

**From:** Roberta Moore [mailto: [REDACTED] ]  
**Sent:** Monday, April 10, 2017 10:52 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** ARO: Tenant Protection Ordinance for your Vote

Dear Toni,

This e-mail and attached letter is for public record.

I am an active volunteer dedicated to making a neighborhood safer for the 2,000 Renters where I own a 4 plex. I have experience, first hand, the dangers in these areas and what they have to live with on a daily basis.

The proposed Tenant Protection Ordinance (TPO) needs your attention and careful consideration. Here's why:

- It only extends benefits for the relatively few who need it. (28 report per year.)
- But it puts most of the 45,820, households at risk.

Source: Housing Department and City Audit

Here's how the Tenant Protection Ordinance puts most at risk:

- San Jose has been notably safer than every large California city that has a tenant protection ordinance.
- The 8 most dangerous Bay Area cities have a tenant protection ordinance:

Sources: FBI Uniform Crime Data 2013 & 2015

Please be wary of copying other cities that have worse ratings for affordability, safety, and growth. Attached is a letter with more information and examples.

Please consider:

1. Setting the Tenant Protection Ordinance aside until the Rent Registry is implemented and better data is available.
2. Using other tools (including code enforcement and non-profits) to identify, go after, and fine Owners who bully their Tenants and flout the law as well as common civility.

If you vote to extend the Tenant Protection Ordinance from the current 90 days to 2 years, please:

1. Add the provision that a Renter must notify an Owner first before qualifying for this extended protection. The Housing Department promised this provision in the first draft of their proposed ordinance.
2. Exclude any illegal activity and things Tenants have control over (e.e., cars, garbage, graffiti, breaking things) so they can't abuse the system meant to protect the other Renters. Note: dangerous Tenants and their visitors are known to use inoperable cars to hide drugs, cash, and weapons. There are too many examples where dangerous Renters have learned to dominate their neighborhoods and/or live rent free for months by abusing the existing California tenant protection (anti-retaliation) ordinance.
3. Simplify the process. Don't put the minority and small mom and pop Owners (who own 85% of the ARO units) at risk for selling to the big companies who can handle the cumbersome and complex process that is currently proposed.

Thank you for your thoughtful consideration.

If you have questions, you may reach me at [REDACTED]

Regards,

Roberta Moore  
Broker Associate . President's Club

Date: April 10, 2017  
To: Honorable Mayor, Council Members, Housing Commissioner, & Housing Department  
From: Roberta Moore (4 plex Owner & ARO Neighborhood Volunteer) [REDACTED]  
Re: Tenant Protection Ordinance

Imagine you just moved your family into your new home. You are looking forward to your children walking to school and riding bikes to the park with them. But you can't because a neighbor is involved in illegal activities and you don't feel safe. This is what will happen to those who live in parts of San Jose if the Tenant Protection Ordinance (TPO) passes as proposed.

I agree that we need to protect the vulnerable Tenants from the bad Owners. An assumption is being made that the TPO will do this without consequence to their safety. Here is another perspective, with facts and examples, that challenge this assumption.

### THE 8 MOST DANGEROUS BAY AREA CITIES HAVE A TENANT PROTECTION ORDINANCE

The problem is a Tenant Protection Ordinance doesn't only protect good Tenants from bad Owners. It also gives a safe haven for dangerous Tenants that threaten the neighborhood. Here's why:

1. It is all but impossible to get written evidence from a Tenant for a Cause eviction for fear of retaliation. Tenants in low-income ARO neighborhoods are especially vulnerable and tend to exist in a "no tell" culture. Many Tenants will not do what's needed for a court eviction because they live in fear of the dangerous Tenants. They know snitches get stitches or worse. Today, Tenants tell their Owner when there's a problem. The responsible Owner verifies the situation and gives a No Cause eviction to the problem Tenant. For example:
  - I had a drug dealing Tenant. I had witnesses and was going to go for a Cause Eviction. The police would not show up when called. The witnesses would not come forward when asked even after they complained about it. The only way I could evict the Tenant to make it safe for the other Tenants was with a no Cause Eviction.
  - Michael Fitzgerald, with San Jose's Housing Commission, had a drug dealing Tenant. He said, "Even my Police Officer Tenant wouldn't report the drug dealer to the SJPd for fear of retaliation. Since he was not arrested for dealing at that address, my legal representation couldn't use this for a Cause eviction. The legal system bought them an extra 5 months. The other Tenants were terrorized the entire time."
2. Problem Tenants know how to game the system. The TPO would give a safe haven for much longer than the State law provides. For example:
  - An Owner told a Tenant that was harboring a gang member involved in the killing of a local high school student that the Tenant needed to kick him out. The Tenant trashed their unit and called Code Enforcement. The Tenant was then protected under California's current state anti-retaliation provision.
  - A Code Enforcement officer told me that a Tenant had stopped up his toilet, complained to code, and got to live rent free as a result. This happened with the same Tenant in 2 separate houses. The Tenant was a plumber.

## SAN JOSE HAS BEEN SAFER THAN EVERY LARGE CALIFORNIA CITY THAT HAS A TENANT PROTECTION ORDINANCE

San Jose has been #6 on Forbes' list of safest cities. Cities with a Cause Ordinance have significantly more crime than San Jose. Source: USA.com With the proposed Tenant Protection "Cause" Ordinance, how long will this good standing last? These Problem Tenants, left unchecked, dominate the neighborhood. Tenants are either forced to live in fear or move out of their affordable unit and into a more expensive market rent unit.

## ARO UNITS MOSTLY OWNED BY MINORITIES & SMALL MOM AND POPS WHO RECEIVE FEW COMPLAINTS

The information used by the Housing Department and the decisions being made are based on buildings with 50 or more units. This represents less than 1% of the total ARO Units. These buildings are owned by bigger companies, with employees who speak English as their first language, and are better able to handle the complexities of the proposed TPO.

Most ARO units are owned by Minorities, Immigrants, and Small Mom and Pops who own less than 9 units and work(ed) a full-time job to own their small building. The Owners and Tenants are two sides of the same coin and interdependent on each other. Regulation is hard on small businesses because it's expensive and complicated to deal with the administrative bureaucracy. Many Owners speak English as their second language which compounds the problem.

FY 2010 to 2015 Eviction complaints averaged 28 per year. Even after widespread media attention about Rent Control, inquiries were only 1.5% of ARO units. The TPO creates a lot of regulation burden given these numbers. Note: ARO rents were on average less than 50% of market rents. (Sources: Housing Department & City Auditor's Data)

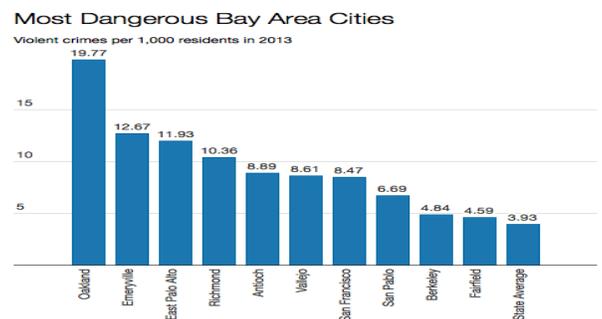
## UNINTENDED CONSEQUENCES: JUST CAUSE = INCREASED CRIME

There is a direct correlation between a city being more dangerous because of having a Cause Eviction ordinance. The Tenant Protection Ordinance creates a Cause ordinance. This will make it so the Owner is powerless to prevent further criminal activity until the code violation is corrected and the 2 years have lapsed. Those who aren't aware of this have not done their homework or experienced what it's really like in an ARO neighborhood with small buildings.

The cities with a Cause Ordinance are more dangerous because the Owner can't protect the good Tenants from the bad "actors". Here is proof a Cause Ordinance is bad for San Jose:

- 8 of the most dangerous Bay Area cities have a tenant protection ordinance.
- Crime is above the state's average.
- San Francisco is the 10<sup>th</sup> worst big city in the USA for property crimes.
- Los Angeles has 2 times more violent crime than San Jose.

Sources: FBI Uniform Crime Data 2013 & 2015.  
Diagram SF Gate Blog, November 2014



Who are the bad “actors” that will be protected by the TPO?

- California’s office of the attorney general report on crime says: 90% of the violent crime in California is due to illegal activities organized by Transnational Criminal Organizations. San Jose is a hot spot for this activity. “Transnational criminal organizations threaten the safety, health and economic wellbeing of all Americans, and particularly Californians. Gang membership is up 40% . . . involves human trafficking. . . significant seizures of drugs, weapons, and cash.” Source: <https://oag.ca.gov/transnational-organized-crime>
- San Jose is especially vulnerable with understaffed police force.
- In San Jose, drug dealing (meth, heroine, crack) is the most visible illegal activity. At higher levels in the organization, this has been accompanied by Human Trafficking. (Ex: Recent bust at a North 5<sup>th</sup> St house just 2 blocks from City Hall)



## PLEASE PROTECT TENANTS, AFFORDABLE HOUSING, AND SAN JOSE

We (San Jose's ARO Owners) are the ones who provide affordable housing and protect our good Tenants from the bad “actors”. Be wary of copying other cities that have worse ratings for affordability, safety, and growth. (Data available upon request.)

Please find a more effective way to protect the at-risk Tenants from the bad Owners. Please:

1. Set the TPO aside until the Rent Registry is implemented and better data is available.
2. Use other tools (including code enforcement and non-profits) to identify and go after Owners who bully their Tenants as well as flout the law and common civility.

If you must vote for the TPO, please Keep San Jose safe for our vulnerable Tenants and make sure the following are fixed before the TPO is finalized:

1. Exclude any illegal activity and things Tenants have control over (cars, garbage, graffiti, breaking things). Note: dangerous Tenants and their visitors are known to use inoperable cars to hide drugs, cash, and weapons.
2. Simplify the process. Don't put the minority and small mom and pop Owners at a disadvantage with the complex process proposed.
3. Make sure that a Renter must notify an Owner first before qualifying for this extended protection. The Housing Department promised this in the first draft of this proposal



WORKING PARTNERSHIPS USA

**Comments to Agenda Item No. 4.3 (Tenant Protection Ordinance)**

**The Silicon Valley Renter’s Rights Coalition strongly urges City Council to reject the Staff Recommendation on the Tenant Protection Ordinance, and instead adopt Policy Alternative #2 -- a full just cause ordinance that protects all renters in San Jose from eviction without cause. A Just Cause Ordinance is the only way to prevent retaliatory evictions and stop the displacement of low-income tenants.**

Given the economic insecurity felt by many in San Jose, where lower income renters, seniors and families with children live in fear of the threat of eviction in our high-priced rental market, eviction protection will provide much needed stability. Protecting the rights of tenants to be in stable housing, where landlords are empowered to evict only with a good reason, leads to stable communities. As detailed below, we strongly believe that only a just cause eviction ordinance that protects all renters in San Jose will lead to stable communities and prevent the displacement of immigrants, seniors, people with disabilities, and low-income families. We strongly believe that:

- 1. The Good Cause Protections of TPO Should Apply to all Tenants and Not be Limited to those who Make a Complaint.**
- 2. The City Must Adopt a Just Cause Ordinance as TPO Will Not be Effective As It is Time-Limited.**
- 3. TPO is Administratively Burdensome and Costly in Comparison to a Just Cause Ordinance.**

**1. The Good Cause Protections of TPO Should Apply to All Tenants, Not Just Those Tenants Who Make Complaints.**

The TPO has a strong good cause provision that articulates and explains the reasons by which a landlord can evict a tenant, and allows for both fault and no fault evictions but allows for eviction without good cause after a time period of no more than two years. (TPO, §17.23.1030). We additionally commend Staff’s inclusion of protections against evictions for adding family members to a tenancy so long as it does not violate the building code. (TPO, §17.23.1030 B. 2 B. ii). So many families have been forced to share housing because of the high cost of housing, and many live in fear of making complaints for fear of evictions for over-occupancy. We also commend the limitation on a landlord’s ability to evict for substantial rehabilitation to actual health and safety, and requiring relocation benefits for those tenants, to ensure that unscrupulous

landlords do not use the cover of making repairs to circumvent rent control protections. (TPO, §17.23.1030 B. 8).

While these protections will help keep families in stable housing, only tenants who make a complaint are afforded these important protections. (TPO, §17.23.120.) **These strong protections should apply to all tenants, and not just those who make complaints and can be done by enacting Policy Alternative #2 – a full just cause ordinance for all renters in San Jose.**

We acknowledge that the TPO was extended from prior drafts to include protections for tenants who make complaints related to code enforcement, fair housing, or violations of the Apartment Rent Ordinance. However, this does not encompass all instances where a landlord may take retaliatory actions against tenants including evictions after tenant organizing and political activism, victims of landlord harassment, complaints for reduction in services for non-ARO units, and complaints related to immigration status. In order to fully protect tenants from retaliatory acts, tenants must only be evicted for good cause.

Moreover, given the political climate, many immigrants and people of color fear making complaints for fear of losing their housing, or even worse, that a landlord may retaliate by calling immigration enforcement. TPO will not be effective if tenants fear making complaints, as those protections only apply to tenants who make complaints. Extending the good cause provisions of TPO to all tenants will provide tenants with stability in their housing, as a landlord would need a reason to evict a tenant, and thus good tenants will become long-term tenants. Stable housing leads to stable communities.

Lastly, requiring landlords to provide a reason to evict a tenant does not punish landlords. Rather, it provides both landlords and tenants with stability, and it provides clarity as to when evictions can occur. Extending TPO to all tenants will not limit a landlord's power to evict a tenant. A landlord is still empowered to evict tenants who break the lease or who cause a nuisance. (TPO §17.23.1030).

**2. The City Must Adopt a Just Cause Ordinance as TPO Will Not be Effective As It is Time-Limited.**

As currently proposed the maximum a tenant can receive TPO protection is for two years. We strongly advocate that the City enact a just cause ordinance that is not limited to time, but applies to all tenants. A tenant is not adequately protected against retaliation if an unscrupulous landlord may simply evict tenants after a two year TPO period is up. We have seen tenants who have lived in a property for decades in fear of retaliatory eviction. Moreover, as proposed, the time frame from which the two-year clock begins varies based on the situation. This may lead to confusion as a tenant and landlord may not know when the TPO

protections are over, and a tenant could be evicted without cause. Additionally, City staff could face hurdles administering who has TPO protections and for how long. A landlord may attempt to evict a tenant for no cause when a tenant still may have time remaining for a TPO protection.

No other city limits eviction for good cause to two years only. Over twenty cities have good cause protections for all tenants for the duration of their tenancy. A notable exception is San Diego, where a good cause protection starts two years into a tenant's tenancy. Even so, there when the two-year period is over and a tenant has shown that they can be a good tenant, a landlord may only evict by giving a reason to the tenant for the duration of the tenancy.

### **3. TPO is Administratively Burdensome and Costly in Comparison to a Just Cause Ordinance.**

TPO does not have mechanisms in place to ensure that tenants will be able to defend against evictions, and puts a burden on City Staff to ensure its compliance. If the City simply enacted a just cause ordinance, these administrative and cost burdens would not exist. Just because tenants receive TPO protections does not mean that unscrupulous landlords will not try to evict tenants without cause. Tenants need a simple way to know that they have TPO protections, and when they expire. Tenants will also need a means to prove in Court that they do in fact have TPO protection.

If just cause applied to all tenants, a tenant could simply point to the law to support their claim. However, since not all tenants will have TPO protections, the City must be able to have a means to produce a witness who can testify that the tenant does in fact have TPO protections and whether these protections have or will expire. A document that the tenant receives or can access would likely not be admissible in Court, as the document would be considered hearsay, or an out-of-court statement. Therefore, in order for TPO to help tenants successfully fight retaliatory evictions, and given the short timeliness in eviction cases, the City must not only be up to date about who has protections, but ensure a process to respond to subpoenas and tenant requests in a timely manner, and find City staff available to testify in Court to the TPO protection. This is administratively burdensome and costly to the City. In contrast, if the City had a just cause eviction ordinance, tenants could only be evicted with a good reason, without any need for City staff to intervene.

### **4. Conclusion**

We strongly believe the only way to protect tenants against retaliatory evictions, and to prevent displacement is a robust just cause eviction ordinance. Just cause eviction protections prevent landlords from giving tenants who complain a no-cause eviction notice. Just cause eviction protections lead to a safer, more sustainable housing stock and a more stable housing

environment for all tenants. Therefore, we urge the City Council to adopt Policy Alternative #2 – a full just cause ordinance that protects all renters in San Jose.

4/18/17  
4.2 + 4.3

**From:** Son Nguyen <>  
**Sent:** Thursday, April 13, 2017 11:27 AM  
**To:** The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; City Clerk; Morales-Ferrand, Jacky  
**Subject:** Apartment Rent Ordinance & Tenant Protection Ordinance

Hello,

My wife and I own a fourplex in San Jose and we want to voice our concern about losing or weakening the ability to remove problem tenants. We respect their rights and enjoyment of the property but also expect them to respect the property and all applicable agreements. "Bad" tenants of course never admit that they break the lease, do bad things, or go easy. They will blame it on something/someone else or that they don't know about it. At the end, the owner has to fix and take care of everything. Especially for multiple housing property with many shared components (eg: common areas, shared walls, plumbing/drainage, etc.), it's difficult to prove an exact person did a property damage or violation of agreement.

For example:

- A bad tenant could secretly punch holes into the common area wall to expose electrical wiring and say it's a code violation
- Or they could keep flushing bulky things down the toilet so it clogs the common/main pipe and not the pipe in their unit.
- Or they could clog the bathroom vent or loosen up the bath fan's wiring so it no longer works and so mold can build up.
- Etc.

We believe there are many ways to trash/damage the property without trace or evidence. If the owner does not have a clear way to remove a "bad" tenant, it is a very stressful situation both emotional and financial, especially for a small property landlord like us with fewer resources than big property management companies. Please don't think the landlord just collects the rent every month and does nothing. We work hard and we respect our tenants but if there are too many rules and regulations against rental property owners, we will have to sell it and exit the rental business.

If more mom-pop owners exit this business, larger companies will likely step in and they are much stricter for renters to qualify, less lenient, and charge market rate (maximize profit) while as a mom-pop landlord, we are more flexible, have more personal attention/consideration and don't just look at profit.

Thanks for reading our concern and please make a wise, thoughtful, and fair decision.

Sincerely,  
Son Nguyen

**From:** Roberta Moore [REDACTED] >  
**Sent:** Monday, April 17, 2017 8:21 AM  
**To:** The Office of Mayor Sam Liccardo  
**Cc:** City Clerk; Lujano, Jose; Reed, Jim; Starbird, Weston; Henninger, Ragan; Cueto, Ruth; Weerakoon, Ru  
**Subject:** ARO: Tenant Protection Ordinance #4.3 (a) Your Vote 4/18

Dear Honorably Mayor Liccardo,

If you want to keep San Jose's Safe City #6 ranking (Forbes) and protect the most vulnerable of renters and maintain our affordable housing, please vote no on any type of "Cause" eviction ordinance or make a few simple changes to the TPO to make it more effective and realistic.

## Suggested Changes

As a 4 plex, owner, I could protect my renters and stay in business with the TPO if the attached changes were made. Here are the 4 most important changes:

1. 17.23.1020 Page 4 A #2 Change to: Tenant first\* requests in writing the Landlord provide a Necessary Repair or Replacement for the Rental Unit of the building in which the Rental unit is located and is given a reasonable time to take care of the request and then informs the Director of the request and the Director confirms that the Landlord received this request and did not comply. (\*Note: The Housing department initially promised this.)
2. 17.23.1030 Page 8 #2 a: Take out "material". (To include violations that hinder the quiet enjoyment and safety of other renters.)
3. 17.23.1030 Page 8 #2 e 2b ii: Make if apply only to a dependent child. Take out, foster child, the spouse or domestic partner, parent, brother, or sister of a Tenant
4. 11 17.23.1060 Page 11 B Add: Any landlord or Tenant found by a court of . . . (Keeps it balanced.)

## Supporting Information

The intentions of the Tenant Protection Ordinance (TPO) seem worthy of consideration. There are slumlords from whom renters should be protected. As written, it won't achieve the desired goal. Slumlords will keep breaking the law and likely won't be caught. Instead, there will be new problems for renters and more bureaucracy for the city and owners who are mostly minorities and speak English as a second language.

I have read everything the city has published about the TPO. The problem is the only perspective considered is the Housing Department's experience with renters who complain. What isn't included is:

1. What works for renters who don't have complaints,
2. What is realistic from an implementation standpoint, and
3. The owner's perspective for a fair and balanced ordinance. Note: Even owners' speaker cards weren't included in the February 23rd memo. Only tenants' cards were included.

At last week's Housing Commission meeting, Rachel from the Housing Department, said, "A tenant can't just say they would like to enroll" in the TPO. The way it is written, this is not true. The reality is, this is a back-door way of establishing a Cause eviction which council voted against last year. Here's how:

- The ordinance includes things over which the Tenant has control. A Renter can break something and then enroll without first notifying the owner something needs to be fixed.
- A Renter can even enroll if there isn't a strike plate on their entry door. How many entry doors have a strike plate? To offer this, I would have to remove the double locked screen entry door which provides better protection. Think about who will suffer if this is something that is forced upon owners

## Questions for You to Consider

1. How can you make it safe for the most vulnerable renters when this would also protect dangerous renters? The 8 most dangerous Bay Area cities have a cause eviction ordinance. Los Angeles, with its Cause ordinance, has twice the violent crime. (Source: FBI) Owners are the first line of defense to protect their neighborhood from dangerous criminals. The TPO takes away this ability.
2. How are you going to protect renters is affordable housing with these expensive processes? "Most landlords are good apples." Source: Jacky. Most owners want to keep their renters. Turnover is expensive. No cause is only used to evict a problem renter who disturbs the quiet enjoyment of the other renters. Proof of Cause is impossible to get even when there are witnesses. People afraid to report crime to the police for fear of retaliation is why it is impossible to get proof for an eviction and why cities with a cause ordinance are the most dangerous.
3. How can you simplify it so the 85% who are minority owners and 90% who are small mom and pops can comply? Most owners want to do what's best for renters and will follow the rules. Here is why Rent Control will reduce the availability of Affordable Housing in San Jose:

- 4.. What is it going to cost the city (and owners) in legal and administrative fees if an owner appeal is necessary just for verification? It creates a Cause eviction ordinance for any renter who wants it and calls the Housing Department before calling the owner.
5. How are the developers going to respond to this ordinance as written? Are they going to avoid building in San Jose because of it?

Thank you for your time and consideration. If you have questions, you may reach me at 408-425-5611.

Regards,

Roberta

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Roberta Moore

Broker Associate . President's Club

BRE #00791365

Tenant Protection – A “Cause” Ordinance  
#4.3 (a) Council Vote April 18, 2017

### Suggested Changes

If you vote for this “cause” ordinance, please make it simple so the 85% who are minority owners and the 90% who are small mom and pops can comply. Please consider making the following changes:

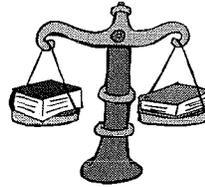
#### 17.23.1020 Qualification for Enrollment

1. Change Page 4 A #2 to: Tenant first\* requests in writing the Landlord provide a Necessary Repair or Replacement for the Rental Unit of the building in which the Rental unit is located and is given a reasonable time to take care of the request and then informs the Director of the request and the Director confirms that the Landlord received this request and did not comply. (\*Note: The Housing department initially promised this.)
2. Page 6
  - a. Add to #6: Unregistered Unit. Only after Landlord has received a 90-day warning notice from Director to comply and doesn't.
  - b. Add to #7 Unpermitted Units: if that unit is not a danger to Tenant. (Think Oakland fire.)

#### 17.23.1030 Good Cause Protections

3. Page 8 Material or Habitual Violation of the Tenancy
  - a. Change to #2 a: Take out “material”. (To include violations that hinder the quiet enjoyment and safety of other renters.)
  - b. #2 a ii: Take out that he or she need not accept such terms or agree to their being made part of the rental agreement.
  - c. Make 2b ii: apply only to a dependent child. Take out, foster child, the spouse or domestic partner, parent, brother, or sister of a Tenant.
4. Attachment B Page 1 & 2 (Tenant has control over some of these, some are not required for habitability, and some are beyond owners’ control. Owner behavior not to respond and repair when needed should be what is targeted.)
  - a. Exterior wall: denote size of hole and add the word “no”.
  - b. Change: Pest Control to: No infestations of insects or rodents/vermin unless professional extermination is utilized.
  - c. Remove Necessary Repairs as qualifying or make it only those items that are necessary for habitability. For example:
    - a. Remove from Exterior Premises –no abandoned or inoperable vehicles, discarded household items, trash, debris, or graffiti.
    - b. Either remove this or add to Entry Doors: All entry doors have strike plates that are secure if Tenant requests in writing. (This is weird. What home has a strike plate on their entry door?)
    - c. Remove from Windows: bedroom egress windows are not blocked by furniture or air conditioners.
5. 17.23.1060 Affirmative Defense to Eviction
  - a. Add to Page 11 B. Any landlord or Tenant found by a court of . . . (Keeps it balanced.)

**Straight Talk - Not Chatter**



**H.O.M.E.**

**Homeowners Organized To Maintain Equity**

April 15, 2017

TO: Mayor and Council

FROM: Martha O'Connell

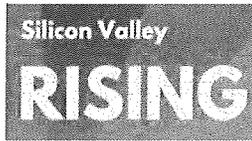
RE: Item 4.3 Council meeting 4-18-17  
HCDC Vote / HOME supports Just Cause

**Please support a just cause eviction requirement – staff policy alternative #2**

After extensive review of the materials submitted, HOME is convinced that a just cause eviction requirement is necessary to protect those of our fellow citizens who rent. We also take this opportunity to advise you that on 4-13-17, the Housing and Development Commission passed the following motion:

Commissioner O'Connell made the motion to recommend to the City Council policy alternative #2 to "Implement an Ordinance with Just Cause Eviction Requirements". The motion was seconded by Commissioner Jones. Commissioner Shoor added a friendly amendment to include "with automatic enrollment for all tenants", which was accepted by Commissioner O'Connell. The motion passed by roll call vote 8-1-1.  
Yes: O'Connell, Wheeler, Nguyen, Gill, Medina, Jones, Shoor, Thompson  
No: Fitzgerald  
Abstain: Graves

To be absolutely clear, I am writing this letter as a citizen of San Jose and not as a Commissioner.



4/14/2017

Honorable Mayor and Council Members  
San José City Hall  
200 East Santa Clara Street, T-18  
San José, CA 95113

Dear Honorable Mayor and Council Members:

Silicon Valley Rising is dedicated to building an inclusive regional economy that works for everyone in Silicon Valley. We are a coalition of workers, labor, faith leaders, and community organizations. Along with other members of the Silicon Valley Renters' Rights Coalition, we are writing to urge you to protect renters in San Jose by endorsing a set of policies that will help hardworking renters struggling with the challenges of skyrocketed rental rates and wealthy absentee landlords who seek to profit from unjust evictions to be able to stay in their homes and communities.

We believe that to fully address San Jose affordability crisis, tenants must be protected from unjust evictions, from attempts to circumvent rent control, and from unaffordable yearly rent increases. We also believe as commercial development moves forward, creating even greater needs for affordable housing for workers such as the tech sector service subcontract employees we represent, developers should be contributing their fair share to support developing affordable housing units.

We are asking the Council to establish policies to help our working families cope with the housing affordability crisis and the perverse incentives rising rents give to landlords to engage in unethical practices like extreme rent hikes and unjust evictions. Working Partnerships USA and Silicon Valley Rising this week released a report showing the extent of the no-cause eviction crisis here in San Jose and the impact of ever-increasing rents. The report, "Cashing in On Renters" revealed the massive profits reaped by large, non-San Jose based landlords while skyrocketing rents and "no-cause" evictions wreak havoc for renters. A summary of its findings includes:

- **With an income of \$113,040 needed to afford a decent 2-bedroom apartment, most San Jose tenants pay more in rent than they can afford.**
  - For families earning less than \$50,000, 53.8 percent pay more than half their income in rent.
  - With the majority of single mothers, families with young children, Latinos, African Americans and non-citizens in San Jose living in rental housing, this crisis has disparate impacts by race, gender, citizenship and family type.
- **"No cause" evictions are on the rise, increasing more than 270 percent in the last six years as rents have also shot up.**
  - Since 2010, over 2,200 households suffered "no cause" evictions, losing the roof over their heads even when they played by all the rules.
  - Data from neighboring San Mateo County showed "no cause" evictions disproportionately targeted female-headed households, families with children, seniors, low-income households, Latinos, African Americans and Spanish speakers.

- **The San Jose’s massively profitable rental market is dominated by large and absentee landlords.**
  - 76.7 percent of rental units in San Jose are owned by large landlords – those owning 40 units or more.
  - 70 percent of rental units in San Jose are owned by absentee landlords – those based outside of the city.
  - The average large landlord clears more than \$2.9 million in annual profits – 53 times the median renter household income of \$55,152.
  - The vast majority of units with moderate to severe code violations are owned by large or absentee landlords – 63 percent and 66 percent respectively

We recommend the Council take the following actions:

Item 4.3—Tenant Protection Ordinance

1. Approve staff recommendation alternative #2 with the following amendment:
  - a. All tenants in the City of San Jose will automatically be enrolled for tenant protections after the completion of 6 months of tenancy.
  - b. Request that staff return with a revised version of the Ellis Act Ordinance & Tenant Protections Ordinance at the May 09, 2017 City Council Meeting.
2. Approve staff recommendations 2, 3, & 4 with the following amendment:
  - a. Direct staff to prepare the below policy for council consideration when they return to Council with final Apartment Rent Ordinance in August:
  - b. Tying the annual allowed rent increase for rent controlled units to the Consumer Price Index and allowing banking, consistent with the original staff recommendation for item 4.1 at the April 19, 2016 City Council meeting.

Item 4.2—Ellis Act Ordinance

3. Defer consideration of the Ellis Act Ordinance and direct staff to return to Council with a version of the ordinance that is revised to account for the expanded just cause protections directed in Recommendation 1 above. (For example, expanded just cause protections may eliminate the need for the vacant apartment provisions in the Ellis Act Ordinance.)

Other Critical Housing Policies

4. Take the following additional actions to address the housing crisis:
  - a. Direct staff to prepare the below policy options for Council consideration when they return to Council with the final Apartment Rent Ordinance in June:
    - i. Tying the annual allowed rent increase for rent controlled units to the Consumer Price Index, consistent with the original staff recommendation on this issue.
    - ii. Including duplexes under the Apartment Rent Ordinance.
  - b. Direct staff to return to Council for direction to proceed with a nexus study for a Commercial Linkage Fee to fund affordable housing.

Together, these measures will help move San Jose toward its goal of being an inclusive city for everyone. Not only are these good policy, but stronger rent control, the Ellis Act ordinance and Just Cause eviction

protection each are supported by a strong majority of San Jose voters according to a recent survey by EMC Research (attached). We thank you for the opportunity to provide context and information as you continue to address San Jose's affordability crisis. We commend you for prioritizing this issue, and we look forward to working with you in future to implement these solutions.

Thank you in advance for your thoughtful consideration,

**Ben Field**, Executive Officer, South Bay AFL-CIO Labor Council

**Derecka Mehrens**, Executive Director, Working Partnerships USA

**Rome Aloise**, President, Teamsters Joint Council 7

**Enrique Fernandez**, President, UNITE HERE Local 19

**Denise Solis**, Vice President, Service Employees International Union, United Service Workers West

**Riko Mendez**, Chief Elected Officer, SEIU Local 521

**Chava Bustamante**, Executive Director, Latinos United for a New America

**Sandy Perry**, Executive Director, Affordable Housing Network of Santa Clara County

Attachment I: Working Partnerships and Silicon Valley Rising, "Cashing in On Renters"

Attachment II: Polling Memo, EMC Research



MARKET  
& OPINION  
RESEARCH  
SERVICES

Oakland, CA  
510.844.0680

Seattle, WA  
206.652.2454

Columbus, OH  
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Portland, OR  
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Irving, TX  
972.717.7427

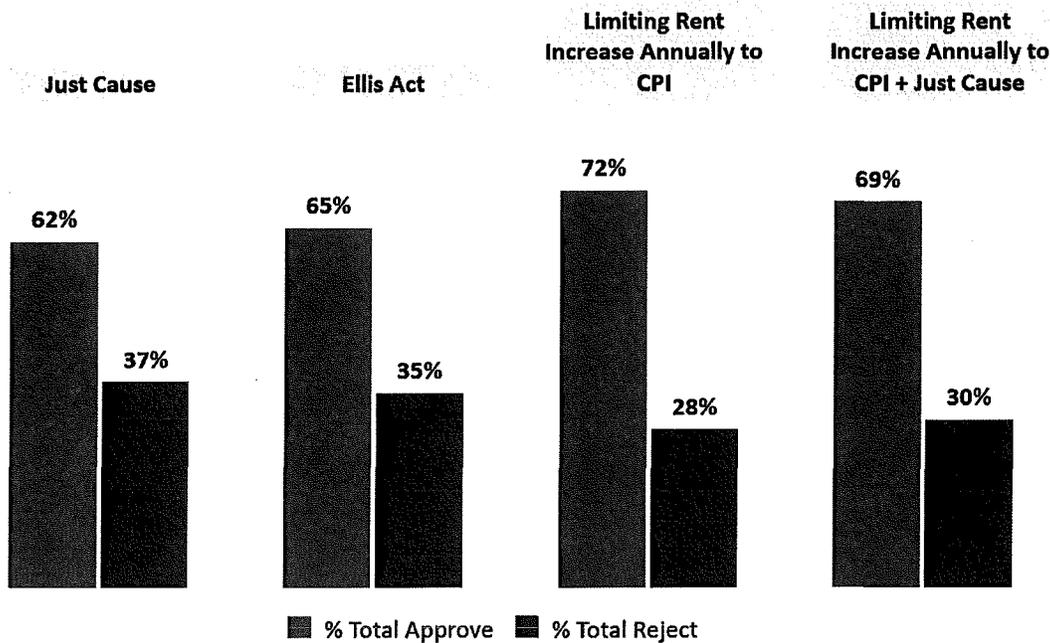
Orlando, FL  
407.704.6208

EMCresearch.com

**To:** Interested Parties  
**From:** Ruth Bernstein, Emily Kirby Goodman; EMC Research, Inc.  
**Date:** April 2017  
**Re:** Findings from recent survey of San Jose likely voters

The following are key findings from a recent public opinion survey conducted by EMC Research. This poll was conducted online from February 23 to March 6, 2017 among 911 randomly selected likely November 2018 voters in San Jose. The survey was offered in English, Spanish, and Vietnamese. Each of the measures below were asked of half of respondents (n=456).

Likely San Jose voters are supportive of potential ordinances citywide ordinances to strengthen renters' rights. Support for each of the measures is well above the majority threshold needed for passage.



The ballot language tested is as follows:

**Just Cause Ordinance:** Shall an ordinance be adopted for the City of San Jose prohibiting eviction without just cause from multi-family residences with 3 or more units?

**Ellis Act Ordinance:** Shall an ordinance be adopted for the City of San Jose that establishes standards for the demolition and replacement of multi-family residences, including a requirement that all affordable units that are demolished must be replaced by the developer, that all units currently under rent control shall be replaced with new units under rent control, and that existing tenants be placed in replacement housing at similar rent levels to the apartments that were demolished and be provided with appropriate relocation assistance?

**Limiting Rent Control Increase Annually to CPI:** Shall the City of San Jose Apartment Rent Ordinance be amended to limit annual rent increases to an amount equal to the Consumer Price Index (with a minimum of 2% and a maximum of 5%)?

**Limiting Rent Control Increase Annually to CPI + Just Cause:** Shall the City of San Jose Apartment Rent Ordinance be amended to limit annual rent increases to an amount equal to the Consumer Price Index (with a minimum of 2% and a maximum of 5%) and to prohibit eviction without cause from multi-family residences with 3 units or more?



## **AFFORDABLE HOUSING NETWORK** of Santa Clara County

P.O. Box 5313, San Jose, CA 95150 - Phone 408-691-6153 - Email [ahnscc@gmail.com](mailto:ahnscc@gmail.com)

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Mayor Sam Liccardo  
 Vice Mayor Magdalena Carrasco  
 City Councilmembers  
 San Jose City Hall  
 200 East Santa Clara Street  
 San Jose, CA 95113

April 10, 2017

Dear Mayor Liccardo, Vice Mayor Carrasco, and Councilmembers,

The Affordable Housing Network of Santa Clara County was founded in 1987 and is the oldest grassroots housing advocacy group in Silicon Valley.

We wholeheartedly support the proposals for full just cause eviction protection and for a strong Ellis Act Ordinance that are scheduled to come before you on April 18 (Items 4.2 and 4.3).

Like the Bay Area as a whole, San Jose is experiencing a relentless and cruel wave of evictions and displacement as the regional housing crisis continues unabated.

Contrary to claims by many landlords, these evictions are not targeting "bad hombres". The overwhelming majority are not bad and in fact not even hombres. A recent study of evictions in San Mateo County showed that 70% of people evicted were in families with children, and 63% had female heads of household. 70% were Latino or African American.

These trends were confirmed at a recent community meeting I attended in San Jose along with three Councilmembers. We heard about ten renters testify about unjust evictions, all of them single women with children, many of them victims of domestic violence. All told heart-wrenching stories of moving with their children into garages, single rooms, on living room couches, in cars, old trailers, or out on the streets.

Just cause will not correct all these injustices or fully balance these disparities, but it will definitely dramatically improve them and also end unnecessary suffering for thousands of families.

The Affordable Housing Network also strongly supports a strong Ellis Act Ordinance to provide adequate relocation benefits to displaced tenants, and ensure that replacement units are maintained under rent

control. The City Council and all sides have recognized that the decreasing stock of rent controlled housing is a gross inequity for landlords and tenants alike. A strong Ellis Act Ordinance would prevent its further erosion.

Furthermore, the permanent housing crisis and San Jose's pent up housing demand ensure that a strong Ellis Act will not significantly deter redevelopment of older properties. The San Jose Apartment Rental Ordinance ensures a fair and reasonable return for developers and owners. San Jose's housing market has been and will continue to be so lucrative that investor threats to go elsewhere are simply not credible.

I have pasted below two links.

One is to the San Mateo County study referenced earlier.

[http://www.clsepa.org/wp-content/uploads/2014/04/sanmateocounty\\_eviction\\_report-2016.pdf](http://www.clsepa.org/wp-content/uploads/2014/04/sanmateocounty_eviction_report-2016.pdf)

The other is to 199 letters by tenants and other supporters of just cause and anti-displacement ordinances that we submitted to the Housing Department. Many tell important stories that are worth reading to really begin to grasp the human impact of the crisis.

[http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2680&meta\\_id=627984](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2680&meta_id=627984)

Thank you!

Sandy Perry  
President

**From:** Danielle Pirslin <[REDACTED]>  
**Sent:** Sunday, April 16, 2017 11:40 AM  
**To:** The Office of Mayor Sam Liccardo  
**Cc:** City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; Joanino, Jacklyn  
**Subject:** Just Cause this Tues?

Hello SJ Council Members & Mayor,

With April 18th approaching to the voting of Just Cause Evictions & Ellis Act issues, I wanted to take the time to address a few key things when considering your vote.

Let me explain....

- 1.) With "Just Cause Evictions" this will avoid conflicts between property owners and renters. Having clear reasons written out to evict a renter and renters having less of a chance to file claims with the city housing dept saying they are being evicted for retaliatory or discrimination reasons. This end result, saving the city time and money with mediation/arbitration hearings within the housing department.
- 2.) It is not hard for an owner to evict a renter now or by having "Just Cause Evictions" implemented. This will only make things simpler because, if you are an owner that knows their rights or for the ones that don't, this will give them a list of reasons to evict properly and make unlawful detainer court hearings define the law to favor the property owner that the eviction was for good reasons. There are already a list of reasons to evict; from non payment of rent, drug activity, smoking, destruction to the dwelling of a unit, not complying to the lease agreements, subletting, non authorized pets, etc. Even the CAA & AOA explains this in workshops and books they publish to help property owners/managers.
- 3.) By implementing the Ellis Act into the San Jose Ordinance this will help owners to the "how & why's of evicting renters" to the development projects they have with housing buildings. By having the Ellis Act, developers can factor in the cost of relocating current renters so they can focus on what is going to increase the highest return for productivity within San Jose and not have to deal with the complaints/arbitration cases of renters or having to allow the renter to move back on the property for the same amount of rent. They can now get the rental rates they projected in the development project with having the Ellis Act in play.

As leaders, we have to take lead from the front, not the back, and to set the bar for better practices with property owners with the "Just Cause & the Ellis Act" and in return, renters will be more compliant because their rights are being protected:

Property owners that are using the excuse "It will be harder to evict renters," is simply untrue and non educated statements by them. I have found over the years with attending many of the owner/manager educational workshops offered by California Apartment Association (CAA) and the Apartment Owners Association (AOA), that in fact many owners do not know their rights (much like renters) or simply have the mentality that, "This is MY property and I will do what I want with it."

CAA & AOA have clearly added California civil codes, policy and procedures in the Managing Rental Housing Books they publish, that talk about Evictions & Ellis Act but it is not reflected in the San Jose ordinance. If City Council doesn't pass a "yes" vote for Just Cause Evictions & Ellis Act, creating clear policies and procedures, how can you expect property owners or renters to respect the decision(s) made with the housing crisis.

Hopefully I have explained a different perspectives from an owners point of view that has not been address in the media. By voting "Yes" this helps both Property Owners and Renters, it is not a one sided deal here. A "No" on this issue will not correct the growing housing crisis in San Jose between Property Owners and Renters.

Best Regards,

~Danielle Pirslin

April 17, 2017

4.2/4.3



The Honorable Sam Liccardo  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113

**SUBJECT: Ellis Act/Tenant Protection Ordinance**

Mayor Sam Liccardo:

Executive Committee

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Goodwill Silicon Valley

IMMEDIATE PAST CHAIR  
Jim Lynch  
San Jose Water Company

PRESIDENT & CEO  
Matthew R. Mahood  
The silicon valley organization

On behalf of The Silicon Valley Organization (The SVO), I am writing to express our serious concerns with the Tenant Protection and the Ellis Act Ordinances.

The focus of these two ordinances should be on providing tenants with anti-retaliatory protections and a safety net in the event of displacement, respectively. However, the details of the ordinance reveal that they go far beyond that.

The TPO fails to strike a balance between providing anti-retaliatory protection to the tenants while maintaining fairness for the property owners. This punitive approach places property owners on the defensive rather creating a cooperative environment between them and their tenants. The intention of this ordinance should be to provide anti-retaliatory protections to the tenants, but the ordinance goes far beyond that.

The TPO rests upon the assumption that any necessary repair or replacement request has merit by default which would trigger good-cause protections. There is no system for verifying that the claims that are filed have merit or that the tenant made a good-faith effort to contact the landlord prior to calling the city. The Housing Department should require that a tenant contact the landlord to request a repair prior to contacting the city for assistance. And the tenant, in filing a claim to the City, be required to show proof of the necessary repair and that it wasn't tenant caused. Illegal Activity – Under TPO, owners must show that code violations have been corrected prior to beginning an eviction for just cause, such as non-payment of rent. If the tenant commits an illegal act but the code violation has not yet been corrected, then the property owner is powerless from preventing further criminal activity until the code violation has been corrected. Illegal activity should be exempt from the TPO so that good cause isn't abused to continue illegal activities.

Necessary Repairs or Replacements – This section needs definition. The Housing Department is maintaining this list as part of the regulations not in the actual ordinance which gives them the flexibility to modify the list as needed. But if these items are part of the regulation and not in the ordinance, definition needs to be provided on what constitutes a necessary repair or replacement. Without one, there would be no way of knowing how or why a item was added to the list, or if it should at all.

Implementing the Ellis Act should be straightforward since it's existing state law and many cities in California have implanted versions of it. While much of the ordinance is straightforward and in keeping with the practices of many other cities, the Housing Department is exasperating the housing supply issue with this ordinance. Under the San Jose version of the Ellis Act, if you demolish an existing rent controlled property using the Ellis Act and redevelop into a larger complex with additional unit, those additional units would fall under rent control. While it's totally reasonable to expect the original units remain under rent control even if they were redeveloped, it is unreasonable to expect anyone to choose to go through the expense of redeveloping their units if they remain price controlled.

The concerns expressed underscore the seriousness that we believe these draft ordinances will have on an already over-regulated housing industry. San Jose has an important choice to make, be a leader once again in the creation of affordable housing or apply immense legislative pressure on housing providers that it drives investment in housing to its neighbors. As written, these ordinances only accomplish to further drive a wedge between those who need housing and those who provide it.

Sincerely,



Matthew R. Mahood  
President & CEO



California Apartment Association  
980 Ninth Street, Suite 1430  
Sacramento, CA 95814  
800.967.4222 ▪ caanet.org

April 17<sup>th</sup>, 2017

Mayor Sam Liccardo  
& the Members of the City Council  
200 E. Santa Clara St.,  
San Jose, CA 95113

Re: Agenda Item 4.2 & 4.3

Dear Mayor Liccardo and Members of the City Council,

The California Apartment Association is opposed to the broad scope taken with the Tenant Protection and the Ellis Act Ordinances. The focus of these two ordinances are counter to the framework that the Council approved last year.

The Tenant Protection Ordinance (TPO) and the Ellis Act ordinance penalizes property owners and promotes a negative tenant/landlord relationship. The TPO and the Ellis Act ordinance demonstrate an overreach by staff and CAA urges the Council to limit the scope of these ordinances to last year's framework.

**Tenant Protection Ordinance**

Cases Without Merit – The TPO rests upon the assumption that any necessary repair or replacement request has merit by default which would trigger good-cause protections. The way this ordinance has been structured opens it up to abuse. Without verification of the claims that a tenant makes prior to receiving good cause protection, it cannot limit frivolous claims from being made.

Communication with Tenants & Property Owners – The TPO fails to promote a dialogue between the tenants and property owners. It doesn't require a tenant to verify that they tried to resolve the repair request with the property owner prior to reaching out to the city. Property owners have a vested interest in maintaining their property, naturally they are highly motivated to resolve a repair request before it becomes a much bigger problem.

**Ellis Act**

The primary purpose behind the Ellis Act is to provide a path for a property owner to exit the rental property business and to provide the displaced tenants with a relocation payment. However, the proposed policy goes much further by penalizing property owners who may want to add additional units by subjecting any net additional units to the rent control ordinance.

For example, under this ordinance if the owner of a rent-controlled four-plex demolishes their unit and builds a 15-unit building in its place, all the 15 units

would be subjected to rent control instead of only the original 4. What incentive would the property owner have to build additional units? This policy is missing an opportunity to create an incentive to create more housing opportunities. Instead it continues the practice of placing the burden of creating affordable housing on the property owners. We are recommending that the policy be changed to exempt any newly created units from the requirement that they be included in the ARO.

These two ordinances fail to achieve the greater goal of making housing more affordable, instead it places additional burdens on property owners. San Jose was once a leader in producing affordable housing. The choice before the City Council is whether they create policies that further abandons that title or create policies that increases the supply of housing.

Sincerely,

A solid black rectangular redaction box covering the signature of Anil Babbar.

Anil Babbar  
Vice President of Public Affairs

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**From:** Alia <[REDACTED]>

**Sent:** Monday, April 17, 2017 12:39 PM

**To:** The Office of Mayor Sam Liccardo; District2; City Clerk

**Subject:** Just Cause Eviction Protections (Item 4.3) and Ellis Act Ordinance (Item 4.2)

Dear Mayor and City Councilmembers:

I am a homeowner living in District 2. I believe that San Jose should be a fair and inclusive community, and I am concerned about the displacement of renters from San Jose by exorbitant rent increases, unjust evictions, and the removal of rent-controlled apartments from our local housing stock.

Many of my son's school classmates rent single-family homes from individual landlords. Without stronger tenant protections, they risk the stability of their housing, which has an adverse effect upon any child's education. I would also like to see San Jose open its doors to refugees, who will often need affordable housing.

Accordingly, I urge the Council to:

1. Adopt just cause eviction protections for all renters in San Jose.
2. Adopt a strong Ellis Act ordinance.
3. Adopt an interim moratorium on no-cause evictions an urgency ordinance in order to prevent landlords from evicting tenants before these longer-term policies are enacted.

These laws are essential to preventing displacement, stabilizing neighborhoods, and preserving the diversity that makes San Jose great.

Thank you,

Alia Merla

[REDACTED]  
San Jose, CA 95123

Sent from my iPad

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**From:** Vince Rocha [REDACTED] >  
**Sent:** Monday, April 17, 2017 12:36 PM  
**To:** City Clerk  
**Subject:** Petition Opposing Proposed TPO and Ellis Act

Hello,

I am sharing the online signatures and contact information from a petition from voters and property owners in San Jose that oppose the the following items on the April 18, 2017 agenda for the San Jose City Council.

4.2 Amendment to the Ellis Act Ordinance Implementing Procedures for Removal of Rent Stabilized Units from the Rental Market.

4.3 Actions Related to Tenant Protection Ordinance.

The text of the petition reads:

In the City of San Jose property owners like myself play a vital role in providing safe well maintained housing. On Tuesday April 18th, the City of San Jose is proposing measures that attempt to make housing more affordable; instead the proposals will make the costs of maintaining and managing rental property more uncertain and expensive for good tenants and landlords alike, while giving bad actors the tools to abuse the new laws. I support efforts to help renters in San Jose, but do not believe costly mandates make housing more affordable for all.

Under the Ellis Act, if I choose to redevelop my property but continue to operate it as a rental property, all the replaced units and any additional units I might add will be subjected to rent control. I support policies that add more housing not limit it. You should exempt new units from the rent control law. If I choose to redevelop my rent controlled property as for sale housing I will be required to pay out each tenant thousands of dollars. This is on top of other development fees and costs the city already imposes. I will be forced to pass these costs to the home buyers, making ownership housing more expensive than it already is.

Under this law, tenants have the ability to file frivolous claims for repair because the City does NOT require verification that the claims are legitimate. This will grant tenants the ability to file frivolous claims to extend their just cause protection endlessly. Tenants have no responsibility to prove that any claims they make are true, they are essentially given unlimited protection under this new law. The burden of proof is on the landlords like me to prove the tenants are being truthful. Under this law, I would have to provide evidence of a lease violation or proof

that an illegal act was committed to evict a tenant. This harms a my ability to keep my good tenants safe from my bad ones.

By submitting my name and contact information I am registering my opposition to the proposed Ellis Act and Tenant Protection Ordinances.

Vince Rocha | Director of Government Affairs

Santa Clara County Association of REALTORS®

[REDACTED]  
[REDACTED]  
[REDACTED]

First and Last Name

Sandy Adams  
Carlos Padilla  
Marie Turano  
Vincent Rocha  
Matthew Bowen  
Carla Griffin  
Chris Blair  
Jaswinder gill  
Angela Volfer  
Tingley  
Katy Care  
Trisha Motter  
Thu bui  
Mark Rohr  
Quincy Virgilio  
Matthew Crawford  
Don Jessup  
Al mueller  
Bob Basso  
Shawn Vandenbrandhorninge  
Theresa Wellman  
Eric Sjoberg  
Gordon Kwan  
Dennis Steinbach  
Margaret Apple  
geraldine padua  
Cristina Gonzalez  
Suzan Vainberg  
Nicolas Matos  
Nicolas Matos  
Malin Shah  
Larry Lumpkins  
Richard rogers  
Peter Suess  
Amanda  
Phillip Turturici  
John Pinto  
Andy Lam  
Kenrick do  
ken chao  
Grace Vaccaro  
Joseph Vaccaro  
Lisa Keung  
Sandy Jamison  
Carol Meyer  
Tim Henderson  
Julie Low  
Jack Low  
Harnish Kanani  
Melissa Chan  
Gon mei lee  
Bishara Mogannam  
Hassan Sabbagh  
Melissa Haugh

Mark Bello  
Brett Mattos  
Miranda Jung  
Diane LoVerde  
M Blaauw  
David Giarritta  
Brad Gill  
Elizabeth Walsh  
Mandy McCurdy  
Daniel palazzo  
THelma Fedrick  
Mikaela Rojas  
Rula  
Thao Bui  
Lucille B Chacon  
Larry Grattan  
Vishakha Shah  
Nicole Wallace  
Kristina Rodgers  
Ivonne Valdes  
Aqeel Siddiqi  
Steve adamo  
Peter Carey  
Debbie adamo  
Janette rosales  
Melinda Gedryn  
robert heath  
Laura Robertson  
Grace Rudawski  
Adeline Johnson  
Sandra Sarvis  
Gerald Burnette  
Jim Kimball  
Dina bonafede  
Joseph Weinstein  
Judith LaGalante  
Yvonne hanhan  
Al Pippert  
Simon hanhan  
Rupesh Desai  
Desai Kirti  
Teri Fortino  
Joseph Tyburski  
Satish Patel  
Charles L McKim  
Virginia Thomas  
Carl San Miguel  
Dave Campagna  
Jose Reyes  
Hamid Reisiieh  
John rancour  
Gustavo Gonzalez  
Robert Badagliacco  
Paul Nogosek  
Olivia Sahagun

Joe Ann Weathers  
David Butler  
ANNE HANSEN  
Bill Wise  
Lianne Verheyden  
Kevin Levy  
Scott Guagliardo  
David Dietrich  
Kelly Hunt  
Rich Crowley  
Christopher Cossitor  
Joe Cossitor  
Jenny Yuan  
James Endo  
Joe Rich Ramirez  
David Eisbach  
Aqeel Siddiqi  
Terry Kelly  
Terrence L Kelly  
W. Gene Hunt  
Glenn Kinseyv  
Kathleen Doshack  
Debbie adamo  
barbara arigoni  
barbara arigoni  
shunn huah huang  
sun teck see  
Virginia Hao  
Roberta Moore  
Shaye Zahedi  
Matt White  
Bill Welch  
Bill Welch  
Augustine Bettencourt  
Denise Doan  
Hiep Ngo  
Laura Munguia  
Jose Munguia  
heather la france  
Zee ghanati  
Michael Baughman  
Norma Navarro  
Rick Smith  
Thanh tran  
Cindy Pullano  
Joanne McPhee  
Meghan Knippen  
Jaime Gonzalez  
Julia Welch  
Julia WEIch  
Valeri Huxley  
Julia Welch  
Julia Welch  
Julia Welch  
Cuong Do

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**From:** Roberta Moore <[REDACTED]>  
**Sent:** Monday, April 17, 2017 4:01 PM  
**To:** City Clerk  
**Subject:** Summary ARO Agenda Items 4.3 a, b, c for 4/18

Here is information addressing the new proposals by the Housing Department:

Regarding adding Subsidized Rentals to the ARO Policy 4.3 c:

- Last week, Housing Commissioner Lee Thompson asked, "If there is only one who is a problem in 40 years, why do we need a regulation?"
- The ARO proposal as written directly conflicts with the Section 8 laws.

Regarding requiring Landlords Offer One-year Written Lease to Tenants 4.3 b:

- Most renters in ARO units don't want a one-year lease. They only agree to it if required by the owner or by Section 8. A written lease is either a month-to-month or automatically converts to a month-to-month when the lease period expires.
- Requiring this shows the Housing Department lack of consideration for the 98.6% of renters who don't complain.

Suggested Changes to TPO 4.3 a

- "Since 2010, there have been more than 2,000 "no-cause" evictions in San Jose, city records show." Source: NBC News This is close to 1/10 of 1 percent of all 140,000 units during the past 7 years.
- It's financially challenging to lose a renter. No owner wants a renter to leave if there isn't a cause. No Cause is a tool when witnesses complain but won't come forward for fear of retaliation from the renter in question.
- If you think "No Cause" evictions are used without a Cause, is this much regulation needed to regulate the 98.6%+ of owners who don't do them. Or, would city funds be better used going after known slumlords as identified through tenant advocate groups and Code Enforcement?

After reading the TPO carefully, here are the 4 most important changes to eliminate unnecessary bureaucracy, to better protect the other renters, and to have a more balanced proposal:

1. 17.23.1020 Page 4 A #2 Change to: Tenant first\* requests in writing the Landlord provide a Necessary Repair or Replacement for the Rental Unit of the

building in which the Rental unit is located and is given a reasonable time to take care of the request and then informs the Director of the request and the Director confirms that the Landlord received this request and did not comply. (\*Note: The Housing department initially promised this.)

2. 17.23.1030 Page 8 #2 a: Take out "material". (To include violations that hinder the quiet enjoyment and safety of other renters.)
3. 17.23.1030 Page 8 #2 e 2b ii: Make if apply only to a dependent child. Take out, foster child, the spouse or domestic partner, parent, brother, or sister of a Tenant. (Otherwise, in conflict with Federal Law for Rental Subsidies.)
4. 11 17.23.1060 Page 11 B Add: Any landlord or Tenant found by a court of . .  
. (Keeps it balanced and minimizes frivolous complaints.)

Government has yet to understand that most owners want to help those that cannot help themselves. And, that it is a very different story protecting those that are dangerous or not responsible and try to destroy the businesses of independent property owners who supply affordable housing to so many in San Jose.

Regards,

Roberta Moore

Cell: [REDACTED] 1

[REDACTED]

**SENT VIA EMAIL:**

[mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov); [district1@sanjoseca.gov](mailto:district1@sanjoseca.gov); [District2@sanjoseca.gov](mailto:District2@sanjoseca.gov); [District3@sanjoseca.gov](mailto:District3@sanjoseca.gov); [district4@sanjoseca.gov](mailto:district4@sanjoseca.gov); [District5@sanjoseca.gov](mailto:District5@sanjoseca.gov); [district6@sanjoseca.gov](mailto:district6@sanjoseca.gov); [district7@sanjoseca.gov](mailto:district7@sanjoseca.gov); [district8@sanjoseca.gov](mailto:district8@sanjoseca.gov); [District9@sanjoseca.gov](mailto:District9@sanjoseca.gov); [District10@sanjoseca.gov](mailto:District10@sanjoseca.gov); [cityclerk@sanjoseca.gov](mailto:cityclerk@sanjoseca.gov)

**Re: Just Cause Eviction Protections (Item 4.3) and Ellis Act Ordinance (Item 4.2).**

Dear Mayor and City Councilmembers:

I am a renter living in District 3. I believe that San Jose should be a fair and inclusive community, and I am concerned about the displacement of renters from San Jose by exorbitant rent increases, unjust evictions, and the removal of rent-controlled apartments from our local housing stock. I have lived in San Jose for most of my life and have witness the immense difference in housing that has caused the housing crisis that is currently happening. I work at the Law Foundation and I am always getting calls of people who have received a no cause notice and have lived there for more than 20 years that is there home and no are being asked to leave because they are asserting their rights as tenants to have a safe and habitable place to live. Renters in San Jose need to have this protection so that they can live in peace and not have to move away from their community that supports them.

Accordingly, I urge the Council to:

- 1. Adopt just cause eviction protections for *all renters* in San Jose.**
- 2. Adopt a strong Ellis Act ordinance.**
- 3. Adopt an interim moratorium on no-cause evictions an urgency ordinance in order to prevent landlords from evicting tenants before these longer-term policies are enacted.**

These laws are essential to preventing displacement, stabilizing neighborhoods, and preserving the diversity that makes San Jose great.

Thank you,

Estela Lozano

  
San Jose, CA 95112

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**From:** Roberta Moore <[REDACTED]>  
**Sent:** Monday, April 17, 2017 4:43:43 PM  
**To:** The Office of Mayor Sam Liccardo  
**Cc:** City Clerk  
**Subject:** Khamis' Memo 4.2 & 4.3

If you want to protect renters and affordable housing as well as keep San Jose safer (at the top of the Forbes safe city list), please support Council Member Khamis' Memo attached.

Regards,  
Roberta

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Roberta Moore  
Broker Associate . President's Club  
BRE #00791365  
Cell: [REDACTED] 1

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**From:** Joan Keller [REDACTED] >  
**Sent:** Monday, April 17, 2017 5:25 PM  
**To:** City Clerk  
**Subject:** Council vote on renter's rights tomorrow

Dear Council Members,

I fervently request that you vote "NO" on this renters' rights issue in council tomorrow. Remembering landlord's rights may have a much more positive long-term effect.

Why vote NO?

**It's Not the American Way ...** Putting renters' rights ahead of owners' rights is a strong move toward government control of everything. In the foundation of America, the right to own property and have authority over the use of it, without threat of the government confiscating or controlling it, was built in to our constitution. We cannot feel free without it.

**Will Deter Investors In Rental Properties.** Yes, there is a need for more affordable housing in San Jose ... but a better way to get it is to make it more attractive to an investor to build and maintain rental units ... not make it more difficult. If this passes there is no way I would consider investing in rental property in San Jose. I am not alone.

**Without Cause is Probably Not Without Cause** My husband and I, long-time residents of San Jose, invested in two modest townhomes (not in this area) while we were working full time at other jobs. Our thought was to have rental income to supplement our retirement. There was no profit while we paid off the mortgage. Rent just covered the property taxes, property manager fees, home owners association dues, ongoing maintenance and the mortgage. For a few years we profited about \$2000 a year above expenses. Then we started accepting tenants subsidized by HUD. (Refusing a HUD applicant was likely to trigger a discrimination law suit.) Our expenses went up dramatically. Through ignorance or negligence these tenants did not maintain the properties. For example, Tenants didn't know you need to clean the lint screen in the dryer after every use ... didn't change the air filter on the air conditioner (even though that was a condition of the lease), didn't clean up water spills or report leaks. They didn't follow home owner association rules: broken and missing screens, junk piled in yards visible from the street, not cleaning up after pets. These resulting in fines from the HOA. When these tenants moved out the properties were generally filthy; it took more than the full year's profit on both units to clean a property up and get it ready for the next renter. For the past four years we operated at a loss and had no choice but to sell.

Please maintain our freedoms, encourage investors to increase the supply of housing. Vote NO. And maybe consider training programs for low-income tenants so they know how to give landlords less cause to evict.

*Joan Keller-Rankin*

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**From:** Doug Goss <[REDACTED]>  
**Sent:** Monday, April 17, 2017 5:51 PM  
**To:** City Clerk  
**Subject:** Khamis' Memo 4.2 & 4.3

Please support Council Member Khamis' Memo (attached) and protect renters and affordable housing here in San Jose.

Doug Goss | Broker Associate | CRS, CRP, GRI, ABR, ePRO  
kw Bay Area Estates | [REDACTED] San Jose, CA 95123  
[REDACTED] [www.TheGossRealEstateGroup.com](http://www.TheGossRealEstateGroup.com)  
CalBRE #01182111

**From:** Kenneth Rosales [REDACTED]  
**Sent:** Monday, April 17, 2017 8:50 PM  
**To:** City Clerk; The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10  
**Cc:** Maria Javier; Felix Antonio Rosales  
**Subject:** Renter's Rights- Just Cause and Ellis Act

Dear City of San José City Council,

My partner Maria Javier (cc'd), brother Felix Rosales (also cc'd), and I are taking the time out of our busy lives to write to you on tomorrow's important decisions on a full Just Cause Ordinance for all renters in San Jose and an amendment proposed for the Ellis Act ordinance.

**First and foremost, my partner Maria and I would like to clearly provide our support for the following:**

- **Councilmembers Arenas/Jimenez's memorandum proposal of a full just cause ordinance for all residents**
- **The Ellis Act amendment memorandum from Jackie Morales-Ferrand; Director, Department of Housing**

I have been a renter for my entire life with the attainable goal of one day becoming a homeowner. However, I have never been in fear of getting arbitrarily kicked out my home more than I have since I moved to San Jose. I have been living in downtown for the last 10 years with my brother and one year with my partner. About 90 percent of my time in San José has been as a student, for undergraduate and graduate studies at San José State University. When my brother and I rented in a rent controlled unit near campus for nearly eight years, our property owner was constantly threatening our stay for capricious, irrelevant, and unjust reasons. It must be understood that throughout our entire lives, we have been a hard-working immigrant family looking to rise above poverty and racial injustices; against all odds.

After obtaining a bachelor of science and master's degree as a first generation child, along with being entrusted with an endless amount of duties at my work, I was still afraid that I'd get kicked out of my rent-controlled home. However, I am not alone. There are thousands of renters in San José that live in greater fear. The Waterloo Apartments, the Reserve, and even 96-year old veterans are at risk from being evicted for no good reason whatsoever. Countless stories of individuals wanting to start their own businesses, families saving to buy a home, or parents preparing for their children's educational futures – have been at risk of becoming homeless. As we know, thousands of San Joséans are homeless while a majority of these people live along Coyote Creek or the Guadalupe River. Not only do broken rent regulations destroy lives, but they also have unprecedented negative environmental, aesthetic, and psychological impacts to the public.

We must put an end to this careless historical behavior our San José decision makers have made: prioritizing monied interests that are not considerate of the public whole. The "public whole" includes police officers, teachers, students, entrepreneurs, business owners, etc. These are the everyday people who make-up San Jose and its culture. Allowing business as usual will only continue our downward spiral of increased homelessness, poverty, and shattered dreams.

Make the right choice by prioritizing a majority of San José people's lives over the profit of the very few. Maslow's law of hierarchy includes the element of shelter and giving socially irresponsible property owners too much power belittles this necessity that every human being needs and deserves.

Respectfully Submitted,

Kenneth Rosales  
Maria-Louse Javier  
Felix Rosales

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Kenneth Antonio Rosales  
BS Environmental Studies and  
Political Science Minor 2012  
MS Urban and Regional Planning 2015  
San Jose State University

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**From:** [REDACTED]  
**Sent:** Monday, April 17, 2017 9:59 PM  
**To:** City Clerk  
**Subject:** ARO: Tenant Protection Ordinance

Attached is a Memo from Councilmember **Khamis** regarding ARO: Tenant Protection Ordinance - please endorse what he states in the Memo.

Sita Kern

April 17, 2017

Mayor Liccardo and City Council:

We strongly urge council to include duplexes under the Apartment Rent Ordinance (ARO). This item has been discussed in the past as part of much broader items related to ARO reforms, but has never received the focused attention and debate it deserves.

Including duplexes built before 1995 under the ARO would add between 11,000 and 15,000 units to the stock of regulated apartments. This is an important additional segment of the rental housing market, and would significantly expand ARO coverage. In the face of continued rent increases, and the promise of further regulatory protections, extending the protections of the ARO to more families and seniors at risk of displacement should be a priority for the council.

This is in part an issue of fairness. Throughout the ARO reform process, landlords, tenants and members of the City Council, have talked about the fact that the rent stabilization and regulation created by the ARO covers only a relatively small percentage of the rental housing stock. This places a unique burden on one segment of the market. While the ARO is limited by state laws, ie. it cannot cover new construction, it can be expanded to include duplexes. This is a way of broadening the reach of our ordinance within the law, promoting fairness for both landlords and tenants.

San Jose is an outlier in not including duplexes in rent stabilization ordinances. Other cities with rent stabilization ordinances that cover duplexes include: Los Angeles, San Francisco, Oakland, Berkeley, Beverly Hills, Santa Monica, East Palo Alto, West Hollywood, and Richmond.

In their report to council from March of 2016, Housing Department staff dismissed extending the ARO to include duplexes by arguing that at current staffing levels reforms will "fully occupy" staff without the addition of duplexes, and that bringing duplex owners into compliance will be "time intensive." While we appreciate that expanding the coverage of the ARO will require additional staff resources, we believe that this moment of transition and expansion offers unique opportunities to ensure that appropriate staff resources are available and that duplex owners can be incorporated into the, already planned, landlord education efforts. We do not believe that that administrative barriers are a good reason not to significantly expand the number of apartments, and households, covered by the ARO.

Thank you for your time and consideration.



WORKING PARTNERSHIPS USA

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**From:** Nancy Da Silva <[REDACTED]>  
**Sent:** Tuesday, April 18, 2017 10:38 AM  
**To:** The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; City Clerk  
**Subject:** Concerns over Just Cause Eviction Protection

Dear Mayor and City Councilmembers:

My husband and I recently purchased an older 4plex in San Jose. I just have a few counter arguments to the proposed just cause eviction ordinance since they would directly impact us.

1. I find the premise for the proposed ordinance confusing. I think most property owners want their tenants to report issues that need to be repaired. Fixing a leaky toilet is a lot less expensive than repairing damaged floor boards if the leak continues. So maybe the issue is one of education rather than a significantly restrictive policy on all property owners.

2. I suspect that underlying these property owners evicting tenants for complaining is not because of the repairs but as an excuse to remove the tenants and bring in new tenants at market rents. If this is the case, I would support the city setting an ordinance that requires property owners to rent their unit at the same price for the new tenant as they did for tenants they evict. This would reduce a property owners incentive to evict a tenant for financial gains.

3. While some of the proposed just cause eviction reasons are objective and provable (e.g., nonpayment of rent), I would have difficulty proving nuisance behavior or substantial damage to the apartment. I have had tenants who spray painted the back of our building and our brand new turf but I couldn't conclusively prove who did it. I don't have surveillance cameras nor would I have the time to spend hours viewing them (we both work full time and we are raising two young children), nor do I have the money to afford lawyers and court fees to deal with tenants who are disrespecting other tenants or damaging the property. I don't have the resources to prove these things but I would like the discretion to evict tenants on these issues if they become severe.

Please consider that many property owners are responsible and conscientious individuals and do not make our jobs of providing a safe and clean place to live a difficult task. If just cause eviction gets passed, I would seriously consider looking at selling the property and finding a city that is more supportive of property owners.

Regards,  
Nancy

**From:** Marlene Bennett <[REDACTED]>

**Sent:** Tuesday, April 18, 2017 10:24 AM

**To:** The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; City Clerk

**Subject:** Just Cause Eviction Protections (Item 4.3) and Ellis Act Ordinance (Item 4.2).

Dear Mayor and City Councilmembers:

I am a homeowner living in District 10. I believe that San Jose should be a fair and inclusive community, and I am concerned about the displacement of renters from San Jose by exorbitant rent increases, unjust evictions, and the removal of rent-controlled apartments from our local housing stock. San Jose should be a city accessible to people and families of every income level. There are multiple renters in my neighborhood and they should have the same access as I do to quality schools, neighborhood businesses and newly renovated parks. I do not want to live in a City where the people who work here cannot afford to live here. Additional renters' protections, including a just cause ordinance, and an Ellis Act ordinance, are critical to prevent displacing renters, keep kids in their schools, and promote the diverse neighborhoods that make San Jose a great place to live.

Accordingly, I urge the Council to:

- 1. Adopt just cause eviction protections for *all renters* in San Jose.**
- 2. Adopt a strong Ellis Act ordinance.**
- 3. Adopt an interim moratorium on no-cause evictions an urgency ordinance in order to prevent landlords from evicting tenants before these longer-term policies are enacted.**

These laws are essential to preventing displacement, stabilizing neighborhoods, and preserving the diversity that makes San Jose great.

Thank you,

Marlene Bennett

[REDACTED], San Jose

--

Marlene Bennett

[REDACTED]

**From:** Prem Andrzejek [mailto: ]

**Sent:** Tuesday, April 18, 2017 9:28 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Khamis' Memo 4.2 and 4.3

Esteemed Council Members,

Please protect affordable housing for San Jose residents and the ability of small landlords (like myself) to maintain healthy affordable housing for renters. Please support Council Member Khamis' memo attached.

Prem Andrzejek

**From:** Roberta Moore [mailto: ]

**Sent:** Tuesday, April 18, 2017 9:19 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Cause Ordinance Today's Vote - ARO

Good Morning Mayor and Councilpersons,

I am Roberta Moore and am a 4-plex owner. I care about providing the best service possible to my renters. I am concerned that a cause ordinance is going to make it more dangerous for my renters.

Here is what I will be saying at council today and the hand out I will be giving to you.

How is your term going to be remembered?

- for increasing pension costs and crime?
- for closing minority-owned small businesses?
- for relying on sensationalized press?

Are you going to vote based on the facts?

Or are you going to vote to add 16 pages of regulations and hire 5 staff to protect maybe 2/100ths of 1% of the rental units each year?

If you really want to target bad landlords, go after the known violators and enforce the current ordinance with penalties of \$,2500 per day plus.

Please Vote No on a "Cause" ordinance or make these changes:

1. Add Tenant must notify owner first in writing to minimize bureaucracy.
2. Add Penalties for Tenants to avoid frivolous complaints.
3. Make it for any violation to protect renters' rights to quiet enjoyment.
4. Remove Necessary Repairs or make it only what's necessary for habitability and over which tenants do not have direct control.

Regards,  
Roberta

Roberta Moore

# Tenant Protection Ordinance #4.3 (a)

## 16 Page Regulations to Maybe Protect .02% San Jose's Renters

### The Data

99.98% Owners don't use a "No Cause Eviction each year.

.02% Renters receive a "No Cause Eviction each year.

2,000 No Cause Evictions out of 140,000 Rental Units Since 2010 Source: NBC News Quoting City Data

### Cities with Cause Eviction are Most Dangerous

8 most dangerous Bay Area Cities have "Cause" ordinance. Have higher crime than state average. Source: FBI Los Angeles twice the violent crime of San Jose. Source FBI via SF Gate Blog

**Regulations Eliminate Small Business. ARO Rentals > 85% Minority-owned Small Businesses** Many speak English as a Second Language and live in your district.

### Suggested Changes (Add and Remove)

To eliminate unnecessary bureaucracy, protect the good renters, and have a more balanced law, either vote no on TPO or make the following minimum changes:

1. **17.23.1020 Page 4 A #2 Enrollment** Change to: Tenant first\* requests in writing the Landlord provide a Necessary Repair or Replacement for the Rental Unit of the building in which the Rental unit is located and is given a reasonable time to take care of the request and then informs the Director of the request and the Director confirms that the Landlord received this request and did not comply.

\*Note: The Housing department initially promised this.

2. **11 17.23.1060 Page 12 B Penalties** Add: Any landlord or Tenant found by a court of . . .  
Note: Keeps it balanced and minimizes frivolous complaints.
3. **17.23.1030 Page 8 #2 a Violations:** Take out "Material".  
Note: To include violations that hinder the quiet enjoyment and safety of other renters.
4. **17.23.1030 Page 8 #2 e 2b ii Violations:** Make it apply only to a dependent child. Take out, foster child, the spouse or domestic partner, parent, brother, or sister of a Tenant.
5. **Attachment B Page 2 Remove Necessary Repairs and Replacements** as qualifying or make it only those items that are necessary for habitability and over which tenant does not have control.  
Note: Really target owners who don't respond and repair as needed.

**From:** Melissa Morris [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 7:42 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Letter from a Tenant (Item 4.3)

Dear Mayor and City Councilmembers,

Please find attached a letter from a San Jose tenant who received a no-cause eviction notice in her rent controlled apartment after 28 years of living there.

Thank you,

**Melissa A. Morris | Supervising Attorney**  
**Mental Health Advocacy Project | Health Legal Services**

[REDACTED]

Advancing Justice in Silicon Valley

Date 4-13-17

Dear San Jose Mayor and Councilmembers,

I support RENTERS RIGHTS:

- No landlord retaliation against tenants
- End unfair evictions for no cause and no reason
- Stop displacement of tenants and save rent controlled apartments

Name Frances Quezada

Address [REDACTED]

City & Zip Code San Jose CA 95111

Regards to old residence: [REDACTED] San Jose, Ca. 95111

After 28 years (29 years in July) of planting roots for work and raising my children as a single parent. My new property owners have asked me to vacate my residence so they can move in "their family members". Out of 14 units why would they choose the one we reside in? This has been our residence from my children of three and now my four grandchildren. They attend local schools and local university. Moving has been a severe hardship on myself and children in my family. We have humbly requested for re-consideration to no avail. We have also had to find a suitable community, schools, and residence for the children, which has been a hardship due to rent being high and not compatible with our monthly gross income. I would like to vote against landlords to have this right to evict without just case.

I support just cause eviction protections in San Jose

[REDACTED]

**From:** Roger Pennington [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 2:57 AM

**To:** Roger Pennington [REDACTED]

**Subject:** FW: Send Memo supporting Khamis to council ASAP ARO

If you want to protect renters and quality affordable housing as well as keep San Jose safer (at the top of the Forbes safe city list), please support councilmember Johnny Khamis recommendations in this memo

Roger Pennington

Without owners having the right to evict without cause they will be afraid to rent to anyone.

Currently owners can take a chance on risky applicant's knowing it may only cost \$1,300 to evict and possibly some lost rent for the months it takes to get them out once it's discovered they are causing problems for the community.

**From:** Roger Pennington [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 2:38 AM

**To:** Roger Pennington [REDACTED]

**Subject:** Johnny Khamis to council recommendations I support his conclusion are fair and reasonable

I agree with Councilmember Johnny Khamis.

He appears to have the understanding of what owners need to remain good actors and motivate renters from becoming bad actors.

Roger Pennington

**From:** Jayden Lee [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 2:29 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Vote YES for Just Cause, Tenant Protection and Renters' Rights!

**Hello:**

My name is Jayden Lee, and I was born and raised (and still reside) in San Jose. I acknowledge my privilege in not fearing no-cause eviction, but my heart is with those who have to live with that fear every day and with those who--though they may not have that fear now--could be put in that position because our city's lack of "just cause" eviction rules.

My heart broke while reading news of the displacement of The Reservation tenants last year. Again when reading about a 92-year-old veteran and a family of five--among other long-term tenants--being evicted by landlord Peggy DeMaio in order to turn a profit on homeless veterans paying market value on rent.

While one would argue that not all landlords would do such a thing, the fact remains that this has happened and could continue to happen. We need to protect San Jose tenants. We need to protect San Jose families. We need to tenant protection, including but not limited to a "just cause" eviction rule.

San Jose has had more than 2,200 no-cause evictions since 2010 and is the last major city in the Bay Area that allows landlords to evict tenants without citing reason--the last major city in the Bay Area without a "just cause" eviction rule.

Now is the time. I, along with many fighting for renters' rights and protection, along with those fasting for a YES on "just cause" eviction rule, along with my fellow San Jose tenants, URGE you to push for a YES for Just Cause.

Please. Protect the people of families of San Jose.

I thank you for your time.

**Jayden Lee**

-----Original Message-----

From: Kyra Kazantzis [mailto: [REDACTED]]  
Sent: Tuesday, April 18, 2017 8:05 AM  
To: google [REDACTED]  
Cc: Mathew Reed [REDACTED]; The Office of Mayor Sam Liccardo  
<TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2  
<District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>;  
District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7  
<District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>;  
District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Morales-Ferrand, Jacky  
<Jacky.Morales-Ferrand@sanjoseca.gov>  
Subject: Re: Including duplexes under the Apartment Rent Ordinance

Ok with us.

-Kyra

Sent from my iPhone

> On Apr 18, 2017, at 1:22 AM, google [REDACTED] wrote:  
>  
> I like this.  
> Susan  
>  
>> On Apr 17, 2017, at 9:42 PM, Mathew Reed [REDACTED] wrote:  
>>  
>> <SVRRCDuplexesletter418.docx>  
>  
> --  
> You received this message because you are subscribed to the Google Groups "Silicon Valley Renters  
Rights Coalition" group.  
> To unsubscribe from this group and stop receiving emails from it, send an email to  
svrrc+unsubscribe@googlegroups.com.  
> To post to this group, send email to svrrc@googlegroups.com.  
> To view this discussion on the web visit <https://groups.google.com/d/msgid/svrrc/657CEA73-E238-46D0-ADFE-78309FFEAB04%40gmail.com>.  
> For more options, visit <https://groups.google.com/d/optout>.

**From:** Kenneth Rosales [mailto:████████████████████]

**Sent:** Tuesday, April 18, 2017 9:46 AM

**To:** District 10 <District10@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District4 <District4@sanjoseca.gov>

**Cc:** Felix Antonio Rosales ████████████████████; Maria Javier ████████████████████

**Subject:** Re: Renter's Rights- Just Cause and Ellis Act

Hello Again San José City Council,

I made a typo in the bold section of my previous email. It should read as follows, indicating our joint support of the bullet list from Maria, Felix, and I (not just Maria and I):

**First and foremost, my partner Maria, my brother Felix, and I would like to clearly provide our support for the following:**

- **Councilmembers Arenas/Jimenez's memorandum proposal of a full just cause ordinance for all residents**
- **The Ellis Act amendment memorandum from Jackie Morales-Ferrand; Director, Department of Housing**

Thank You,

Kenneth

On Apr 17, 2017 8:50 PM, "Kenneth Rosales" ████████████████████ > wrote:  
Dear City of San José City Council,

My partner Maria Javier (cc'd), brother Felix Rosales (also cc'd), and I are taking the time out of our busy lives to write to you on tomorrow's important decisions on a full Just Cause Ordinance for all renters in San Jose and an amendment proposed for the Ellis Act ordinance.

**First and foremost, my partner Maria and I would like to clearly provide our support for the following:**

- **Councilmembers Arenas/Jimenez's memorandum proposal of a full just cause ordinance for all residents**
- **The Ellis Act amendment memorandum from Jackie Morales-Ferrand; Director, Department of Housing**

I have been a renter for my entire life with the attainable goal of one day becoming a homeowner. However, I have never been in fear of getting arbitrarily kicked out my home more than I have since I moved to San Jose. I have been living in downtown for the last 10 years with my brother and one year with my partner. About 90 percent of my time in San José has been as a student, for undergraduate and graduate studies at San José State University. When my brother and I rented in a rent controlled unit near campus for nearly eight years, our property owner was constantly threatening our stay for capricious, irrelevant, and unjust reasons. It must be understood that throughout our entire lives, we have been a hard-working immigrant family looking to rise above poverty and racial injustices; against all odds.

After obtaining a bachelor of science and master's degree as a first generation child, along with being entrusted with an endless amount of duties at my work, I was still afraid that I'd get kicked out of my rent-controlled home. However, I am not alone. There are thousands of renters in San José that live in greater fear. The Waterloo Apartments, the Reserve, and even 96-year old veterans are at risk from being evicted for no good reason whatsoever. Countless stories of individuals wanting to start their own businesses, families saving to buy a home, or parents preparing for their children's educational futures – have been at risk of becoming homeless. As we know, thousands of San Joséans are homeless while a majority of these people live along Coyote Creek or the Guadalupe River. Not only do broken rent regulations destroy lives, but they also have unprecedented negative environmental, aesthetic, and psychological impacts to the public.

We must put an end to this careless historical behavior our San José decision makers have made: prioritizing monied interests that are not considerate of the public whole. The “public whole” includes police officers, teachers, students, entrepreneurs, business owners, etc. These are the everyday people who make-up San Jose and its culture. Allowing business as usual will only continue our downward spiral of increased homelessness, poverty, and shattered dreams.

Make the right choice by prioritizing a majority of San José people's lives over the profit of the very few. Maslow's law of hierarchy includes the element of shelter and giving socially irresponsible property owners too much power belittles this necessity that every human being needs and deserves.

Respectfully Submitted,

Kenneth Rosales  
Maria-Louse Javier  
Felix Rosales

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Kenneth Antonio Rosales  
BS Environmental Studies and  
Political Science Minor 2012  
MS Urban and Regional Planning 2015  
San Jose State University

**From:** Ken Pyle [mailto:████████████████████]  
**Sent:** Tuesday, April 18, 2017 10:50 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Regarding 4/18 (today) Agenda Items 4.2 and 4.3

Honorable Mayor and Councilmembers,

These are my comments on today's agenda items 4.2 and 4.3.

What is not apparent in the analysis by city staff of either 4.2 and 4.3 is a cost-benefit analysis of the proposed ordinances. My recommendation is that council look at these proposed policies using a cost-benefit analysis that includes all of the explicit and implicit costs and benefits.

The analysis of the proposed ordinances only show the benefits to the relocated households and the associated costs to the property owners, but the analysis do not quantify the more subtle impact to the bigger picture, such as:

- How will the direct costs, associated with the extra fees and paperwork, and the indirect costs (e.g. compliance) impact housing supply? That is, the extra costs may discourage property owners from remodeling and expanding existing properties, which will keep supply limited and inflate housing costs. Will this be significant?
- What about the costs associated with the loss of local ownership that may occur? Many commentators have suggested that the costs of regulatory compliance will better be shouldered by larger entities and will result in fewer local owners in the market. Whether this is a good or bad thing isn't clear in the analysis.
- Another result, which is difficult to quantify but that is important, is that existing property owners will have little incentive to upgrade and will most likely do minimal maintenance to their 50 or 60 year old properties to maximize cash-flow.
- What are the costs to the city of adding compliance officials? Is this a function that would be better outsourced, as it may be a variable cost over time, as the number of AROs could decrease over time (e.g. if the new ordinances provide an incentive to convert rentals to owners)?
- Lastly, are there better approaches? While the staff report followed the city council's directive to examine other California cities, we should be looking beyond California to understand if other areas have successfully balanced the need for additional housing with the rights of tenants and property owners.

In general, the city should look at enacting policies that are more proactive in terms of giving its citizens choice in where and how they live, such as

1. Find ways to increase the supply of housing, so that a competitive market would serve as a first line of defense against "bad actor" landlords.
2. The focus should be on increasing supply of dense housing (e.g. 50 units/acre and above), as, at this density, housing becomes a net-positive for the city in terms of providing city services versus the resulting increase in tax base.
3. Remove frictions that slow the pace of construction. It takes many years to build a project. This a huge risk for investors, as market conditions can easily change from project conception to completion. These risks are ultimately reflected in the costs paid by the tenants.

4. Look at using existing public land that is underutilized to help increase supply, such as this example that proposes to use land over San Tomas Creek <https://winchesterurbanvillage.wordpress.com/category/ideas/>
5. Similarly, to increase supply of housing that is affordable, look for ways to close streets and create car-free, superblocks, such as described in section 10.4 of this whitepaper, which I submitted as part of the Winchester Advisory Group process <https://winchesterurbanvillage.wordpress.com/2016/02/22/some-ideas-for-policy-makers/>
6. Hand-in-hand with car-free superblocks (5, above) is the need to facilitate different mobility solutions to allow households to be car-free, which would reduce the 2nd largest expense (\$8-\$10k/year) in an average household.
7. Look at ways to create more ownership opportunities for people of all incomes. Again, by creatively using public land (referenced in 4 and 5, above), it opens up possibilities of new ownership possibilities (e.g. perhaps on Habitat for Humanity model).

Thank you for considering my comments,

Ken

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Ken Pyle  
Managing Editor,

4.2/4.3.



April 18, 2017

Dear Mayor Liccardo, Vice Mayor Carrasco and Councilmembers,

**Re: Just Cause Eviction Protections (Item 4.3) and Ellis Act Ordinance (Item 4.2).**

I am writing on behalf of **SOMOS Mayfair**, a local community-based organization, focused on *supporting children, organizing families, and connecting neighbors to uplift the dreams, power, and leadership of community and address systemic inequities.*

We are a **small, local business** that has worked with the residents of Mayfair for over 20 years, working to address the many challenges faced by our largely low-income, immigrant community in San Jose- a population that is a driver of our broader local economy.

Our organization supports stronger protections for renters in San Jose because we see and feel every day the many challenges and implications of living in this high cost City without access to affordable housing, economic opportunity and educational opportunities, especially for our communities of color. We often see children move from school to school when they are displaced from their homes, creating instability and an inability to stay focused in school. We see immigrant families who are already living in heightened fear and anxiety scared every day that they will be retaliated against by their landlords. We have seen people walking through our neighborhood offering cash sales to purchase homes and land, displacing many families at once.

How are we supposed to keep San Jose a vibrant, humming economy when we cannot keep our teachers, social workers, police officers and fire fighters, and nonprofit leaders here? We all contribute to the vibrancy of this City and **WE BELONG HERE!**

Accordingly, SOMOS Mayfair urges the Council to:

- 1. Adopt just cause eviction protections for *all renters* in San Jose.**
- 2. Adopt a strong Ellis Act ordinance.**
- 3. Adopt an interim moratorium on no-cause evictions an urgency ordinance in order to prevent landlords from evicting tenants before these longer-term policies are enacted.**

These laws are essential to preventing displacement, stabilizing neighborhoods, and preserving the diversity that makes San Jose great.



If you have any further questions, please do not hesitate to contact me directly:

[REDACTED]

Sincerely,

[REDACTED]

Camille Llanes-Fontanilla  
Executive Director, Somos Mayfair

[REDACTED]

**From:** Hilary Armstrong [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 12:59 PM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Just Cause Eviction Protections (Item 4.3) and Ellis Act Ordinance (Item 4.2)

Dear Mayor and City Councilmembers:

I am a homeowner living in District 9. I believe that San Jose should be a fair and inclusive community, and I am concerned about the displacement of renters from San Jose by exorbitant rent increases, unjust evictions, and the removal of rent-controlled apartments from our local housing stock. In my work as a legal services attorney, I have seen far too many individuals and families displaced, and would like to see strong tenant protections for all renters in San Jose.

Accordingly, I urge the Council to:

- 1. Adopt just cause eviction protections for *all renters* in San Jose.**
- 2. Adopt a strong Ellis Act ordinance.**
- 3. Adopt an interim moratorium on no-cause evictions an urgency ordinance in order to prevent landlords from evicting tenants before these longer-term policies are enacted.**

These laws are essential to preventing displacement, stabilizing neighborhoods, and preserving the diversity that makes San Jose great.

Thank you,

**Hilary Armstrong | Directing Attorney**  
**Health Legal Services | Mental Health Advocacy Project**

**Advancing Justice in Silicon Valley**

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Salas, Anna [mailto: [REDACTED]]  
**Sent:** Tuesday, April 18, 2017 1:23 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Council Agenda for today 4/18/17

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Dear City Clerk,  
In reference to today's Council Agenda. I would like a copy of this email to reach all the Council Members asking for their support.

Please support Council Member Johnny Khamis attached memorandum dated 4/14/2017.

Yours truly,

Anna Salas

Anna Salas  
Realtor

[REDACTED]

BRE 00431211

**From:** lyman taylor [mailto: [REDACTED]]

**Sent:** Tuesday, April 18, 2017 3:15 PM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Herrera, Rose <rose.herrera@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Renter protection

Gentlemen/Ladies,

You've seen the email excerpt below a few times. I agree and urge you to protect renters by encouraging new housing. A good start would be to ease the permitting of secondary units in homes and back yards.

As stated in the form letter, landlords need to be able to terminate the rental to bad tenants. I've had three cases of dope dealers in my 6 units, over time, and they're hard to deal with. Please don't make it harder for us.

Lyman Taylor

[REDACTED]  
San Jose 95129

Form letter, says it well:

Dear Mayor Liccardo & Rules Committee Members,

As a rental housing property owner in the city of San Jose, I urge you to oppose stricter regulations on the rental housing industry, including a "just cause" eviction ordinance and tighter price controls, as these would jeopardize safe, quality housing for our residents.

We share the same goals with you -- to preserve safe neighborhoods and to protect good residents. However, a just-cause ordinance would make these goals difficult if not impossible to achieve. Eviction controls would eliminate my ability as a responsible, law-abiding housing provider to quickly and effectively rid my property of tenants engaging in drug-dealing or other illegal activity. This could place me, my staff, and most importantly, my good tenants in a very uncomfortable and dangerous situation.

I am a responsible landlord and follow the rules of the law. It is my hope that you will determine as I have that stricter rent control laws are not in the city of San Jose's best interests. I know it is illegal to evict tenants in order to raise rent. If there are landlords who are skirting the existing rent control laws, then the City should punish them. Do not punish me by taking away my ability to provide good residents a safe community. Let's continue to preserve strong San Jose neighborhoods and protect good tenants by allowing owners and managers to effectively manage their properties.

No one can deny that we do not have enough housing to meet demand. The only way we can address housing affordability is to make more housing available and support the construction of more housing for families of all income levels. Stricter regulations won't solve our problems. I urge you to focus on meaningful solutions that will keep our economy strong, our communities safe, and provide quality housing opportunities.

Sincerely,

Lyman Taylor

**From:** Roger Pennington [mailto: [REDACTED]]

**Sent:** Wednesday, April 19, 2017 4:53 AM

**To:** Roger Pennington [REDACTED] >

**Subject:** Largely the owners of rent controlled properties not not out of town investors

Fear is a wonderful deterrent.

That's why the police wear their guns in sight, so more people don't try to wrestle with them.

FACT.

The US averages just 19 **shark attacks** each year and one **shark-attack** fatality every two years. Meanwhile, in the coastal U.S. states alone, lightning strikes and kills more than 37 people each year.

<https://www.google.com/search?q=how+often+do+sharks+attack+humans&ie=utf-8&oe=utf-8>

**From:** Roger Pennington [mailto: [REDACTED]]

**Sent:** Wednesday, April 19, 2017 4:47 AM

**To:** Roger Pennington < [REDACTED] >

**Subject:** I know I am right but how do I say this

Every business, every employee has and needs the right to walk away from an adversarial relationship or the right to refuse service to anyone. This is an essential right that keeps tenants or customers nice and cooperative. Owners are business people who have a track record for being more reasonable than tenants which is how and why they came to become owners.

Stop adversity before it starts

No to Just Cause

Roger Pennington

**From:** Roger Pennington [mailto:████████████████████]

**Sent:** Wednesday, April 19, 2017 4:43 AM

**To:** Roger Pennington ████████████████████

**Subject:** When right does wrong then wrong will be right.

Without the right to refuse service owners will burden the housing and police and neighbors when dealing with adversarial tenants, aggressive property managers will be hired and with adversity comes the learning to fight and more aggression, the owners win eventually but by then the tenant has become hostile and unredeemable and they will move to cities where Just Cause is their tool to stay once they get past the acceptance stage and screening for bad actors becomes more challenging.

No to just cause

Roger Pennington

**From:** Roger Pennington [mailto: [REDACTED]]

**Sent:** Wednesday, April 19, 2017 4:35 AM

**To:** Roger Pennington [REDACTED]

**Subject:** This is the owners most essential right to discourage adversity

What on earth would be the reason for an owner to ask a tenant to move if it were not justified in both his mind and the tenants mind for moving is difficult and so is going through the process of upgrading the apartment for a new tenant and going through the advertising and screening of new tenants where the law does not allow an owner to discriminate against anything other than the tenants ability to pay, the next tenant could be worse so we have to make sure the tenant we are asking to leave is in fact a bad actor and I tried for 9 months to have one bad actor give me a notice to vacate so that I would not have to put an eviction on his record for his guest selling drugs on my premises, which the police and neighbors complained to me about but could not prove and would not want to prove as it would prevent the tenant from renting in most places for the next 7 years for something his guests were doing,

ad·ver·si·ty

*noun*

noun: **adversity**; plural noun: **adversities**

1. difficulties; misfortune.

"resilience in the face of adversity"

misfortune, ill luck, bad

luck, trouble, difficulty, hardship, distress, disaster, suffering, affliction, sorrow, misery, tribulation, woe, pain, trauma;

synony ms: mishap, misadventure, accident, upset, reverse, setback, crisis, catastrophe, tragedy, calamity, trial, cross, burden, blow;

hard times, trials and tribulations;

Every business, every employee has and needs the right to walk away from an adversarial relationship or has the right to refuse service to anyone. This is an essential right that keeps customers nice and cooperative. Owners have a track record for being more reasonable than tenants which is how and why they came to become owners.

Owners do not want adversity and where tenants have too much power they become adversarial over time and property managers and police become necessary to protect owners and the other tenants from adversity in their homes.