



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: DUPLEX TENANT PROTECTIONS **DATE:** April 23, 2018

Approved

Don Rocha
PH

Date

4-23-18

RECOMMENDATION

That the City Council include in any action it takes on this item direction for staff to return with an ordinance that would extend the Tenant Protection Ordinance and the Ellis Act Ordinance to duplexes, such that both ordinances would apply to duplexes in the same way that they are proposed to apply to multifamily units that are not covered by rent control.

ANALYSIS

With this memo I propose that we include duplexes under the Tenant Protection Ordinance (TPO) and the Ellis Act Ordinance. Including duplexes in the TPO would allow duplex tenants to enjoy just cause protections. I am not proposing that duplexes be included under the Apartment Rent Ordinance; duplex rent increases would not be regulated under this proposal.

Over the past few years, duplex tenants undergoing eviction have reached out to my office for help as they've struggled to find new housing. Tenants struggling with eviction, especially vulnerable tenants who have trouble finding a new home, are among the most difficult and heart-rending constituent cases that I've worked on in my time as a Councilmember. The TPO won't solve every problem, but it does grant some measure of stability to tenants by ensuring that they can only be evicted for good cause.

There are over 10,000 duplexes in San Jose. The tenants of these duplexes have just as much interest in a stable and predictable housing situation as the residents of multifamily units that are already covered by the TPO. It can be tempting to make distinctions between different types of tenants, to say that multifamily tenants should have access to protection but that duplex tenants should not, but an eviction from a duplex can be just as harmful as an eviction from a multifamily unit. All of our residents should have access to a stable housing situation, not just those who live in the right kind of housing. I thank my colleagues for their thoughtful consideration of this proposal.