

Good Cause Eviction Protections

Good Cause Eviction Protections give tenants the right to renew their tenancy, enhances the right to organize, and provides protections against unreasonable rent hikes
Sometimes called the “Right to Remain” because tenants can remain in their housing without the fear of eviction due to retaliation or gentrification

Overview

CURRENT SITUATION FOR TENANTS

- Housing Instability in Rochester: about 1 out of every 4 Rochester residents move each year
- Over 1,200 tenants a year face holdover evictions in court, and thousands more have their tenancy terminated without cause and vacate their housing before they are brought to court
- Tenants in Rochester do not have the right to renew their lease and/or tenancy
 - Currently, landlords can terminate a tenancy without cause at anytime for month to month tenants and can end a tenancy without cause for term-lease tenants upon lease expiration
- Tenants in Rochester effectively do not have a real right to organize or file legal code enforcement complaints, as the landlord can simply choose not to renew their tenancy for no reason, or for any reason
- Many tenants are forced to live in slum conditions and do not make a complaint and enforce their legal rights due to a fear of a no-cause tenancy termination-thus driving down the housing quality in the entire city
- Many tenants are being priced out of their homes due to 20% to 40% rent increases or non-renewals because a new investor buys the building, evicts all tenants and raises the rents

TENANTS WITH GOOD CAUSE

- Good Cause eviction protections would give tenants the right to renew their lease
- Affords security for tenants’ right to organize and make habitability complaints without fear of displacement
- The protections end arbitrary “no-defense” holdover evictions and would require landlords to have a “Good Cause” to evict tenants
- Landlords would no longer be able to legally displace tenants with 20% to 40% rent increases
- Currently, only about 20% of Rochester tenants have Good Cause eviction protections. The new Good Cause law would bring the protections to more than 98% of tenants
 - Whether or not the City is eligible for the Emergency Tenant Protection Act, 60% to 80% of tenants will still be left unprotected without basic eviction and rent protections under ETPA

Legislation Details

Housing accommodations covered

- All housing accommodations are covered **except**
 - Owner-occupied buildings with less than four units
 - Housing accommodations where the use and occupancy is solely incident to employment and the employment is being lawfully terminated
 - Premises that are otherwise subject to regulation of rents or evictions

What are Examples of Good Cause Reasons to Evict?

- Nonpayment of rent
 - Unless it is due to an unreasonable rent increase

- Tenant is violating a substantial obligation of his or her lease
- Tenant is committing a nuisance
- The landlord is seeking to recover possession of the premises for personal use
- If the building has fewer than 12 units, the landlord can recover possession for enumerated family members for their primary residence.
- If the building has less than five units, the landlord can recover possession for his or her primary residence
- If the unit has been legally sublet, the subletter can recover possession for his or her primary residence
- The legislation lists other examples of Good Cause, including illegal use and failure to provide access.

Presumption of unreasonable rent increase

- If the rent increases more than 1.5% of the regional Consumer Price Index or 3% whichever is greater, there will be a rebuttable presumption of the increase being unreasonable.

For More Information

- [See full legislation](#)
- [See legal memo](#)

The Rochester Good Cause Tenant Law FAQ

Frequently Asked Questions

Is Good Cause an urgent issue that will prevent evictions during the COVID-19 Eviction Crisis?

Yes. While Good Cause protections were vital eviction protections for tenants in Rochester before the COVID-19 crisis, the public health crisis has only renewed and elevated their urgency. Major loopholes in the COVID-19 tenant protections like the *Governor's Statewide moratorium* (EO 208.38), the *Federal Cares Act Eviction Moratorium*, and the *Statewide Tenant Safe Harbor Act* all provide no protections against "No-Cause/No-Defense" evictions. This major loophole will likely cause major increases in No-Cause holdover evictions without the *Rochester Good Cause Tenant Law*.

Are Good Cause Eviction Protections a racial justice measure?

Yes. Although no fault evictions affect all types of tenants in Rochester, slum conditions, exorbitant rent increases, and no-fault eviction are disproportionately directly against black and brown tenants. These unjust housing practices are only symptoms of a housing system that was founded on white supremacy and reproduces those racist power and property relations on a daily basis.

Will Good Cause protections make it harder to evict tenants who violate their lease?

No. The process for evicting tenants for lease violations, a process sometimes called "Objectionable Tenancy Evictions," is not affected by the Good Cause protections. Good Cause protections would put an end to "No Fault"/"No-Cause" Evictions or holdover evictions where Landlords terminate a tenant's tenancy without cause or justification.

Will Good Cause protections stop landlords from evicting tenants if they don't pay their rent?

No. Good Cause protections will not stop non-payment evictions if that tenant isn't paying rent every month. However, it does put a limit on non-payment evictions if the non-payment is caused by a huge rent increase like a 20% to 40% rent increase.

Are Good Cause Protections something new and innovative to Rochester?

No. It is estimated that 20% of all tenants in Rochester already have Good Cause eviction protections that come with tenancies linked to Public Housing, Section 8, Housing Tax Credits, etc. *The Good Cause Tenant Law* being proposed would provide these protections to an estimated 99% of all tenants in Rochester.

Does Good Cause protections set the rents for an apartment unit?

No. Good cause protections do not set the initial rents of tenancy and only limits unreasonable rent increases (for a definition of Good Cause and Unreasonable rent increases see the Good Cause handout above).