





Just Cause Eviction Laws Toolkit

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Introduction: State and Local Innovation Tenant Protection Toolkit Series

Tenant protections, passed in the form of laws and policies, are critically important tools for protecting tenants against rising rental costs, discriminatory and arbitrary eviction practices, and other threats to housing stability. Tenant protections can help level the playing field between landlords and tenants, rectifying the longstanding power imbalance that impacts the lowest-income and most marginalized renters. Since January 2021, states and localities across the country have implemented more than 300 new tenant protections.

This toolkit is one of a series of tenant protection toolkits released by the National Low Income Housing Coalition's (NLIHC) State and Local Innovation (SLI) initiative during the summer of 2024. The toolkits cover four tenant protections: just cause eviction standards, rent stabilization policies, laws that strengthen habitability standards and code enforcement procedures, and laws that limit excessive rental fees. Each of the four toolkits provides an overview of one major tenant protection, details the common components of the protection, lists information about state and local jurisdictions that have adopted the protection, suggests provisions that should be taken into consideration when enacting the protection, and highlights complementary policies that can be passed alongside the protection to ensure it has the greatest impact possible. The toolkits are meant to provide foundational information about the core components of select policy interventions that can keep tenants stably housed – and free from the threat of eviction – and to help spark dialogue around the critical importance of state and local tenant protections. Alongside the toolkits, the SLI team is also releasing a series of tenant case studies and hosting a webinar series focused on building momentum for the passage of tenant protections at the state and local levels.

The toolkits were developed through analysis of the protections included in NLIHC's tenant protections database and discussion with state and local tenant advocates and housing-justice focused policy and advocacy organizations. The invaluable advice, research, and insights provided by our partners – including members of NLIHC's Collective, a cohort of tenant leaders working to uplift the voices of the most marginalized and lowest-income renters nationally – helped inform the material presented in the toolkits.

The successful passage, implementation, and enforcement of tenant protection policies would not be possible without the work of tenant leaders and advocates willing to share their lived experiences and dedication to housing justice. As such, lawmakers in state and local jurisdictions across the country should center the voices and unique perspectives of tenants in the process of crafting, advocating for, and enacting tenant protection policies. To learn more about NLIHC's work around tenant engagement, please visit: https://www.nlihc.org/ideas

NLIHC's SLI project was launched in April 2024 to support state and local partners in advancing, implementing, and enforcing tenant protections, creating and sustaining emergency rental assistance programs, preventing the criminalization of homelessness, and supporting the advancement of housing innovations that seek to keep eviction rates down and prevent homelessness. The initiative aims to empower a movement that will strengthen tenants' rights, prevent evictions, and promote housing stability for renter households with the lowest incomes.

For more information on NLIHC's SLI initiative, please visit: <u>https://nlihc.org/</u> <u>state-and-local-innovation</u>

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Introduction

The end of a lease term is a particularly vulnerable time for renters. In many states and localities, a landlord does not have to provide a reason for not renewing a lease or evicting a tenant at the conclusion of their lease term and can do so with impunity. Even tenants in good standing may choose to leave their unit - or "self-evict" - rather than go to court or request an appeal when they receive an eviction notice, face rent hikes, or fear displacement. Evictions not only result in loss of housing but can have lasting impacts, as both evictions and eviction filings can be documented on a tenant's public record. Even in situations where a tenant is found not to be at fault during the eviction process, the mere presence of an eviction filing can shut prospective renters out of safe, stable, and affordable housing opportunities.

To support renters, a growing number of state and local jurisdictions have passed "just cause" eviction laws. "Just cause" - often known as "good cause" or "for cause" - protections prevent arbitrary, retaliatory, and discriminatory evictions by establishing standards that limit the reasons for which a landlord can evict a tenant or refuse to renew a tenant's lease when the tenant is not at fault or in violation of any laws. Just cause eviction laws allow landlords and property owners to levy a formal, court-ordered, eviction proceeding against a tenant only for certain verifiable reasons, such as nonpayment of rent, criminal activity, or documented violation of the tenant's lease agreement. By establishing that a tenant can only be evicted for particular reasons, just cause laws rein in the practice of informal and illegal evictions that occur outside of a court of law.

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National Low Income Housing Coalition 1000 Vermont Avenue, NW | Suite 500 | Washington, DC 20005 | 202-662-1530 | <u>www.nlihc.org</u> Currently, there are no federal just cause eviction laws, making the need for stateand local-level protections crucial. NLIHC has <u>tracked the passage</u> of just cause eviction laws in 11 states (including the District of Columbia) and 23 localities nationwide, though the scope and strength of these protections varies based on state and local context. Several additional states have also shown interest in passing such laws in 2024, with <u>Arizona</u> and <u>Connecticut</u> both introducing legislation to enact just cause eviction protections for renters.

This toolkit highlights the importance of just cause protections and their role in diverting the threat of retaliatory, arbitrary, and discriminatory evictions that occur without cause or reason. In 2021, NLIHC released the first iteration of this toolkit, *Promoting* Housing Stability Through Just Cause Eviction Legislation, to provide a primer on just cause protections. The new toolkit builds on that effort and provides tenant advocates and members of housing-justice centered advocacy organizations alike with a primer on common components of this renter protection. For individuals seeking to advance similar laws in their districts, this toolkit also highlights specific language adopted by states and localities that have enacted just cause protections. Finally, the toolkit provides considerations about complementary policies that are useful in advancing or strengthening just cause laws.

Types of Evictions Impacting Renters

A significant driver of housing instability is the forced displacement of a tenant from their home. In comparison to a voluntary move, which occurs when a tenant elects to leave their place of residence of their own accord, a forced move occurs under duress of the law – known also as the "eviction process." An eviction can be levied against a tenant in two common but distinct ways, one formal and the other informal.¹

Formal evictions occur in the presence of the law and take place when an "unlawful detainer," or court-filed eviction, is issued against a tenant. One of the first steps of the formal eviction process occurs when a landlord issues a "notice to quit," detailing their intent to file an eviction against a tenant with the courts. During the formal eviction process, a "notice to quit" must be given to a tenant within a certain period before the official eviction is filed, though the allotted period, as determined by law, differs from one state or locality to the next. During this notice period, tenants are given the option to "cure," or rectify, any violations laid out against them, or risk having their case move through the courts.

Despite taking place in a court of law, in many states and localities, landlords are not required to provide a reason for evicting a tenant at the end of their lease term or for evicting a tenant without a lease.² "No-fault" and "no-cause" evictions are common and occur when the tenant is not considered to be "at fault" under any laws. One form of "no-fault" eviction that has seen a resurgence recently is "renoviction," or eviction filings brought about due to the renovation process, a practice associated with financial investments often made by larger corporations and property management firms in the housing market.³

By comparison, informal evictions occur outside a court of law. In a report released by New America detailing the prevalence of informal eviction filings, researchers defined an informal eviction as a "forced residential move that occurs outside the formal court system, often initiated by a landlord's request, negotiation or coercion."⁴ Informal evictions can occur in several ways, including through hostile behavior perpetrated by a landlord or property owner, threats made to a tenant, the refusal by a landlord to make necessary repairs to a unit, and even limits to a tenant's access to their property through changes to the locks. A tenant may choose to comply with an informal eviction if they do not understand their rights in the face of the law, or if they fear the legal repercussions that having an eviction filing on their court record can present.

Informal evictions are routine, despite being difficult to quantify. Consequently, instances of informal evictions are usually reported through qualitative collection methods, including through records of tenants' experiences with the eviction process.⁵

Just Cause Eviction Laws

Just cause eviction laws, known also as "good cause" eviction laws, seek to prohibit landlords and property owners from evicting a tenant or refusing to renew a tenant's lease when the tenant is not at fault or in violation of any law.⁶ When passed, just cause laws protect renters from being evicted arbitrarily, discriminatorily, or without valid reason. Instead, just cause laws establish a set of allowable situations for which a landlord or property owner can evict a tenant, including the accrual of rental arrears, violence perpetrated by the tenant, violation of the agreed-upon lease, or intent by a landlord or property owner to move back into the unit. In some instances, the presence of just cause laws can protect a tenant who has faced a substantial rent increase that makes their unit unaffordable.⁷ Just cause laws aim to benefit low-income tenants by:

- Protecting renters from evictions for no fault of their own.
- Delivering a sense of stability to tenants.
- Discouraging renters from self-evicting when they receive eviction notices from landlords.
- Empowering tenants experiencing poor living conditions, discrimination, or other illegal landlord behavior to advocate for improvements with landlords or file complaints without fear of retaliation.

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 In some cases, protecting tenants from unreasonable rent increases.

In addition to defining the legal reasons for which landlords can evict tenants or not renew leases, just cause laws commonly include provisions that place caps on rent increases, limit the power of landlords to increase rents, or expand notice provisions and the length of tenant notice periods.⁸ Tenants who know they cannot be evicted without good reason experience a level of housing security that has not often existed for renters.⁹

When just cause eviction laws are passed, they act as a mechanism for long-term housing stability in two primary ways. First, just cause laws ensure that tenants are aware of what rights exist for them during their lease term, which can give tenants a sense of security in knowing they cannot be evicted without cause. Second, just cause laws provide tenants who have been served with an eviction notice legal standing in court to fight for their tenancy if they are being evicted through no fault of their own.

Research on Just Cause Eviction Laws

Just cause eviction laws have been shown to have a number of positive impacts for renters. In 2019, a study conducted on the policy implications of just cause eviction policies in several jurisdictions across California found that the prevalence of such laws had a notable effect on both the legal eviction process and subsequent eviction filing rates, lowering both eviction rates and eviction filing rates, with further research suggesting that the impact is replicable across many just cause sites.¹⁰ Data provided from four cities in California – East Palo Alto, Glendale, Oakland, and San Diego – show that the enactment of just cause policies caused a reduction in eviction rates, with initial eviction filing rates dropping by 0.81 percentage points and overall eviction rates dropping by 0.78 percentage points.¹¹ It is important to note that the average eviction rates in these cities ranged from 0.07% to 4.32%, indicating the impact just cause eviction protections had in these jurisdictions.¹²

In addition to lowering evictions and eviction filing rates, evidence suggests that just cause legislation can also:

 Provide tenants with a legal defense against significant rental increases. A case study focused on the impacts of a just cause law passed in Albany, New York, recounts how a group of tenants was able to assert a legal defense under the law and prevent a double-digit rent hike at their apartment building in 2021. Using the ordinance, a tenant group with the Bleecker Terrace Tenant Association was able to assert the protections offered under the city's just cause law to fight against a proposed 26% rent hike and advocate for and receive a new rental agreement with just a 5% increase.13

- Help the lowest-income tenants remain stably housed amid increased gentrification. Using data from California's Bay Area, researchers in 2022 found that the presence of a just cause law helped to safeguard the lowest-income tenants against a "constrained move" – that is, displacement brought on by outside factors, such as gentrification – though the study also suggests that just cause laws benefit individuals across all income levels and demographic groups.¹⁴
- Help stimulate local economies by encouraging entrepreneurship. Just cause eviction laws have been found to encourage entrepreneurship by promoting housing security for local residents. Using data from five cities in California - Glendale, Oakland, San Diego, East Palo Alto, and Santa Monica - researchers in 2020 found that the presence of just cause laws led new businesses to increase by an average of 9.9% in cities that had just cause protections in place. The researchers note that due to just cause protections, "renters are less likely to move, more likely to pursue self-employment, and generate higher business income."¹⁵

Structure of Just Cause Eviction Laws

To date, 10 states – California, Colorado, Connecticut, Louisiana, Michigan, New Hampshire, New Jersey, New York, Oregon, and Washington – as well as the District of Columbia, have passed some form of just cause eviction legislation, with 23 localities also having passed such protections.

To gather information about just cause protections, NLIHC reviewed existing just cause legislation and worked with tenant leaders in our Tenant Leader Collective to identify important components of just cause laws. While each just cause protection is unique and shaped by its jurisdictional context, our analysis reveals several components essential to just cause protections:

- A clear definition of the term "just cause," and a clear account of the legal grounds for eviction.
- Explicit notice requirements ensuring a tenant will have advance warning that they will be subject to an eviction, including the reason why they are to be evicted.
- Definition of the scope of the law, including exemptions of coverage.
- An explanation of enforcement mechanisms.

Additionally, tenant advocates suggest that just cause protections include explicit provisions ensuring that the scope of coverage includes marginalized and at-risk tenants.

DEFINING JUST CAUSE AND THE LEGAL GROUNDS FOR EVICTION

Just cause laws aim to prevent evictions of tenants who are not at fault by defining the legal grounds on which a landlord can evict tenants or refuse to renew a lease. All pieces of just cause legislation passed in states and localities to date include a definition of the reasons that qualify as providing "just cause" for an eviction. A clear definition provides tenants with a succinct understanding of the specific reasons for which they can be evicted while also establishing that a landlord and property owner is prohibited from forcibly removing a tenant for reasons not explicitly mentioned by the law. Just causes for eviction commonly include failure to pay rent, property damage, disturbance or disorderly conduct, other lease violations, criminal activity in a unit, and intent on the part of the landlord to sell, repair, or move into the unit.

At the state level, California passed "Assembly Bill 1482" in 2019, clearly outlining 10 "at-fault" causes for eviction, including reasons such as default in the payment of rent, breach of the lease agreement, subletting the premises in violation of a lease, and failing to vacate the premises after written notice to terminate the property had been issued. By comparison, Colorado (through "<u>House Bill 24-1098</u>") only offers two distinct grounds for a just cause eviction: if the tenant is found to be in violation of their lease agreement, or if the tenant has engaged in behavior that disturbs the well-being of the landlord or other tenants of the property where the tenant resides.

Other states have embedded in just cause laws the circumstances according to which a tenant can be evicted for "no fault." In Colorado, a tenant can be justifiably evicted for no cause if the property where the tenant resides is being demolished or rehabilitated, the property is being taken off the rental market, the tenant refuses to renew their lease with reasonable terms, or the tenant has a history of nonpayment of rent. In Oregon, "Senate Bill 608" establishes that a tenant can be evicted for a "landlord-based" reason when the property is to be demolished, the owner intends to move back into the property, the property is unsafe for habitation, or the manner of use of the property is changing. In Oregon, moreover, just cause protections begin for tenants only after 12 months of occupancy.

At the local level, some cities provide an expansive number of reasons for which a tenant can face a just cause eviction. Seattle's "Just Cause Eviction Ordinance" defines 18 conditions as providing grounds for a just cause eviction, among them habitual lease violations, which occur when a tenant has repeatedly failed to uphold the agreed upon terms of the lease and has received multiple notices to comply with the lease or vacate the property during the lease period.

EXPLICIT NOTICE REQUIREMENTS

Notice requirements are a critical component of just cause laws. In most states and localities that have passed just cause eviction laws, before the formal eviction process reaches the courts, landlords and property owners are required to provide to a tenant, typically in writing, an explanation of their intent to file an eviction or to provide a tenant with notice of a lease violation. Requiring advance notice of an impending eviction is beneficial to tenants. When a tenant is given sufficient notice of a probable eviction, they can remedy any lease violations that have been levied against them or prepare the necessary documentation for their court hearing. Whether a notice has been issued for nonpayment of rent or damage to the rental property – both common causes for a just cause or no-fault eviction - a tenant who has been given proper notice is better positioned to address any infractions in the time they are given or to get legal representation, increasing the chances of diverting eviction and remaining stably housed.

Just cause jurisdictions such as California, Oregon, New Hampshire, and Washington State have enacted enhanced notice requirements for tenants. California's "<u>Assembly Bill</u> <u>No. 1482</u>" and Oregon's "<u>Senate Bill 608</u>" both state that landlords must give tenants notice before filing for eviction. California's "<u>Assembly Bill 1482</u>," for example, requires that 60 days' notice be given before evicting a tenant with a fixed-term lease and 30 days' notice be given before evicting a tenant with a month-to-month tenancy, while Oregon's

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"<u>Senate Bill 608</u>" states that 30 days' notice is required for evicting tenants on either fixed or non-fixed lease terms. In Oregon, moreover, if a tenant is evicted for a no-cause reason, such as demolition of their residence or because renovations are being made to their unit, 90 days' notice must be given.

New Hampshire's just cause law, embedded in "Section 540:2" of the state's landlord-tenant laws, details that a landlord must give 30 days' advance notice to a tenant of an impending rental increase, or, if the tenant has been evicted, 30 days to vacate the rental unit. Similarly, Washington State requires 30 days' notice to vacate. Through "House Bill 1236," the state also requires at least 60 days' notice for evicting for good cause, amending a previous state law that only required 20 days' notice.

Localities have also passed enhanced notice requirements for tenants under just cause laws. The District of Columbia has included enhanced notice requirements in its just cause law to make sure not only that sufficient notice is given to tenants but that such notice is accessible to speakers of languages other than English. Landlords and property owners are required to provide to a tenant before the start of their lease an explanation of their rights under the just cause law, including their right to receive an eviction notice that is comprehensible to them. Under the law, which was passed in 2018 and codified by "State Statute Section § 42-3505.01," a landlord or property owner must provide notice to a tenant that is language accessible. According to the law, "if the landlord knows the tenant

speaks a primary language other than English or Spanish, the landlord must provide the notice in that language."¹⁶

DEFINING SCOPE AND ESTABLISHING EXEMPTIONS

To defend against eviction in a court of law, tenants must first understand what rights are afforded to them in jurisdictions with just cause protections, especially because such laws typically do not cover all units or all situations. Many just cause laws include exemptions for certain tenants or unit types or allow landlords to take over a unit under certain circumstances. Typically, when a just cause law includes no explicit exemptions, it extends to all units and tenants.

Some localities do not permit any exemptions regarding who is covered under their law. In Baltimore, Maryland, "<u>Ordinance No.</u> <u>21-0031</u>" targets lease renewals specifically. Under the law, a landlord or property owner must offer a tenant a lease renewal when there is no good reason why a tenant's lease should not be renewed.¹⁷ As such, the law does not explicitly define any exemptions. Likewise, under St. Paul, Minnesota's "<u>Ordinance</u> <u>20-14</u>," a landlord must provide a tenant with good cause before refusing to renew a lease, and the law applies to all tenants.

Yet many states do establish exemptions. Common exemptions include situations when an owner intends to withdraw the unit from the rental market or demolish or substantially remodel the unit or when the owner or a relative of the owner intends to

National Low Income Housing Coalition 1000 Vermont Avenue, NW | Suite 500 | Washington, DC 20005 | 202-662-1530 | <u>www.nlihc.org</u> occupy a unit, while other exemptions relate to length of tenancy.¹⁸ California's "Assembly <u>Bill 1482</u>" and Oregon's "<u>Senate Bill 608</u>," for example, condition coverage of their protections on length of tenancy, with both laws stipulating that just cause protections are activated for a tenant in a given place of residence only after that tenant has occupied that place of residence continuously for a 12-month period.

Other just cause laws provide property exemptions releasing owners of certain units from the requirement to comply with the law. New Jersey dictates under "<u>State Statute 2A:18-61.1</u>" that just cause laws do not apply to owner-occupied properties with two or fewer units. Some just cause laws also include exemptions for properties based on their construction date, though this is not common. California's "<u>Assembly Bill 1482</u>" exempts properties older than 15 years from coverage, for example.

ENFORCEMENT AND CONSEQUENCES FOR COMPLIANCE FAILURES

To ensure successful implementation of just cause laws, lawmakers often embed penalties for landlords and property owners who do not adhere to the standards set forth by just cause protections, though these penalties vary between jurisdictions. Typical penalties embedded in just cause laws include financial penalties for landlords, which can include damages to be paid out to a tenant. Louisiana is one just cause jurisdiction that mandates financial penalties for landlords found not to be in compliance with its law. Under "<u>House Bill 160</u>," which extends just cause protections to individuals who have been displaced due to a natural disaster, if a landlord or property owner is found to be in violation of the law, they may be required to pay a tenant \$500 or two-months' rent, whichever amount is greater.

Dismissal of an impending eviction case if the grounds for eviction did not satisfy a state or locality's just cause requirements is another penalty for failure to comply with the law. The District of Columbia's law, "State Statute Section 42-3505.01," provides three main reasons for an eviction case dismissal, each predicated upon a landlord or property owner's failure to provide sufficient and comprehensible notice to a tenant. For example, the law states that if a landlord or property owner does not provide a tenant with notice in the tenant's primary language, the eviction case will be dismissed. Dismissal of a tenant's eviction case is a positive outcome for a tenant not only because the tenant is able to remain housed without fear of displacement, but in dismissed cases for which an eviction filing does appear on a tenant's public record, a tenant is able to avoid having to confront the negative effects of an eviction filing, which can include denial of future housing opportunities.

Meanwhile, some states give tenants who are wrongfully evicted the right to assert a defense in a court of law. New Hampshire's "<u>State Statute Section 540-2</u>" is one such law that gives tenants the right to defend themselves against an eviction case that has been brought without just cause.

Recommendation from Tenant Advocates

Ensure laws protect marginalized and at-risk populations.

While just cause protections can be expansive, tenant leaders emphasize the importance of ensuring that they explicitly guarantee safeguards for marginalized and at-risk populations that could be at greater risk of housing instability and displacement, such as tenants faced with unforeseen situations that can negatively impact their housing arrangements. Just cause protections should explicitly cover victims of domestic violence, households impacted by disasters, and individuals with disabilities.

For example, in addition to specifying the allowable causes for eviction, lawmakers in <u>Philadelphia</u> added protections for tenants who are victims of domestic violence. In some instances, landlords and property owners move to evict both parties from a residence due to domestic violence claims, a practice often perpetuated by provisions embedded in crime-free ordinances that seek to penalize individuals for excessive police presence at their unit.¹⁹

Fortunately, there are local and statewide protections in many places for survivors of domestic and sexual violence, stalking, and dating violence. The National Housing Law Project has created a <u>state and local law compendium</u> designed to serve as a starting point for advocates wishing to research the most up-to-date laws on housing protections that their state and local laws offer survivors. There has been a major increase in the number of state and local jurisdictions enacting and implementing such housing protections for survivors.

At the federal level, broad protections for federally covered housing programs exist under the *Violence Against Women Act of 2022* (VAWA 2022). Under <u>Section</u> <u>603 of VAWA 2022</u>, for example, landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance and not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities. The inability to get emergency services support can be especially harmful for victims of domestic violence, causing re-traumatization, possible risk of future violence, and housing instability, and leaving them at heightened risk of losing their home due to no fault of their own. Both VAWA 2022 and the Philadelphia legislation make it unlawful for landlords to terminate or alter the terms of tenancy in retaliation for "an incident of domestic violence or sexual assault in which a tenant was the victim, or a tenant's status as a victim of domestic violence or sexual assault."²⁰

Lawmakers should also consider creating just cause protections for individuals who have been forced to evacuate due to a natural disaster. Such protections already exist in Louisiana. In 2023, Louisiana lawmakers passed "House Bill 160" to extend protections to individuals who had to evacuate their property due to a federally declared disaster. The law states that a tenant under such circumstances will not be considered to have "abandoned" their property upon their return.

Finally, tenant leaders highlight the need for just cause laws to adopt specific provisions that are inclusive of individuals with disabilities. Research reinforces this need, finding that provisions embedded in nuisance laws can be particularly harmful for people with disabilities, increasing their housing instability.²¹ For example, some "chronic nuisance ordinances" allow landlords and property owners to evict a tenant if repeated calls are made to 911 from the tenant's unit. Individuals who have disabilities or other health conditions may need to contact emergency services for medical assistance for issues related to their disability and thus face an increased risk that calls for such assistance are categorized as a "nuisance," or disruptive behavior, which can lead to the tenant's removal from their property. Such provisions can create a potential Catch 22 situation for tenants having to choose between accessing needed emergency health services and housing stability.²²

Complementary Policies

Just cause implementation and enforcement are stronger when just cause laws are enacted in tandem with complementary policies, such as those that place limits on rental increases and those that strengthen notice requirements for tenants.

RENT STABILIZATION LAWS

Laws that limit rent increases work alongside just cause legislation by prohibiting landlords from imposing exorbitant rent increases that price tenants out of their homes. While just cause laws prevent evictions from being filed for reasons that are not the fault of the tenant, rent stabilization laws promote housing stability over the long-term by preventing unreasonable rent increases that would otherwise displace tenants. Rent stabilization laws can minimize the number of evictions filed due to nonpayment of rent by ensuring that tenants are not priced out of their homes because of excessive rent increases.

Just cause eviction laws have often included or been combined with protections limiting rent increases. In California and Oregon, for example, lawmakers voted to enact both protections for renters simultaneously through the passage of "<u>Assembly Bill 1482</u>" and "<u>Senate Bill 608</u>," respectively.

STRONGER NOTICE REQUIREMENTS

In addition to including notice requirements within just cause legislation, a growing number of state and localities have passed standalone laws that specifically establish notice requirements for the beneficial purpose of strengthening already existent landlord-tenant laws. To date, NLIHC has tracked 40 pieces of legislation that were passed to strengthen notice requirements, with the basis of such laws being the aim of enforcing expanded time requirements that must be provided to a tenant before an eviction is filed against them. Typically, standalone laws that establish expanded notice requirements have been passed to grant tenants additional time to pay back any past due rent, though such laws can also be passed to inform tenants of an impending eviction for demolition or rehabilitation of the rental unit.23

Conclusion

Just cause eviction laws are a crucial tool for protecting renters from arbitrary evictions and preventing the threat of displacement. By limiting the causes for which a landlord or property owner can evict a tenant or choose not to renew their lease, just cause laws ensure that tenants have safeguards against arbitrary, discriminatory, and unclear eviction filings.

States and localities should advance legislation to (1) ensure tenants at the end of their lease have the ability to renew if they have not violated the legal terms of their lease; (2) provide limits on exorbitant rental increases to prevent renters from becoming extremely rent burdened or experiencing displacement; and (3) ensure adequate written notice documenting the cause for eviction and providing sufficient time for tenants to either fight their case in court or find a new home.

State and local just cause eviction legislation should include a clear definition of the term "just cause," including a definition of the legal grounds for eviction; notice requirements that ensure a tenant will have advance warning that they are going to be evicted, including the reason why they are to be evicted; an explanation of the scope of the law, including exemptions of coverage; and an explanation of the repercussions for failing to comply with the law. Additionally, new just cause laws should include specific provisions that are inclusive of individuals with disabilities, as such individuals are at particular risk of housing instability.

Once just cause protections are covered, state and local governments should develop equitable marketing strategies that efficiently communicate new protections to renter households so that renters are aware of their rights and can exercise those rights in interactions with their landlords or in court.

Endnotes

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Looking for more information?

To learn more about NLIHC's SLI initiative, please visit: https://nlihc.org/state-and-local-innovation







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