

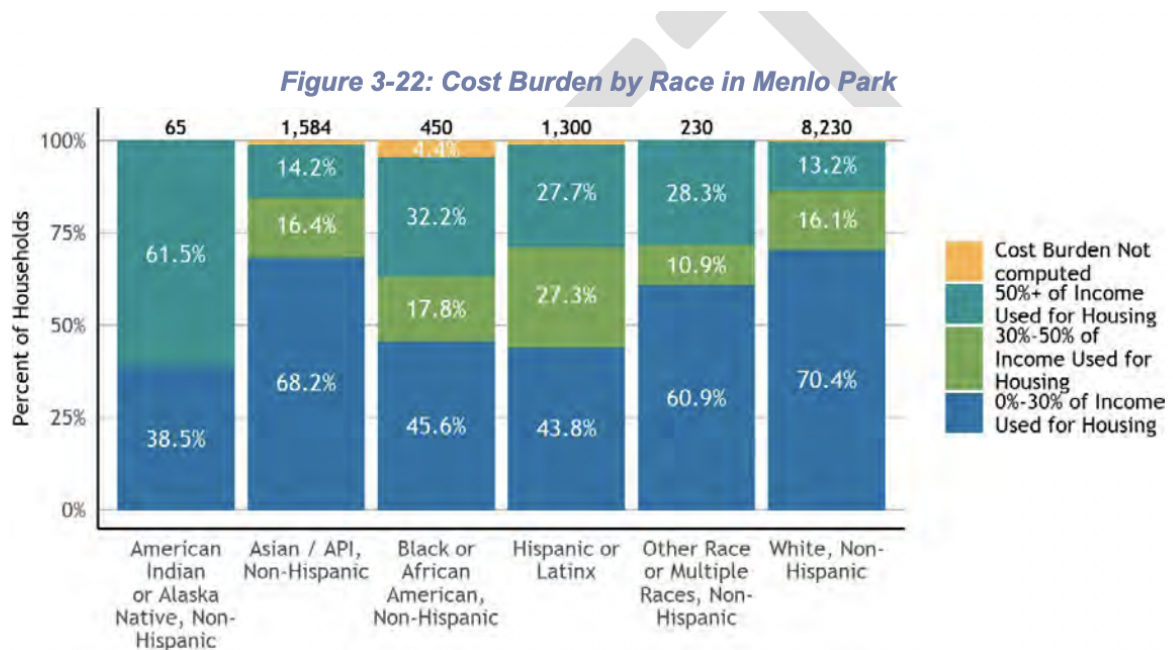


November 13, 2022

Dear Menlo Park City Council, Planning Commission, Housing Commission, and Housing Element staff and consultant team, and HCD,

On behalf of Menlo Together and El Comite, I am writing to share feedback on the [letter](#) received by the City from the state department of Housing and Community Development (HCD) on October 21, 2022, regarding Menlo Park's 2023-2031 Draft Housing Element. Menlo Together is submitting a separate letter focused on Sites and Site Strategies to meet HCD requirements

This letter focuses on **Program H2.E Anti-Displacement Strategy**, with specific recommendations for strengthening tenant protection programs and policies. Lack of tenant protections is an identified contributing factor to fair housing issues and homelessness. As shown in the Draft Housing Element (Figure 3-22), our Black, Latino and Native American residents are disproportionately housing cost-burdened.



We live in one of the most expensive areas of the country, and we have already lost far too many residents to evictions and excessive rent increases. In our letter of June 2, 2022, where we provided feedback on the housing element draft, we pressed the City to expeditiously enact effective anti-displacement and strong tenant protection programs. These ideas were not implemented. Now that

HCD has rejected the draft, we urge the City to revise our draft housing element with specific tenant protections in order to prevent displacements—and homelessness—due to no-fault evictions.

To stem the rising tide of evictions, we urge the City to extend tenant protections beyond those provided by the statewide ‘just cause for eviction’ law of 2019, aka the Tenant Protection Act (TPA). We offer this as an action that the City can take immediately, with tangible benefits.

According to the Anti-Displacement Coalition[1] of San Mateo County (SMADC), a local just cause for eviction ordinance is one of the most powerful tools our cities can implement to prevent evictions. As evidence, SMADC points to A [study](#) of four California cities, including East Palo Alto, where evictions and eviction filings decreased after passing local just cause for eviction ordinances. Preventing no-fault evictions will affirmatively further fair housing and prevent homelessness.

While there are a number of factors that constitute a robust local just cause for eviction policy, Menlo Together recommends prioritizing these specific policies in the Menlo Park Housing Element:

- Just Cause for Eviction protections extended to cover tenants with tenure of any duration.
- Relocation assistance equal to four months’ rent for all no-fault evictions. This can prevent episodic homelessness, and it creates a cost to landlords who choose to use excessive rent increases as a way to evict people without cause.

To ensure effective implementation of a just cause eviction policy, it is critical that tenants and landlords understand the law and know where to turn if they need support. We have anecdotal evidence from trusted community-based organizations that scores of local evictions are done in ways that are not enforceable. Tenants are likely to leave when served with an eviction notice, often because they do not understand their rights or because they have been misinformed by their landlord. [2] The City needs to hold landlords accountable. To do so, it needs timely data about eviction actions.

For these reasons we advise incorporating the following programs into the HE:

- Tenant Education: Provide regular, robust, and culturally competent tenant education in partnership with one or more trusted community-based organizations (CBOs).
- Eviction Data Collection: Create an ordinance through which a notice of eviction must be filed with the City as a condition of enforceability. See this [innovative policy](#) from the City of Cudahy, CA.

Affirmatively Furthering Fair Housing

Nationally, eviction rates are significantly higher for Black renters than for white renters, according to the [Eviction Lab](#).

In San Mateo County, Legal Aid organizations studied the [demographics and impact of eviction](#) using data from 2014-2015, and found:

- 75% of reported eviction activity was due to no-fault evictions (36%) or unaffordable rent (39%)
- Latino people are 25% of the county population and were evicted at a rate of 49%
- Black people are 2.5% of the county population and were evicted at a rate of 21.4%

- Respondents (those who experienced eviction proceedings) were 63% female head of household and 70% of respondents had children.
- 94% have incomes below \$60,000/year in 2016

Data from [Menlo Park's Draft Housing Element](#) shows a disproportionate number of lower income households (Figure 3-20), senior households (Figure 3-21), and Latino, Black and Native American households (Figure 3-23), are disproportionately rent burdened.

As previously mentioned, findings of a recent [study by the Eviction Lab](#) cite a decrease in evictions and eviction filings after just cause eviction ordinances were passed in several California cities, including in East Palo Alto. These findings, taken together with the demographic data cited above, establishes a clear connection between preventing no-fault evictions without just cause and affirmatively furthering fair housing.

Preventing evictions is all but required by the state requirement to affirmatively further fair housing. In addition, our homeless population were once housed, and suffered evictions - whether formal or coerced. We can and must do better. To prevent formal and coerced evictions we urge the City to adopt these tenant protection programs into the updated Housing Element with specific timelines and responsible parties:

- Just Cause for Eviction required for tenants of any tenure
- Four months' rent relocation assistance
- Tenant 'know your rights' education
- Eviction monitoring by requiring notice to city for enforceability

Sincerely,

The Menlo Together Team

in collaboration with El Comité de Vecinos del Lado Oeste, East Palo Alto

[1] About the San Mateo County Anti-Displacement Coalition (SMADC): Since 2014, Public Advocates, Faith in Action, Urban Habitat, the Community Legal Services of East Palo Alto, HLC and others have come together to advocate for tenant protections and other anti-displacement measures as lower income renters in San Mateo County are facing intense displacement pressures, including mass evictions, staggering rent increases, and record housing prices.

[2] We present anecdotal evidence from local community groups here for expediency; we are seeking corroborating data.