



February 15, 2024§

Dear Participating Landlord:

The purpose of this letter is to inform you that the Housing Authority County of San Joaquin's ("HACSJ") Housing Choice Voucher ("HCV") Program has made changes to the rent increase process effective immediately.

In 2019, the California State Legislature passed, and the Governor signed into law the Tenant Protection Act of 2019 (the "TPA"). In buildings that received a certificate of occupancy within the last 15 years, the TPA provides just cause for eviction protections to most tenants who have been living in their units for at least a year, and caps rent increases to no more than 5% plus inflation according to the regional Consumer Price Index, or 10%, whichever is lower. (Civil Code §§ 1946.2; 1947.12.)

Recently, the Attorney General of the State of California (the "Attorney General") sent letters to each Housing Authority in the State informing them that the Attorney General's official position is that the Tenant Protection Act applies to recipients of Section 8 Housing Choice Vouchers.

HACSJ has been informed by the U.S. Department of Housing and Urban Development ("HUD") that HCV units are subject to the provisions of the TPA.

HUD provided guidance that the HCV program regulations at 24 CFR §982.509 provide that, in addition to the rent reasonableness limits, the amount of rent to the owner may also be subject to rent control limits under state or local laws. Owner participation in the HCV program does not automatically exclude the unit and the rent the owner may charge from applicable state or local rent control requirements.

Therefore, effective immediately, HACSJ will review rent increase requests based on the TPA and HUD regulation 24 CFR part §982.509. Should a requested rent increase violate the TPA or HUD regulation, it will be subject to the best offer within the noted regulations. Owners are encouraged to revise the rent increase request to comply with state law and the HCV program regulations.

Evictions of tenants will also be subject to the just cause evictions requirements of both the TPA and the HUD just termination of tenancy provisions of 24 CFR §982.310 as provided in the Housing Assistance Payments Contract.

Housing Authority of the County of San Joaquin

Attachment: Letter from HUD Principal Deputy Assistant Secretary Monocchio regarding the Tenant Protection Act of 2019.

