

To: Contra Costa County Housing Authority Board of Commissioners
 From: Joseph Villarreal, Housing Authority
 Date: March 10, 2020



Contra
Costa
County

Subject: IMPACT OF AB 1482 (CHIU) ON THE HOUSING CHOICE VOUCHER PROGRAM

RECOMMENDATIONS

CONSIDER accepting a report concerning the impact of AB 1482 (Chiu) on the housing choice voucher program.

BACKGROUND

AB 1482 (Chiu), the Tenant Protection Act of 2019 took effect on January 1, 2020. AB 1482 limits rent increases in California and requires "just cause" evictions in most cases. AB 1482 clearly exempts certain types of affordable housing from coverage under the law, such as public housing and project-based vouchers. However, what is not clear, and is being hotly debated, is whether or not Housing Choice Vouchers (HCV) are covered under the new law. Tenant advocates such as the National Housing Law Project and the Western Center on Law and Poverty (WCLP) argue that "regular" vouchers are covered under AB 1482, while groups like the California Apartment Association believe that Vouchers are exempt.

It is our understanding that, at least in early discussions, AB 1482 was intended to cover the voucher program. However, the published law does not read that way to many housing professionals. In conversations with two of our Housing Authority industry groups (CAHA

Action of Board On: **03/10/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF COMMISSIONERS

AYE: John Gioia,
 Commissioner
 Candace Andersen,
 Commissioner
 Diane Burgis,
 Commissioner
 Karen Mitchoff,
 Commissioner
 Federal D. Glover,
 Commissioner

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 10, 2020

Joseph Villarreal, Executive Director

By: June McHuen, Deputy

Contact: 925-957-8028

cc:

and NAHRO), Assemblymember Chiu's staff has said that they do not believe the law, as written, covers HCV participants.

BACKGROUND (CONT'D)

Further, the Assembly's legal counsel, the Legislative Counsel Bureau, has published an opinion stating that "a rental unit participating in the HCV program" is exempt from AB 1482's requirements.

It is unclear at this time whether an attempt will be made to amend this law to include the HCV program, or if this will end in one or more lawsuits. Based on both conversations with tenant advocates and the fact that HACCC is not the entity that would raise the rent under the HCV program, it is unlikely that HACCC will be sued in an AB 1482 case.

Staff will discuss this issue further with the Board at our meeting. Attached for your information are the new law, a one-page summary of the law from WCLP and the California Rural Legal Assistance Foundation, a memo from WCLP arguing that HCV program participants are covered by the law and the Opinion from the Legislative Counsel Bureau that HCV program participants are exempt from the law.

FISCAL IMPACT

None. Information item only.

CONSEQUENCE OF NEGATIVE ACTION

None. Information item only.

CLERK'S ADDENDUM

ATTACHMENTS

Leg Counsel Analysis

AB 1482 Summary

AB 1482 Text

Western Center Letter RE AB1482