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## The Housing Department Rent Stabilization Program in the City of San José: Has the Tracking of Tenant Protection Ordinance Eviction Notices Been Successful to Understand Rent and Eviction Trends from 2019 to 2020?

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The Housing Department Rent Stabilization Program in the City of San José:  
Has the Tracking of Tenant Protection Ordinance Eviction Notices Been Successful to Understand  
Rent and Eviction Trends from 2019 to 2020?

by  
Viviane Nguyen

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Submitted in Partial Fulfillment of the  
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in

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**TABLE OF CONTENTS**

**LIST OF TABLES AND FIGURES**..... 2

**INTRODUCTION**..... 3

    STATEMENT OF THE PROBLEM..... 3

    RESEARCH QUESTIONS..... 4

**BACKGROUND**..... 5

    OVERVIEW OF THE APARTMENT RENT ORDINANCE AND TENANT PROTECTION  
    ORDINANCE..... 5

    OVERVIEW OF THE HOUSING MARKET..... 7

    OVERVIEW OF THE EVICTION REQUIREMENTS IN SAN JOSÉ AND SANTA CLARA COUNTY.. 9

    VALUE OF THIS RESEARCH..... 12

**METHODOLOGY**..... 13

    DATA..... 16

**LITERATURE REVIEW**..... 17

    FORMS OF RENT CONTROL..... 18

    CONTROVERSY WITH RENT CONTROL REGULATIONS..... 18

    JURISDICTIONS WITH JUST CAUSE EVICTIONS AND TRENDS OF EVICTION FILINGS..... 20

    IMPACT OF EVICTIONS ON DISPLACED TENANTS..... 23

**FINDINGS**..... 25

    PART 1: VALENCES FOR T<sub>1</sub> AND T<sub>2</sub>..... 25

    PART 2: LEVEL OF OUTSTANDING RENT FOR EVICTION AND FILINGS FROM MARKET-  
    RATE AND RENT-CONTROLLED APARTMENTS..... 33

**ANALYSIS** ..... 39

    RECOMMENDATIONS..... 39

    AREAS FOR FUTURE RESEARCH..... 41

**CONCLUSION**..... 43

**ABBREVIATIONS LIST**..... 44

**REFERENCES**..... 45

**LIST OF TABLES AND FIGURES**

**TABLES**

TABLE 1: AVERAGE EFFECTIVE RENTS IN SAN JOSÉ AND PROJECTED TENANT INCOME.... 8

TABLE 2: OUTCOME EVALUATION OF THE RSP’S TRACKING OF TPO JUST CAUSE EVICTIONS AND OUTCOMES..... 14

TABLE 3: OUTCOME EVALUATION FOR THEORETICAL GOAL T<sub>1</sub>..... 25

TABLE 4: TOTAL NUMBER OF JUST CAUSE NOTICES FOR FAILURE TO PAY RENT & EVICTION FILINGS..... 26

TABLE 5: OUTCOME EVALUATION FOR THEORETICAL GOAL T<sub>2</sub>..... 28

TABLE 6: AVERAGE RENTS PAID AND OWED BY TENANTS..... 33

TABLE 7: JUST CAUSE EVICTION FILINGS FOR FAILURE TO PAY RENT FOR LESS THAN \$1,000..... 36

TABLE 8: PROPERTY MANAGEMENT COMPANIES FILING THE MOST JUST CAUSE EVICTIONS FOR FAILURE TO PAY RENT..... 37

TABLE 9: AVERAGE RENTS OF APARTMENT COMPLEXES FILING MOST JUST CAUSE EVICTIONS FOR FAILURE TO PAY RENT COMPARED TO RENT-CONTROLLED APARTMENT RENTS..... 37

**FIGURES**

FIGURE 1: OVERVIEW OF EVICTION PROCESS FOR LANDLORDS..... 11

FIGURE 2: OVERVIEW OF EVICTION PROCESS FOR TENANTS..... 11

FIGURE 3: SUMMARY OF EVICTION PROCESS..... 12

FIGURE 4: CITIES WITH RENT CONTROL AND JUST CAUSE POLICIES IN NORTHERN CALIFORNIA..... 21

FIGURE 5: TPO ONLINE SUBMISSION FORM..... 28

FIGURE 6: PUBLIC PORTAL OF COUNTY OF SANTA CLARA USED TO SEARCH FOR OUTCOMES OF EVICTION FILINGS..... 29

FIGURE 7: PUBLIC PORTAL OF SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA - RESULTS PROHIBITING ACCESS TO CASE DOCUMENTS..... 30

FIGURE 8: PUBLIC PORTAL OF SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA - RESULTS FOR BUSINESS SEARCH OF “THE WOODS APARTMENTS” ..... 31

FIGURE 9: PUBLIC PORTAL OF SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA - SAMPLE MINUTE ORDER..... 32

FIGURE 10: AVERAGE JUST CAUSE EVICTION FILINGS OF RENTS PAID AND OWED FROM LEAST TO GREATEST..... 35

## INTRODUCTION

### **Statement of the Problem**

The City of San José now has one of the most expensive rental markets in the United States. From 2011 to 2019, San José's rent prices have increased by 4.6% annually for market-rate apartments built since 2005 (City of San José, 2019). In October 2019, the median rental price for a two-bedroom market-rate apartment in San José was \$2,776 per month, which means that renters would need to earn \$53 per hour (\$111,040 per year) to afford such apartments (City of San José, 2019). Compared to market-rate apartments, the average rent for a one-bedroom rent-controlled apartment in San José was \$1,967 (City of San José, 2019).

Before 2017, it was unknown how the apartment rental market impacted tenants' ability to live in the City of San José. However, the San José City Council approved the new Tenant Protection Ordinance (TPO) in May 2017. The TPO requires that a just cause be determined before tenants are evicted from apartments in San José. One of the 13 just causes landlords use most commonly is tenants' failure to pay rent (City of San José, 2019). The Housing Department's Rent Stabilization Program (RSP) is responsible for tracking all just cause eviction notices that apartment landlords are required to submit. The RSP receives an annual average of 10,000 just cause eviction notices, 98% of which are submitted for tenants' failure to pay rent (City of San José Housing Department, 2019).

The evident financial burden caused by the high cost of rent in San José leads to challenges in understanding the underlying eviction trends in the city. Is the RSP's tracking of just cause evictions accurate? How many of the notices for failure to pay rent resulted in evictions in court? How much do tenants owe in rent when they are evicted? Do the eviction filing rates differ between market-rate apartments and rent-controlled apartments?

An unprecedented housing crisis is gripping the Bay Area, and the effects of this crisis have

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

been felt acutely in San José. As housing prices soar, many long-time residents have struggled to remain in their communities, near their schools, near their places of worship, and with their neighbors (Holder, 2019). Displacement caused by rent nonpayment evictions can destabilize the living situations of tenants and have a direct impact on residents' health (Poblet & Phillips, 2012). Children may be uprooted from their schools, and social ties that are integral to citizens' welfare and communities' stability may be disrupted. Evictions may also create undue hardship for low-income residents through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing. As these problems emerge, policymakers, researchers, and residents have struggled to understand the true scope of this issue. This study is an attempt to analyze eviction trends through TPO (2017) just cause eviction filings in San José.

### **Research Questions**

This study is a two-part process evaluation of the RSP's tracking of TPO (2017) just cause eviction filings. This study also intends to understand the RSP's collected data when it is properly processed. This study's research questions are as follows: Was the RSP's process for tracking just cause evictions working to achieve the program's goal in determining eviction outcomes? At what levels did landlords pursue just cause evictions for failure to pay rent? Is there a significant disparity between market-rate property managers' eviction filings and rent-controlled apartment landlords' eviction filings?

## BACKGROUND

The background of this research covers three areas in order to understand the RSP's just cause eviction tracking:

- Overview of the Apartment Rent Ordinance (ARO) and Tenant Protection Ordinance (TPO);
- Overview of the housing market; and
- Overview of the eviction requirements in San José and Santa Clara County.

### **Overview of the Apartment Rent Ordinance and Tenant Protection Ordinance**

The City of San José Housing Department's Rent Stabilization Program oversees rent regulation and just cause evictions. The ARO (1979) regulates rent increases, and the TPO (2017) regulates just cause evictions, such as those filed for nonpayment of rent. The ARO limits rent increases for tenants who live in apartment buildings with three units or more that were constructed prior to 1979, the year the ordinance went into effect. In 2016, the San José City Council voted for an amendment to reduce the maximum allowable rent increase from 8% to 5% every 12 months (City of San José Housing Department, n.d.). In 2017, the San José City Council approved requirements for a rent registry to enable city staff to enforce the rent increases permitted by the ordinance and to track the current rents for rent-controlled apartments (City of San José Housing Department, 2019).

The TPO can be found in San José Municipal Code (SJMC) Chapter 17.23, Part 12, and its just cause eviction requirements apply to all rental apartments. The ordinance provides substantive requirements for evicting tenants living in apartments, and eliminates no-cause notices to vacate. All terminations of tenancy must be based on at least one of the 13 just cause termination circumstances listed in SJMC Section 17.23.1250(A). The TPO went into effect in May 2017, and its protections are applied to all new and existing tenants (City of San José, 2017).

The purposes of San José's ARO (1979) and TPO (2017) are to provide a stable housing environment for tenants, while ensuring that landlords receive a fair return on their investment and

maintain the ability to terminate tenancy legally. These ordinances assure tenants living in rent-controlled apartments that, once tenants move in, rents will not drastically increase or become unpredictable.

***Distinguishing Rental Apartments Subject to ARO and TPO***

As of 2019, San José has approximately 90,000 apartment rental units. Most of these rental units are subject to the TPO, and about 38,000 units are subject to rent control under the ARO. The major categories of rental units not subject to the ARO or TPO are 1) single family homes or condominiums, 2) duplexes, and 3) units in nonprofit housing provided at below-market rent to low-income tenants (City of San José, 2017).

***Rent Control Legislative History in San José***

In 1979, the San José City Council approved the ARO, Municipal Code Chapter 17.23, to address the substantial increase in rents that had occurred within the community. The ARO (1979) is administered by the City's RSP, and the ordinance's public policy states the following:

In order to protect the health, safety and welfare of the citizens of San José, this Chapter is a necessary measure designed to alleviate some of the more immediate needs created by San José's housing situation. These needs include but are not limited to the prevention of excessive and unreasonable rent increases, the alleviation of undue hardship upon individual tenants, and the assurance to landlords of a fair and reasonable return on the value of their property (City of San José Housing Department, n.d.).

***Just Cause Eviction Legislative History and the RSP's Tracking Eviction Filings***

The TPO (2017) specifies requirements for providing notices to vacate to tenants living in apartment buildings with three or more units in San José. The TPO (2017) protects tenants from unanticipated evictions and provides them some stability in San José's difficult housing market. For landlords, the requirement for a just cause before terminating a tenancy has substantially limited

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

their ability to pursue evictions in jurisdictions with just cause ordinances (Goodman, 1983). The RSP is responsible for tracking eviction notices through the various methods of submission, including online submissions, mail, and email.

In addition, the Housing Department created a legal services grant to provide legal assistance to tenants facing eviction. The San José Housing Consortium (composed of the Law Foundation, Bay Area Legal Aid, Senior Adults Legal Assistance, Asian Law Alliance, and Project Sentinel) was awarded a \$500,000 contract to provide legal education and services to tenants and landlords beginning in the fall of 2018. The goal of the program is to increase housing stability by providing free counseling, education, referrals, and legal assistance to low-income tenants and landlords. These services also include outreach and education to low-income tenants and landlords citywide (City of San José, 2019).

### **Overview of the Housing Market**

According to the California Budget and Policy Center, as of 2015, more than 4 in 10 households in the State of California had unaffordable housing costs (exceeding 30% of household income), and 1 in 5 households spent more than half of its income on housing costs (Plautz, 2019).

### ***Average Rents of Apartments in San José***

Table 1 shows the average rents of Class A, B, and C market-rate apartments and average rents for rent-controlled and restricted affordable apartments to provide a comparison between the potential income levels of tenants in each apartment type. Assumed income levels were calculated for each market rate example by applying minimum income standards that market-rate property managers use to qualify households to rent their apartments (Rosen, 2018).

**Table 1: Average Effective Rents in San José and Projected Tenant Incomes**

	1 Bedroom Rents	1 Bedroom Income at 2.5 Factor	2 Bedroom Rents	2 Bedroom Income at 3.0 Factor
<b>Market-Rate Apartments</b>				
Class A	\$2,678	\$80,340	\$3,365	\$121,140
Class B	\$2,440	\$73,200	\$2,864	\$103,104
Class C	\$1,803	\$54,090	\$2,263	\$81,468
<b>Rent-Controlled Apartments</b>				
Average Across Tiers	\$1,634	\$49,020	\$1,967	\$70,812
<b>Affordable Apartments</b>				
100% of the AMI	\$2,628	\$78,840	\$2,956	\$106,416
80% of the AMI	\$2,079	\$62,370	\$2,339	\$84,204
60% of the AMI	\$1,757	\$52,710	\$1,976	\$71,136
50% of the AMI	\$1,464	\$43,920	\$1,646	\$59,256

*Costar Definitions for Building Class:*

- *Class A: In general, a class A building is an extremely desirable investment-grade property with the highest quality construction. It may have been built within the last 5-10 years, but if it is older, it has been renovated to maintain its status and provide it many amenities.*
- *Class B: In general, a class B building offers more utilitarian space without special attractions. It will typically not have the abundant amenities and location that a class A building will have.*
- *Class C: In general, a class C building is a no-frills, older building that offers basic space. The property has below-average maintenance and management, a mixed or low tenant prestige, and inferior elevators and mechanical/electrical systems.*

Source: City of San José Housing Department, 2019.

Typically, landlords require that the gross monthly income of a household must be at least 2.5 to 3 times the monthly rent. The income calculations for restricted affordable apartments are based on an assumption that the household cannot pay more than 30% of its income for the apartment. In the calculations used in Table 1, the one-bedroom rent assumes a two-person household, and the two-bedroom rent assumes a three-person household. It should be noted that, for

market-rate apartments, the incomes listed are minimums needed to qualify. For the affordable apartments, the incomes listed are maximum incomes allowed for qualifying households.

### **Overview of the Eviction Requirements in San José and Santa Clara County**

An eviction process occurs when a landlord forcibly expels a tenant from a residence (Judicial Council of California, 2020). Most evictions are attributed to nonpayment of rent, although a landlord may evict tenants for a variety of other reasons, including property damage, nuisance complaints, or lease violations. A formal eviction process occurs when a landlord carries out an eviction through the court system, while an informal eviction process occurs when a landlord executes an eviction without initiating a legal process (Judicial Council of California, 2020).

### ***City Notice of Termination Requirements***

For a landlord to evict a tenant who is living in a rent-controlled apartment in the City of San José, the landlord must provide a just cause from the TPO in the form of a “notice of termination.” A notice of termination must be served to inform a tenant that the landlord intends to terminate the residential lease by a specified date. If a tenant has lived in the apartment for less than one year, the landlord must serve a 30-day notice with at least one of the 13 just causes listed. Conversely, if a tenant has lived in the apartment for more than one year, the landlord must serve a 60-day notice with at least one of the just causes listed. An exception is made in the case of rent nonpayment in which a landlord may provide a 3-day notice, known as a “notice to pay or quit,” to a tenant who has failed to submit rent by its due date. In all cases, the landlord must also submit a copy of these notices to the RSP to be in compliance with the TPO (City of San José Housing Department, 2018).

After being issued a notice of termination, a tenant must move out within the 30 or 60-day deadline specified on the notice (City of San José Housing Department, 2017). When a tenant receives a nonpayment of rent notice, the tenant must pay the outstanding rent due by the deadline of the 3-day notice. If a tenant fails to move out or fails to pay rent by the deadline, the landlord

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

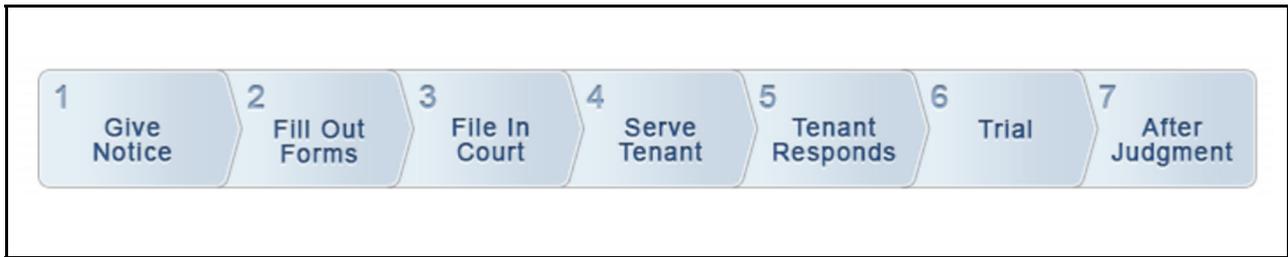
may proceed with the formal eviction process known as an unlawful detainer action.

On March 17, 2020, San José City Council passed a Moratorium on Evictions that would prohibit landlords from evicting tenants for nonpayment of rent due to the financial impacts of the COVID-19 pandemic (Morales-Ferrand, 2020). The moratorium would apply to all residential units, including single family homes and rent-controlled and market-rate apartments. The Moratorium on Evictions was effected through an Urgency Ordinance on March 18, 2020 (City of San José, 2020). Landlords are still required to submit copies of notices of termination and unlawful detainer filings to the RSP. Landlords may resume unlawful detainer processes after the Moratorium on Evictions expires on May 31, 2020 (Morales-Ferrand, 2020).

### ***Eviction Process in Santa Clara County***

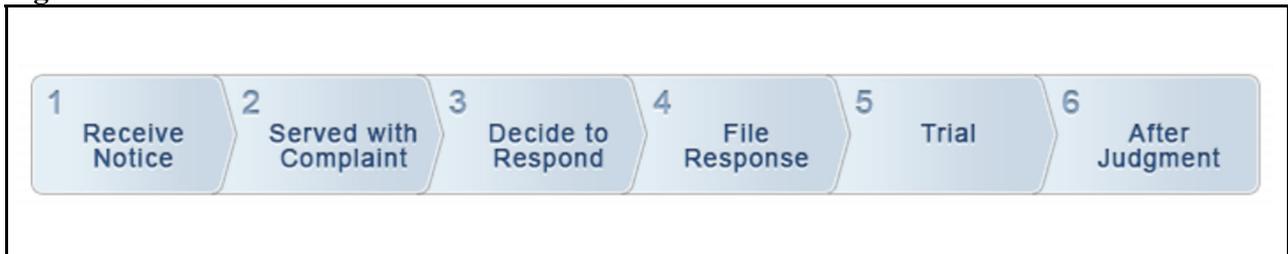
In Santa Clara County, landlords may proceed with an eviction through the court system by initiating an unlawful detainer. A landlord must file the unlawful detainer paperwork through a summons and complaint form and pay court fees. Landlords that are larger companies tend to hire attorneys or legal offices that specialize in evictions to help with the summons and complaint filings. Figure 1 provides an overview of the eviction process for landlords, and Figure 2 summarizes the process for tenants in responding to an unlawful detainer.

**Figure 1: Overview of Eviction Process for Landlords**



Source: Judicial Council of California, 2020.

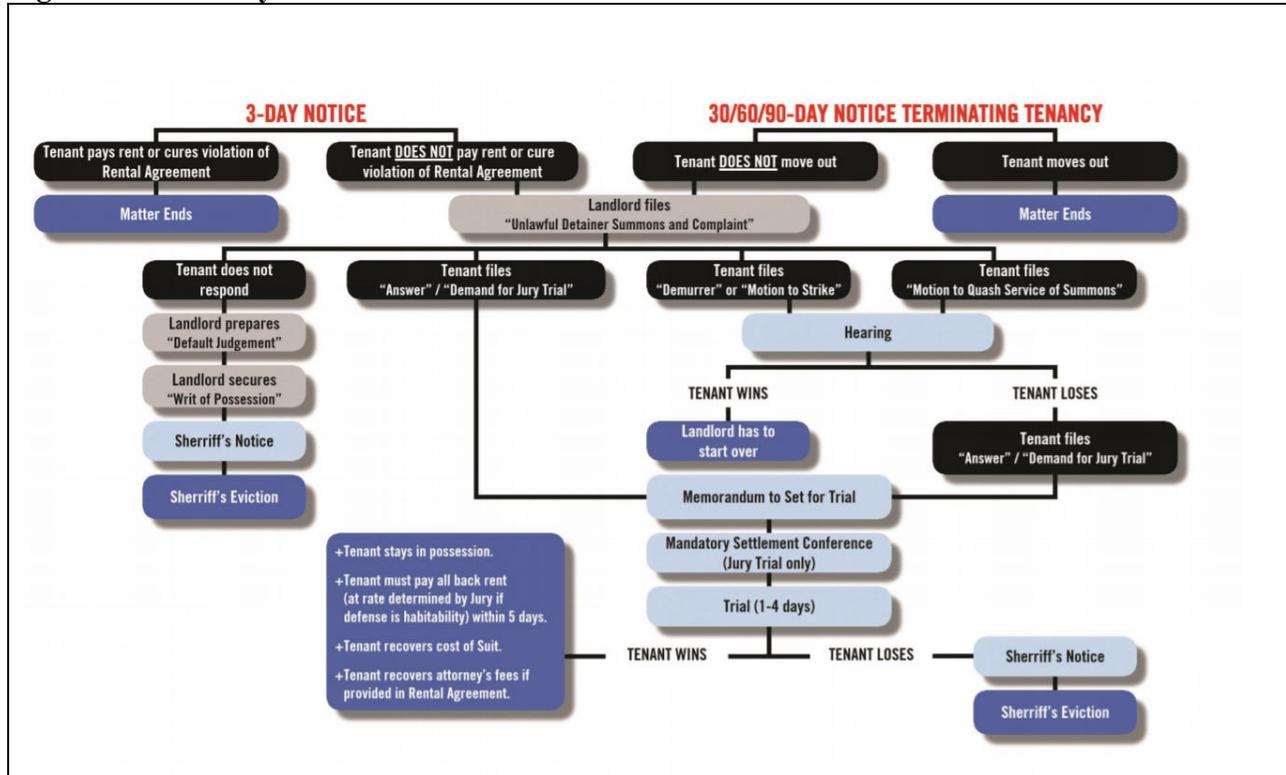
**Figure 2: Overview of Eviction Process for Tenants**



Source: Judicial Council of California, 2020.

A tenant has five business days to respond to the summons and complaint with an “answer.” Tenants may seek legal advice or representation from legal agencies that offer pro bono services. A court date is then scheduled, and the tenant and landlord appear as defendant and plaintiff, respectively, in Unlawful Detainer Court to come to a resolution. The summary of the eviction process is included in Figure 3 (Bornstein Law, n.d.).

**Figure 3: Summary of Eviction Process**



Source: Bornstein Law, n.d.

**Value of this Research**

This research will be valuable to the City of San José Housing Department. First, it evaluates the RSP’s process of collecting eviction filings in terms of workflow, suggests improvements to the RSP’s implementation of eviction filing tracking, and determines eviction outcomes through publicly available court data. This analysis contributes to existing information to help administrative staff when proposing policy changes to councilmembers and local policy makers regarding just cause evictions and preventative measures for evictions.

Second, this research evaluates when landlords pursue just cause evictions for rent nonpayment and whether there is a disparity in the number of market-rate apartment eviction filings compared to rent-controlled apartment eviction filings. Currently, there is limited data available that focuses on the number of tenants who are evicted in San José, and this research is intended to contribute additional data that involves local evictions.

## **METHODOLOGY**

There were two types of methodology used to answer this study's research questions. The first method used was Sylvia and Sylvia's (2012) outcome evaluation using the external review method. The second was a quantitative analysis of 1) the average amount of rent that is owed when landlords file evictions, and 2) whether market-rate apartment landlords file more evictions than rent-controlled apartment landlords.

Outcome evaluations are valuable for ongoing programs. The RSP regularly collects, analyzes, and reports TPO (2017) just cause evictions. These reports are then forwarded to the housing commission and city council, which allows decision makers to assess broader trends (Sylvia & Sylvia, 2012). The RSP's implementation of TPO (2017) just cause eviction tracking is a relatively new process in San José, and its benefits are not entirely known.

**Table 2: Outcome Evaluation of the RSP’s Tracking of TPO Just Cause Evictions and Outcomes**

Theoretical Goals	Program Goals	Proximate Indicators	Program Measures	Program Outcomes	Outcome Valence
T1: Strengthen tenant protections and rent stabilization in San José	G1: Track eviction filings to ensure that landlords are submitting TPO (2017) eviction notices given to tenants correctly (T1)	I1: Number of eviction filings submitted by quarter (G1)	M1: Review process of records and database record keeping (I1)	O1: Records are properly maintained	±
T2: Preserve opportunities for residents to afford living in a decent dwelling in San José	G2: Track eviction outcomes as a result of filings for failure to pay rent (T2)	I2: Incidences of eviction filings due to failure to pay rent (G2)	M2: Outcomes of evictions from just cause filings for failure to pay rent (I2)	O2: All evictions follow just cause ordinance	±

Source: City of San José Housing Department, 2019.

1. **Theoretical Goals:** The first steps in this evaluation are to define goals that operate at two levels: theoretical goals and program goals (Sylvia & Sylvia, 2012, 121). Theoretical goals are broad statements of legislative or executive intent. The theoretical goals for the RSP are 1) strengthen tenant protections and rent stabilization and 2) preserve opportunities for residents to afford living a quality life in San José.
2. **Program Goals:** The second step is to define program goals. Sylvia and Sylvia (2012) explain that, for program goals, the program’s staff defines these goals and uses available resources to achieve the theoretical intent. The RSP’s goals are to track eviction filings to ensure that landlords are submitting TPO (2017) eviction notices correctly and to understand the evictions that result from filings for failure to pay rent.

3. **Proximate Indicators:** The third step is to evaluate the selected proximate indicators in order to assess program performance. Generic indicators were used, which are a type of data that is routinely gathered by the selected program (Sylvia & Sylvia, 2012). The RSP routinely records just cause eviction filings submitted according to fiscal quarters, and the data used in this study was gathered from the RSP.
4. **Program Measures:** The fourth step is to define the program measures, which reflect the operations that convert the proximate indicators into performance measurements (Sylvia & Sylvia, 2012). This analysis is based on existing organization records of the ongoing just cause tracking process (Sylvia & Sylvia, 2012, 129).
5. **Program Outcomes:** Step five is to determine the direct program outcomes. There are two types of program outcomes: primary and secondary. The primary outcomes are direct program impacts, while secondary are indirect impacts (Sylvia & Sylvia, 2012, 129). In this case, these outcomes would include the RSP's records being properly maintained and the landlords following local ordinances regarding evictions.
6. **Outcome Valence:** The final step is to determine the outcome valence for just cause eviction tracking. Outcome valence may be positive or negative, which indicates whether or not the program had an impact on its goals' achievement (Sylvia & Sylvia, 2012, 130). A positive valence indicates that the program has achieved a process toward accomplishing its goals, while a negative valence occurs when the program produces unsatisfactory results for its stated goals. The lack of an impact may also be seen as a negative valence. To assess the valence, the evaluation must be designed and carried out and the data must be analyzed.

In addition to outcome evaluation, this study determined at what level landlords pursued just cause evictions for failure to pay rent by determining averages in monthly rent versus rent owed at

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

the time of filing. This study also attempted to determine whether there was a disparity between market-rate apartment landlords' filing for evictions and rent-controlled apartment managers' filing for evictions. Understanding this data can determine how much rent a tenant may owe before a landlord files for eviction.

### **Data**

The data used in this study is based on just cause eviction data obtained from the Housing Department's RSP (City of San José Housing Department, 2020). The data is a compilation of approximately 600 just cause eviction filings due to failure to pay rent from July 2019 to March 2020 for market-rate apartments and rent-controlled apartments in San José. The eviction filings are organized by fiscal year beginning in July and ending in June. This study is based on the time period of fiscal year 2019-2020, starting with Quarter 1 July 2019 and ending with Quarter 3 March 2020. The dataset includes date filed, tenants' names as defendants, landlords' names as plaintiffs, rental address, monthly rent paid, amount of rent owed, lease attachments, and Santa Clara County Court assigned case numbers.

### ***Data Limitations***

Although the TPO has been in effect since 2017, tracking of specific eviction filings with the court due to failure to pay rent did not commence until July 2019. Therefore, this analysis only focuses on the readily available data in the time period starting from July 2019.

The data used in this report represents a potential undercount of the total number of eviction activities that may have occurred. The eviction filings are a sample of apartment evictions in San José, which may be representative of the eviction activity for rental units in San José on a larger scale. Commercial evictions were also excluded from the data. Other evictions excluded were residential units including single family homes, condominiums, and duplexes.

## LITERATURE REVIEW

Rent control is a price ceiling that limits how much rent can be charged or increased by a restricted rate or percentage (Thum, 2018). In 1942, the Emergency Price Control Act was enacted to prevent inflation during World War II by setting price controls nationwide, which would expire in 1951. Subsequently, other cities adopted rent regulation systems similar to the Emergency Price Control Act in the late 1960s through the early 1980s (Thum, 2018). Currently, only four states (California, Maryland, New Jersey, and New York) and the District of Columbia explicitly allow local rent control regulation (Thum, 2018).

In 1995, the State of California passed the Costa-Hawkins Rental Housing Act (Costa-Hawkins) (Civil Code, §§ 1954.50 to 1954.535), denying local governments the power to place new and specified units under permanent rent control. As of January 1, 1999, Costa-Hawkins prevents local governments from limiting the initial rent for new tenancies, although local governments can limit the subsequent rent increases as long as the same tenants remain in their units (California Civil Code sections 1954.50 to 1954.535). The law prevents cities from updating the date of construction provisions in rent stabilization ordinances, which keeps construction dates in place based on their date of passage (Chlland, 2018). Kamel studied the impact of Costa-Hawkins on the rental market using data from Santa Monica, California from 1990 to 2008 (2012). She found that the deregulation of rent control at the state level due to Costa-Hawkins created market incentives that resulted in more upscale development. As a result, the changes had a disproportionately negative effect on low-income and minority renters in Santa Monica (Kamel, 2012).

The increased cost of rent without rent control can be substantial. Based on the data concerning assessed values and prices of residential properties in Cambridge, Massachusetts between 1988 and 2005, rent decontrol generated a substantial appreciation of \$7.8 billion in residential property over 17 years. With the elimination of rent control in Cambridge in 1995, rent

for homes that had been subject to rent control began to increase to market values. Before rent control was eliminated in Cambridge, rent-controlled units were typically rented at 40% below the price of non-rent-controlled properties (Autor, Palmer, & Pathak, 2014). Rent control had little effect on the construction of new housing, but it did encourage landlords to convert rental units into other forms of housing. Rent control also resulted in a deterioration of rental units' quality.

### **Forms of Rent Control**

There are different forms of rent control. For instance, there is first and second generation rent control. First generation rent control sets an upper bound on rental prices, but these prices remain below the market value. This results in new residents having a more difficult time finding rental housing, a reduction in tenant mobility due to excess demand, and shortages in rental units for lease. Second generation rent control is more flexible, with policies designed to tackle a specific flaw in the rental market, such as rent review or focusing on submarkets (Micheli & Schmidt, 2015).

Tenancy rent control regulates the cost of rent within a tenancy, but it may be raised without restriction between tenancies. The starting rent for a tenancy is unregulated, but the rent increases are regulated, which causes rents to rise less rapidly. Most jurisdictions around the country that previously had traditional first and second generation rent control programs have moved in the direction of tenancy rent control as a method of partial decontrol (Arnott & Shevyakhova, 2014).

### **Controversy with Rent Control Regulations**

There are supporting and opposing arguments related to rent control regulation, which include its economic and social effects. The most frequently cited arguments opposing rent control include the following issues: lower quantity of available housing, reduced quality of available housing, and owners not being incentivized to maintain property.

Economists assert that setting a price ceiling on housing reduces housing supply in the

market. There is less incentive to build new rental housing when maximum prices are set (Thum, 2018). According to a 2012 poll of leading economists conducted by the Initiative in Global Markets, 81% of economists disagreed with the statement that rent control had a positive effect on the amount and quality of rental housing (Micheli & Schmidt, 2015). In addition, because the return on rental housing investments is limited under rent control, rent control can lead to a decline in the quality of existing rental property. Property managers who experience decreasing revenues may be forced to reduce the amount of investment in the maintenance and repair of existing housing (Thum, 2018).

When property managers are not incentivized to maintain rent-controlled property, they may also choose to convert it into ownership units (Thum, 2018). In a study conducted by Diamond, McQuade, and Quian (2018), rent-controlled buildings in the City of San Francisco were almost 10% more likely to be converted into a condominium or a tenancy in common than buildings in the control group. Such conversions may result in a reduction in supply of rent-controlled buildings. A contributing factor to the gap was landlords' demolishing their old rent-controlled housing and building new rental housing that was exempt from rent control in San Francisco (Diamond, McQuade, & Quian, 2018).

The most frequently cited supporting arguments for rent control regulation are tenants' economic benefits and tenants being more motivated to keep their units. Tenants typically belong to a less wealthy part of an economy's population, and households living in housing subject to rent control have a lower expenditure share for housing than households living in unregulated housing (Micheli & Schmidt, 2015). In communities where there are open markets, rent can grow more quickly than the cap set by rent control provisions. Property managers may also favor rent control because tenants will be motivated to keep their units (Thum, 2018). Furthermore, rent control offered large benefits to impacted tenants in San Francisco from 1995 to 2012, with an average

savings between \$2,300 and \$6,600 per person per year (Diamond, McQuade, & Quian, 2018).

Using a neighborhood choice model, Diamond, McQuade, and Quian (2018) found that rent control offered large benefits to covered tenants, and the impact of decreased housing supply could be mitigated if insurance against rent increase was provided by the government.

### **Jurisdictions with Just Cause Evictions and Trends of Eviction Filings**

In California, there are now 15 cities with rent control and just cause legislation, including Berkeley, West Hollywood, East Palo Alto, Hayward, Los Gatos, Oakland, San José, and San Francisco (Gordon, 2018). According to Gordon (2018), while rent control and just cause eviction policies are important, misinformation about these policies threatens their implementation. Figure 4 summarizes cities with tenant rights movements, as well as just cause, rent control, and mediation programs (Gordon, 2018).

**Figure 4: Cities with Rent Control and Just Cause Policies in Northern California**



Source: Gordon, 2018.

In the City of West Hollywood, just cause laws apply to all rental units. The Coalition for Economic Survival is a tenants’ rights advocacy group in the region that has successfully organized a rent escrow program (PolicyLink, 2002). Tenants living in units that are out of compliance with health and safety code enforcement pay their rent into a fund that landlords can retrieve when proper repairs are made (PolicyLink, 2002).

Ellen et al. (2016) found that just cause protections have been implemented in a variety of ways across the United States. Connecticut extends just cause eviction protections to elderly and disabled tenants living in buildings with five or more units. Connecticut and New Jersey have also enacted statutory protections that prevent landlords from raising rent to circumvent just cause eviction protections. The City of Seattle applies just cause eviction requirements to month-to-month tenancies (Ellen et al., 2016).

### ***Serial Filing Rates***

According to a study by Immergluck et al. (2020), eviction filings include many “serial filings,” a situation in which landlords repeatedly serve notices to the same tenant. The serial and non-serial filing rates were analyzed at the property level, and Immergluck et al. (2020) found that the largest buildings and wealthiest owners tend to have high serial filing rates. Neighborhood demographics is a strong predictor for filing rates, as properties in black neighborhoods have higher non-serial filing rates (Immergluck et al., 2020).

A study by Joyner et al. (2018) found that the *Atlanta Journal-Constitution* (AJC) analyzed eviction filings from the counties of Fulton, DeKalb, Cobb, Gwinnett, and Clayton in the State of Georgia. More than one million cases filed since 2010 were serial filings. In addition, the AJC found more than 70,000 cases in which tenants received three or more eviction notices from the same property. The AJC found that eviction filings were a standard operating procedure automatically launched when a tenant is late on rent even by a few days (Joyner et al., 2018).

### ***Decreased Eviction Filing Rates in Jurisdictions***

There has been analysis of eviction filings in various jurisdictions but not in isolated units subject to rent control at the time of this research. In New York City, the total number of eviction filings decreased by 4.6% from 2016 to 2017 (Heller, 2019). Citywide, 84.3% of 2017’s eviction filings were for nonpayment of rent (Heller, 2019). In Harris County, Texas, there is an average of 600 evictions per week, based on the data from the Harris County Justice of Peace. In an analysis of the seasonal pattern of eviction filings in Harris County between March and July from 2016 to 2020, March had the lowest number of eviction filings with a steady increase through July (McClendon & Reichman, 2020). In the City of Philadelphia, eviction filings in the Philadelphia Landlord Tenant Court decreased by 10%, or 2,000 notices, from 2017 to 2018 (Goldstein et al., 2019). The increasing number of rental units can be attributed to the reduced filing of evictions over time.

### ***Tenants' Outcomes when Receiving Legal Services***

Pattanayak, Greiner, and Hennessy (2013) conducted a study on potential clients who were facing eviction from their housing units and who received assistance from two legal aid programs. A control group of clients received “unbundled” assistance, which included a limited how-to session with instructions about the summary eviction process and submitting answers. After receiving the unbundled assistance, the clients were then randomly selected to be in the treated group by being offered traditional attorney-client representation from a legal aid staff attorney with a selective outreach and intake system (Pattanayak et al., 2013). The study found that the clients received better eviction outcomes when the legal aid provider offered full representation than clients with limited unbundled assistance (Pattanayak et al., 2013). Approximately two-thirds of the treated group retained possession of their housing unit at the end of the litigation, while only one-third of occupants in the control group were able to stay in their housing units (Pattanayak et al., 2013). Another study of eviction proceedings in Cincinnati and Hamilton County, Ohio from 2014 to 2017 found that a vast majority of tenants did not have representation, while most landlords did have representation (Johns-Wolfe, 2018).

### **Impact of Evictions on Displaced Tenants**

Experiencing an eviction is associated with negative consequences, such as poorer health, increased risk of depression, and increased hardship in obtaining basic necessities and quality housing (Desmond & Kimbro, 2015). High rent also often leads to an overcrowded living environment. Poblet and Phillips (2012) found that 15% of San José’s rental households were overcrowded. Research on overcrowded living conditions has found that these environments harm family relationships, negatively impact children’s education, and lead to depression, stress, and anxiety (Poblet & Phillips, 2012). In addition, eviction displaces tenants into lower quality housing (Desmond, Gershenson, & Kiviat, 2015) and having an eviction record can disqualify tenants from

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

federal housing assistance programs and have them be routinely rejected by private landlords (Kleysteuber, 2006).

**FINDINGS**

The first part of this study’s findings is related to the RSP’s process for tracking evictions to achieve its goal of determining eviction outcomes. The second set of findings determines when landlords choose to evict tenants and whether there is a disparity between market-rate and rent-controlled landlords issuing eviction filings.

**Part 1: Valences for T<sub>1</sub> and T<sub>2</sub>**

The RSP’s process for tracking eviction filings had a negative valence because the RSP’s staff was unable to efficiently compile and track the volume of notices submitted without an automated system.

**Table 3: Outcome Evaluation for Theoretical Goal T<sub>1</sub>**

<b>Theoretical Goal</b>	<b>Program Goal</b>	<b>Proximate Indicator</b>	<b>Program Measure</b>	<b>Program Outcome</b>	<b>Outcome Valence</b>
T <sub>1</sub> : Strengthen tenant protections and rent stabilization in San José	G <sub>1</sub> : Track eviction filings to ensure landlords are submitting TPO (2017) eviction notices given to tenants correctly (T <sub>1</sub> )	I <sub>1</sub> : Number of eviction filings submitted by quarter (G <sub>1</sub> )	M <sub>1</sub> : Review process of records and database record keepings (I <sub>1</sub> )	O <sub>1</sub> : Records are properly maintained	±

Source: City of San José Housing Department, 2019.

***Program Outcome Analysis for T<sub>1</sub>***

Using the performance measure of evaluating the records and database record keeping, it was determined that the RSP receives a large volume of just cause eviction filings without an automated process to collect the data. The RSP staff is required to manually input information received and manually evaluate the data across different tracking sheets. As a consequence, the RSP staff is limited to performing a total count of submissions and not an analysis of eviction outcomes. In addition, transitioning from an in-house software system to a more advanced software platform

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

resulted in landlords being confused by the new online portal, which caused them to mail or email notices instead (City of San José Housing Department, 2018).

In Quarter 1, there were 2,204 just cause notices for failure to pay rent, and 211 (9.57%) resulted in eviction filings. In Quarter 2, there were 209 eviction filings (10.13%), and Quarter 3 had 183 eviction filings (8.70%). The decrease in Quarter 3 can be attributed to the Eviction Moratorium that San José City Council approved on March 17, 2020, which prohibited landlords from evicting tenants unable to pay rent due to the COVID-19 pandemic (Morales-Ferrand, 2020).

**Table 4: Total Number of Just Cause Notices for Failure to Pay Rent & Eviction Filings**

	<b>2019 July – September (Quarter 1)</b>	<b>2019 October – December (Quarter 2)</b>	<b>2020 January – March (Quarter 3)</b>	<b>Total</b>
Failure to Pay Rent Notices	2,204	2,064	2,106	6,374
Eviction Filings	211	209	183	603
% of Failure to Pay Resulting in Eviction Filings	9.57%	10.13%	8.70%	9.46%

Source: City of San José Housing Department, 2019.

Landlords in San José are required to submit copies of just cause evictions to the RSP within three days of serving a copy to their tenants (City of San José Housing Department, 2018). The method of notice submission to the RSP varies; it includes dropping off the notice in person, mailing in hard copies, emailing soft copies, and submitting it online in the Rent Registry Portal. The current tracking process requires the RSP staff to complete the following steps:

1. Document the date of receipt;
2. Scan any hard copies received into an electronic file;
3. Rename the files to include address and name of plaintiff for internal search capabilities;
4. Save the files by month in a master drive shared by the Housing Department; and

5. Input notice information including tenant name, tenant address, landlord information, and just cause for eviction into an internal Excel tracking sheet.

As a result of these challenges, this study found that the best way to automate the just cause evictions database was to allow only online submissions on the Rent Registry Portal, which uses the customer relationship management system Salesforce. The online form requires tenant and submitter information and places the responsibility on the landlord to provide the data to the form.

**Figure 5: TPO Online Submission Form**

The screenshot displays a web form titled "Signature Verification:". At the top, a declaration states: "Declaration: By signing below, I declare under penalty of perjury under the laws of the state of California that this information and every attached document, statement and form is true and correct. I certify that this property is in compliance with all provisions of the City of Tenant Protection Ordinance." Below this, there are several input fields: a dropdown menu for "Signed By" (set to "Owner"), text boxes for "First Name" (placeholder: "Enter First Name") and "Last Name" (placeholder: "Enter Last Name"), a text box for "Business Phone Number" (placeholder: "Enter a valid phone no. [999-999-9999]"), and a text box for "Email" (placeholder: "Enter a Valid Email Address"). At the bottom, there are two checkboxes: the first is for certifying the signature, and the second is for receiving an email copy, with a note to provide a valid email address.

Source: City of San José Housing Department, 2020.

To change the negative valence to a positive valence, landlords must be allowed to submit just cause notices only online. This outcome would eliminate the current requirement of the RSP staff to manually input information received by mail or email attachments. Furthermore, it would automate and consolidate the database of just cause notices to only one source, rather than several databases. The database can be generated quickly from the online portal to provide accurate information for analysis.

This study then evaluated the outcome for the second theoretical goal (T<sub>2</sub>) of preserving opportunities for affordable living in San José. The program outcome evaluation determined a

negative valence because the RSP’s implementation did not successfully track the outcomes of evictions on a case-by-case basis.

**Table 5: Outcome Evaluation for Theoretical Goal T<sub>2</sub>**

<b>Theoretical Goal</b>	<b>Program Goal</b>	<b>Proximate Indicator</b>	<b>Program Measure</b>	<b>Program Outcome</b>	<b>Outcome Valence</b>
T <sub>2</sub> : Preserve opportunities for residents to afford living a quality life in San José	G <sub>2</sub> : Track eviction outcomes as a result of filings for failure to pay rent (T <sub>2</sub> )	I <sub>2</sub> : Incidences of eviction filings due to failure to pay rent (G <sub>2</sub> )	M <sub>2</sub> : Outcomes of evictions from just cause filings for failure to pay rent (I <sub>2</sub> )	O <sub>2</sub> : All evictions follow just cause ordinance	±

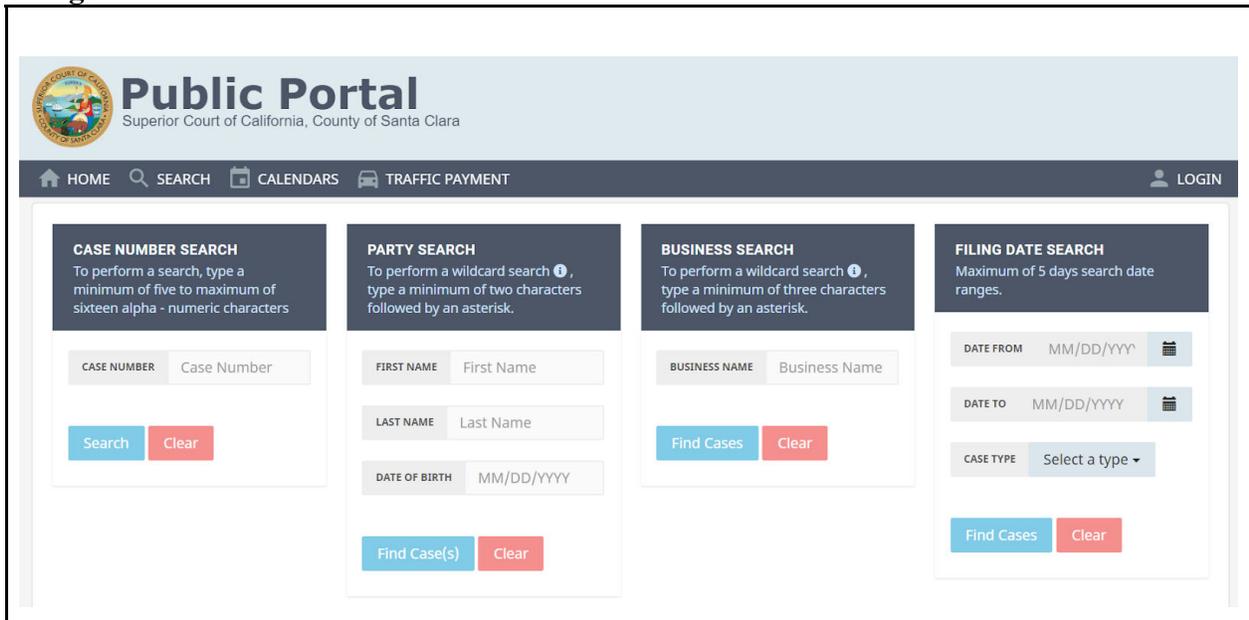
Source: City of San José Housing Department, 2019.

***Program Outcome Analysis for T<sub>2</sub>***

The RSP’s current process collects eviction filings into databases without further analyzing the eviction outcomes, resulting in a negative valence. The RSP staff saves these documents in a folder to track how many eviction notices were submitted, but the staff does not track the outcomes after the notices are filed. For example, the 603 notices of just cause eviction filings due to rent nonpayment do not have outcomes tracked by the RSP, so it is undetermined whether these cases were settled out of court, settled by mediation, or resulted in a lock out.

To change the negative valence to a positive valence, a case-by-case study was conducted using the available data. In this study, the Public Portal of the Superior Court of California of Santa Clara County was used to determine the outcomes of eviction filings for failure to pay rent. Case information was found using the data available in the eviction filings, including case number, party search, and filing date.

**Figure 6: Public Portal of County of Santa Clara used to Search for Outcomes of Eviction Filings**



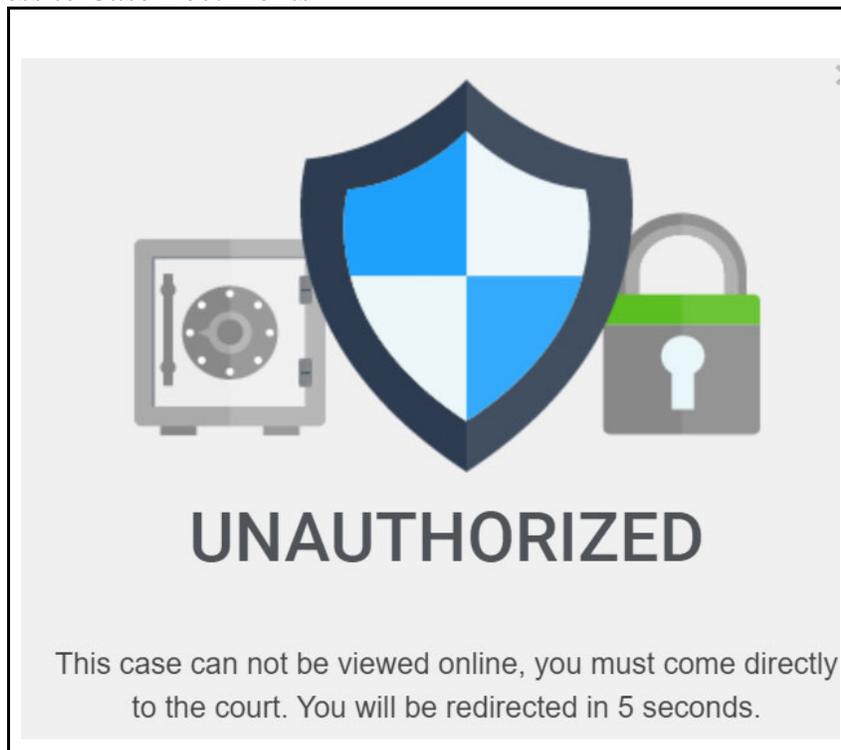
Source: Superior Court of California Santa Clara County, 2020.

The findings revealed limited search results that are publicly available. For example, a search using one case number yielded the following result on the Public Portal:

*The information provided on and obtained from this site does not constitute the official record of the Court. This real-time information is provided as a service to the general public. Any user of this information is hereby advised that it is being provided "as is." The information provided may be subject to errors or omissions. Visitors to this site agree that the Court is not liable for errors or omissions of any of the information provided. At this time, only Civil case information as specified in CRC 2.503 is available to the public via the online portal (Superior Court of California Santa Clara County, 2020).*

Additionally, a case number search revealed documents affiliated with the case, but access to the specific documents were prohibited and could only be accessed in person.

**Figure 7: Public Portal of Superior Court of California, County of Santa Clara - Results Prohibiting Access to Case Documents**



Source: Superior Court of California Santa Clara County, 2020.

Using the “business search” was another viable option. In one example, a search for one of the apartment complexes that filed the most evictions, The Woods Apartments, yielded some case information results. Inconsistency in the listed plaintiff names impacted search records, such as variations of “Arcadia Management Services, CO et al.,” “The Woods Apartments/Arcadia Mgmt Services, A Corp,” and “The Woods Apartments.”

Although The Woods Apartments and its management company, Arcadia Management Services, were of the top three eviction filers in Quarters 1 to 3 from 2019 to 2020, only dismissed cases revealed any case information in the Minute Orders. Other results listing the case status as “active” or “closed/inactive” yielded unauthorized access.

**Figure 8: Public Portal of Superior Court of California, County of Santa Clara - Results for Business Search of “The Woods Apartments”**

View	Case Number	Case Style	Case Status	Case Type	Filing Date
<a href="#">View Case</a>	[REDACTED]	[REDACTED] vs The Woods Apartments	Dismissed	Small Claims \$0 - \$1500	10/11/2019
<a href="#">View Case</a>	[REDACTED]	[REDACTED] vs Arcadia Management Services, CO et al	Active	Small Claims \$5,001 - \$10,000	9/24/2019
<a href="#">View Case</a>	[REDACTED]	[REDACTED] The Woods Apartments/Arcadia Mgmt Services, A Corp	Closed/Inactive	Small Claims Appeals	9/23/2005
<a href="#">View Case</a>	[REDACTED]	The Woods Apartments vs [REDACTED]	Active	Other Petition (Not Spec) Unlimited (43)	6/20/2005

Source: Superior Court of California Santa Clara County, 2020.

By selecting “view case,” the publicly viewable Minute Order provided a summary of the outcomes and revealed that the landlord and tenant resolved the failure to pay rent with a professional mediator, which resulted in a dismissal of the case.

**Figure 9: Public Portal of Superior Court of California, County of Santa Clara - Sample Minute Order**



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**MINUTE ORDER**

[REDACTED]	Hearing Start Time: 1:00 PM
[REDACTED]	Hearing Type: Claim: Plaintiff and Defendant
Date of Hearing: [REDACTED]	Comments:

Heard By: [REDACTED] Location: Department 15  
Courtroom Reporter: Recording Electronic Courtroom Clerk: [REDACTED]  
Court Interpreter:  
Court Investigator:

**Parties Present:** [REDACTED] Plaintiff  
[REDACTED] Defendant

**Future Hearings:**

**Exhibits:**

Source: Superior Court of California Santa Clara County, 2020.

As a result of the limited information on eviction filings, the study found that determining outcomes of eviction filings was limited and yielded little to no possible publicly accessible information in Santa Clara County. In addition, the findings also revealed that inconsistent plaintiff names listed on the eviction filings resulted in further challenges to complete an adequate search through county court records.

Ultimately, to achieve G<sub>2</sub> and T<sub>2</sub> and have a positive valence, the RSP should change the evaluation process to allow for a case-by-case follow up through the publicly available court records. After notices are submitted and entered into the TPO tracking database, the RSP should continue tracking the eviction filings using the case number, plaintiff information, and tenant information.

**Part 2: Level of Outstanding Rent for Eviction and Filings from Market-Rate and Rent-Controlled Apartments**

Part 2 of this study’s findings focuses on when landlords pursue just cause evictions for failure to pay rent and whether there is a disparity between market-rate apartment and rent-controlled apartment property managers’ filing for evictions.

***Average Rent Owed by Tenants***

The current RSP submission and tracking mechanisms do not account for current rent or past due rent information, nor do they distinguish between rent-controlled and market-rate apartments. Therefore, the amount of rent tenants paid or owed and the type of apartment they lived in are unknown because the RSP staff does not track that information. In order to determine at what level landlords pursued just cause evictions for failure to pay rent, this research compiled a database of rents paid and rents owed from filed notices to calculate average amounts.

The available data showed that tenants owed at least one month of past due rent. The average amount of rent owed was also higher than the initial amount listed on lease agreements due to compounded late fees or partial payments.

<b>Table 6: Average Rents Paid and Owed by Tenants</b>			
	<b>2019 July – September (Quarter 1)</b>	<b>2019 October – December (Quarter 2)</b>	<b>2020 January – March (Quarter 3)</b>
Just Cause Eviction Filings for Failure to Pay Rent	211	209	183
Average Rents Paid	\$2,605	\$2,873	\$2,337
Average Rents Owed	\$3,100	\$3,305	\$2,681

Source: City of San José Housing Department, 2020.

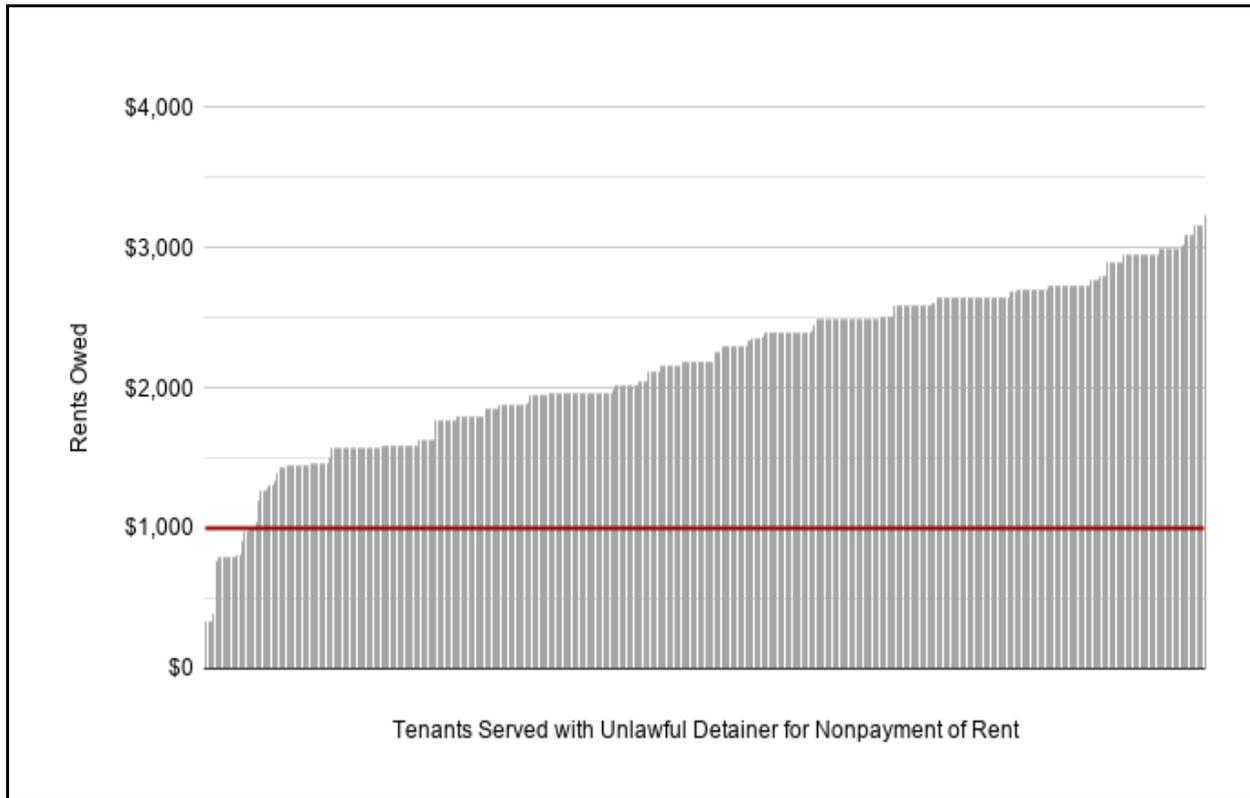
## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

Further analysis of the just cause evictions for failure to pay rent revealed a variety of reasons for the tenants' inability to pay rent. In one instance, a tenant was given an eviction notice for making a partial rent payment while still owing \$385. Similar instances revealed tenants who continued to incur late partial rent payments for several months, which accumulated in thousands of dollars in outstanding rent, resulting in eviction filings. In another example, a tenant received a rent subsidy through the Housing Choice Voucher Program, also known as the Section 8 Program of Santa Clara County Housing Authority. In the lease, the tenant was responsible for a portion of the rent, \$680, based on the tenant's income. However, the landlord filed an eviction notice for approximately \$3,000 for one month of late rent. This may have resulted in the tenant losing the rent voucher and being held liable for the full market rent. Ultimately, these findings reveal that landlords pursue just cause evictions for failure to pay rent after one month of nonpayment, with a variety of factors contributing to late rent payments.

### ***Percent of Landlords Who Pursue Evictions When Tenants Owe Rent***

The RSP's current submission and tracking process also does not analyze the percentage of tenants who owe rent. Building on previous rent information results, this study used the threshold of \$1,000 to analyze what percentage of tenants owed more or less than \$1,000 in rent. By sorting the rent owed of approximately 600 just cause notices for failure to pay rent from least to greatest, the results showed that approximately 3.5% of landlords pursued evictions for tenants who owed less than \$1,000 in rent.

**Figure 10: Average Just Cause Eviction Filings of Rents Paid and Owed from Least to Greatest**



Source: City of San José Housing Department, 2020.

From Quarter 1 to Quarter 3, there was an increase in the percentage of tenants who owed more than \$1,000 in rent. In Quarter 1, 8.53% of tenants owed less than \$1,000 when landlords filed evictions, whereas, in Quarter 3, none of the tenants owed less than \$1,000. Quarter 3’s findings indicate that, as the COVID-19 pandemic caused increasing unemployment and layoffs, more tenants were unable to afford rent and accrued outstanding rent. Across the three quarters, an average of 3.48% of tenants owed less than \$1,000.

<b>Table 7: Just Cause Eviction Filings for Failure to Pay Rent for Less than \$1,000</b>				
	<b>2019 July – September (Quarter 1)</b>	<b>2019 October – December (Quarter 2)</b>	<b>2020 January – March (Quarter 3)</b>	<b>Total</b>
Just Cause Eviction Filings for Failure to Pay Rent	211	209	183	603
# of Tenants Owing Less than \$1,000	18	3	0	21
% of Tenants Owing Less than \$1,000	8.53%	1.43%	0%	3.48%

Source: City of San José Housing Department, 2020.

Ultimately, the available data showed that approximately 3.5% of landlords pursued evictions for tenants who owed less than \$1,000 in rent, and there was an increase in the percentage of tenants who owed more than \$1,000 in rent from Quarter 1 to Quarter 3.

***Disparity Between Market-Rate and Rent-Controlled Apartment Eviction Filings***

The current RSP submission and tracking mechanisms do not account for which landlords and property management companies file the most eviction notices. Furthermore, the RSP does not track whether landlords and property managers of rent-controlled or market-rate apartments are more likely to file a just cause eviction notice for failure to pay rent.

In this study, the notices submitted were evaluated for the names listed as plaintiff, and apartment complexes’ addresses were used to determine whether the complexes were market-rate or rent-controlled based on the year they were built.

The findings revealed that there were three property management companies that filed the most notices, and a greater number of market-rate property management companies filed for evictions than rent-controlled apartments.

IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

Plaintiff Listed in Eviction Filing	Name of Apartment Complex	Property Manager	Type of Apartment Complex
The Haven at Cottle Station, LLC	ViO Apartments	Alliance Residential Company	Market, Not ARO (1979)
The Woods Apartment	The Woods	Arcadia Management Services	Market, Not ARO (1979)
SGMF La Rossa Circle San José, LLC	Alterra Apartment Homes	New Standard Equities	Market, Not ARO (1979)

Source: City of San José Housing Department, 2020.

Furthermore, the rents of these complexes were analyzed to determine the average rents of market-rate apartments (Apartments.com, 2020) to compare to the average rents of rent-controlled apartments (City of San José Housing Department, 2019). The findings revealed that the market-rate rents were all higher than rent-controlled rents for all types of apartments.

Name of Apartment Complex	Studio	One-Bedroom	Two-Bedroom	Three-Bedroom
ViO Apartments	\$2,370 - \$3,876	\$2,320 - \$4,229	\$3,060 - \$5,951	\$3,255 - \$5,986
The Woods	\$1,875 - \$2,035	\$2,025 - \$2,625	\$2,425 - \$3,235	\$3,105 - \$3,685
Alterra Apartment Homes	Not available	Not available	\$2,425 - \$2,845	Not available
Average Rent-Controlled Apartment in San José	\$1,456	\$1,652	\$1,979	\$2,354

Source: City of San José Housing Department, 2019.

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

Given that the average market-rate rents are higher than rent-controlled rents, the rent data supports the idea that market-rate property owners and landlords file more notices for failure to pay rent. Furthermore, there are more market-rate apartments in San José than there are rent-controlled apartments. Lastly, whereas tenants in rent-controlled apartments benefit from a 5% annual rent increase limit due to the ARO (1979), tenants living in market-rate apartments may receive higher rent increases more often, contributing to the challenge of affording higher rents.

## ANALYSIS

Since 2017, the City of San José has taken proactive steps to strengthen tenants' rights and protections, including the adoption of the TPO (2017) and the creation of the Legal Services Grant to provide legal aid to eligible tenants. The city's intention of having both the TPO (2017) and ARO (1979) was to provide eviction protection and rent stability by limiting rent increases to 5% every 12 months. The RSP has processed 30,000 eviction filings since 2017 (City of San José Housing Department, 2019); however, without a baseline understanding of the eviction filings, outcomes, and at what level landlords file for eviction, it will be difficult for the RSP, Housing Department, and policymakers to assess the effectiveness of the legislative interventions of rent control and eviction protections.

### **Recommendations**

#### ***Recommendation 1: Investment in a user friendly automated software infrastructure***

The outcome evaluation revealed negative valences for the RSP's two goals: 1) G<sub>1</sub> Track eviction filings to ensure landlords are submitting TPO (2017) eviction notices given to tenants correctly and 2) G<sub>2</sub> understand eviction outcomes as a result of filings for failure to pay rent. For G<sub>1</sub>, a positive valence may be achieved by allowing landlords to submit just cause notices only online. To achieve a positive valence for G<sub>2</sub>, the RSP should change the evaluation process to allow for a case-by-case follow up through the publicly available court records.

This study's recommendation for the RSP and other housing departments with just cause programs is to invest in software infrastructure before launching any program to track evictions. In particular, software that has a user friendly interface would encourage landlords to use the RSP website. In addition, new software programs should also allow staff to easily customize and insert additional fields to analyze necessary information.

***Recommendation 2: Require landlords to input rent information, rent owed, type of apartment, plaintiff name, and case number on eviction filings***

The RSP experienced challenges in determining eviction outcomes and when landlords tend to evict tenants. This study's findings revealed that landlords evicted tenants who owed one month of rent, with approximately 3.5% of those tenants owing less than \$1,000. It also found that market-rate apartment complexes file more evictions than rent-controlled apartments. Therefore, it is recommended that the RSP modify its existing online portal to insert additional fields, such as rent information, type of apartment, and eviction filing information to achieve desired outcomes.

This study's recommendation for housing departments with just cause and rent control programs is to model the fields of their online forms to parallel those of court eviction forms. By doing so, landlords can quickly fill out information on the cities' forms without needing to search for that information in the court eviction form. The resulting database would provide information on rental data and possible eviction filing outcomes, when possible.

***Recommendation 3: Increase avenues to access information outcomes of evictions beyond court information***

The RSP tracks eviction filing data but had challenges determining the cases' outcomes. This study revealed that, even with case numbers and plaintiff information, the Santa Clara County Public Portal restricted information when cases were active or inactive. Only dismissed cases were accessible through online searches. The recommendation to the RSP is to use other avenues to determine outcomes of eviction filings, either by collaborating with the legal agencies in the Housing Department's Legal Services Grant or by contacting tenants using submitted and available data. The RSP should contact tenants to follow up within 30 to 45 days of filings to determine the outcomes of the evictions. The RSP staff should also survey tenants facing eviction to determine the

best way to support them, either through mailing additional resources or providing information in various languages, such as Spanish and Vietnamese.

Housing departments with just cause eviction programs should establish a legal services grant to collaborate with local legal agencies to assist tenants facing eviction. This collaboration can create an opportunity to gain insight into eviction outcomes from the tenants and legal assistance partners who are directly involved with these cases.

***Recommendation 4: Provide rental assistance referrals to tenants facing evictions and increase proactive outreach to tenants***

From July 2019 to March 2020, the RSP received 603 just cause evictions for failure to pay rent. That is equivalent to 603 tenant households in San José facing eviction who likely need financial or legal assistance. The recommendation to the RSP is to increase proactive outreach to tenants to provide rental assistance and referrals to help avoid eviction for rent nonpayment. Furthermore, the RSP should engage with tenants on how to best implement preventive eviction measures. This can be done by holding community meetings in apartment complexes and areas with high levels of eviction filings, as well as engaging with neighborhood associations.

Housing departments with just cause evictions should establish a website with rental and legal resources to be available to tenants facing eviction, and should be offered in the most frequently spoken languages among monolingual non-English speakers in the community. This resource should be shared with legal agencies and other nonprofit partners who can also help tenants in need.

**Areas for Future Research**

There are two main areas for future research. First, the City of San José should begin recording changes in rent from when tenants are evicted to when new tenants move in. This would enable research on the impact of evictions on owners' decisions to maintain, increase, or decrease rents.

## IMPLEMENTATION OF JUST CAUSE EVICTIONS TRACKING

This research would be valuable to understanding tenant displacement. The second area for future research is analyzing whether cities with just cause programs have a higher or lower eviction rate than cities without just cause protections for rent nonpayment. This additional research can reveal whether just cause protections have any impact on tenants who are unable to pay rent and on renter instability.

## CONCLUSION

An increasing number of San José families are facing eviction, and evictions have long-lasting health consequences on families that have experienced them. This study evaluated whether the RSP's process for tracking just cause evictions achieves its goal of determining eviction outcomes. Results found areas for improvement, such as transitioning to a solely online portal for filing submissions and adding modifications to the eviction form, such as requiring rental and court filing information. Housing department programs can help improve the health and quality of life of residents. Additional analysis is needed to understand tenant displacement and to measure renter instability as a result of evictions. While the current City of San José just cause program appears to be beneficial to renters, the current structure of the program does not lend itself to analysis of its value to the community.

**ABBREVIATIONS LIST**

AJC = *Atlanta Journal Constitution*

ARO = Apartment Rent Ordinance

RSP = Rent Stabilization Program

TPO = Tenant Protection Ordinance

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