



NEW LAWS & UPDATES

2024

UPDATED: 3/25/2024

Legal Aid Society of San Diego

Justice Begins Here

1-877-5342524

<https://www.lasds.org/>

- This presentation is intended to provide general information regarding legal rights related to housing in California.
- If you have questions, consult with an attorney or the appropriate agency about your rights in your specific situation.
- **This presentation was funded in whole or in part American Rescue Plan Act funds provided by the County of San Diego.**
- Legal Aid Society of San Diego 1 (877) 534-2524 or visit www.LASSD.org
- **Updated March 8, 2024**



SENATE BILL 567

1. Updates Civil Code section 1946.2 regarding Just Cause
 - Increased requirements to terminate a tenancy for owner occupied move in
 - Increased requirements to terminate a tenancy for substantial remodel
 - Provides enforcement mechanisms & remedies for just cause violations
2. Updates Civil Code section 1947.12 regarding Rent Cap
 - Updates Definitions
 - Provides enforcement mechanisms & remedies for rent cap violations

OWNER OCCUPIED MOVE-IN

1946.2(b)(2)(A)

- An Owner (or qualifying family member) must occupy the unit as their *primary residence* for a minimum of 12 continuous months **after moving in**.
- Intended occupant must move into the unit within 90 days of the tenant vacating.
- Written notice must contain the name(s) and relationship to the owner of the intended occupant.
- Must inform tenant they can request proof the intended occupant is an owner or qualifying family member.
- If intended occupant **DOESN'T** use the premises as their primary residence for 12 continuous months **OR** fails to move in within 90 days of tenant vacating:
 - Owner **shall** offer the unit to the tenant who vacated at the same rent and lease terms that were in effect at the time the tenant vacated
 - Must be offered at lawful rent in effect when notice was given
 - Owner **shall** reimburse the tenant for reasonable moving expenses incurred in excess of any relocation assistance that was paid to the tenant in connection with the written notice



DEMOLISH / SUBSTANTIAL REMODEL

1946.2(b)(2)(D)

- **Defines Substantial Remodel** as either of the following that cannot be reasonably accomplished in a safe manner that allows the tenant to remain living in the place and that requires the tenant to vacate the unit for at least 30 consecutive days:
 - The replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a government agency
 - The abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with federal, state and local laws.
- **Written Notice Requirements:**
 - 1) a statement informing tenant of owner's intent to demolish or substantially remodel the unit;
 - 2) a specific statement (see statute for exact language) informing the tenant of their rights if the substantial remodel or demolition of the unit doesn't occur:
 - 3) A description of the substantial remodel to be completed, approximate/expected duration, or expected date by when the property will be demolished, PLUS one of the following:
 - A copy of the permit or permits required to undertake the substantial remodel or demolition
 - If notice issued pursuant to **abatement of hazardous materials**, and remodel doesn't require a permit, a copy of signed contract with contractor hired by Owner to complete the substantial remodel, that reasonably details work that will be done to abate the hazardous materials
 - 4) Notice that if tenant is interested in reoccupying unit after substantial remodel, tenant must inform owner: a) of their interest in reoccupying the unit after the remodel, and b) provide Owner with their address, phone number and email address.



REMEDIES

□ Just Cause

- Landlord's failure to comply with 1946.2 renders the notice of termination **void**.
- A landlord **shall** be liable to the tenant in a civil action for **all** of the following:
 - Actual damages
 - Reasonable attorney's fees and costs (court's discretion)
 - Up to 3xs actual damages if owner acted willfully or with oppression, fraud, or malice.
- Injunctive relief

□ Rent Cap

- Landlord's failure to comply with rent cap laws **shall** be liable in a civil action to the tenant for **all** of the following:
 - Damages in the amount payment demanded exceeds max allowable rent;
 - Reasonable attorney's fees and costs (court's discretion)
 - Up to 3xs actual damages if owner acted willfully or with oppression, fraud, or malice.
- Injunctive relief
- 3 year statute of limitations



TPO- UPDATES

1. **City of San Diego Tenant Protection Ordinance**

- Ordinance No. O-21769
- San Diego Municipal Code Article 8, Division 7 § 98.0701 - § 98.0710
- Goes into effect April 1, 2024

2. **City of Chula Vista Tenant Protection Ordinance**

- Ordinance not yet numbered
- Chula Vista Municipal Code, Chapter 9.65
- Goes into effect April 1, 2024

ASSEMBLY BILL 12

AMENDS CIVIL CODE § 1950.5: SECURITY DEPOSITS

Goes into effect: July 1, 2024

ASSEMBLY BILL 12

- ❑ Landlords are prohibited from demanding or receiving security (a payment/fee/deposit/charge) for a rental agreement in an amount that is more than **one (1) month of rent** in addition to demanding first month's rent.
 - ❑ (doesn't matter if the unit is furnished or not)
- ❑ Landlords are prohibited from demanding or receiving security (a payment/fee/deposit/charge) for a rental agreement in an amount that is more than **two (2) months of rent** in addition to demanding first month's rent IF the landlord meets BOTH of the following:
 - ❑ Landlord is a natural person (or an LLC where all members are natural persons); AND
 - ❑ Landlord owns no more than 2 residential properties that all together include no more than 4 dwelling units offered for rent.
- ❑ Not retroactive – doesn't apply to deposits demanded before July 1 2024



QUESTIONS/REFERRALS?

If you have a client who needs housing assistance, please have them call Legal Aid at 1 (877) 534-2524 to open an application for assistance.



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