Attachment 1: Housing Protection Policy Context and Options

The adopted TOC Policy includes a menu of policy options aligned with the region's "3 Ps" framework for affordable housing: Production, Preservation, and Protection. The menu enables jurisdictions to achieve TOC consistency by choosing policies or programs that meet local housing needs.

The TOC Policy calls for jurisdictions to adopt two protection policies, worth up to 8 out of 100 total points. No policy is given preference over another – all are assessed equally. The protection policy options listed below are designed to reduce displacement and ensure existing residents benefit from transit-oriented growth:

- Protection Policy 1: "Just Cause" Eviction
- Protection Policy 2: No Net Loss and Right to Return to Demolished Homes
- Protection Policy 3: Legal Assistance for Tenants
- Protection Policy 4: Foreclosure Assistance
- Protection Policy 5: Rental Assistance Program
- Protection Policy 6: Rent Stabilization
- Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities
- Protection Policy 8: Tenant Relocation Assistance
- Protection Policy 9: Mobile Home Rent Stabilization
- Protection Policy 10: Fair Housing Enforcement
- Protection Policy 11: Tenant Anti-Harassment Protections.

Much of the state's tenant protections framework was adopted prior to the TOC Policy, including AB 1482 (2019) and SB 330 (2020). Many TOC Policy housing protection options specifically call for jurisdictions to take actions that go beyond state law. Since TOC Policy adoption in 2022, the state has enacted and strengthened several tenant protection laws.

Most notably, AB 130 (2025) removed the sunset date from SB 330, meaning state law now fully achieves the TOC outcome originally specified for Protection Policy 2 (No Net Loss and Right to Return). However, other state laws – namely, SB 567 (2023) – only make partial and time-limited progress toward TOC standards for Protection Policy 1 (Just Cause Eviction) and Protection Policy 6 (Rent Stabilization).

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TOC Housing Protection Credit: Options

Given that AB 130 fully achieved the policy outcome under Protection Policy 2 (No Net Loss and Right of Return), the ad hoc committee recommended that this policy be removed from the TOC housing protection menu to encourage local and county level action from the remaining 10 policies in the housing protection "menu" (above). The ad hoc committee also recommended that Protection Policies 1 ("Just Cause" Eviction) and 6 (Rent Stabilization) remain on the menu to allow for further local action (e.g., removing sunset date) given that SB 567 only partially fulfilled policy outcomes.

The ad hoc committee also proposed two options for how to award TOC credit for county housing protection programs:

- **Option 1: One Local *or* County Action + One Local Action**
    - 4 points for implementing one protection policy, either at the local jurisdiction level or through participation in a countywide program
    - 4 points for implementing one protection policy **at the local jurisdiction level only**
- **Option 2: Two Actions at the Local *or* County Scale**
    - 4 points for implementing one protection policy, either at the local jurisdiction level *or* through participation in a countywide program
    - 4 points for implementing one protection policy, either at the local jurisdiction level *or* through participation in a countywide program

These options preserve the TOC Policy's emphasis on jurisdiction-level action, maintaining a clear and consistent standard across jurisdictions, and aligns with the incentive-based intent of the TOC Incentive Program to reward completed local actions.

Allowing credit for participating in a county housing protection program provides additional flexibility for jurisdictions that rely on shared or subregional approaches to housing protection policies. Option 2 allows greater flexibility by allowing credit for both protection policies to be based on participating in a county program.

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However, county programs are uneven across the region and vary in scope, funding, and design. As a result, TOC jurisdictions in counties with fewer financial resources or less comprehensive programs may be at a disadvantage in qualifying for credit.

Staff recommend providing credit for county programs where cumulative funding potentially available to TOC jurisdictions meets or exceeds TOC Policy standards. This approach ensures that cities that take action individually to meet TOC standards, as well as cities that work together at a countywide scale to meet TOC standards, are being evaluated in a consistent and equitable manner.