



Assembly Bill 1482¹: Tenant Protection Act of 2019 BURBANK - FAQ

Bill Status and Overview:

- AB 1482 was passed by the State Legislature and was signed into law by the Governor on October 8, 2019.
- AB 1482 implements Just Cause Eviction and Rent Caps for specific properties as listed below.
- The law becomes effective - January 1, 2020 and sunsets in 10 Years – January 1, 2030.

Summary:

On January 1, 2020, this new law will apply to units with a Certificate of Occupancy (CofO) issued through December 31, 2004. Units built in the last 15 years are exempt. In addition, the law applies to all multi-family housing and to single family homes and condos owned by a:

- Real Estate Investment Trust (REIT);
- Corporation; and
- Limited Liability Company where one member is a corporation.

Finally, the Just Cause Eviction and Rent Cap provisions of the proposed law do not apply to units with an affordability covenant. If you are a Section 8 tenant or landlord with questions, please call the housing office at (818) 238-5180.

As additional information is available, this FAQ will be updated.

Just Cause Provisions:

- Requires property owners to have and state a just cause for eviction of continuous and lawful tenancy of at least 12 months; or up to 24 months for additions of an adult tenant.
- Just cause means “at-fault” or “no-fault” as listed in the law.
- Before termination for a lease or contract violation, tenant must be given a Notice of Violation and an opportunity to cure the violation.
- For no-fault terminations, requires (regardless of tenant’s income) relocation assistance of one month’s rent provided within 15 calendar days of service of the notice of termination or waiving of last month’s rent.
- If relocation assistance is not provided as required, termination notice is void.
- If relocation assistance is provided and tenant fails to relocate, relocation assistance amount is recoverable as damages.
- Requires specified notice from owners to tenants on applicability of law.

Just Cause Exemptions:

- Units issued a certificate of occupancy (CofO), which is issued once construction is completed, within last 15 years.
- The 15 years is a rolling period. On January 1, 2020, this law only applies to units issued a CofO through December 31, 2004.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482.

FAQ





FAQ

- Single family homes/condo and the owner is not one of the following and has provided written notice² of such:
 - Real Estate Investment Trust (REIT)
 - Corporation
 - Limited Liability Company where one member is a corporation
- Transient and tourist hotel occupancy, non-profits, dorms, shared bathroom or kitchen, single family occupancy with room rentals, Accessory Dwelling Units (ADUs), owner occupied duplexes.
- Affordable restricted housing units or units subject to housing subsidy; may not apply to Section 8.

Rent Cap Provisions:

- Limits rent increases to 5% a year plus the percentage change of cost of living or 10%, whichever is lower.
- Uses the lowest gross rental rate charged for the immediately preceding 12 months as the base amount; Prohibits more than two (2) incremental rent increases over a 12-month period after initial 12-month tenancy.
- Sets starting rent for calculations to March 15, 2019.
- Tenants must pay any rent increase that was effective after March 15, 2019, until January 1, 2020, when the rents are rolled back to rents as of March 15, 2019 plus allowable increases.
- Property owners are not liable for any overpayment between March 15 and January 1, 2020.
- Property owners can increase rents in any amount once tenants move out. The new rent level will be subject to the rent cap explained above.
- Requires specified notice from owners to tenants on applicability of law.

Rent Cap Exemptions:

- Units issued a certificate of occupancy (CofO), which is issued once construction is completed, within last 15 years.
- The 15 years is a rolling period. On January 1, 2020, this law only applies to units issued a CofO through December 31, 2004.
- Single family homes/condo and the owner is not one of the following and has provided written notice³ of such:
 - Real Estate Investment Trust (REIT)
 - Corporation
 - Limited Liability Company where one member is a corporation
- Affordable restricted housing units or units subject to housing subsidy. For Section 8 Tenants, while contract is in effect, there can be no rent increase. Once an existing contract expires, rent caps apply.
- Dormitories for higher education.
- Housing subject to local rent control. There is no rent control in Burbank.

² Agreements before 1/1/20 do not have to include written noticing language although special provisions apply for designated affordable units.

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FAQ

Compatibility with Existing, Local Ordinances:

- Authors State AB1482 was written so not to preempt existing just cause or rent control ordinances enacted before September 1, 2019. Burbank does not have such ordinances.
- For less protective, local ordinance adopted after September 1, 2019, AB1482 shall apply.
- Allows jurisdictions to adopt future Just Cause or Rent Control ordinances that are more protective of tenants, as long as not in violation of other state statutes.

No Funds for Enforcement:

- According to authors, no reimbursement to a local jurisdiction is required by this act; stating:
 “The only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction; eliminates a crime or infraction; or changes the penalty for a crime or infraction.”
- This forces the tenant to enforce the law by defending an unlawful detainer lawsuit brought by their property owner or affirmatively bring their own law suit against their property owner.

Resources:

Housing Rights Center	(800) 477-5977	www.housingrightscenter.org
Department of Consumer Affairs	(800) 952-5210	www.dca.ca.gov
Neighborhood Legal Services	(800) 433-6251	www.nlsla.org/
Legal Aid Foundation	(800) 399-4529	www.lafla.org/
BASTA, Tenant Rights Org	(213) 736-5050	www.basta.org/
Los Angeles Superior Court- Small Claims		http://www.lacourt.org/division/smallclaims/smallclaims.aspx

Landlord Tenant Commission:

This City Council appointed-Commission ***meets the first Monday of the month*** (unless otherwise posted), and provides information, education and mediation.

Time: 6:15 p.m.

Location: Community Services Building, Room 101/104
 150 N. Third St., Burbank, CA

Please visit <https://www.burbankca.gov/departments/community-development/housing-economic-development/housing/the-burbank-landlord-tenant-commission> for more information.

