

# Kimball, Tirey & St. John LLP

## Legal Alert

### Hayward Residential Landlord Tenant Law

Updated April 2019

Hayward, California has a [Residential Rent Stabilization Ordinance](#). It imposes limits on rent increases for some units. It also requires payment of interest on security deposits.

On March 5, 2019, Hayward enacted [Ordinance 19-05](#), the “Just Cause for Eviction Ordinance”. It requires just cause for all evictions in Hayward, including for units not subject to the Residential Rent Stabilization Ordinance. (The “just cause” reasons for evictions remain the same as those previously existing under the Residential Rent Stabilization Ordinance, but there are differences in the types of units exempt under the Just Cause for Eviction Ordinance and the Residential Rent Stabilization Ordinance. To avoid conflict between the Just Cause for Eviction Ordinance and the Residential Rent Stabilization Ordinance the city also enacted [Ordinance 19-04](#), an emergency ordinance repealing Section 19 of the Residential Rent Stabilization Ordinance).

[Ordinance 19-05](#) requires that the landlord notify tenants of the existence of the Just Cause for Eviction Ordinance **by April 5, 2019** and upon re-renting the unit. The landlord may provide the tenant with either a copy of [Ordinance 19-05](#) or a City prepared summary (available at [Just-Cause Eviction Protections for Tenants \(English\)](#) and [Just-Cause Eviction Protections for Tenants \(Spanish\)](#)).

In May, 2018 the City of Hayward enacted [Ordinance 18-06](#), creating an 18 month moratorium on a process allowing landlords to apply to have residential rental units permanently exempted from rent control (also referred to as “decontrolled”). For more information, see:

- <https://www.hayward-ca.gov/discover/news/may18/hayward-city-council-adopts-emergency-legislation-preserve-remaining-rent#>
- [https://www.hayward-ca.gov/sites/default/files/press-releases/180531%20News%20Release\\_RRSO%20Emergency%20Amendments\\_Final%20Approved.pdf](https://www.hayward-ca.gov/sites/default/files/press-releases/180531%20News%20Release_RRSO%20Emergency%20Amendments_Final%20Approved.pdf)

In May, 2018 the City of Hayward also enacted [Ordinance 18-07](#) (the Eviction for Cause Clarification Ordinance). It clarified that the just cause eviction requirements applied to both units that are currently rent controlled and previously rent-controlled that are now decontrolled.

The City of Hayward also has a [Residential Rental Inspection Program](#), a rent dispute resolution program, and requires landlords to pay an annual administration fee. The landlord may pass through up to 50% of this fee to tenants. The ordinance specifies a specific notice form if landlords choose to pass on a percentage of the administrative fee to tenants.

#### **ALLOWABLE REASONS FOR TERMINATION UNDER THE JUST CAUSE FOR EVICTION ORDINANCE**

Landlord may not terminate any rental unit that is covered under the Just Cause for Eviction Ordinance, unless for one of the following reasons:

1. Failure to pay rent;
2. Breach of lease;
3. Willful and substantial damage to the unit, and the tenant will not agree to repair or pay for repairs;
4. Refusal to sign a new lease that is materially the same as the original lease;
5. Nuisance;
6. Preventing landlord access;
7. Temporary eviction for capital improvements necessary to bring unit into code compliance. The owner must obtain permits from the City, and once repairs are complete, the tenant must be offered the unit first;
8. Demolition of the unit after receiving permits from City;
9. Owner move-in or relative move-in;
10. Owner move-in pursuant to lease provision allowing owner to move in;
11. Illegal activity by tenant (conviction required);
12. Illegal drug activity;
13. Breach of reasonable rules and regulations;
14. Lawful termination of tenant employment as resident manager; and
15. Tenant threat of harm to others. A report must be filed with the Hayward Police Department.

Additional Resources:

- [City of Hayward Just Cause for Eviction website](#)
- [City of Hayward Residential Rent Stabilization webpage](#)
- [Hayward City Attorney FAQs \(including FAQs re rent control\)](#)
- [City of Hayward Rent Review Petition Process information](#)
- The City of Hayward Rent Review Office phone number is (510)583-4000 and email is [info@hayward-ca.gov](mailto:info@hayward-ca.gov)
- A detailed informational package about the Hayward ordinances is available for \$350.00. Contact our northern California office to purchase it.
- An attachment to be used in Hayward when giving a notice of termination, notice to pay rent or quit, notice to perform covenant or quit, or other similar notice, to provide additional information to establish just cause is available for \$195.00. Contact an attorney at our northern California office to purchase it.
- For a consultation about Hayward's laws, contact attorney an attorney at our northern California office to purchase it. This service is provided on an hourly fee basis.

*The Hayward Residential Rent Stabilization Ordinance is complex. This article summarizes the law; it is not a complete statement of the law. If you have property in the City of Hayward, review the ordinance to become familiar with it. Please feel free to contact our Northern California office at (800) 525-1690 with any questions.*

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