

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 For Cause (aka Good Cause) Reasons to Evict?

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

- Tenant is violating a substantial obligation of their lease
- Tenant is committing a nuisance
- The landlord is seeking to recover possession of the premises for personal use and/or family members for 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 5% there will be a rebuttable presumption of the increase being unreasonable. This can be overcome if the landlord proves that it is necessary to raise the rent more than 5%

For More Information

- [Rochester Eviction Reduction Law - No Eviction Without a Certificate of Occupancy or Good Cause.pdf](#)
- [See Legal Home Rule Memo](#)

The Good Cause Local 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. The current statewide moratorium on evictions will expire as early as January 15, 2022, and we will face an unprecedented eviction crisis.

Are Good Cause Eviction Protections a racial justice measure?

Yes. No-fault evictions affect all types of tenants in Rochester. However, slum conditions, exorbitant rent increases, and no-fault evictions are disproportionately faced by black and brown tenants. These unjust housing practices are symptoms of a housing system that was founded on white supremacy. This system reproduces racist power dynamics and unjust property relations on a daily basis.

Is it legal for the Rochester City Council to enact a Good Cause Local Law?

Yes. A Good Cause local law is authorized by [Municipal Home Rule Law](#) (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York). In addition, in September 2021 the City of Hudson, and in July 2021 the City of Albany, both passed a Good Cause Local Law. any other municipalities around the State are also moving in the same direction.

Can a Good Cause Local Law be effectively enforced in Rochester City Court?

Yes. A Good Cause Local Law can be effectively enforced in City Court. In fact, it already is on a regular basis for approximately 20% of tenants in Rochester. These tenants have Good Cause because they live in federally regulated housing which mandates good cause eviction protections. Their rights are enforced by Rochester City Court.

Would Good Cause need a new Rochester Housing Court in order to truly enforce the law?

No. The proposed Rochester Housing Court bill signed by the New York State legislature does not directly enhance or diminish tenant rights (including Good Cause). While Good Cause does not depend on Housing Court, if Good Cause was passed before the enactment of a Rochester Housing Court then it would be in place for the setup of a new Housing Court. This would support a cultural shift on tenants rights in Housing Court from the beginning.

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

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

If this legislation is enacted, will a landlord be able to evict a tenant that is creating a nuisance for other tenants or damaging the property?

Yes, this legislation provides a landlord with the right to evict a tenant who causes a nuisance on the premises and/or is damaging the property.

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

No. Good Cause protections will not prevent non-payment evictions if a tenant is in arrears. However, it does put a limit on non-payment evictions if the non-payment is caused by a huge rent increase - for example, a 20% to 40% rent increase.

Are Good Cause Protections unprecedented in 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 expand Good Cause eviction protections to cover an estimated 99% of tenants in Rochester.

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

No. Good cause protections do not set or regulate the initial rents of tenancy.

Is Good Cause Eviction Rent Control?

No, the proposed legislation does not provide for rent control. Rent control limits rent rates in a city. Most rent control legislation caps the maximum amount of rent that a landlord can charge a tenant for occupancy of a unit, as well as the amount that the rent may be increased per year. No provision in the proposed good cause eviction legislation limits a landlord's ability to increase rent. The proposed legislation does, however, prevent a landlord from evicting a tenant who fails to pay rent after a landlord has unjustifiably increased the rent. A landlord may justify a rent increase if the landlord has made improvements or repairs to the premises.

See also [Albany Good Cause FAQ](#) and Poughkeepsie [Fact Sheet: Good Cause Eviction](#)