

Casey Erlenheim

From: Margaret DeMatteo <mdematteo@movementlegal.org>
Sent: Tuesday, February 17, 2026 12:00 PM
To: Elizabeth Pabon-Alvarado; Rita Xavier; Abel Pineda; Patricia Ponce; Arturo Cruz; Brian Hickey; Matt Rodriguez; City_Clerk
Cc: rhea elina laughlin; David Sharples; Leah Simon-Weisberg
Subject: Written Comment Regarding City Council 2/17/26 Agenda Item 16

Dear Mayor, Councilmembers, and Staff:

Movement Legal **strongly opposes** advancement of the proposed Just Cause ordinance to a final vote. This third revision is not merely inadequate, it is **legally defective and substantively inferior** to the Tenant Protection Act (TPA) and SB 567.

As drafted, the ordinance risks creating an unenforceable local scheme that **supersedes and diminishes** existing state protections, exposing San Pablo to preemption challenges while stripping 57.6% of the population (renters already suffering the highest cost burdens and fewest safeguards in the Bay Area) of rights they currently possess under California law.

The Council has consistently disregarded repeated testimony from working families demanding *enhanced* protections rather than watered-down compromises. This refusal to acknowledge constituent urgency has directly catalyzed a resident-led comprehensive tenant protection initiative, rendering this flawed legislative process not just tone-deaf, but likely moot.

Process Failures Limit Public Participation

Until Saturday, February 14th, the City failed to provide a usable redlined version of the ordinance, making meaningful public review nearly impossible. While the comparison document is now posted, this delay underscores the difficulty community members face in tracking changes that directly impact housing security. Transparency requires adequate time to analyze complex legal language.

The Legal Standard: “More Protective” or Void

Under California Civil Code § 1946.2(i), a local just cause ordinance adopted after September 1, 2019 supersedes the TPA only if it is “more protective” across three criteria: consistent just cause definitions, additional tenant safeguards or higher relocation payments, and a binding local finding of superior protection. A weaker local ordinance is legally void while the TPA stands, and a property cannot be subject to both regimes simultaneously. This draft fails on four critical fronts:

1. It creates a new “three-unit” exemption that is not in the TPA and undermines tenant protections.

The TPA contains **no** small-landlord carve-outs. The proposed exemption for owners of “three (3) or fewer Rental Units” creates a major rollback that state law deliberately rejected. In San Pablo, [88% of multifamily asset value is controlled by entities headquartered outside the metro area](#), with only 12% held locally—the lowest share among comparable cities. This exemption does not protect “mom and pop” owners; it shields distant corporate investors from accountability.

It also effectively nullifies the “added” protections for single-family renters (over 30% of the housing stock), as most individual landlords own only one or two single family homes and will be exempt.

2. Illegal Weakening of SB 567 “Right to Return” Protections

SB 567 added critical safeguards to prevent “renoviction” scams and fraudulent owner move-ins. State law mandates that if an owner move-in fails to occur within 90 days or the owner does not reside there as their primary residence for 12 consecutive months, the owner must offer the unit back to the displaced tenant at the **same rent and lease terms** as when they left, plus reimbursement for moving expenses exceeding any relocation aid paid (Civ. Code § 1946.2(b)(2)(A)(vi)(I)). Similarly, if a stated substantial remodel or demolition is not commenced or completed, the tenant must be offered the chance to re-rent at the prior rent and terms. Your draft reverses these protections, allowing landlords to reset rents to market rate after cosmetic vacancies or failure of an owner to actually move in and stay there for at least a year, directly contravening the TPA’s anti-gouging provisions.

3. The 12-Month Threshold Merely Mirrors the State Floor

Delaying coverage until after 12 months equals the TPA’s baseline, not an enhancement. To lawfully displace state standards, local law must do better, not simply replicate the statutory minimum. It is a shame to see this rollback after two prior versions started at day one, which is the majority approach across CA.

4. Two months’ relocation assistance is inadequate to meet the “more protective” standard.

With rising rents and limited vacancies, two months does not meaningfully offset the costs of displacement and falls short of what would be needed to justify overriding the TPA, Civ. Code § 1946.2(i)(1)(B)(ii).

If the City proceeds with a weaker ordinance, it risks (1) creating an unenforceable law, and (2) reducing tenant protections at the very moment residents need stronger safeguards. Please **pause** this item and instead bring back an ordinance that clearly meets Civil Code § 1946.2(i)’s “more protective” requirements—at minimum: no new exemptions that reduce coverage, full SB 567 right-to-return language, coverage starting sooner than 12 months, and relocation assistance that reflects real displacement costs.

Respectfully submitted,
Margaret

--

Margaret DeMatteo (she/her)

California Center for **Movement Legal** Services

Directing Attorney

www.movementlegal.org



Mobile: (415) 952-6519 | mdematteo@movementlegal.org
428 13th Street, 8th floor, Oakland, CA 94612

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) and may contain legally privileged and/or confidential information. If you are not the intended recipient, do not disclose, distribute or copy this communication. Please notify the sender that you have received this e-mail in error and delete the original and any copy copies of the e-mail.

Este correo electrónico, y cualquier archivo incluido, está designado solamente para el uso del destinatario(s) y puede

contener información privilegiada legalmente y / o confidencial. Si usted no es el destinatario indicado, no divulgue, distribuya o copie esta comunicación. Por favor notifique al remitente que recibió este correo electrónico por error y elimine el original y cualquier copia de su sistema.