Ordinance. As directed by Supervisor Miley based on these meetings, both the amended Just Cause Ordinance and Dispute Resolution/Mediation Ordinance were brought before the Board on February 27, 2024, where they received 2 votes for, 2 votes against, and one abstention.

Subsequently, on March 26, 2024, the Board appointed Supervisors Haubert and Marquez to serve on an Ad Hoc Committee staffed by HCD to receive further input from members of the community regarding both the Just Cause and Dispute Resolution/Mediation Ordinances. In

total, the Committee held three stakeholder meetings. The first was held on May 1, 2024, with rental housing provider representatives. The second meeting took place on May 23, 2024, with representatives from the Unincorporated County tenant community. The third and final meeting was held on July 1, 2024, with selected representatives from both stakeholder groups. The Board received an update on the Ad Hoc Committee's progress and the feedback gathered from stakeholders on September 17, 2024, and gave direction for the drafting of further amended ordinances.

On October 22, 2024, the Board held a public hearing for the first reading of both ordinances, with amendments based on the Board's previous direction and stakeholder input. Both items were continued to November 12, 2024, when the Board voted to pass both ordinances on first read. On December 17, 2024, the Board passed the Rental Mediation Ordinance on second read, but the Just Cause ordinance was not adopted. In response to direction from Supervisors Tam and Miley, HCD staff amended the Just Cause Ordinance to reduce relocation benefits to tenants who are evicted without cause, reduce the timeline for the right of return, require a review by the CDA director within eighteen months of passage, and remove certain noticing and administrative requirements. Staff brought this amended Just Cause Ordinance back to the Board for further consideration on January 7, 2025, where it was amended on first read to add back in the expanded relocation benefits and require a review within twelve months of passage. On February 4, 2025, the Board approved the second reading of the Just Cause for Eviction ordinance.

County Provided Services

In response to stakeholder feedback and Board direction received throughout the consideration of tenant protections, Staff have contracted with service providers to provide outreach, education, legal aid, and mediation services throughout the unincorporated areas. These include:

- AC Housing Secure: on May 22, 2018, the Board approved the creation of the Alameda County Housing Secure Program, a collaboration of legal service providers led by Centro Legal de la Raza. AC Housing Secure provides legal representation, consultation, and know your rights training.
- Tenant Capacity Building: on July 26, 2022, the Board approved a contract with My Eden Voice (MEV), a community-based organizing and advocacy group, to undertake outreach, education, trainings, and organization of Unincorporated County residents, using federal American Rescue Plan Act (ARPA) funds.
- Rental Housing Provider Resource Center: on July 9, 2024, the Board approved a contract with the East Bay Rental Housing Association (EBRHA) for creation and operation of the Housing Provider Resource Center, using ARPA funds. The Center is intended to provide legal training, supportive services, and education to rental property owners.
- Mobile Home Rent Registry: on April 11, 2017, the Board updated the County's existing Mobile Home Space Rent Stabilization with a requirement for mobile home park owners to register their parks. On November 26, 2024, the Board approved a contract with Cloudbase Services to develop and administer a mobile home park registry using ARPA

funds. The mobile home park registry is now operational with full participation by all mobile home parks as of June 2025.

- Rental Dispute Mediation: on November 26, 2024, the Board approved a contract with the Center for Community Dispute Settlement (CCDS) to provide mediation for rental property owners and tenants upon request, as required by the Rental Dispute Mediation Ordinance. This contract is funded using ARPA funds.

Without the outreach and educational roles fulfilled by these programs, implementation of any further rental legislation will be significantly more difficult. As several of these programs and services are funded using ARPA funds, which must be spent by the end of 2026, additional funding streams must be identified to enable their continuation.

MTC Transit-Oriented Communities Standards

Concurrently with the County's efforts, the Metropolitan Transportation Commission (MTC) developed the Transit-Oriented Communities (TOC) Policy to support transit investments and ensure that communities around transit stations are places that support the lives of residents of all abilities, income levels, and backgrounds. Future One Bay Area Grant (OBAG) funding cycles will consider TOC compliance in award of funds; to date the County has received $31 million in OBAG funds.

The TOC guidance includes an element dedicated to "Affordable Housing Production, Preservation, and Protection Policies." To achieve full compliance under this section, MTC requires jurisdictions adopt, at minimum, two policies from a menu for each of the "3 P's" of affordable housing policy: Production, Preservation, and Protection. The Protection menu includes the following possible policy options:

- Protection Policy 1: Just Cause Eviction
- Protection Policy 2: No Net Loss and Right to Return to Demolished Homes
- Protection Policy 3: Legal Assistance for Tenants*
- Protection Policy 4: Foreclosure Assistance*
- Protection Policy 5: Rental Assistance Program*
- Protection Policy 6: Rent Stabilization
- Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities
- Protection Policy 8: Tenant Relocation Assistance
- Protection Policy 9: Mobile Home Rent Stabilization
- Protection Policy 10: Fair Housing Enforcement*
- Protection Policy 11: Tenant Anti-Harassment Protections

*Marked programs require a dedicated, ongoing source of funding. To achieve compliance with any of these programs, Alameda County would need to dedicate at least $300,000 over the four-year planning period to a program or a combination of programs. Splitting this amount of funding between programs will only result in credit being given for one program; meaning spending $100,000 on Foreclosure Assistance and $200,000 on Rental Assistance would only count as fulfilling one Protection Policy. This amount is a minimum floor to qualify and does not necessarily represent the total amount that would be needed to staff and fund a successful program.

The Just Cause Ordinance recently adopted by the Board meets the standards set by the TOC guidelines and counts as one of the two policies required. To achieve compliance, the County must adopt at least one additional protection policy or fund one program to the required level over the four-year planning period. After applying for TOC Planning Grant funding and technical assistance to support efforts to achieve compliance, Alameda County was awarded $400,000 to fund passage of Production, Preservation, and Protection policies; $120,000 of these funds will be used by HCD in support of Protection policies, specifically passage of an Anti-Harassment ordinance, with the remaining $280,000 to be used by the Planning Department in support of Production policies. On September 9, 2025, the Board approved the funding agreement with MTC for these grant funds. Pending Board direction and approval by MTC, these funds could be used to support both Anti-Harassment and other policies under the Protection heading included in this report.

Section II: Tenant Protections in Alameda County

Unincorporated Alameda County Programs & Ordinances

As mentioned in the introduction, the County has passed two tenant protection ordinances and implemented outreach and aid programs for tenants in the Unincorporated County since the beginning of the Challenge Grant process.

Just Cause Ordinance

The County's Just Cause ordinance protects eligible tenants from eviction unless there is a valid cause or a defined no-fault reason. While this ordinance substantively adopts relevant pieces of State law via reference, it does expand protections to include single-family homes owned by larger rental property owners, increase the relocation assistance due in the case of a no-fault eviction, and increase certain noticing requirements.

Rental property owners must file eviction notices with County staff under the ordinance and are kept on record by HCD. Since the passage of the ordinance, the Alameda County Superior Court has processed approximately 156 unlawful detainers cases in the Unincorporated County, while HCD staff have only received 50 notices. Since the number of unlawful detainers greatly exceeds the number of notices submitted, this suggests that there are a significant number of tenants living in or being displaced from single-family homes or other units that are not covered by the Just Cause ordinance. Additionally, the actual rate of evictions is likely higher than represented by the court record, as national research estimates that informal evictions (meaning those that do not make it to a court filling) outnumber formal evictions by a factor of three to one. Based on this estimate, the number of renters displaced since February 2025 is likely closer to 500.

Rental Dispute Mediation Ordinance

After the passage of the County's Dispute Mediation Ordinance, HCD procured and contracted with the Center for Community Dispute Settlement (CCDS) using ARPA funds to supply rental mediation services at no cost to users. While mediation is not binding, the County's ordinance does require good faith participation by both parties once a request for mediation is submitted by either stakeholder and can result in mutually agreeable resolutions that avoid court action.

Since starting in December 2024, the program has handled four cases, providing education before mediation, guiding the mediation itself, and preparing a final report. Two cases were referred by Alameda County Code Enforcement, while one came from MEV, and one from marketing by the mediation provider. The mediations' subject matters have included nonpayment of rent, habitability issues, and security deposit disputes.

Outreach

Using ARPA funds, the County funds both tenant and rental housing provider organizations to undertake outreach to local stakeholders, provide education on services and regulations, and refer interested parties to relevant programs. These contracts, with MEV and EBRHA, will end in December 2025 without additional funding.

Legal Services

Through the AC Housing Secure program, the County funds a coalition of legal aid organizations to provide counseling, know your rights training, and, when possible, representation to tenants who cannot afford such services. This is a County-wide service, though ARPA funds were used to expand resources for Unincorporated County tenants specifically. While the Board recently approved an extension of the overall countywide services contract using Boomerang funds, the additional, unincorporated-specific capacity will end without additional funding past the end of 2025. The cities of Alameda, Berkeley, Emeryville, Hayward, Livermore, Oakland, and Pleasanton have similar contracts with Centro Legal or another legal services provider to provide greater capacity to their residents over that provided by AC Housing Secure.

State Protections

While the State does provide certain overall tenant protections, the breadth, lack of specificity, or lack of resources dedicated towards proactive enforcement of these laws makes their practical application difficult.

AB 1482 and SB 567 provide overarching Just Cause and Rent Stabilization protections to many tenants in the State. AB 1482 was passed in October 2019, while SB 567 was passed in 2023 as an update and refinement of AB 1482. Together, these laws provide tenants with two forms of protections:

1. Rent Stabilization: Rental property owners cannot raise the rent for eligible tenants by more than 5% plus the change in the Consumer Price Index (CPI) each year, with the total annual allowable increase not to exceed 10%. Since January 2020, a tenant receiving the maximum allowable rent increase each year would have seen their rent increase by almost 60%. This restriction does not apply to all units, exempting single family homes not owned by corporations as well as a variety of group housing and other living arrangements.
2. Just Cause for Evictions: Rental property owners cannot evict a qualifying tenant without Just Cause; either the tenant is at-fault for one of 13 State-allowed reasons or, the tenant is evicted for one of four no-fault reasons. Only tenants in certain types of buildings are covered and only those who have lived in their home for more than twelve months. In the case of no-fault evictions, one month of relocation assistance is due from the rental property owner to the tenant. With the passage of the County's own Just Cause ordinance, State Just Cause protections are superseded by the County's protections—however the County ordinance adopts several sections of the State law by reference.

State law also provides protections against harassment via California Civil Code Sections 1940.2 and 1942.2, which prohibit rental property owners from using "force, willful threats, or menacing conduct" to influence a tenant to vacate a dwelling, as well as prohibiting a rental property owner from threatening to disclose information regarding the immigration or citizenship status of a tenant or retaliating against a tenant for exercising their legal rights.

State law, via AB 838/Health and Safety Code Section 17970.5, also mandates that local governments must inspect dwellings upon receiving a complaint of substandard building conditions or lead code violations. AB 838 mandates that a local jurisdiction must conduct an inspection and issue an inspection report to the owner or operator of a property in violation of applicable health and safety codes. The state does not fund this mandate.

All these protections are essentially a minimum protective floor; local jurisdictions can pass more protective rent stabilization, Just Cause, and anti-harassment measures but cannot enforce any local law that is less protective of tenants than these state laws. State law does occasionally limit the scope of such local protections; the most pertinent example is the Costa-Hawkins act, which precludes the application of local rent stabilization to any unit built after February 1, 1995, or any single-family home.

Enforcement of State and Local Law

Just Cause/Rent Stabilization

While SB 567 did empower City Attorneys and County Counsels to sue rental property owners for violations of state tenant protections, very few, if any, local governments, have the funding, capacity, or expertise necessary to undertake such suits. As noted by County Counsel during deliberations on the County's Just Cause Ordinance, their office is unable to enforce State or local tenant protections given their current staff capacity, funding, and core charge to provide legal counsel to the Board and County Agencies. The State has not provided funding to support local enforcement of State law and no direct enforcement at the State level is provided by any state agency. The only recourse available for tenants who believe their rights have been violated is to hire an attorney and file a lawsuit against their rental property owner for the violation. Lower-income tenants usually cannot afford to do this. AC Housing Secure, the county-wide tenant legal services program, provides defensive legal assistance to those facing an eviction or illegal rent increase, but does not have the funding or staffing necessary to pursue proactive cases or provide full legal representation to all tenants.

Anti-Harassment

Violators of State anti-harassment law are liable for punitive damages up to $2,000 along with other damages, depending on the case and pending civil action. Like statewide Just Cause and Rent Stabilization, the only means proscribed by State law for a tenant to assert their rights is to file suit against their rental property owner for a violation. AC Housing Secure, the countywide homeless prevention and anti-displacement program, is not funded to provide this service. While a tenant can call local law enforcement if harassing behavior is severe enough to constitute a criminal offense, sheriffs and police departments are not empowered to enforce State tenant protections. The lack of a clear definition in State law for what constitutes harassing behavior also puts the burden of proof on tenants to document that what they experienced was harassment under the law.

Inspections for Substandard Housing

Substandard conditions and complaints regarding rental property owner responsiveness to requests for repairs was one of the highest priority issues identified by the Steering Committee. Partly in response to the passage of AB 838, the County established a complaint-based rental housing inspection program intended to respond to complaints from renters related to housing quality, habitability, and code issues in 2023. This program meets the requirements of State law and provides a venue for tenant complaints. However, the program's effectiveness is limited due to its reliance on tenants reporting; during stakeholder engagement, tenants have consistently reported an unwillingness to report issues due to a fear of retaliation, increased rent, or eviction. Additionally, the program has not had sufficient time to build the credibility in the community necessary to be a consistent point of contact for those in crisis. AB 838 specifically prevents assessment of a fee to pay for the required, complaint-driven enforcement unless substandard conditions are found, limiting resources for enforcement action. In the case that a violation is found and not cured by a rental property owner, the protections of State Health and Safety code can be enforced by the local government or the tenant via a lawsuit. While tenants can also sue their rental property owner, break their lease, or withhold rent in response to an unsafe unit, these strategies come with significant risk to the tenant's stable housing and require resources that many tenants may not have access to.

Active vs. Passive Enforcement Models

Generally, there are two models for the implementation of tenant protection measures: passive enforcement and active enforcement.

The active enforcement approach uses extensive outreach to inform tenants and owners about their rights and obligations under the law and program regulations, maintains full and accurate records through reporting requirements for initial rents and eviction proceedings, provides mediation and dispute resolution services, and actively enforces laws and regulations when violations are found. An active model of regulation would require creation of a program to oversee the enforcement of the regulatory framework and commitment of resources towards the maintenance and provision of services.

The passive enforcement approach enforces regulations only in response to complaints, which usually find their way to the regulatory agency only in egregious cases or where tenants have contact with an advocacy organization which advises them of their rights. This approach relies heavily on tenants to assert their rights under the law in response to action by rental property owners, and comes with a burden of proof and expense for those wishing to pursue the required legal action. Without local level protections and resources committed to education, outreach, and enforcement, this is the low-touch and low-impact model that State law relies on.

While the County provides some local level protections and services, as covered in the previous section, these are largely passive. This applies to both State protections like rent stabilization and anti-harassment, and local ordinances, like the County's Just Cause Ordinance. Similarly, the County relies on a complaint driven code enforcement model to drive rental inspections.

Through the County's extensive community engagement process, the tenant community has consistently advocated for an active enforcement model. Property owners have expressed concerns with any regulation of the landlord-tenant relationship. In the case that such regulation is passed, property owners have cited the importance of clear and efficient adjudicative processes and the value of holistic housing counseling (a hallmark of active enforcement) and proactive outreach and education.

Alameda County Cities' Adopted Programs and Ordinances

As summarized in Exhibit A, most jurisdictions in the County have some form of tenant protections in addition to state law. Many are in the process of adopting additional protections as outlined in their housing elements. The menu of tenant protection ordinances proposed by the Challenge Grant Steering Committee have been utilized in many jurisdictions to respond to the severe and longstanding housing market challenges in the Bay Area and throughout California.

Program and Cost Comparisons

A comparison of program designs and associated costs for each jurisdiction in Alameda County are presented below. Cities are listed in order of their number of rental units:

Oakland
Number of Rental Units: 100,947
% of Renter Households: 58%
Median Renter Household Income: 48% of AMI
Staffing: 27 Full Time Equivalent (FTE)
Annual Fee Per Unit: $137

Oakland has an appointed Rent Board and a Rent Adjustment Program which administers *Rent Stabilization, Just Cause for Eviction, and Tenant-Anti-Harassment Ordinances*. The Rent Stabilization Program is managed by a program manager and sits within the Housing and Community Development Department. The program is supported by the City Attorney's office which provides legal advice and support. All staff members are employees of the City. The program is divided into three units which include: 1) rent registration, 2) public information (community outreach, education, and housing counseling) and 3) hearings (hearings and community mediation). The City has also contracted with East Bay Community Law Center (EBCLC) and Centro Legal de la Raza to provide additional legal assistance.

The City recently amended its Rent Stabilization ordinance to require rental property owners to register their units and tenancy information with the Rent Program and is currently in negotiations with a third-party contractor to develop the rent registry database.

Upon adoption of its ordinances, Oakland had a passive enforcement approach, however as the housing affordability crisis heightened, this approach was not equipped to address the issues facing tenants and rental property owners, as shown by an internal audit which uncovered deficiencies in the program's operations. As a result, the city converted the Rent Adjustment Program to an active enforcement program. Subsequently all audit findings were cleared, and the

program operations are currently highly regarded by both tenant and rental property owner groups.

The City is exploring creation of a proactive rental inspection program which would be administered by the Code Enforcement Services Division of the Planning and Building Department.

Fremont
Number of Rental Units: 30,635
% of Renter Households: 40%
Median Renter Household Income: 89% of AMI
Staffing: None
Annual Fee Per Unit: $12

The Housing Department under the leadership of the Community Development Director, administers the city's Rent Review Program which entitles tenants to a mandatory review of a contested rent increase and creates *just cause, tenant anti-harassment, and tenant anti-retaliation protections*. While the City places no caps on rent increases, a tenant may request a rent review of the rental property owner's proposed rent increase, and the parties are required to participate in a conciliation or informal mediation process. If the parties cannot resolve their dispute at this stage, the tenant may request formal mediation. The City contracts with three separate independent mediators on an as-needed basis, with a maximum program budget of $75,000 annually. Agreements resulting from either a conciliation or mediation process are non-binding.

City of Berkeley
Number of Rental Units: 25,500
% of Renter Households: 57%
Median Renter Household Income: 44% of AMI
Staffing: 25 FTE
Annual Fee Per Unit: $250

Berkeley has an elected Rent Board and a Rent Stabilization Program which administers the Rent Stabilization, Registration, and Just Cause Ordinance. The Rent Stabilization Program is managed by an Executive Director, and the program has independent staff attorneys to provide legal advice and litigation support. All staff members are employees of the City. This program is divided into three units which include: 1) rent registration, 2) public information (community outreach, education, and housing counseling), and 3) hearings (hearings and community mediation). The City also contracts with EBCLC and the Eviction Defense Center to provide additional legal assistance.

The City has a proactive rental inspection program administered by the Department of Planning and Development.

Hayward
Number of Rental Units: 21,297
% of Renter Households: 43%

Median Renter Household Income: 58% of AMI
Staffing: 3.5 FTEs working on Rent Review Team
Annual Fee Per Unit: $66 per Covered Rental Unit (protected by the Rent Stabilization and Tenant Protection Ordinance); $32 per Noncovered Rental Unit

The City of Hayward's Housing Division administers the Residential Rent Stabilization & Tenant Protection Ordinance (RRSO), which *caps annual rent increases to 5% and limits evictions* to only those permitted under the ordinance or state law. The RRSO also consists of *anti-harassment and retaliation provisions and prohibits rental property owners from discriminating against tenants based on their source of income*. The City has partnered with Centro Legal de la Raza to provide tenant legal assistance using $500,000 in one time ARPA funds and Project Sentinel ($180,000 annually), which provides administrative support, education regarding tenant and rental property owner rights and responsibilities, and mediation and arbitration services to resolve disputes regarding rent increases.

In addition to the RRSO, the City passed the Tenant Relocation Assistance Ordinance in 2020, which mandates that *rental property owners provide relocation assistance when tenants face no-fault evictions*, *displacement due to the need for substantial repairs to the unit, or displacement due to health and safety violations*. Effective January 2025, the City amended the ordinance to streamline the requirements for relocation assistance.

City of Alameda
Number of Rental Units: 15,194
% of Renter Households: 51%
Median Renter Household Income: 69% of AMI
Staffing: 9.5 FTE
Annual Fee Per Unit: $114 - $170

The City of Alameda's Rent Program administers the City's Rent Control, Limitations on Evictions and Relocation Payments to Certain Displaced Tenants Ordinance. This ordinance *imposes a limit on rent increases for most rental units, prevents rental property owners from terminating a tenancy except on certain allowable grounds, and requires relocation payments when a tenant is displaced through no fault of their own*. The Rent Program is managed by an Executive Director who reports to the City Attorney. All staff members are employees of the City. The Rent Program administers hearings on petitions for upward or downward rent adjustments, and hearing officers issue binding decisions. Property owners are required to register their units and tenancy information in a rent registry administered by the Rent Program. During the 2024 calendar year, Alameda's Rent Program handled over 8,900 inquiries from the public and held 33 hearings. The City of Alameda also contracts with EBCLC to provide legal services to lower-income tenants.

San Leandro
Number of Rental Units: 12,882
% of Renter Households: 42%
Median Renter Household Income: 53% of AMI

Staffing: 1 FTE (2 additional FTE anticipated with launch of the Rent Registry in 2026)
Annual Fee Per Unit: Fee study in progress in support of Rent Registry launch

Through the Rent Review Program, tenants may *request a review* if their rent is increased by more than 7% or if the increase occurs less than 12 months after the previous one. *Rent disputes are heard by the Rent Review Board*, whose members are appointed by the mayor. The Board's role is to mediate the dispute and issue a non-binding recommendation. If both parties agree, the outcome is documented in a written agreement. Neither the City nor the Board is a party to the agreement, nor do they have any enforcement role. The program is administered by staff in the Housing Services Division of the Community Development Department. Rent Registry was approved in April 2025, launching in January 2026.

Pleasanton
Number of Rental Units: 9,086
% of Renter Households: 33%
Median Renter Household Income: 84% of AMI
Staffing: 1 FTE
Annual Fee Per Unit: No Fee

Pleasanton contracts with ECHO Housing to provide Fair Housing and Tenant-Landlord counseling (annual funding: $40,000), and with Centro Legal de la Raza to provide legal assistance to tenants (annual funding: $45,000).

Livermore
Number of Rental Units: 8,634
% of Renter Households: 28%
Median Renter Household Income: 63% of AMI
Staffing: No Staff (1 FTE anticipated pending hiring for evaluation/implementation of tenant protections identified in Housing Element)
Annual Fee Per Unit: No Fee

Livermore's Sixth Cycle Housing Element includes commitments to explore passage of a tenant protection ordinance and rental registry.

Union City
Number of Rental Units: 6,987
% of Renter Households: 33%
Median Renter Household Income: 73% of AMI Staffing: None
Annual Fee Per Unit: $20 ($10 – rent review; $10 – eviction protection)

The Housing Division under the leadership of the Economic Community Development Director, administers the city's Residential Rent Review and Residential Landlord and Tenant Relations Ordinances which entitle tenants to a *mandatory review of a contested rent increase and create just cause, tenant anti-harassment, and tenant anti-retaliation protections*. Union City has adopted an ordinance that allows a tenant to request a rent review of the rental property owner's proposed rent increase if that increase is 1) more than 7% of the base rent; or 2) follows a prior

rent increase or rent increases imposed within the previous twelve-month period where the combined rent increases are more than 7% of the base rent paid prior to the first rent increase of the twelve-month period. If a rent review is requested, the parties are required to participate in a conciliation or information mediation process. Agreements resulting from either a conciliation or mediation process are non-binding. The city does not have a hearings unit or any official adjudicative process, and mediation is contracted to a third-party mediation service provider

Dublin
Number of Rental Units: 8,307
% of Renter Households: 35%
Median Renter Household Income: 93% of AMI
Staffing: NA
Annual Fee Per Unit: NA

Dublin contracts with ECHO housing to perform voluntary mediation.

Emeryville
Number of Rental Units: 5,320
% of Renter Households: 70%
Median Renter Household Income: 76% of AMI
Staffing: 1 FTE
Annual Fee Per Unit: No Fee

The City of Emeryville adopted a Landlord and Tenant Relations Ordinance in 2017, which outlines *Just Cause Eviction, No Fault Eviction, Right to Return, Tenant Relocation Assistance and Anti-Harassment standards*. The City has contracted with ECHO Housing ($30,000 annual) to provide technical support to all Emeryville tenants and rental property owners seeking to navigate the City's Landlord and Tenant Relations Ordinance. The City Council has directed staff to modify the Landlord and Tenant Relations Ordinance, by adding a Tenants Right to Organize policy, and by making other modifications to the existing standards which will expand tenant protections. These modifications will be brought forth to City Council for final approval by June 30, 2026. The City also previously contracted with the East Bay Community Law Center for tenant legal services and mediation, halting this contract due to capacity issues.

Newark
Number of Rental Units: 4,602
% of Renter Households: 30%
Median Renter Household Income: 80% of AMI
Staffing: 1 FTE
Annual Fee Per Unit: No Fee

Newark is currently considering passage of a variety of tenant protections including Rent Stabilization, Rent Review, and Rental Inspection. Currently the City is conducting stakeholder outreach and developing ordinances. There is no anticipated fee.

City of Albany

Number of Rental Units: 3,559
% of Renter Households: 46%
Median Renter Household Income: 71% of AMI
Staffing: No dedicated staffing
Annual Fee Per Unit: $15

The City of Albany currently has a Rent Review program administered by ECHO housing, funded by the per unit fee collected via business license tax. The City's contract with ECHO Housing is for approximately $34,000 a year, which also supports Albany CARES, the initial point of contact, service navigation, and homeless referral system for the City. Tenants may request mediation in response to a rent increase of 5% or more within a 12-month period. Mediation results are nonbinding. Currently the City is considering a redesign of the Rent Review program as well as implementation of Rent Stabilization, Just Cause, and a variety of other tenant protections.

Piedmont
Number of Rental Units: 372
% of Renter Households: 10%
Median Renter Household Income: 169% of AMI
Staffing: 0 FTE
Annual Fee Per Unit: No Fee

Piedmont has no local tenant regulations but complies with State protections and conducts code enforcement as needed.

Section III: Recommendations

The programs recommended for adoption in this section are based on the conclusions reached by the original Challenge Grant Steering Committee, input from stakeholders, direction from the Board, and research conducted by staff.

1. Adopt a Proactive Rental Inspection Pilot Program in Ashland, Cherryland, and Hayward Acres

The number one recommendation from the Challenge Grant Steering Committee was to adopt a "Pro Active Rental Inspection and Rental Registration" Ordinance. On May 9, 2022, the Transportation and Planning Committee of the Board recommended that instead of a proactive rental inspection program, it should minimally be complaint based until verified that there was in fact a habitability problem as reported by the tenants. At the T&P committee, the two programs were recommended to be uncoupled so that rental registration could move ahead without pro-active rental inspection. The rental inspection portion of this ordinance was adapted into the pilot, complaint-based rental housing inspection program approved by the Board on March 9, 2023. This program, funded by ARPA through December 2024, responded to complaints from renters related to housing quality, habitability, and code issues, as required by the passage of AB 838. This pilot was administered by CDA Code Enforcement staff in the Planning Department.

In May 2025 a report to the Transportation and Planning Committee by Code Enforcement staff indicated that the program had handled more than a hundred calls per year in the first two years of operation. As noted by staff at the time, this volume may indicate a lack of awareness of the program, as permeation of such information to the community targeted can take several years. Program utilization may also be related to the reliance of the program on tenant reporting; research indicates that complaint-based programs have limited impact due to insufficient program exposure among populations most in need of services and tenant unwillingness to risk retaliation for reporting issues. In contrast, proactive rental inspection programs do not rely on tenant reporting but inspect some rental units each year; usually a randomly chosen subset of the total rental housing stock.

Staff recommend creation of a Proactive Rental Inspection pilot program to cover Ashland, Cherryland and Hayward Acres over three and a half years. These areas are collectively home to approximately 8,000 rental units, and it is expected that these units would all be inspected at least once in the three-and-a-half-year program. Implementation of the program will require rental registration information, which is recommended via the Business License Tax in the next section.

This proposal largely mirrors the version proposed to the Transportation and Planning Committee in May 2022 with the following recommended refinements:

- Inclusion of Rights and Responsibilities section per discussions between District 4 and stakeholders
- Addition of an Appeals Board

- Definition and requirements for properties that fail inspection multiple times
- Inclusion of statements specifying that retaliation and harassment of tenants for reporting issues are against the law
- Inclusion of Bedbug notification language required by State law
- Alignment with the Business License Tax Ordinance and registration system
- Inclusion of statement that information collected, to the extent it is not already, is not a public record and shall be retained by the county as confidential
- Inclusion of state noticing requirements for owner to enter the property

Intersection with other Policies:

- A Rent Registry is necessary for the effective implementation of a proactive code enforcement program, as without it there is no way to track data or ensure all rental residences are inspected regularly.
- While the County's Just Cause Ordinance requires two months of relocation be paid to tenants evicted for no-fault reasons, additional assistance may be necessary in the case of evictions due to an inspection finding that a unit cannot be legally rented.

Tenant Concerns:

- Tenants have consistently pointed to the need for a proactive inspection program, citing the fear of retaliation among vulnerable populations which prevents reporting, especially in units not covered by Just Cause or other protections
- Tenants specifically supported
    - Inspections focusing on habitability issues
    - Removal of self-certification as an option for compliance
    - The guarantee of tenants rights throughout the inspection process

Property Owner Concerns:

- Property owners feel that proactive inspections are unnecessary given existing authority for code enforcement inspectors to inspect properties on a complaint basis. They also frequently cited the additional cost and bureaucratic burden on property owners of standing up such a program.

Program Design:

- What areas should be covered?
- How often should inspections be performed?
- What level of fines are levied for non-compliance?
- Will there be assistance offered for lower-income property owners who are required to take action to address issues identified?
- Will a fee for property owners be charged?

Implementation:

- Adopt a Pilot Proactive Rental Inspection Ordinance for Ashland, Cherryland, and Hayward Acres (Estimated 8,000 rental units total).

- Continue Reactive Pilot Rental Inspection Services in the rest of the Unincorporated County
- Provide additional outreach and education about the program
- Staff the Program: Based on an inspection every 2 years for apartments and every-3 years for single family homes years, approximately 8,000 rental units will require 3.5 staff to implement (3 FTE Inspectors and .5 FTE Support for scheduling and communication).
- Establish a Funding Source

2. Amend the Business License Tax Ordinance to Create a Rental Registry System

Rental registration programs require rental property owners to register their rental businesses and properties with the local government by submitting basic information about the property, such as how to reach the property owners in the event of an emergency, the number of units in the property, and the size of the units. Exhibit B summarizes the data commonly collected by rental registries around California. Rental registries can be especially useful in the implementation of other programs, as it enables clear tracking of what units are covered by State and local protections—such as Just Cause—and which units have been inspected as part of proactive or reactive code enforcement.

At the request of District 4, staff have evaluated the possibility of combining a rental registry with the County's existing Business License Tax (BLT) system. BLT systems are routinely used by Cities and Counties to collect required tax payments along with basic information regarding business ownership and gross receipts. Every city within the county currently requires payment of some level of Business License Tax by operators of rented residences.

HCD staff met with the Treasurer-Tax Collector several times to discuss the integration of the BLT and a rent registry. Treasurer-Tax Collector staff noted that, due to State tax law, tax systems (inclusive of the BLT) cannot share access to their data for other non-tax purposes such as a rental registry. However, a BLT system can, under certain configurations, serve as a point of data entry to a companion business and rental registry system that runs in alignment with the BLT. The County's current BLT system operator, HdL, could provide this type of service. Doing so would require amending the current contract with HdL to include operation of the companion rental registry system and to upgrade the current BLT system to their modern cloud-based platform. During review of other online system providers, staff was unable to identify another vendor that provides both BLT and Business and Rental registry systems.

Intersection with other Policies:

- Establishment of a rental registry would impact the implementation of each other ordinance or program discussed in this report, notably by;
    - Providing a complete picture of units covered and not covered by local and state protections including Just Cause and Rent Stabilization
    - Enabling dissemination of outreach and educational materials to property owners and tenants directly

- Providing the list of rental properties needed to undertake a proactive inspection program

Tenant Concerns:

- Tenants have pushed for the establishment of a rent registry as a reliable way to police bad actors and track data trends over time. Specifically they are concerned that property owners are not held accountable, as complaint-based systems rely on tenants to report or take action to correct bad behavior.

Property Owner Concerns:

- Property owners feel that a rental registry is unnecessary, asserting that local government already has access to necessary information. They also worry about government overreach, invasive collection of data, and the cost of establishing such an expensive new government function.

Program Design and Enforcement:

- What incentives are there to ensure registration with the registry? Many jurisdictions do not allow unregistered rental property owners to raise rents or process an eviction or otherwise levy fines or citations for non-registration.

Implementation:

- **Amend the Business License Tax Ordinance**: Minor changes to the existing ordinance would be required to effectively stand up a registry system with the BLT. This would also require upgrading the BLT system and executing a sole source contract with the same provider to operate both the BLT and registry. Staff have estimated an approximate annual cost of $180,000.
- **Fund Outreach, Engagement and Education:** Currently the county funds a contract with East Bay Rental Properties Association (EBHRA) to provide a rental property owner resource center and a tenant engagement and education sub-contract through AC Housing Secure in the Unincorporated County through December 2025 with federal ARPA funding. Staff recommend continuation of this program for outreach, engagement and education but require a funding source.

3. Adopt Local Anti-Harassment Protections

While there is existing State law prohibiting rental property owners from using threats or intimidation for the purpose of influencing tenants to vacate a unit, harassment continues to be an issue of concern for tenants and driver of informal evictions in many communities. Furthermore, enforcement of the state laws requires that tenants file a lawsuit against their rental property owner, something many lower-income tenants do not have sufficient resources to do. Local anti-harassment ordinances usually define prohibited actions and behaviors such as refusal to provide a written, signed lease agreement, retaliatory evictions in response to a tenant asserting their rights under the law, removal of services included in the lease agreement, or illegal lockouts. As discussed in Section I, Alameda County received an MTC grant to explore an Anti-Harassment Ordinance, with the goal of passing one to ensure compliance with TOC guidelines. To support

jurisdictions achieving TOC compliance, MTC has drafted a template ordinance which defines many common harassing behaviors.

Intersection with other Policies:

- Anti-Harassment may make other protections easier to implement, as protected tenants will feel secure in their ability to assert their rights

Tenant Concerns:

- Tenants feel unable to exercise their rights due to the danger of harassment or retaliation. These fears are especially pronounced among immigrant households. Further, they feel that current state law has not been sufficient to discourage property owners from using intimidation and threats to avoid making habitability improvements or addressing longstanding issues
- Tenants have also noted the need for local enforcement or assistance with legal costs for low- income tenants, specifically funding for proactive legal aid (which is not currently available under AC Housing Secure)

Property Owner Concerns:

- Property owners have stated that State and federal law already protects tenants from harassment; there is no need for further local protections that could be onerous for property owners.

Program Design:

- What behaviors are defined by the ordinance?
- What penalties will be imposed on violators?
- Will there be any proactive enforcement of the ordinance?

Implementation:

- Explore Anti-Harassment ordinances with the MTC Grant
- Develop and adopt an Anti-Harassment ordinance

4. Establish Fair Chance Protections

Fair Chance legislation regulates when and how a rental property owner may ask about and use arrest and conviction records in housing decisions. Such ordinances often prohibit the use of criminal histories for most offenses in determining access to housing and ban the use of advertising language that excludes or discriminates against individuals with criminal histories including arrest and conviction records.

State law offers limited protection for renters with criminal histories. Rental property owners are banned from categorically denying housing to those who were formerly incarcerated but may deny housing to individuals convicted of a "specific crime that is a demonstratable risk to other residents or the property." Under State law, local jurisdictions may create a more protective framework and many cities throughout California have adopted their own Fair Chance laws and regulations. In response to the case law which halted consideration of Fair Chance previously,

HCD Staff facilitated a meeting with County Counsel and Just Cities staff, due to Just Cities' experience working on similar ordinances in neighboring jurisdictions. As a result of this discussion, staff recommends taking action to assure successful implementation, specifically, consideration of a new ordinance should include reference to specific policy goals served by passage of Fair Chance protections, detail the process for consideration—including that undertaken previously and outlined earlier in this report—and discuss the alternative approaches that were considered and why they were not pursued.

As covered previously, a Fair Chance ordinance was previously considered by the Board of Supervisors in 2022 and passed on a first reading in December of 2022. This Fair Chance Ordinance could be brought back for a second read provided there are no substantial changes made.

The purposes of the Fair Chance ordinance are to:

- Create local enforcement/recourse for tenants who have experienced discrimination based on past involvement with the criminal justice system.
- Increase housing access for formerly incarcerated individuals and their families.
- Reduce homelessness and family separation that result from blanket exclusion of housing applicants based solely on criminal background checks.
- Reduce recidivism by removing structural barriers to stable housing. Provide formerly incarcerated people with a fair opportunity to reclaim their lives and effectively reintegrate into the wider community.

Tenant Concerns:

- Tenants have consistently supported passage of Fair Chance ordinance, specifically requesting the ordinance allow close family members, regardless of location, to have a claim under the ordinance even when they do not reside at the unit. This is the way the law is already structured in the City of Berkeley.
- Tenants have also requested that entities receiving funding from Alameda County should also be required to participate in the Fair Chance ordinance requirements.

Property Owner Concern:

- Property owners are against passage of fair chance protections, specifically noting that properties with four units or less should be exempt, the ordinance could result in unlimited subletting, and the passage of such protections removes control from rental property owners while increasing their liability.

Program Design:

- Should Fair Chance cover all units or a subset?
- Will the County provide funding for legal services related to the ordinance?
- What education or navigation assistance will be provided at the start of implementation?

Implementation:

- Complaint Process: Fair Chance ordinances are usually implemented through private parties with affected rental applicants able to exercise a private right of

action (a lawsuit) against a rental property owner who discriminates based on prior criminal history. Most parties are assisted by lawyers and

- The City Attorney/County Counsel can also be empowered to bring a lawsuit on behalf of the aggrieved party to enforce the ordinance. Oakland, the first city in California to adopt a Fair Chance Ordinance, includes such a provision.
- Education: A public education and outreach component is needed to ensure that both tenants and property owners are aware of the ordinance and how to access information and support to ensure compliance.

5. Establish a Rent Review Program or Rent Stabilization

The purpose of a Rent Stabilization ordinance is to limit the frequency and percentage rate of rent increases and promote neighborhood and community stability, healthy housing, and affordability for renters. This is accomplished by controlling rent increases while ensuring rental property owners a fair and reasonable return on their investment. State law (AB1482) provides such protections to tenants living in multi-family housing, older than 15 years, with at least 12 months of tenancy. In most cities in California where rent stabilization is adopted, a Rent Board or a designated Hearing Officer is established to adjudicate landlord-tenant rent disputes, hear appeals and render decisions.

Some cities, such as Union City and Fremont, have instead adopted a Rent Review program which functions similarly to a mediation program overseen by an appointed board. These programs provide a route for tenants to dispute rent but do not provide legal provisions regarding how rents are set and adjusted nor a means for enforcement. In the absence of further legislation governing rent increases, should a tenant find that the rent review process does not yield a satisfactory outcome, they have no further recourse.

Most rent stabilization frameworks allow property owners to increase rents beyond the established rent caps to cover capital improvements and increased housing services and expenses. Tenants may also file a petition for a rent decrease for illegal rent increases or decreased housing services. These increases are monitored through a hearings process where a petitioner files with the local rent stabilization program and the case is decided by a hearing officer. If either party wants to appeal the hearing officer's decision, the case is heard by the established rent stabilization board (some jurisdictions have also referred to these adjudicative bodies as rent arbitration or rent review boards). If either party wishes to appeal the board's decision, the case is then heard by the Superior Court.

Intersection with other Policies:

- Rent Stabilization and Just Cause ordinances work together to prevent displacement of vulnerable tenants
- A rent registry is key to enabling staff to monitor compliance with a rent stabilization ordinance. By requiring baseline rent data – either initial rent for a tenancy or current rent – staff can calculate lawful rent increases.

Tenant Concern:

- Tenants have consistently maintained that the State rent limits in AB1482 are too high, advocating for a lower cap of 60% of CPI or 3%, whichever is lower.

Property Owner Concerns:

- Property owners have stated that AB 1482 provides an appropriate 10% rent cap, and further caps would disincentivize property owners from investing in their properties.
- They have additionally noted that a rent stabilization ordinance should not be based on the mobile home rent stabilization ordinance, as the 4% cap does not reflect the more intensive work required to maintain the property of rental units compared to that required to maintain a mobile home park.
- Property owners have advocated for establishment of a Rent Review program instead of rent stabilization.

Program Design:

- Rent Stabilization or Rent Review Program?
- If Rent Stabilization, what should the allowable rent increase be?
- For what reasons would property owners be allowed to petition for an increase above the cap?
- Is banking of increases allowed?
- Which units are covered and which are exempt?
- Do rent increases require specific notice requirements be met?

Implementation:

- Decide on Rent Stabilization or Rent Review
- Develop and adopt an ordinance
- Intake Process: Contract out the review and assessment process to ECHO Housing as part of the Fair Housing Contract.
- Hearing Process: the adjudicative process should be drafted to outline the administrative procedures for scheduling of hearings, notifications required, and timing for appeals.
- Public education: promulgate public information and outreach to ensure tenants and property owners are aware of any ordinance, have accessible information to understand how the law impacts them, and assistance in determining how to exercise their rights under the law.
- Staffing: If the review process is contracted out, the oversight duties could fall into the work of the single FTE that is overseeing the rental registration contracts.

6. Expand Outreach, Education, and Legal Aid Services

As covered in Section II, Alameda County has invested in outreach, education, and mediation services significantly in the last few years. However, most of these programs are supported by ARPA funds that will expire in 2026. Additionally, the rollout of new protections and effective utilization of existing protections, especially by lower-income tenants, may require ongoing and heightened support. Continued funding for the Mediation Program, the Housing Provider

Resource Center and MEV would ensure that information regarding new programs can be easily promulgated to relevant stakeholders and provide a first point of contact for those in need of education. Expansion of legal services is of special importance under this heading, as many of the programs suggested or under consideration will continue to rely on enforcement through the courts. As noted in the BAHFA reports cited earlier, current legal resources provide important services but do not have the capacity necessary to support every qualifying resident in need of full scope representation.

Intersection with other Policies:

- Further investment in legal services directly supports the utilization of the Just Cause, Rent Stabilization, Anti-Harassment, and Fair Chance protections, as such services ensure tenants have the support necessary to claim their rights under the law.
- Expanding education and outreach supports the implementation of all protection measures as it allows greater stakeholder engagement, promulgation of program materials, and points of contact for questions. This is especially useful for enabling outreach to rental property owners for programs like the rent registry, which require education to those responsible for compliance.

Tenant Concerns:

- Tenants have consistently pointed to the need for expanded legal services, especially proactive legal capacity, citing violations of the law by rental property owners that lower-income and otherwise vulnerable tenants have no means to correct on their own without access to significant resources and willingness to risk their housing stability.

Property Owner Concerns:

- Rental property owners have consistently advocated for greater educational resources for all stakeholders

Implementation/Program Design:

- As the County already contracts for these services, implementation would largely consist of identifying additional funding and amending existing contracts to enable increased capacity for service providers.
- Education and outreach is currently undertaken by the HPRC and MEV, while legal services are provided by a group of providers under AC Secure.

7. Establish an Emergency Rental Assistance Program

Emergency rental assistance funding can provide targeted, short-term financial aid to tenants in danger of eviction due to nonpayment of rent. As shown by the BAHFA eviction study and the County's own tracking of notices and fillings, nonpayment of rent is the most common reason for evictions by far. The high rate of cost-burden and low incomes among renters in the Unincorporated County suggest that many tenants could benefit from a rental assistance program. Such a program would also help stabilize housing supply, as rental assistance funds

would go directly to rental property owners, who, in the Unincorporated County, are often smaller operators whose income relies heavily on rent payments.

The County implemented such a program during the COVID-19 pandemic, using emergency funds to support payments to lower-income tenants who had suffered a loss of income. This program distributed $136.4 million in rental assistance to 9,333 households countywide. While a variety of jurisdictions created similar programs during the pandemic, the Cities of Albany, Berkeley, and Fremont have created permanent rental assistance programs to help tenants facing eviction. Fremont's program uniquely requires that both the tenant and the rental property owner receiving funds qualify, with the rental property owner needing to sign a contract with the City, submit a W9, and pass an inspection to receive funds.

Intersections with other Policies:

- Due to the likelihood of strong demand, a rental assistance program would likely be a valuable tool for connecting tenants with other services including legal aid, education, mediation, and know your rights trainings.

Tenant Concern:

- Tenants have frequently noted the high and rising rents in the Unincorporated County and the difficulty many tenants face paying them

Property Owner Concerns:

- Rental property owners have consistently supported rental assistance programs
- Rental property owners have pushed for such programs to be more expansive in scope and require less documentation

Program Design:

- What is the maximum allowable income in order for a tenant to qualify for funding?
- What is the maximum per household subsidy, or is there a maximum length of time a subsidy can be received for?
- Do rental property owners receiving funds through the project need to qualify (provide income, pass a habitability check, or commit to other conditions)?

Implementation:

- Previously the County contracted with Centro Legal de la Raza to evaluate applications and administer rental assistance funds, meaning a new contract or contract amendment to the existing legal services contract with Centro could be processed to support implementation of a new program.

Section IV: Next Steps

Based on directions from the Board following the passage of the Just Cause and Mediation Ordinances and as part of acceptance of the TOC Housing Policy grant, this report recommends proceeding with development and research of the following policies:

- Establish a Rental Registry
- Expand Rental Inspection with a Pilot Proactive Program in Ashland, Cherryland and Hayward Acres
- Establish local Anti-Harassment Protections
- Establish Fair Chance Protections
- Establish Rent Stabilization or a Rent Review Board
- Expand Tenant Legal Services and Education Services
- Establish an Emergency Rental Assistance Program

Exhibit A: Tenant Protections in Alameda County

Jurisdiction	Renter Households	Median Renter Household Income	Just Cause	Rent Control	Mediation Program	Rent Registry	Rent Review Board	Mobile Home Rent Stabilization	Rental Inspection	Anti-Harassment	Emergency Rental Assistance
Oakland	100,947	$70,698	Yes	Yes	No	Yes	Yes (Appointed)	No	Yes	Yes	No
Fremont	30,635	$131,730	No	No	Yes	No	Yes (Appointed)	Yes	No	No	Yes
Berkeley	26,500	$65,404	Yes	Yes	Yes (Voluntary)	Yes	Yes (Elected)	N/A	Yes	Yes	Yes
Hayward	21,297	$85,278	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No
Alameda	15,194	$101,510	Yes	Yes	Yes (Voluntary)	Yes	No	N/A	No	Yes	No
San Leandro	12,882	$77,711	No	Under consideration	No	Yes (launching 2026)	Yes (Appointed)	Yes	No	No	No
Pleasanton	9,086	$124,583	No	No	No	No	No	Yes	No	No	No
Livermore	8,634	$93,763	Under consideration	No	Yes (Voluntary)	Under consideration	No	No	No	No	No
Dublin	8,307	$137,964	No	No	Yes (Voluntary)	No	No	N/A	No	No	No
Union City	6,987	$108,677	Yes	No	Yes (Voluntary)	No	No	Yes	No	No	No
Emeryville	5,320	$112,440	Yes	No	Yes (Voluntary)	No	No	N/A	No	Yes	No
Newark	4,602	$117,875	Under consideration	No	Under consideration	No	No	N/A	Under consideration	Under Consideration	Under consideration
Albany	3,559	$104,375	Under consideration	Under consideration	Under consideration	No	No	N/A	Under consideration	No	Yes (Expiring 2026)
Piedmont	372	$250,000	No	No	No	No	No	N/A	No	No	No

Exhibit B: Data Collected from Rent Registries

From the October 11, 2023 Memo on Rental Registry Jurisdictions and Best Practices Prepared by bhyv Consulting for the Pasadena Rental Housing Board.

Rent Registration Information Gathered by Jurisdiction

	Berkeley	Beverly Hills	East Palo Alto	L.A. County	Oakland	Richmond	San Jose	Santa Monica	West Hollywood
Property Owner Information									
Owner Contact Info	✓	✓	✓	✓	✓	✓	✓	✓	✓
Property Manager/Agent Info	✓		✓	✓	✓	✓	✓	✓	✓
Unit Information									
Address	✓	✓	✓	✓	✓	✓	✓	✓	✓
No. Bedrooms	✓	✓	✓	✓	✓	✓	✓	✓	
No. Rental Units on Property	✓		✓	✓	✓	✓		✓	
Services Included in Rent	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Tenancy Information									
Tenant Name	✓		✓	✓	✓	✓	✓	✓	✓
Move-In Date	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rent Amount	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rental Assistance Voucher		✓	✓				✓		
Prior Tenancy Information									
Ending Date of Tenancy	✓	✓	✓	✓	✓	✓	✓	✓	
Reason for Move Out	✓	✓	✓		✓		✓	✓	

Rent Registry Tasks and Activities

	Berkeley	Beverly Hills	East Palo Alto	L.A. County	Oakland	Richmond	San Jose	Santa Monica	West Hollywood
Requires Initial Registration of Rent	✓	✓	✓	✓	✓	✓	✓	✓	✓
Requires New Vacancy Registration	✓	✓	✓	✓		✓	✓	✓	✓
Annual Registration Required	✓			✓	✓		✓		
Sends Notification of Annual Rent Increase/Rent Adjustment to Owners and tenants	✓	✓	✓	✓		✓	✓	✓	✓
Sends Tenancy Registration Information to New Tenants for Validation	✓	✓				✓	✓	✓	✓
Sends Annual Notice of Apparent Lawful Rent to Tenants and Owners	✓		✓			✓		✓	
Issues Maximum Allowable Lawful Rent Certificates to Owners and Tenants	✓		✓	✓					
Posts Maximum Allowable Rent Info by Unit Online	✓					✓		✓	
Requires Owners to Submit Copy of Any Rent Increase Notice to Stabilization Program			✓						
Sends Introductory Info to New Owners and Tenants Upon Registration and/or Ownership Change	✓							✓	✓

Exhibit C: Unincorporated County Demographics

All data derived from the 2023 5-Year American Community Survey.

Unincorporated County Households by AMI & Tenure

	Owner		Renter		Total	
Income Level	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
ELI (<30% of AMI)	2,775	9.4%	3,879	21.4%	6,654	14.0%
VLI (30%-50% of AMI)	2,579	8.7%	2,999	16.6%	5,578	11.7%
LI (50% - 80% of AMI)	3,935	13.3%	4,409	24.3%	8,344	17.5%
Moderate Income (80% -100% of AMI)	2,850	9.6%	2,260	12.5%	5,110	10.7%
Above Mod (>100% of AMI)	17,440	59.0%	4,570	25.2%	22,010	46.1%
Total	**29,579**	**100.0%**	**18,117**	**100.0%**	**47,696**	**100.0%**

Unincorporated County Structure Age by Tenure

	Owner		Renter		Total	
YEAR STRUCTURE BUILT	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
2020 or later	174	0.6%	12	0.1%	186	0.4%
2010 to 2019	630	2.2%	425	2.4%	1,055	2.3%
2000 to 2009	1,082	3.7%	864	4.8%	1,946	4.2%
1980 to 1999	6,143	21.3%	3,833	21.5%	9,976	21.3%
1960 to 1979	5,289	18.3%	6,428	36.0%	11,717	25.1%
1940 to 1959	13,809	47.8%	5,194	29.1%	19,003	40.6%
1939 or earlier	1,759	6.1%	1,112	6.2%	2,871	6.1%
Total	28,886	**100.0%**	17,868	**100.0%**	46,754	**100.0%**

Unincorporated County Housing Problems by Tenure

	Households With 1 or More Housing Problems					
	Owner		Renter		Total	
Income Level	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**

ELI (<30% of AMI)	2,044	6.9%	3,104	17.1%	5,148	10.8%
VLI (30%-50% of AMI)	1,440	4.9%	2,889	15.9%	4,329	9.1%
LI (50% to 80% of AMI)	1,979	6.7%	2,934	16.2%	4,913	10.3%
Moderate Income (80% to 100% of AMI)	1,220	4.1%	1,114	6.1%	2,334	4.9%
Above Mod (>100% of AMI)	2,860	9.7%	495	2.7%	3,355	7.0%
Total (With and Without Problems)	**29,585**	**100.0%**	**18,125**	**100.0%**	**47,710**	**100.0%**

Unincorporated County Household Size by Tenure

	Owner		Renter		Total	
Household Size	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
1-Person Household	4,734	16%	4,277	24%	9,011	19%
2-Person Household	9,668	33%	4,539	25%	14,207	30%
3-Person Household	5,225	18%	3,265	18%	8,490	18%
4+ Person Household	9,259	32%	5,787	32%	15,046	32%
Total	28,886	**100.0%**	17,868	**100.0%**	46,754	**100.0%**

Unincorporated County Race and Ethnicity of Householder by Tenure

	Owner		Renter		Total	
Household	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Race						
White	13,199	46%	5,090	28%	18,289	39%
Black or African American	1,294	4%	3,665	21%	4,959	11%
American Indian and Alaska Native	235	1%	281	2%	516	1%
Asian	9,524	33%	2,709	15%	12,233	26%
Native Hawaiian and Other Pacific Islander	154	1%	128	1%	282	1%
Some other race	1,947	7%	3,663	21%	5,610	12%
Two or more races	2,533	9%	2,332	13%	4,865	10%
Ethnicity						
Hispanic or Latino origin	4,921	17%	6,475	36%	11,396	24%
White alone, not Hispanic or Latino	11,994	42%	4,109	23%	16,103	34%
Total	**28,886**	**100%**	**17,868**	**100%**	**46,754**	**100%**

Unincorporated County Cost Burden by Tenure

	Owner		Renter		Total	
Income Level	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
ELI (<30% of AMI)	1,968	6.7%	3,044	16.8%	5,012	10.5%
VLI (30%-50% of AMI)	1,405	4.7%	2,814	15.5%	4,219	8.8%
LI (50%-80% of AMI)	1,734	5.9%	2,279	12.6%	4,013	8.4%
Moderate Income (80%-100% of AMI)	1,085	3.7%	548	3.0%	1,633	3.4%
Above Mod (>100% of AMI)	2,104	7.1%	190	1.0%	2,294	4.8%
Total (Cost-Burden)	8,296	28.0%	8,875	49.0%	17,171	36.0%
Total (Burden & No Burden)	**29,585**	**100.0%**	**18,125**	**100.0%**	**47,710**	**277.9%**