

LAND USE INITIATIVE QUARTERLY REPORT April - June 2021



The Land Use Initiative analyzes, upon request of a state and/or local association, proposed legislative and regulatory land-use and real estate transactional measures that impact the transfer of property and/or the interests of REALTORS®. Measures include comprehensive plans, amendments, legislation, ordinances or regulations. A database of completed analysis searchable by issue for advocacy research purposes.

SUMMARY OF REQUESTS

- **2nd Quarter LUI Requests:** 10
- **States:** Arizona, California (3), Hawaii, Kentucky, Maryland, Missouri, South Carolina, and Texas
- **Topics:** Short-Term Rentals (3), Eviction Moratoria, Rent Stabilization, General Plan, Parking Regulations, Vacant Building Ordinance, Restricted Occupancy Overlay
- **Year to Date LUI Requests:** 21

Second Quarter Spotlight	LUI Success Story
<p align="center">San Diego County Moratorium on Residential Evictions and Rent Increases</p>	<p align="center">Fresno Vacant Building Ordinance</p>
<p>The second quarter of 2021 featured an analysis of a San Diego County, CA ordinance that proposed to establish a moratorium on residential evictions without “just cause” and residential rent increases in excess of the Consumer Price Index. The eviction moratorium was explicitly tailored to pandemic conditions in that it recognized only one “just cause” for eviction – the tenant had to be an “imminent health or safety threat.” This meant that during the moratorium, landlords could only evict a tenant who was a “hazard to the health or safety of other tenants or occupants of the same property,” taking into consideration the risk that the eviction could result in the spread of coronavirus and other factors. The analysis addressed several issues raised by the proposed moratorium, including consistency with California’s rent control law and COVID-19 Tenant Relief Act. It also raised policy concerns with the extremely narrow definition of “just cause,” arguing that it was bad public policy to require landlords to wait until a tenant is an “imminent health or safety threat” to begin the eviction process, and that a determination as to whether a tenant is an “imminent health or safety threat” should be made without regard factors such</p>	<p>An analysis prepared by Robinson & Cole in June helped the Fresno Association of Realtors® to succeed in having changes made to a draft amendment to the City of Fresno, California’s Vacant Building Ordinance. Government Affairs & Communications Director Kim Huckaby used the talking points memo to prepare a letter to the Fresno City Council, which recognized the</p>

as the risk of potential coronavirus spread and the availability of other remedies.

The San Diego County ordinance continued the recent trend of LUI requests involving ordinances aimed at protecting residential tenants from being displaced by eviction, rent increase, or by condominium conversion. Other tenant protection ordinances reviewed under the LUI Program in 2021 include:

- The “Mobile Home Park Rent Review and Stabilization Ordinance” proposed for Fresno County, CA, which capped mobile home space rent increases to a maximum of 5%, unless approved by the County;
- A Tenant Opportunity to Purchase Ordinance proposed for the City of Berkeley, CA;
- A New York State Senate Bill that proposed to establish a statewide “good cause” eviction law; and
- A pair of “Pay to Stay” ordinances that proposed to give residential renters in Akron and Dayton, OH the right to stay in their unit if they pay the landlord all past due rent plus reasonable late fees prior to the entry of a judgment in a statutory eviction process.

Association’s letter during the hearing and pulled the item from the consent calendar. After meeting with members of the Association, the Councilmember who had introduced the VBO amendments agreed to make changes to the draft in order to address the Association’s concerns. Huckaby called the outcome a “huge win” for the Association and added that her “leadership team is very happy.”