

Introduced by Senator Burton

February 26, 1999

An act relating to residential real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1098, as introduced, Burton. Residential real property: rent control.

Under existing law, the Costa-Hawkins Rental Housing Act authorizes an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or a unit if any one of specified facts is true and the initial rental rate for a dwelling or unit where a residential rent control ordinance applies, except where, among other conditions, the previous tenancy has been terminated pursuant to notice by the owner or upon a change in the terms of the tenancy.

This bill would declare the intent of the Legislature that all tenants, regardless of their source of income, receive equal treatment in the application and consideration for residential real property and would clarify that these provisions were not intended to and do not restrict the authority of local governments to adopt ordinances which require income restrictions on rental housing units as a condition of development approval. The bill would also, among other things, declare the intent of the Legislature to remove the incentive in rent-controlled localities to cancel rental assistance contracts for low-income elderly, handicapped, and family tenants in order to vacate a rent-controlled unit.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to
2 ensure that all tenants, regardless of their source of
3 income, receive equal treatment in the application and
4 consideration for residential real property.

5 SEC. 2. It is the intent of the Legislature to clarify that
6 Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil
7 Code was not intended to and does not restrict the
8 authority of local governments to adopt ordinances that
9 require income restrictions on rental housing units as a
10 condition of development approval, including, but not
11 limited to, the number, size, and type of units which are
12 so restricted.

13 SEC. 3. It is the intent of the Legislature to remove
14 the incentive in rent-controlled localities to cancel rental
15 assistance contracts for low-income elderly, handicapped,
16 and family tenants in order to vacate a rent-controlled
17 unit. Existing law prohibits a landlord in a locality with
18 rent control from, among other things, evicting a tenant
19 or changing the terms of the tenancy. It was not the intent
20 of the Legislature, in enacting Chapter 2.7 of Title 5 of
21 Part 4 of Division 3 of the Civil Code, to permit landlords
22 to change the terms of the tenancy by notifying the local
23 housing authority or other third-party housing assistance
24 provider to cease rental payments and thereby eliminate
25 funds whereby the poorest tenants could pay rent in a
26 rent-controlled unit.

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