



## STATE SENATOR MARIA ELENA DURAZO

LEGISLATIVE FACT - SHEET

### Senate Bill 529 Tenant Right to Organize

#### **Summary:**

This measure ensures a tenants right to organize by protecting them from retaliatory eviction.

#### **Background:**

California law prohibits a lessor from increasing rent, decreasing services, or retaliating against a lessee for lawfully organizing or participating in a tenant association or an organization advocating for the rights of tenants. The burden of proving retaliatory eviction rests with tenants. Moreover, property owners are not required to state a reason for eviction, thereby rendering it extremely difficult to prove retaliatory purpose or safely assert their enforceable rights. SB 529 would enact protections for tenants that seek to engage in organizing activity through tenant associations. The rights and remedies contemplated by this legislation would be enacted in addition to any other rights and remedies provided by statutory or decisional law.

#### **Problem:**

California law allows evictions without cause, creating a reality in which many tenants fear retaliation if they assert their rights. Tenants who speak up and who join with their neighbors to assert these rights are at risk of eviction and in some cases, harassment. Promoting tenant organizing diminishes the risks tenants face and provides for a more equitable system. Additionally, tenants are at great risk if they withhold rent due to complaints. Property owners can file a nonpayment eviction, and while tenants have a right theoretically, to defend against the eviction, in reality, these cases usually result in eviction. SB 529 seeks to increase participation in tenant associations to build collective power, balance power between landlords and tenants, and promote fairness in housing.

#### **Solution:**

SB 529 would codify just cause and right to strike protections for any tenant who forms or joins a tenant association consisting of three or more rental units owned by the same property owner.

SB 529 requires a property owner evicting a tenant who is in a tenant association to have and state their reason for eviction. Cause must be stated in writing and be the dominant motive for the termination or eviction. A tenant association shall be defined as a group of tenants from three or more units owned by the same landlord, who form or maintain an association, whether incorporated or unincorporated, to improve housing conditions, amenities, community life, and/or contractual position of its members.

This measure would also establish a right for tenants to engage in a rent strike over grievances and preclude eviction for nonpayment of rent during the strike. Tenants commence a rent strike by notifying their landlord in writing that they are members of a tenant association consisting of at least three rental units owned by the landlord, that the tenant association by majority vote has authorized a rent strike because of one or more specified grievances or complaints, and that they have purchased a money order or cashier's check for payment of rent that will be held until conclusion of the rent strike. SB 529 would establish a timeline for meeting on grievances and concluding the rent strike. The statutory right to engage in a rent strike shall be limited to a set number of rent strikes per year.

SB 529 would implement enhanced penalties of five times the current statutory penalties for retaliation or violation of this right to strike law.

#### **Sponsors:**

Tenants Together

#### **Contact:**

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