

Fact Sheet: Good Cause Eviction

Good Cause Eviction gives every tenant the right to a renewal lease, and protects against predatory rent increases and unfair evictions.

- It stops landlords from removing tenants from apartments without an order from a judge. The judge would decide if an eviction is for a good cause. “Good Causes” include:
 - Failure to pay rent
 - Violating terms of the lease
 - Causing a nuisance
 - Violation of the law
 - The owner is selling the building
- It gives tenants the right to continue to live in their homes regardless of lease status, which grants tenants the power to stand up to their landlords and demand other things -- like safe living conditions/quality of life concerns -- without fear of retaliation.
- Rent increases could be considered “unconscionable,” by the Court and inability to pay them could be considered an unlawful “eviction” depending on other conditions. The Court may consider:
 - The rate of the increase relative to tenants’ ability to pay
 - Improvements to the building
 - Whether the increase is retaliatory for the tenant organizing a tenant union
 - Market changes
 - The condition of the apartment/common area
- It is a rebuttable presumption that the rent increase is unconscionable if it exceeds 5% in a calendar year (the judge must presume that if a rent hike is over 5% that it is unconscionable unless the landlord can prove otherwise. The landlord can do this through methods such as providing receipts for necessary repairs, et cetera)

Good Cause Eviction will help our municipality, homeowners, tenants, and good landlords

- Our renters are currently commonly evicted for unjustifiable reasons, creating wide-scale housing instability
- Housing instability affects all aspects of life: from physical and mental health to academic and employment outcomes.
 - When individuals face this kind of instability, it doesn’t just affect them - entire neighborhoods start to deteriorate.
- Our municipality has a bottom-line interest in housing stability: when financially insecure residents are evicted from their homes, we all pay the price. Our municipal budget pays a big price due to lost tax revenue, unpaid utilities, and the costs associated with services for homeless people.
- By slowing speculation, Good Cause helps first-time homebuyers compete in the market.

- Good landlords already abide by what is in Good Cause. This law doesn't aim to punish them - it works to stop bad landlords from having an unfair advantage in the market over good landlords.
 - It rewards good landlords and discourages bad ones from predatory exploitation of tenants.

All housing is covered by Good Cause except:

- Owner-occupied premises with less than two units;
- Apartments covered by subleases
- Premises, where use or occupancy is incident to employment and employment, is being terminated
- Housing that is subsidized and subject to a federal or state regulatory agreement

What doesn't Good Cause eviction do?

- It doesn't protect tenants who break the terms of their lease: for non-payment, for crime, et cetera.
- It doesn't stop an owner from selling a home they no longer live in, and, if the new owner would like to use the home for personal use, evicting the tenant.
- Prevent investment or development -- new construction is set at the market rate rent
- Personal use by the landlord is considered a good cause for eviction. Landlords are able to reclaim apartments covered by good cause for their own use on households with less than 12 units.
- Protect tenants from rent increases based on other things: capital repair costs, fees, et cetera.
- It doesn't regulate the rent in between tenancies.

FAQ: Good Cause Eviction

Will Good Cause Eviction legislation make it near impossible for landlords to evict problem tenants, use their properties themselves, or sell their properties?

- No. Good Cause Eviction means that a landlord must have a good reason to evict a tenant from their housing.
- It doesn't protect tenants who break the terms of their lease: for non-payment, for crime, et cetera.
- It doesn't stop an owner from selling a home they no longer live in, and, if the new owner would like to use the home for personal use, evicting the tenant.
- It doesn't prevent investment or development -- new construction is set at the market rate rent
- Personal use by the landlord is considered a good cause for eviction. Landlords are able to reclaim apartments covered by good cause for their own use on households with less than 12 units.
- It doesn't protect tenants from rent increases based on other things besides rent: landlords would be able to pass capital repair costs onto their tenants, for example.
- It doesn't regulate the rent in between tenancies.

Does it make it impossible for small landlords to make a profit?

- No. Small landlords can still make a profit.
- The bill just stops bad landlords from being able to unfairly evict tenants or make predatorily-high rent increases.
- Landlords are still able to evict tenants and increase rent.
- Good landlords already abide by what is in Good Cause. It stops bad landlords from having an unfair advantage in the market over good landlords.

What if the owner lives in the building?

- The bill exempts owner-occupied buildings of less than a certain number of units.

Where else has this been done?

- Good Cause has been passed in Albany, NY, and many other municipalities in New York are also moving towards passing it. It has been passed and is currently being implemented successfully in cities across the US like Oakland and San Jose.

Is this rent control?

- No, it's not. Landlords can still raise rents freely in a number of cases.

But isn't saying there can't be rent hikes of more than 5% rent control?

- That's not actually what the law says
- The law says that if a landlord wants to raise by more than 5% a judge will need to make sure that this is an appropriate increase given the context rather than a manipulative way to evict a tenant

Shouldn't the state do this instead?

- We hope the state does this, but so far has failed to do so. In the meantime, the housing crisis in our communities must be addressed locally.
- Our community can lead the way towards statewide Good Cause by passing this now.

Isn't this pre-empted at the state level?

- No, it's very clearly not pre-empted at the state level.
- The City of Albany; Ellen Davidson, a Staff Attorney in the Law Reform Unit of the Civil Practice Area of the Legal Aid Society; and many other lawyers and legal organizations have clearly determined good cause is not pre-empted at the state level

How will Good Cause Eviction save money for municipalities?

- Municipalities will recover money that is lost due to unpaid utilities, lost tax revenue, and the costs associated with carrying out evictions.
- They will also spend less on assistance programs for homeless folks (because less people will be homeless!)

But tenants can back out of a lease once they've already committed to renewing

- This has nothing to do with a tenant or landlord's duties to execute a lease
- Landlords have a duty to mitigate if the tenant breaks the lease but if they cannot lease up, the tenant is on the hook for the rent that comes due during those months.

Isn't this unfair to landlords who have never evicted anyone for bad reasons or raised their rent an unconscionable amount?

- Not at all, it's actually good for them!
- If landlords aren't doing those negative things then this law won't change anything for them
- It'll just make it easier for them to compete in the market with bad landlords who will no longer be able to get ahead of the good landlords by mistreating their tenants