



Community Opportunity to Purchase Program (COPA) Public Comment



Fri 3/24/2023 8:30 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from . [Learn why this is important](#)

[External Email]

Hello,

This email is for public comment on agenda item number 3 of the amended agenda for the San Jose Community and Economic Development Committee (CED) meeting scheduled for Monday, March 27, 1 30pm

As I understand it, COPA would provide certain non profit entities special right to nullify the rights of property owners to make and enforce contracts. I have some questions about this for the CED

1. What Federal or California statute give San Jose the authority to interfere in contract or business relationships related to real-property transfers?

2. Did California or San Jose declare that US Code 42 sect 1981 is null and without force within their border ?

3. Did California or San Jose eliminate the Common Law concept of willful tortious interference in contracts and business relationships?

4. Did the CED consult an attorney?

I believe that any statute, resolution or city ordinance that San Jose and the CED may be relying upon to enforce the purchase provision of COPA would be in violation of US Code 42 sect 1981. Further, any attempt by the CED or other entity to interfere with a private contract related to real estate transfer or business would put the CED in jeopardy of a finding of tortious interference. Any fund devoted to this ill-conceived enterprise would be at risk of being seized as damages in a slam-dunk civil action.

Is this perhaps some sort of back-door way to make Eminent Domain seizures by another name?

Respectfully,

Michael Overholt

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Agenda Item 3: COPA

Kathryn Hedges <[Redacted]>

Sat 3/25/2023 12:58 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

📎 5 attachments (10 MB)

MidPen Service Corp Form 990 2020 pdf MidPen Housing Corp Form 990 2020 pdf MidPen Property Management Form 990 2020 pdf MidPen By the Number png MidPen Matt Franklin Salary png

You don't often get email from [Redacted] [Learn why this is important](#)

[External Email]

Dear Community & Economic Development Committee Chair and Members:

I am a tenant in affordable housing downtown at Donner Lofts, and have been active in tenant rights and affordable housing activism since 2016. Displacement has been a tremendous problem in San José and I am glad the City is taking steps to address it. I have seen some good examples of properties preserved by the South Bay Community Land Trust to keep those multifamily buildings affordable. COPA has also been successful in other cities facing a housing crisis.

I have attended many meetings about COPA as a supporter from SHHAC and wish I had been able to attend the latest meeting on March 16, 2023. However, I had been assaulted in my building in broad daylight two days earlier. Between the trauma and the numerous phone calls to and from various agencies, I have not been able to attend all my scheduled meetings.

I support COPA and believe that the terms of the current memorandum balance the needs of qualified nonprofit buyers and the sellers. A common theme I heard in previous COPA meetings was that sellers want to sell fast, for cash, to Wall Street Real Estate Investment Trusts (REITs). That is exactly the situation we have seen leads to displacement. Nobody who starts a business is guaranteed a return on that investment, and housing should not be an investment vehicle.

Housing is a human right. Invest in vacation homes and resorts all you want, but primary residences should not be commoditized. We are seeing the consequences of unbridled greed in real estate investment every time we see encampments in our public spaces.

However, as an individual and not on behalf of any organization, I propose a friendly amendment.

My affordable housing is part of the MidPen affordable housing real estate empire. It's one of the properties with a complicated funding stack that adds 1-3 years to the development timeline for new affordable housing. Although there are other similar 501(c)(3) housing developers, I am focusing on my own landlord as an example.

Although each building in MidPen's 130-property portfolio across North/Central California is owned by a different LLC, and operated by another company with tenant services by a third, the CEO of them all is Matt Franklin. I am attaching the most current Form 990s for the three branches of MidPen, their website's summary of how large the company is, and the listing for MidPen on NonProfitLight.com showing his salary at \$544,172 for 25 hours per week. The next two highest ranked executives make \$377,703 for 45 hours/week and \$347,477 for 25 hours/week. Technically, MidPen is not making a profit, but its executives make more than the San José City Manager (multiple times what the Mayor and Councilmembers earn) and two of them only work part-time. They have not exactly taken vows of poverty in service to the community.

These large affordable housing developers have no more compassion for their tenants than the investors of a REIT. I believe that if they are included on the roster of Qualified Non Profits for COPA, this violates the spirit of COPA. They will not function as part of the community and will mismanage these rental communities as they do the ones they already operate. Their access to funds will allow them to outcompete local QNPs based in the community who have a relationship with the neighborhoods.

Matt Franklin's public statements are in line with San José's values of racial equity and support for low-income residents, but tenants at MidPen properties (such as Donner Lofts) report serious life safety issues that management refuses to even acknowledge. Tenants and security guards fear for their lives with "guests" invited by a few problem tenants assaulting people and breaking down doors. Management's response is a rote "If you are scared, call 911" even though SJPd will not respond for at least an hour, thanks to the reputation of Donner Lofts. The fire alarm system was malfunctioning even before the rainy season, it took months of waiting and a petition to Code Enforcement to get the hot water fixed for parts of the building, management condones smoking in violation of the non-smoking units policy, and all the fire extinguishers are missing. There have been over 20 deaths from undisclosed causes in the building (I've heard 23-26) since it opened in 2016.

The approval process for QNPs must have a mechanism to screen out nonprofit slumlords. I have heard similar stories from tenants at properties managed by John Stewart and First Community Housing. I don't want to see any of these mega-nonprofits convert friendly mom-n-pop apartments into Escape From San José dystopias.

I am sure there is a way to screen QNP candidates for their track record with their tenants as well as for their ability to raise capital.

Kind regards,

Kathryn Hedgcs


This message is from outside the City email system. Do not open links or attachments from untrusted sources.

COPA Vote Monday at CEDC D10 HCDC Rep

Roberta Moore <[REDACTED]>

Sun 3/26/2023 6:23 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

Cc: Foley, Pam <Pam.Foley@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Dear CED Committee Members and Staff,

As a Commissioner on the 2040 General Plan Task Force and the D10 Commissioner for the Housing and Community Development Commission, I have seen all iterations of COPA since it was first shared 4 years ago.

Ask yourself why SO MUCH community outreach and time was needed to get traction?

The reasons . . .

COPA is most harmful to Renters. "Like a wolf in sheep's clothing."

According to the Housing Department, it is not possible to help Renters' buy through COPA. One must read the fine print to understand Renters' stability and predictably are more at risk with COPA. Non profits (NPO) can use COPA to:

- "Move" Renters out (meaning evict them) either at the NPOs discretion or if rent is not paid.
- Increase rents to market rate rents.

Note: My experience in what is needed to improve Renters' lives turned around the Hoffman Via Monte neighborhood and resulted in 2 awards from the Responsible Engagement Landlord Initiative (RELI) and State Assembly in 2018.

COPA is irresponsible legislation. "Reminiscent of shuffling chairs on the titanic."

COPA does not build any of the much needed housing supply. Instead it reduces the resources for building needed housing and eliminates the property tax revenue for providing necessary core services.

COPA is a misuse of resources.

When told about COPA, a friend who has lived and worked in San Jose his entire life said "COPA is the biggest waste of time, money, and salaries I've ever seen. I wonder what agenda is driving this?" If COPA

My full comments on COPA

Dean Hotop [REDACTED]

Sun 3/26/2023 8:15 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Please include in "letters from Public" my full comments/response below to the proposed COPA legislation

Thank you,
Dean Hotop

"The draft COPA program proposal would address three major existing challenges in the San José housing market

- **Level the playing field** Nonprofit affordable housing providers must seek both commercial loans and subsidized loans from the City and other public agencies. This is a different and more complicated business model than for profit real estate corporations. It is very difficult for nonprofits to make competitive, reliable, and fair offers to buy properties without a few additional days at the start of the sales process to assess the likelihood of their ability to assemble sources of affordable housing financing.
 - To give some additional time and enable nonprofits to be competitive in the San José market, staff's COPA proposal would give QNPs 15 days after owners notify them of a sale to indicate they want to make an offer on the property. During this time, owners could not market openly to other buyers but could be getting the property ready for listing. These upfront additional days would give QNPs time to assess if a property meets their requirements and estimate the amount of private and public financing they could obtain."

Counter Argument

- There is a long history of non-profits buying multifamily properties in San Jose. See [Unity Care in 2006, Funding resolutions here](#)
<https://records.sanjoseca.gov/Resolutions/RES73074.PDF> and here:
<https://records.sanjoseca.gov/Resolutions/RES73571.PDF>
 - In 2018 Dean Hotop also provided the SJHD (Rachel Vanderveen) a list of former ARO units which have been acquired by NPO's over the years. SJHD accepted this list and formally reduced the official # of ARO's from ~43k to ~38k, acknowledging that NPO's have successfully acquired thousands of multifamily units over the years. This list is still available, if needed. SCCAOR could provide transaction dates.
- At any given point in time, there are dozens of multifamily properties listed for sale on the MLS and/or Loopnet. As of 3/21/2023, there are 42 listings showing on Redfin.com, with an average 55 days on market - sufficient time for NPO's to arrange financing
 - <https://www.redfin.com/city/17420/CA/San-Jose/filter/property-type=multifamily>
- **"Increase market transparency:** There is no single listing service for properties with five or more units, and many buildings sell off market without being listed. This lack of transparency to all properties for sale is a challenge to the City's intention to stabilize

communities at high risk of displacement by funding strategic nonprofit property acquisitions in key locations.

- The draft COPA program proposal would require that owners of properties covered by the program notify QNPs when their properties are being sold. This enables QNPs to identify particular buildings that could meet all of their organizations' criteria and be eligible for public subsidies. It also allows the City to strategically offer companion subsidies that would more effectively achieve its goals through the acquisition of key buildings in locations across the City, repair of condition problems, and stabilization of lower income renters ”

Counter Argument

- **Off-market transactions occur when Buyers, or Buyers' brokers, contact property owners directly to inquire about whether an owner would be interested in receiving an offer Nothing is stopping NPO's from contacting owners of unlisted properties in the same fashion, or hiring a broker to do so on their behalf**
 - Property ownership information is a matter of public record.
 - SJHD has all owner contact information available to them via the Rent Registry
- **The City of San Jose actually has more power than private market buyers in the form of eminent domain (Kelo v City of New London, Supreme Court) to force property sales that are in the best interest of the public.**
 - If NPO ownership is in the public's best interest, then eminent domain may be utilized
 - An additional benefit could be forced sale of properties with highest code enforcement violations, reducing city staff's workload on those properties
- **“Educate tenants and lessen their stress:** Lower income community members, who already pay high housing costs relative to their income, report to City staff that they have high levels of stress when their properties are being sold They fear that new owners usually increase rents, which greatly increases their housing instability and the likelihood of needing to move They often do not learn about sales until late in the process, which also increases their stress if they need to search for a new rental.
 - The draft COPA program proposal would require that owners inform renters when a property goes up for sale. As it would be early in the process, the notice would give them more time to plan The proposal would also require QNPs and/or their local partners to make an effort to contact existing residents to introduce themselves, inform renters about their organization, and clarify how restricted affordable housing would differ from their current tenancy rules.”

Counter-Argument:

- **The former ARO debt load increase, capital improvement pass through allowances and two year banking were previously eliminated by SJ City Council ~2017.**
- **New owners are bound by lease contracts in place at time of purchase**
- **Rent increases are limited to 5% per year.**
- **Buyers always require signed estoppel certificates from tenants early in the process, there are no late surprises.**
- **Tenants are protected by TPO and cannot be forced to move by a new owner without just cause, ellis act eviction with notice & relo benefits, or a voluntary lease buyout agreement.**

Alternatives to COPA:

- **Voluntary system in which property owners are incentivized to sell to Non-Profits**
 - **Waive all City Transfer fees, including Measure E**
 - **Provide pro bono legal transaction services or pay seller's broker commission**
 - **Provide a city backed guarantee for seller financed deals.**
- **Eminent Domain**



- **Kelo v City of New London**
- **Target high code enforcement workload properties, allowing non-profits to improve the quality of housing stock and reduce SJ staff workload.**
- **Open Market purchases by Non-profits**
 - **Housing staff has presented not one piece of data showing that at any time in the last 5 years has any Non-Profit attempted, but failed, to acquire any multifamily properties in San Jose. There is no demonstrated need, only hypothetical.**
- **Provide Ellis Act relief in exchange for COPA**
 - **[https://www.opportunitynowsv.org/blog/hotop how to resolve sjs housing preservationdevelopment-dilemma?rq=Hotop](https://www.opportunitynowsv.org/blog/hotop-how-to-resolve-sjs-housing-preservation-development-dilemma?rq=Hotop)**

Additional Concerns:

- **Serious 1st Amendment concerns regarding SJ's proposed COPA:**
 - **Cannot freely exercise speech to tell world our property is for sale**
 - **Compelled speech to tell NPO's and tenants that property is for sale**
 - **Washington, DC does not prevent owners from pre-marketing property to all potential buyers, can receive offers before TOPA applies.**

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



COPA Program Formal Comment

Michelle Madruga



Sun 3/26/2023 12:09 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from



[Learn why this is important](#)

[External Email]

After further consideration, I would like to leave a formal comment on this program, please.

After significant consideration, I am extremely worried about this next step the City of San Jose is further imposing on landlords and how their properties are bought and sold.

Instead, *why is the city not considering providing funding to buy properties themselves on the free market and then do what they wish instead of imposing this program on landlords that I view as a messy timeline and potential nightmare?*

As I pointed out in my original correspondence to clarify program nuances, no other "business-related investment" incurs such scrutiny and "subsidizing" by the city the way landlords are required. You may agree to disagree with me, but put yourself in our shoes- you not only want to control rent, but now want to control how we sell our own property. This program will impose an incredible burden of time that could cost us 40+ days, and if chosen, another 4 months!

It is simply unreasonable and inequitable to further burden landlords with such timelines and requirements. At the end of the day, what's in it for us? What's our upside? I see none. WE ARE THE ONES WHO MAY SUFFER by not being allowed to take advantage of a free market, on our own terms and timeline.

You may think 40+ days or 4 months is inconsequential or negligible, but that is not the City's call to make. We will be unable to "sell in a hurry" with multiple offers. Rather, we are potentially delayed up to 40 days just to hit the open market, and by then, market dynamics, cap rates, interest rates all could change unfavorably for us. The opportunity cost could add up to thousands of dollars.

I see this as another way my parents are being further penalized for sacrificing, planning ahead, and taking risks so they could support themselves through old age and retirement.

Please re-consider VOTING NO on this program proposal. Instead, please re-consider providing funding to directly buy properties on the

open market to do what you will. The City needs to stop placing regulations on us housing providers and how our own properties are sold.

Sincerely,
Michelle Madruga

** Note, I am hoping to join the zoom late, I have a 1:15pm doctor's appointment I was unable to change.

----- Forwarded Message -----

From Michelle Madruga
To: Clements, Kristen
Cc: HSGCouncilLiaison >; Chin, Nora >; Reid, Tara >; Hughey, Rosalynn >
Sent Thur day, March 23, 2023 at 05:21:10 PM PDT
Subject: Re: Question on COPA Program - please clarify/confirm

Thank you, Kristen, for your reply below.

Please clarify one more element....does the QNP bidder get the right to counter any subsequent offer from a third party, ie if the first third-party one is accepted yet falls through, must we start again by giving the QNP *another* shot to counter a subsequent third party offer, and thus further delay our timing? Simply put, do they get a shot with every offer?

I am trying to understand how this will play out as we've considered selling for years.

Many thanks,
Michelle

On Thursday, March 23, 2023 at 04:54:22 PM PDT, Clements, Kristen wrote:

Hi Ms. Madruga –

Thank you for your interest in the COPA program proposal.

Yes, you are correct. No owner would be forced to take a matching counter offer (if there was such a thing) from a Qualified Nonprofit at the end of the process. We are not proposing that requirement in San José. All owners retain ultimate choice to whom to sell and their terms and conditions, including price.

The memo, the attachments, and the ordinance will all have different levels of specificity thanks for flagging this area of uncertainty for you, we appreciate it.

Best,

Kristen

Kristen Clement

Division Manager, San José Housing Department

[Learn about the City's new 2023-2031 Housing Element and Assessment of Fair Housing](#)

From: Michelle Madruga
Sent: Wednesday, March 22, 2023 5:33 PM
To: CEDCommittee <CEDCommittee@sanjoseca.gov>
Subject: Question on COPA Program - please clarify/confirm

You don't often get email from [Learn why this is important](#)

[External Email]

To whom it may concern,

In reading through the COPA Program Memorandum dated 03/16/2023, as well as the Attachments, I am looking to clarify an owner's ability to select an offer

That is, on page 6 it states, "*The property owner retains complete control over whom they sell-including price and all other terms and conditions of sale.*"

On page 7 it states under item 3, "...if they get an offer, the proposed framework gives 7 days from the original QNP bidder to make a counter offer to the third-party offer from the open market." Here, there is no further mention of the owner's discretion to accept an offer.

Furthermore, under Attachment D, it states, "Process allows for QNP to express interest, submit an offer and match a subsequent offer. At their complete and absolute discretion, an owner can decline any offer and will be able to sell their property on the open market."

Based on the above, Attachment D seemingly adds an element that are excluded in the statements from pages 6 and 7. As such, **please confirm that under the COPA Program, the owner will ultimately be able to "choose" from the two "matched offers" on the "open market" and may take whichever offer they want "at their complete and absolute discretion," even if the two offers are identical?**

I'm looking to ensure the spirit of Attachment D is included in the final language of the program and give owners the ultimate say over which offer they accept.

NOTE: *If you're not the appropriate person to ask, please advise to whom I should send this message so I can obtain a clear understanding of the spirit of your proposed language.*

On a side note, this program is enormously alarming and worrisome to me given the many sacrifices and concessions property owners must continually make...and this is one more *huge* ask that I truly think will ultimately adversely affect our investment in terms of extended timeframes, opportunity costs, not to mention frustration and angst.

People start businesses for various reasons, namely to supplement income and provide a future income-stream for themselves and their family.

No other businesses, such as cleaners, fitness centers, tutoring centers, restaurants, nail salons, etc. must limit/control their "pricing" and essentially "subsidize" others the way landlords must do. My parents planned for their future and retirement by investing in real estate and sacrificing for years ("and eating spam and having sheets for drapes," when all else was unaffordable to them) to insure they were able to be self-sufficient and provide for themselves throughout their lifetimes, particularly retirement.

I'm not looking to make a public statement; however, ***I think it is absolutely imperative that the owners retain "complete and absolute discretion" if they receive an identical offer and are able to select whichever offer THEY want to insure a free market continues.***

Thanking you in advance for your time and reply,

Michelle Madruga

RE: COPA Program

Tanya Moskun [REDACTED]

Sun 3/26/2023 3:08 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

To CED Committee members:

I carefully perused the memo and the Appendix and I'm strongly against COPA. I couldn't find proof of any tangible benefits for San Jose residents, just giving a special treatment to QNPs (which don't even have to be local through a loophole!) at the expense of the people and favoring public housing and poverty over homeownership and business opportunities for families.

My husband grew up in a working class immigrant family. They were able to afford a house by renting extra units to 2 tenants. They were also able to purchase 3 small apartment buildings, repair them by their own hands, sell profitably and give education to their kids. It would be practically impossible to do it when competing with government sponsored and favored entities.

QNPs can currently purchase properties on the same market as everybody else. They're subject to exactly the same rent increase ordinance as commercial landlords. But COPA isn't only unnecessary but sounds harmful 1. it adds extra bureaucracy and wait periods for sellers 2. creates obstacles for homebuyers purchasing a house with extra units to offset the cost 3. promotes further increase in house prices, house shortage, homeowner displacement 4. takes away business opportunities from small immigrant community landlords 5. increases government surveillance and data collection, violates the First Amendment by dictating how people market, violates the right for privacy from the California Constitution.

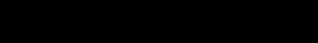
In addition, your spelling of "COPA" is incorrect! It's "COPP", as "COMMUNITY OPPORTUNITY TO PURCHASE PROGRAM".

Thank you,
Tanya Moskun
Long time resident of East San Jose

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

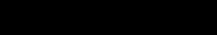


NO on COPA

Jess Flowers 

Sun 3/26/2023 4:15 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from  [Learn why this is important](#)

[External Email]

To whom it may concern,

As full time real estate professional serving in the bay areas ~20 years, I am strongly opposing the COPA act proposed by CEDE. Although it attempts to solve the current housing market issue, but it's only a short term temporary solution This would impact overall economy as a result, and would not truly resolve the root of problem. Rather, CEDE shall seek a fundamental solution to totally settle this issue for a long run to be beneficiary to all.

Please carefully take all potential factors and consequences into consideration to achieve promising results, not just a "temporary" proposal for a short term effect.

Sincerely,

Jess Flowers, PhD

Broker Associate



Coldwell Banker



This message is from outside the City email system Do not open links or attachments from untrusted sources

**** Reject COPA Program to the CEDC**

Danna, Toni

Sun 3/26/2023 4:42 PM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from [redacted]. [Learn why this is important](#)

[External Email]

Dear Commitee,

I strongly urge you to reject the COPA ordinance. COPA is harmful to housing growth, completely unnecessary, and a financial blunder for the City of San Jose.

- COPA misdiagnoses the housing crisis. Our number one issue is supply. COPA does not increase housing stock and takes money away from creating more housing.
- COPA will not create more affordable housing. *** COPA will lead to further housing scarcity and unaffordability because it hampers new residential development.**
- Non-profits are allowed to continue with evictions as their business model demands renters pay their rent.
- Non-profits will not pay property taxes; deepening the city's fiscal shortfalls and inability to address core services.
- We can prevent evictions and displacement through rental vouchers directly to renters who need them most, rather than creating non-profit corporate giants.

Looking our for our community.

Toni Danna
Realtor, SRES

Email: [redacted]

CalRE# [redacted]

[\[redacted\].com](#)



COLDWELL BANKER
REALTY

IMPORTANT NOTE: NEITHER COLDWELL BANKER NOR ITS SALES ASSOCIATES HAS OR WILL INVESTIGATE OR OTHERWISE VERIFY THE INFORMATION SUPPLIED BY SELLERS OR OTHERS.



3/27/23 MEETING, ITEM 3

Barb MacNeil



Mon 3/27/2023 12:45 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from  [Learn why this is important](#)

[External Email]

We are adamantly OPPOSED to COPA.

It Violates the Free Market

- COPA prohibits sellers of multifamily housing (2+ units) from putting their property on the market prior to first offering their properties to the Corporate Non Profits and waiting a period of 15 days to 40 days COPA gives Corporate Non-Profits exclusive rights to the first look and first offer.

It Abridges Freedom of Speech

- COPA makes it illegal for a property owner to advertise or even talk to anyone about his or her property before first offering the property to the corporate non-profits and waiting an initial period of time between 15 and 40 days.

It Strips Small Property Owners of Their Rights

- COPA adds another burden on housing providers. Small Mom & Pop housing providers have endured an onslaught of new mandates and regulations in recent years, each one placing an additional burden on our naturally affordable housing providers. Small Mom & Pop housing providers constitute approximately 70% of the affordable rental housing in the region. Piling on regulation after regulation will serve to push them out of the market their relationships with their tenants and their familiarity with the community will be lost. COPA is Unfair to Mom & Pop Housing Providers.

It Adds Additional Burdens to Mom & Pop Housing Providers

- Mom & Pop housing providers in San Jose pay ARO and TPO per door fees, which supply approximately \$5 million annually to support the Housing Department. In addition, COPA would have San Jose taxpayers not only underwriting the purchase of the multi-family properties for these Corporate Non-Profits, but also the maintenance and rehabilitation costs. Finally, they would not be required to pay the transfer tax on the transaction and they

would not be assessed property taxes, lowering the City's tax base

It's Costly & Inefficient

- COPA is expensive and a poor use of taxpayer funds. San Jose “tenant protections” prevent tenants from being evicted and rents from being raised more than 5%. To purchase a small building with only a few units in San Jose, rather than offering a tenant a \$200 monthly voucher to help them with their rent, is an extremely inefficient use of taxpayer funds. Instead of purchasing a building, thousands of tenants could be assisted in paying their rents until the point at which new affordable rental housing is built.

Interferes with 1031 Exchanges

- The 1031 Exchange process, which encourages investment in housing in our City, is dependent upon adherence to a strict set of deadlines – one to identify properties and one by which the contract on the property must be closed. COPA would make it undesirable to do a 1031 Exchange within the City of San Jose.

COPA is Unnecessary

- REALTORS® routinely do “prospecting” – knocking on doors or making cold calls to people who own property in a previously identified neighborhood, price range, and number of units. Not only do REALTORS® identify people who have identified themselves as being interested in selling, but they can identify people who have not yet considered selling but who are willing to accept an offer.
- Once the “prospecting” has taken place and the property is identified, COPA would make it illegal for the REALTOR® to put his buyer into contact with the “seller” who is willing to accept an offer. By using a REALTOR to do the prospecting, a non-profit can identify properties and express to the owner their interest in those properties prior to the owner even identifying themselves. If non-profits are interested in purchasing property, all they need to do is contact a REALTOR®.
- COPA is not necessary. Services like the MLS, CoStar, LoopNet, and Zillow already provide tools for Corporate Non Profits to find properties. They do not deserve special privilege above our Mom & Pop housing providers. There is NO data that demonstrates that Corporate Non-Profits are having a difficult time purchasing properties because they are not. If they felt they needed expertise to identify and contact potential sellers, they could simply contact a REALTOR®.
- COPA is unnecessary. Rather than focusing our limited financial and City resources on the creation of transitional and affordable housing, we are recycling an ineffective policy and hoping for better results here in San Jose



COPA is Manifest Destiny

Roberta Moore <[redacted]>

Mon 3/27/2023 7:08 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

Cc: District 10 <District10@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Pam Foley <Pam@FoleyMG.com>

Some people who received this message don't often get email from [redacted]. [Learn why this is important](#)

[External Email]

Manifest Destiny inspired programs designed to remove or destroy the native population in the name of settling North America. The US Government did it for the railroad barons at the expense of the natives.

Are you going to invoke Manifest Destiny for the non profits at the expense of the renters and taxpayers?

Housing says COPA can NOT help renters buy. Contrast this with Mayor Gonzalez and the Housing Department building 10,000 units for renters to buy. They created real equity.

COPA is not that program.

Non profits don't need COPA to buy.

Non profits need COPA to bypass the law so they can:

- evict renters,
- raise rents, and
- avoid property taxes.

Vote no on COPA to:

- Preserve the last naturally affordable housing for our renters.
- Stop bankrupting the city with more redevelopment debt.

For those of us paying attention to what is being proposed, COPA is ludicrous. That is why most cities have rejected it. Put another way, If you approve COPA, why wouldn't those already providing housing create a non profit for the free money.

Regards,

Roberta Moore
D10 Resident

P.S. Here is a savvy overview of the fiscal impact of COPA for San Jose:

<https://pathseldomtravelled.medium.com/copa-financial-assumptions-dont-withstand-scrutiny-411f0bb0cb40>

COPA financial assumptions don't withstand scrutiny

Many cities in the Bay Area have considered COPA but all have declined (except SF) because of complexity, overhead, and unpredictable funding sources. COPA grants privileged and exclusive rights to qualified nonprofits (QNP) to make the first offer and review the last offer on the purchase of multifamily apartments. The majority of these will be the rent controlled apartments owned by small market housing providers.

The reason other cities said no is that COPA is rife with overly complicated false financial assumptions that make taxpayers ultimately responsible for what will likely be a never ending treadmill of funding requests from the non profits entering the property market.

Here is a quick summary of COPA's financial shortcomings.

The “Loan” from SJ is really a giveaway to nonprofits

COPA relies heavily on dangerous math behind loans that would be granted to QNPs. The QNP would get a normal 30 year loan from a commercial source (hard loan) and would need additional funding directly from the City of San Jose a soft loan for 55 years. The San Jose loan is basically a gift; a privileged sweetheart deal where the QNP would not have to pay back the loan even if they sold the property for a profit.

The projected business model for nonprofits does not make sense

The math gets dangerous when you look at the QNP purchasing a multiunit property for market rate. Usually, a new owner must wait years to break even and then later still to make a profit. Many small unit owners hold multiple jobs to keep the property financially afloat because rents do not cover expenses. But the QNP will purchase a multi-unit at market rate and then charge substantially less rent for most renters. The formula allows the QNP to charge 30% of the renters' income, whatever the income amount. This creates a buy on the high side of expense and rent on the low side of income; meaning cashflow is upsidedown and will always run a loss. When this loss gathers steam over the years, who will the QNP look to for a bailout to keep them going? Consider the nonprofit multi buildings in LA that are running a \$14M deficit every year. One of skid row's largest housing providers faces financial implosion

Sadly, the QNP would be allowed to evict a tenant should they not pay their rent; but there is a double standard when the QNP needs to repay the loan to SJ — that's not required. And this encourages poor management.

COPA ignores one of the most important financial issues in property management: ongoing costs

One thing is clear about affordable housing, it can demand substantial services to make it work correctly and be acceptable to the surrounding community.

Without breaking even each month, how will QNPs deal with the increasing variable costs of: services, security, property maintenance,

property management, repairs, saving for capital improvements such as a new roof, increasing utility costs, and staffing?

Again, the taxpayers will be asked to support the folly of the QNP. Naturally occurring affordable apartments, that were once run independently without taxpayer funding, will instead rely on a regular stream of financial assistance from the City.

Let's remember that Second Street Studios just required an influx of \$1M simply to improve their security and other unanticipated costs. SSS unanticipated repairs, flood prevention due to fires, security

COPA hollows out property tax revenue

And finally, are all the cities in Santa Clara County paying attention? San Jose drives the most property taxes for the County and once the QNP purchases the property they will no longer pay property taxes. And is San Jose listening? Because although we only get 30% of our property taxes back from the County, this revenue stream the keeps the City running.

The Housing Department expects 3–10 units be sold to QNP per year but ramps up into the hundreds after the first few years. This is a far cry from SF which hopes to have 30% of rentals owned by QNP. SF COPA If COPA passes, we can expect an initial drop in property tax revenue and as COPA gains traction much more revenue will be lost. This loss will need to be made up in ways that are currently unknown.

Nonprofits are not accountable to their funders –the taxpayer

Let's also note the QNP will not be required to be transparent and accountable directly to the taxpayers. At least with the City of San Jose

[REDACTED]

a taxpayer can submit a public records request to hold the City better accountable; but not so with the QNP.

In summary

All this, to preserve affordable housing that without COPA is already naturally occurring affordable housing. We are not making more housing, we are not making the currently affordable housing more affordable, and we are not stopping evictions. We have already spent \$950,000 from Measure A — it's all gone. And now we are taking Measure E money, that voters thought would go toward creating housing, and using it as gift-loans to QNPs.

For all the bad math, misappropriating Measure E, lack of transparency, and potential lawsuits — we need to ask ourselves — is COPA worth it?

—

Irene Smith, JD, PhD

My Public Comment for CEDC Hearing Today re: COPA

Dmitriy Kruglyak [Redacted]

Mon 3/27/2023 8:26 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

1 attachments (72 KB)

03 27 2023 Active Li ting San Jo e 2+ Unit pdf

You don't often get email from [Redacted] [Learn why this is important](#)

[E ternal Email]

This is my comment for today's CEDC meeting

Please enter it into the record and provide to the Councilmembers (along with the attachment) before the meeting

Hello, my name is Dmitriy Kruglyak

I am a Real Estate Broker, a Property Rights Advocate, and a resident of District 3

I strongly urge you to stop COPA from being considered as a failed and unnecessary policy

The public is being fed misinformation that non-profits cannot buy properties because they are not on the market. This is provably false, there are plenty properties for them to buy

Attached is the printout of 2+ unit properties on the market in San Jose. TODAY there are 35 active listings. In the Days on Market column (DOM) you can see that many have been sitting there for several months

I challenge every non-profit here to explain why they won't make an offer today. If they do not have a real estate agent, I will write this offer for them

COPA is not necessary to protect tenants. Instead of making excuses, the housing non-profits need to get to actually doing their job

Dmitriy Kruglyak
Realtor & Advertising Expert

<https://BayAreaHomeBuyingGuide.com>









DRE# [Redacted] Keller Williams Realty - Silicon Valley



Dmitriy Kruglyak

Real Estate is an Investment. Ask Me How to Do It Right

Cross Property Agent 1 Line

S	ML #	Address	Price	DOM	Bed	Sqft	Bths	Lot Size	Postal City	Class	Age
1	A	ML81920613	50 N 9th Street	\$888,888	19	1,100	0 0	4,267	Lot SqFt San Jose	Rin. Duplex	125
2	A	ML81922375	632 Gittle Court	\$899,900	5	1,488	0 0	5,594	Lot SqFt San Jose	Rin. Duplex	63
3	A	BE41012089	1283 S Almaden Ave	\$915,000	137	1,182	0 0	6,850	Lot SqFt San Jose	Rin. Duplex	81
4	A	ML81918999	1740 E William Street	\$925,000	40	1,464	0 0	5,457	Lot SqFt San Jose	Rin. Duplex	64
5	A	ML81915765	1730 E William Street	\$942,000	79	1,464	0 0	5,511	Lot SqFt San Jose	Rin. Duplex	64
6	A	ML81916895	647 N 13th Street	\$948,000	63	1,536	0 0	5,586	Lot SqFt San Jose	Rin. Duplex	71
7	A	ML81917814 	1397 Vine Street	\$949,000	53	1,468	0 0	5,480	Lot SqFt San Jose	Rin. Duplex	118
8	A	ML81920103	198 Bendorf Drive	\$999,000	27	1,915	0 0	6,788	Lot SqFt San Jose	Rin. Duplex	58
9	A	ML81920950	1644 E San Antonio Street	\$1,199,999	19	1,312	0 0	6,001	Lot SqFt San Jose	Rin. Duplex	75
10	A	ML81916068	641 N 13th Street	\$1,248,000	74	2,170	0 0	5,935	Lot SqFt San Jose	Rin. Triplex	75
11	A	ML81919961	424 & 428 Leigh Avenue	\$1,249,000	29	1,800	0 0	6,046	Lot SqFt San Jose	Rin. Duplex	113
12	A	ML81918905 	317 E Julian Street	\$1,249,000	40	1,626	0 0	4,692	Lot SqFt San Jose	Rin. Multiple Dwellings /St	103
13	A	ML81897070	537 Sinclair Drive	\$1,250,000	278	1,760	0 0	5,997	Lot SqFt San Jose	Rin. Duplex	61
14	A	ML81920413	1291, 1293 N 1st Street	\$1,271,400	55	1,665	0 0	5,567	Lot SqFt San Jose	Rin. Duplex	76
15	A	ML81921507 	2036 Cunningham Avenue	\$1,299,000		2,140	0 0	4,891	Lot SqFt San Jose	Rin. Triplex	63
16	A	ML81919647 	2085 Lynnhaven Drive	\$1,339,000	32	1,659	0 0	7,070	Lot SqFt San Jose	Rin. Duplex	69
17	A	ML81922690	536 E Saint James Street	\$1,368,000	2	2,724	0 0	4,745	Lot SqFt San Jose	Rin. Fourplex	125
18	A	ML81915782	536 E Saint James Street	\$1,368,000	78	2,724	0 0	4,745	Lot SqFt San Jose	Rin. Fourplex	125
19	A	ML81914898 	10381 Singleton Road	\$1,370,000	102	2,130	0 0	9,318	Lot SqFt San Jose	Rin. Fourplex	71
20	A	ML81905887 	236 & 238 S 31st Street	\$1,450,000	273	2,150	0 0	11,548	Lot SqFt San Jose	Rin. Multiple Dwellings /St	102
21	A	ML81907944	1491 Pompey Drive	\$1,498,000	365	1,919	0 0	7,231	Lot SqFt San Jose	Rin. Duplex	64
22	A	ML81914846	181 Alexander Avenue	\$1,498,898	103	3,206	0 0	6,621	Lot SqFt San Jose	Rin. Fourplex	60
23	A	ML81918785 	298 N 7th Street	\$1,499,000	41	2,505	0 0	4,048	Lot SqFt San Jose	Rin. Duplex	85
24	A	ML81917702	1944 Bird Avenue	\$1,499,950	54	1,498	0 0	6,585	Lot SqFt San Jose	Rin. Duplex	69
25	A	ML81915627	352 Nature drive	\$1,550,000	81	2,599	0 0	7,620	Lot SqFt San Jose	Rin. Duplex	44
26	A	ML81920466	1287-1289 Flora Avenue	\$1,650,000		2,074	0 0	6,619	Lot SqFt San Jose	Rin. Duplex	63
27	A	ML81917373	982 Desert Isle Drive	\$1,700,000	58	2,208	0 0	6,958	Lot SqFt San Jose	Rin. Duplex	61
28	A	ML81920061	3197-3199 Trinity Place	\$1,736,888	28	2,150	0 0	7,105	Lot SqFt San Jose	Rin. Duplex	55
29	A	ML81920427	5836 El Zuparko Drive	\$1,800,000	25	4,118	0 0	9,066	Lot SqFt San Jose	Rin. Fourplex	54
30	A	ML81921672	816 Opal Drive	\$1,880,000	12	2,686	0 0	7,359	Lot SqFt San Jose	Rin. Fourplex	63
31	A	ML81919316	961 Thornton Way	\$1,900,000	15	1,725	0 0	13,186	Lot SqFt San Jose	Rin. Duplex	75
32	A	ML81922645	2048 N Capitol Avenue	\$1,920,000		3,886	0 0	6,907	Lot SqFt San Jose	Rin. Fourplex	59
33	A	ML81913623 	132 San Ramon Drive	\$1,999,777	124	4,336	0 0	32,513	Lot SqFt San Jose	Rin. Multiple Dwellings /St	49
34	A	ML81914890	1660 De Rose Way	\$2,199,980	102	4,281	0 0	7,170	Lot SqFt San Jose	Rin. Fourplex	59
35	A	ML81920120	56 S 28th Street	\$2,649,000	27	4,952	0 0	16,440	Lot SqFt San Jose	Rin. Multiple Dwellings /St	77

Opposition to San Jose COPA proposal

Alice Gmail [REDACTED]

Mon 3/27/2023 8:36 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

Dear Committee Members,

I am writing to express my strong opposition to the proposed Community Opportunity to Purchase Act (COPA) in San Jose. As a concerned citizen and a property owner, I believe that the COPA violates the principles of a free market, abridges freedom of speech, and strips small property owners of their rights.

First and foremost, I believe that the COPA goes against the free market principles that have made our country prosperous. By giving the city or certain organizations the first right to purchase any rental property that goes up for sale, it limits the ability of property owners to sell their properties to the highest bidder. This creates a system that picks winners and losers, and it goes against the free market principles of supply and demand.

Secondly, the COPA abridges the freedom of speech by restricting the ability of property owners to speak out about their property rights. If a property owner wants to sell their property to a certain individual or group, they should have the right to do so without fear of government intervention.

Lastly, the COPA strips small property owners of their rights by limiting their ability to sell their properties at a fair price. This has a disproportionate impact on small property owners who may not have the resources to fight back against the city's eminent domain powers. Thank you for your consideration!

Alice Xu

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Don't break the real estate process in San José with COPA

davide@vieiracorp.com

Mon 3/27/2023 8:40 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

Cc: Torres, Omar <Omar.Torres@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>

[External Email]

Hello Commissioners,

If qualified non-profits want to compete in the real estate market, they should have funds readily available when a desirable property comes on the market – just like anyone else. I have heard the argument that some properties are sold without being listed. I would like to see credible statistics from a reputable third-party unaffiliated source to back up this assertion.

COPA will only serve to draw out the real estate process to the detriment of both buyers and sellers who by-and-large are first-time or small-scale investors – moms and pops. Instead of breaking what's working, facilitate ways for non-profits to have their funds readily available to participate in the real estate process with any other potential buyers. That may take some work, but it will be worth it instead of breaking the real estate process and timelines that could make San Jose less attractive to investors – both big and small.

Changing the process to make it more burdensome could have the unintended consequence of scaring away moms and pops and enticing larger, non-local investors to purchase these smaller properties at reduced prices but still higher than non-profits can afford.

Level the playing field by helping non-profits have their funds readily available when they wish to make an offer on a property. Don't break the real estate process in San Jose.

Sincerely,
Davide Vieira

All you leave behind are memories -- make them good ones

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

This message is from outside the City email system Do not open links or attachments from untrusted sources

Opinion regarding the COPA

Maggie Guo

Mon 3/27/2023 9:18 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Dear San Jose City Officer,

Good morning!

I am writing to express my opposition to the proposed legislation that would eliminate the ability to defer capital gains taxes on real estate investments through 1031 exchanges. While I understand the goal of generating additional revenue for the government, I believe that this legislation is unfair to housing providers, costly, and inefficient.

First, this legislation is unfair to housing providers who rely on 1031 exchanges to reinvest in their properties and provide quality housing to their tenants. Eliminating this provision would make it more difficult for these providers to maintain and improve their properties, which could ultimately result in a shortage of quality housing options for renters.

Secondly, this legislation is costly and inefficient. If enacted, it would create a significant administrative burden for property owners and their advisors, who would have to navigate new rules and regulations. Additionally, it would likely result in an increase in property taxes, as property owners would be forced to sell properties to pay for the capital gains tax liability.

Finally, this legislation interferes with the long standing practice of 1031 exchanges, which have been used for decades to stimulate investment in real estate and the economy as a whole. Eliminating this provision would send a negative message to investors, and could ultimately result in a decrease in investment activity and job creation.

In conclusion, I urge you to reconsider this legislation and to seek alternative ways to generate revenue that do not unfairly burden housing providers, create unnecessary administrative costs, and interfere with the 1031 exchange system

Thank you!

Maggie Guo

Compass

Fw: Say No to COPA

Mon 3/27/2023 9:29 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

From: Agendadesk <Agendadesk@sanjoseca.gov>
Sent: Monday, March 27, 2023 9:23 AM
To: Reid, Tara <Tara.Reid@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: Re: Say No to COPA

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Monday, March 27, 2023 9:20 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: FW: Say No to COPA

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

From: Jenny Li <[REDACTED]>
Sent: Monday, March 27, 2023 9:19 AM
To: District 10 <District10@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>
Subject: Say No to COPA

[You don't often get email from [REDACTED]. Learn why this is important at

<https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

Dear Madam/ Sir,

Please say No. we oppose COPA. It's not a fair policy.

COPA Violates the Free Market & Freedom of Speech COPA makes it illegal for a property owner to advertise or even talk to anyone about our property before first offering the property to the Corporate Non-Profits and waiting an initial time period between 15 and 40 days. After that time period, COPA forces us to show other offers to the Corporate Non-Profits and give them 7 days to "re-consider", before we can accept any other offer.

COPA Interferes with 1031 Exchanges

- The 1031 Exchange process, which encourages investment in housing in our City, is dependent upon adherence to a strict set of deadlines – one to identify properties and one by which the contract on the property must be closed. COPA would make San Jose an undesirable place to do 1031 Exchanges.

COPA is Unnecessary

- Services like the MLS, CoStar, LoopNet, and Zillow already provide tools for Corporate Non- Profits to find properties. They do not deserve special privilege above our Mom & Pop housing providers. There is NO data that demonstrates that Corporate Non-Profits are having a difficult time purchasing properties because they are not. If they felt they needed expertise to identify and contact potential sellers, they could simply contact a REALTOR®.
- Data shows that over 95% of the 2-4 units are sold on the open market with an average of 30 "on market" days. The Corporate Non-Profit can make an offer on them just like everybody else.
- Rather than focusing our limited financial and City resources on the creation of transitional and affordable housing, COPA proponents are trying to recycle an ineffective policy and hoping for better results here in San Jose. Bad policy is bad policy, no amount of time, money, or energy can make it beneficial. COPA is a bad policy.

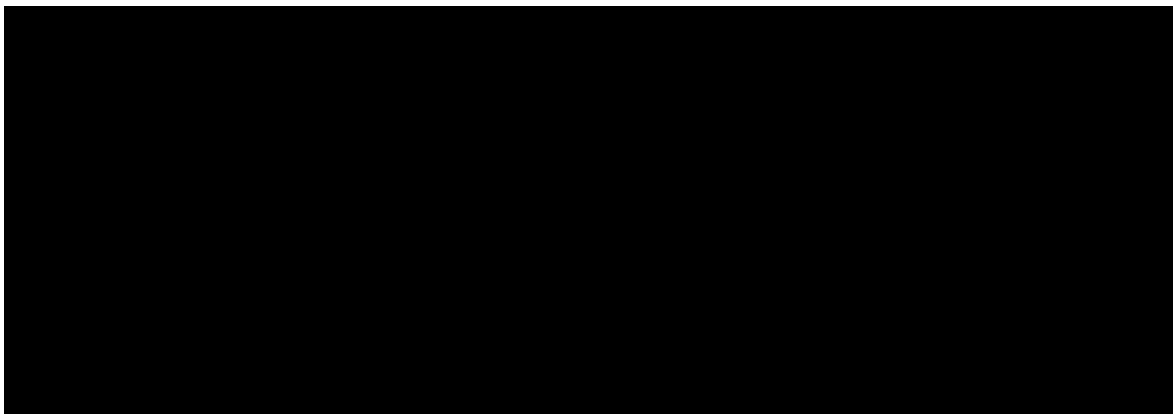
Please say NO to COPA!

Thank you
Jenny

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Fw: Please support COPA

To: CEDCommittee CEDCommittee@sanjoseca.gov



From: Agendadesk <Agendadesk@sanjoseca.gov>
Sent: Monday, March 27, 2023 8:59 AM
To: Reid, Tara <Tara.Reid@sanjoseca.gov>
Subject: Fw: Please support COPA

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Monday, March 27, 2023 7:37 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: FW: Please support COPA

From: L A Kurth lakurthest@gmail.com
Sent: Sunday, March 26, 2023 7:46 AM
To: City Clerk city.clerk@sanjoseca.gov ; District 6 district6@sanjoseca.gov
Subject: Please support COPA

[External Email]

Dear City counselors,
On Ash Wednesday I talked to a couple who for 10 years lived in subsidized housing in an apartment that was sold to Google. That apartment now sits empty. They were not able to find any Section 8 housing and are now homeless.
COPA might have prevented that. When corporations are so wealthy that they can let buildings sit empty for years, the community needs other options. Sincerely, Lita Kurth [Redacted]

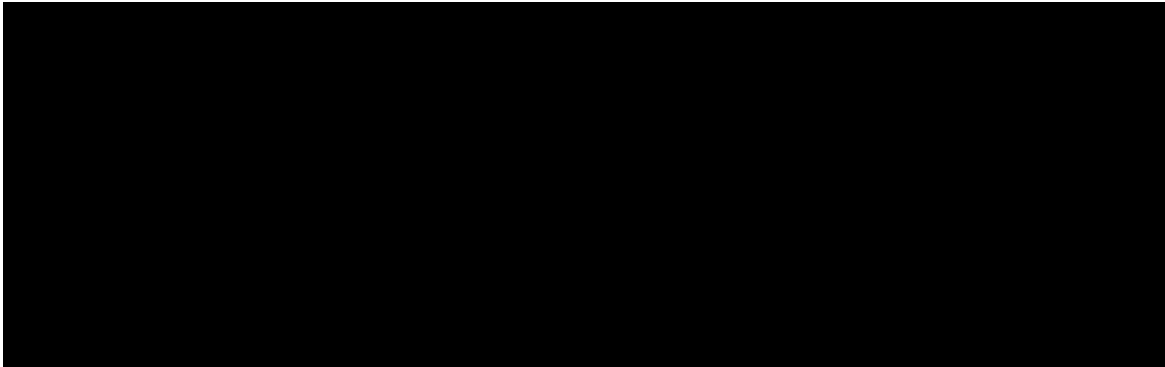
This message is from outside the City email system Do not open links or attachments from untrusted sources

Fw: Please support COPA



Mon 3/27/2023 9:32 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov



From: Agendadesk <Agendadesk@sanjoseca.gov>
Sent: Monday, March 27, 2023 8:57 AM
To: Reid, Tara <Tara.Reid@sanjoseca.gov>
Subject: Fw: Please support COPA

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Monday, March 27, 2023 7:38 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: FW: Please support COPA

From: Deborah St Julien dstjulien@sbcglobal.net
Sent: Sunday, March 26, 2023 10:40 AM
To: District2 District2@sanjoseca.gov ; City Clerk city.clerk@sanjoseca.gov
Cc: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Subject: Please support COPA

[External Email]

Dear Councilmember Jimenez,

Hello! I am newly redistricted into your district.

I look forward to working with you and your staff toward a more equitable city.

I have lived in south San Jose for almost 38 years. I am concerned about how housing has become inaccessible to "normal" working class and middle class people. My 2 adult children will

never be able to afford to live in San Jose (one is a public defender in NYC and one is a Registered Dietician in Modesto).

Actions like COPA are one step toward making San Jose housing affordable to more than just folks making 100s of thousands of dollars.

So many agencies that are made up of folks with boots on the ground, making San Jose work support COPA, including my church Urban Sanctuary, San Jose. Please join us and Somos Mayfair, Silicon Valley DeBug, South Bay Community Land Trust, Latinos United for a New America, Sacred Heart Community Service, Black Kitchen Cabinet, Catholic Charities, Viet Unity, Si Se Puede Collective, People Acting in Community Together, Affordable Housing Network, Working Partnerships USA, Law Foundation of Silicon Valley, Silicon Valley @ Home, Amigos de Guadalupe, East San Jose Peace Partnership, South Bay Progressive Alliance, SJSU Human Rights Institute, and more to support this small step toward making housing for housing, not just profit.

Please support the COPA initiative.

Thank you,

Deborah St. Julien



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

COPA Agenda Item 3/27/23

Mary Helen Doherty

Mon 3/27/2023 9:37 AM

To: CEDCommittee CEDCommittee@sanjoseca.gov

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

My name is Mary Helen Doherty, a resident of District 3 & a member of the Sacred Heart Housing Action Committee (SHHAC).

San Jose residents, and in particular our low-income children and families of color, desperately need multiple innovative solutions that increase our number of affordable units, effectively utilizing the 3 P's of production, protection & preservation. And PREVENTION is the twin sister of preservation.

Preserving existing affordable housing is faster & more cost effective relative to financing and building affordable units. It **prevents** families and individuals from becoming unhoused, stabilizes neighborhoods and keeps extended family members together.

Preventing displacement saves resources, energy and lives creating up front solutions, rather than just reacting to them in response to the housing crisis we are experiencing.

Please cast your vote in support of Prevention and vote YES to COPA!

Mary Helen Doherty
District 3 Resident

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

City Council Meeting April 25, Item 8.3

Davide Vieira <[REDACTED]>

Sun 4/16/2023 6:21 PM

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

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Mayor Mahan, Vice Mayor Kamei, and Councilmembers,

No amount of tweaking can make COPA acceptable. It's been tried and is failing elsewhere, like San Francisco and Washington, D.C. Please reject any attempt by the Housing Director to resuscitate COPA on April 25 or whenever it comes before the City Council.

Regards,
Davide Vieira

Sent with [Proton Mail](#) secure email.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: COPA, Coming to a place near you

CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

Thu 4/20/2023 11:07 AM

To: #WebSubmittal.Clerks <WebSubmittal.Clerks@sanjoseca.gov>;Agendadesk <Agendadesk@sanjoseca.gov>

Cc: CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

📎 1 attachments (15 KB)

COPA, Feet of Clay4.17.23.docx;

[Hi – more for letters on 4/25](#)

Thank you,
Rachelle

From: Opsal, Matthew <Matthew.Opsal@sanjoseca.gov>
Sent: Tuesday, April 18, 2023 1:51 PM
To: CMOAgendaServices <cmoagendaservices@sanjoseca.gov>
Subject: FW: COPA, Coming to a place near you

Hi CMO Agenda Services,
Please find public comment below, and attached, for item 8.3 on the April 25 City Council agenda.

Thank you,
-matt

Matt Opsal
Senior Executive Analyst
City Manager's Office of Communications
City of San José
200 East Santa Clara Street, San José, CA 95113
P: 408-535-8117

From: David Eisbach [REDACTED]
Sent: Tuesday, April 18, 2023 8:24 AM
To: David and Liyuza Eisbach [REDACTED]
Subject: Fw: COPA, Coming to a place near you

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Dear Ms. Mcguire,
As City Manager, I hope you understand the problems with COPA and the run-away growth of the Housing Department.
Thank you for your consideration.
David Eisbach



Fw: COPA, Coming to a place near you

David Eisbach

Mon 4/17/2023 11:37 PM

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

1 attachments (15 KB)

COPA, Feet of Clay4.17.23.docx;

[External Email]

Would you please have this entered into the COPA public papers and the Housing Department, HCDC, and the Council

Thank you

David Eisbach

----- Forwarded Message -----

From: David Eisbach

Sent: Monday, April 17, 2023 at 11:33:11 PM PDT

Subject: COPA, Coming to a place near you

Dear Members of the Council,

I most fervently oppose COPA for the following reasons: The City pays

1. Part or all of the purchase down payment
2. It will pay for initial renovation of the property
3. It pays the Qualified Non-Profit's work
4. It will have to subsidize the property's rents
5. It will pay for future maintenance

All because the property cannot sustain itself, because it doesn't make enough income to keep it going. So the city spends all this money, supports the QNP and the tenant, with the extremely doubtful COPA promise to lead tenants to property ownership.

David Eisbach

COPA, Feet of Clay 4.17.23

I save Mercury News clippings: (2/14/23) Google rethinks timeline for village; 2/21/23) California's budget deficit may be even larger than predicted; (3/5/23) Housing still lags in spite of laws...ADUs rise; (3/20/23) 11 affordable housing projects in the Bay Area squeezed by Silicon Valley Bank collapse; (3/28/23) State Senator, Cortese has called for an audit on San Jose's spending on the Housing crisis; (3/29/23) Thinking regionally to fund housing... housing bond to raise \$10 to \$20 billion for Bay Area; (4/13/23) Wealthy resident departures worsen fears of doom loop; Wall Street Journal, (4/16/23) Pay Tied To Time In Office...working from home, economic problems with low attendance. Even non-reading people must have heard about the great tech lay-offs, bankruptcies, business closings, predictions of recession and hotel troubles. Hilton's take-over of the Fairmont and following the expense of renovations, now wants to sell the south tower, which councilmember Ortiz opposes as it takes a big chunk out of the transient occupancy tax of the city.

I believe we must be cautious with spending and develop accurate and reliable oversight in all of San Jose's spending. I would think that our council would be particularly sensitive to accountability. Why then do we see Housing backing COPA, and the HCDC supporting its master on the way to the City Council for final consideration. Housing's Community Opportunity to Purchase Act, COPA, team has turned its back on any consideration of directly subsidizing low-income tenants as too expensive in favor of creating a Qualified Non-Profit and shoving them into ownership of rental properties. COPA will pay part of the

purchase price, then any renovation upon transfer of ownership to the QNP. Rents will be permanently stated as 30% of a tenant's income, which will require permanent subsidy to cover losses.

The Housing Department is so locked into this program that they will not see the obvious. They are opposed to subsidizing the tenant directly because it puts money in the pockets of the damned landlords. The Qualified Non-Profit pays its CEO from \$800,000 to \$1,200,000 per year; non-profit doesn't mean they work for nothing! The city must support the QNP and subsidize the low rents. A real estate rule of thumb is: operating expenses i.e., utilities, insurance, repairs, renovations, taxes, city fees and management cost about 35% to 45% of market rents. They have already given that to the tenants, so the city has to covers that. The city doesn't even get its share in the property taxes. COPA sells the idea of equity as gaining wealth tied to increasing value of property by owning, but if they decide to sell the property to the tenants, there is no sharing of sales proceeds, only the offer to sell. That leaves the city to pay the downpayment, issue a fifty-year low-interest loan, without expecting to ever be paid.

The city has a most intriguing policy: It is receptive to hiring employees so long as the beneficiaries of its service pays for that position. If you look at the city's employment offerings, Full-Time-Employees, FTE, start at \$105,000 and up, if you add medical insurance and defined-benefit retirement that would be pushed up quite a bit. From 2011 to 2017 the Housing Department went from 63 to 65 FTEs; However, from 2017 to 2023 the Housing Department went from 65 to 104.5 FTEs where it stands. Owners pay: Properties under Rent Control \$65 to \$72 per door 10%, then those rentals not under the city's Rent Control \$15 to \$34 per door 126%, then there's the mobile homes Rent Control Fee from \$30 to \$33 per door 1%.

I respectfully call on the San Jose City Council to cancel COPA , strengthen oversight on Housing Department expenditures, and audit its growth, while there's still a chance.

David Eisbach

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

COPA, Feet of Clay 4.17.23

I save Mercury News clippings: (2/14/23) Google rethinks timeline for village; (2/21/23) California's budget deficit may be even larger than predicted; (3/5/23) Housing still lags in spite of laws...ADUs rise; (3/20/23) 11 affordable housing projects in the Bay Area squeezed by Silicon Valley Bank collapse; (3/28/23) State Senator, Cortese has called for an audit on San Jose's spending on the Housing crisis; (3/29/23) Thinking regionally to fund housing... housing bond to raise \$10 to \$20 billion for Bay Area; (4/13/23) Wealthy resident departures worsen fears of doom loop; Wall Street Journal, (4/16/23) Pay Tied To Time In Office...working from home, economic problems with low attendance. Even non-reading people must have heard about the great tech lay-offs, bankruptcies, business closings, predictions of recession and hotel troubles. Hilton's take-over of the Fairmont and following the expense of renovations, now wants to sell the south tower, which councilmember Ortiz opposes as it takes a big chunk out of the transient occupancy tax of the city.

I believe we must be cautious with spending and develop accurate and reliable oversight in all of San Jose's spending. I would think that our council would be particularly sensitive to accountability. Why then do we see Housing backing COPA, and the HCDC supporting its master on the way to the City Council for final consideration. Housing's Community Opportunity to Purchase Act, COPA, team has turned its back on any consideration of directly subsidizing low-income tenants as too expensive in favor of creating a Qualified Non-Profit and shoving them into ownership of rental properties. COPA will pay part of the purchase price, then any renovation upon transfer of ownership to the QNP. Rents will be permanently stated as 30% of a tenant's income, which will require permanent subsidy to cover losses.

The Housing Department is so locked into this program that they will not see the obvious. They are opposed to subsidizing the tenant directly because it puts money in the pockets of the damned landlords. The Qualified Non-Profit pays its CEO from \$800,000 to \$1,200,000 per year; non-profit doesn't mean they work for nothing! The city must support the QNP and subsidize the low rents. A real estate rule of thumb is: operating expenses i.e., utilities, insurance, repairs, renovations, taxes, city fees and management cost about 35% to 45% of market rents. They have already given that to the tenants, so the city has to covers that. The city doesn't even get its share in the property taxes. COPA sells the idea of equity as

gaining wealth tied to increasing value of property by owning, but if they decide to sell the property to the tenants, there is no sharing of sales proceeds, only the offer to sell. That leaves the city to pay the downpayment, issue a fifty-year low-interest loan, without expecting to ever be paid.

The city has a most intriguing policy: It is receptive to hiring employees so long as the beneficiaries of its service pays for that position. If you look at the city's employment offerings, Full-Time-Employees, FTE, start at \$105,000 and up, if you add medical insurance and defined-benefit retirement that would be pushed up quite a bit. From 2011 to 2017 the Housing Department went from 63 to 65 FTEs; However, from 2017 to 2023 the Housing Department went from 65 to 104.5 FTEs where it stands. Owners pay: Properties under Rent Control \$65 to \$72 per door 10%, then those rentals not under the city's Rent Control \$15 to \$34 per door 126%, then there's the mobile homes Rent Control Fee from \$30 to \$33 per door 1%.

I respectfully call on the San Jose City Council to cancel COPA , strengthen oversight on Housing Department expenditures, and audit its growth, while there's still a chance.

David Eisbach

FW: Defeat COPA

City Clerk <city.clerk@sanjoseca.gov>

Wed 4/19/2023 3:49 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: David Eisbach [REDACTED]

Sent: Wednesday, April 19, 2023 3:18 PM

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

Subject: Fw: Defeat COPA

[External Email]

Please place these in the public commentary on COPA

David Eisbach

Dear Members of the Council:

It seems like an eternity, fighting the anti-owner, anti-property rights in San Jose's Housing Department. I'm enclosing two letters to the editor, which have no chance of publication. Although, the Mercury News did say in one of history's soon forgotten moments of clarity, in which they said that rent control does not work, and it actually creates damage. During the last week, Councilmember Peter Ortiz plugged the COPA program and two COPA favorable letters appeared in the Editor Letters, yet there is no opposing statements. There is an imbalance in San Jose.

Housing thinks subsidizing rents of low-income tenants is too expensive! COPA gives non-profits ownership in housing, pays their salaries and operations by subsidizing, which actually subsidizes the tenants' low rents, only the non-profit gets the money, and the city gets the bill.

David Eisbach

COPA letter Editor 4.16.23

Councilmember Ortiz supports COPA, Community Opportunity to Purchase ACT. COPA creates a QNP, Qualified Non-Profit, that purchases a rental property, with partial city money, subsidies, and favorable terms over private buyers. Selling points of COPA are: Tenants will pay 30% of their income for rent and they'll become a homeowner, eventually. Here, equity means wealth earned by ownership in property, but even after 10 years of renting the QNP only offers the tenant a chance to purchase, if it decides to sell; there's no sharing of sale profits. The city could help the tenant with down payment, or long-term loan. For QNP, the city pays part/all of the downpayment, renovation of the rental and subsidizes losses from 30% low-income rents. The QNP pays no property tax, receives subsidies and owns the property. It can sell and buy another property. Now, the city can help the low-income tenant to buy!

COPA, Letter SJMN 3.22.23

Forces are pushing the council to pass the Housing and Community Purchase Act, COPA, which gives non-profits a chance to buy existing rental properties, and permanently keep rents at 30% of a tenant's earnings. Sounds good! It prevents an owner from listing their property for 40 days, if non-profits, NP, make an offer, the owner has to wait 120 plus 7 days. Would you make an offer, to buy a property with a 167 day-wait, knowing you could lose it at the end? It is cheaper to remove the non-profit, use the money to subsidize the low-income. The City participates in the purchase, may grant low-interest loans up to 50 years duration, pays for

renovation, and subsidizes the non-profits because they can't pay themselves for social services, management, utilities because tenants pay low rents even without paying property taxes. Why make non-profits a monied, propertied aristocracy? COPA is expensive!

David Eisbach

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: End COPA on 4/25

Agendadesk <Agendadesk@sanjoseca.gov>

Thu 4/20/2023 11:35 AM

To: CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

From: Webmaster Manager <webmaster.manager@sanjoseca.gov>

Sent: Wednesday, April 19, 2023 2:26 PM

To: CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

Subject: FW: End COPA on 4/25

Good afternoon CMO Agenda Services,

Please find public content below, via email, for item 8.3 on next Tuesday's, April 25, City Council agenda.

Thank you,

-matt

Matt Opsal

Senior Executive Analyst

City Manager's Office of Communications

City of San José

200 East Santa Clara Street, San José, CA 95113

P: 408-535-8117

From: David Eisbach <[REDACTED]>

Sent: Wednesday, April 19, 2023 2:22 PM

To: David and Liyuza Eisbach <[REDACTED]>

Subject: Fw: End COPA on 4/25

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Hi Friends,

I have been fighting rent control since Mayor Gonzales. Opposition to the Council's and the Housing Department has been disorganized and failure was usually a foregone conclusion. COPA has brought about rage, concern and the giant has developed a twitch, and that's good. We protested in every COPA presentation and during the HCDC, but we were shot down, because the Housing and Community Development Commission is a product of the Housing Department, but we had three of the five council members shoot it down in the CED meeting. Next Tuesday, April 25, 2023, the full council will go thumbs up or down on COPA. Many of us have been feeling a little lonely in our struggle so we are forming a group emphasizing our overall interests, especially on the local scene. Please read Irene Smith's email.

Thank you Dave Eisbach

----- Forwarded Message -----

From: Irene Smith, JD, PhD <[REDACTED]>

To: Irene Smith, JD, PhD <[REDACTED]>

Sent: Sunday, April 16, 2023 at 10:33:18 AM PDT

Subject: End COPA on 4/25

Hello all,

As our newly formed organization (UHA) for small market housing providers in Santa Clara County takes shape, we will be laser focused on San Jose - the 3rd largest city in California and the hotbed of the Bay Area's excessive housing regulations. Using a competitive marketing style will be our main vehicle, which will enable us to go head to head against NonProfit lobbying organizations.

On to business - COPA will be discussed and hopefully permanently terminated at SJCC on 4/25. **But COPA is not done yet.** [Jackie's new memo - proposes 2 COPA alternatives](#) On page 3 of the memo dated 4/12, Jackie proposes two policy alternatives for the SJCC meeting on 4/25. See below on how to participate.

As you read the proCOPA opinion in the Merc, notice the one reason given against COPA. There are numerous reasons against COPA but they attacked the weakest argument against COPA - property rights. This positioning validates our UHA marketing strategy used to defeat COPA at the committee level (below). [Opinion: Protecting our neighbors' homes will keep Bay Area diverse](#)

Please read - [SJ's COPA contradicts city's housing strategy](#) And a big thank you to all the organizations which signed on in support under the new umbrella organization - Independent Leadership Group - founders Pat Waite & Irene Smith.

Please read - [COPA financial assumptions don't withstand scrutiny](#)

Addressing the issues Council-members are most motivated to consider as both relevant and persuasive -- will be our most effective course of action.

- COPA is harmful to housing growth, completely unnecessary, and a financial blunder for the City of San Jose.
- **Supply:** COPA misdiagnoses the housing crisis and does not increase housing stock.
- **Affordability:** COPA will not increase affordable housing.
- **Evictions:** Non-profits will continue evictions.
- **Property tax reduction:** Non-profits will not pay property taxes; deepening the city's fiscal shortfalls and inability to address core services.
- **Vouchers:** We can prevent evictions and displacement through rental vouchers directly to renters who need them most, rather than creating non-profit corporate giants.

Tell the city council to end COPA (**[\\$1M spent for a 3 year analysis](#)**).

If you want an explanation about COPA, watch the quick educational **video:** [COPA in the City of San Jose](#)

Thank you,

United Housing Alliance Board of Directors -

Jeff Zell, Jim Campagna, Irene Smith; with support from Roberta Moore & Carlos Padilla

How to participate on 4/25

Attending City Council meetings is the most impactful way to have your opinion heard. NonProfits are experts in gathering supporters to attend and speak at SJCC meetings.

[City Agenda 4/15 COPA](#)

You can also submit comments in the following ways:

You can write before the meeting: You can submit comments using the eComment link on the city's [meeting calendar](#) or to the City Clerk at city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Be sure to list the agenda item number in the subject line of your email. Emails will be attached to the council item under "Letters from the Public," but will not be read aloud during the meeting.

- **If you need to write during the meeting:** You can also submit written comment during the meeting by emailing councilmeeting@sanjoseca.gov. Again, make sure to list the agenda item number in the subject line of your email.

- **Zoom:** You can find a Zoom link to the agenda on the city's [meeting calendar](#).
- **YouTube:** City Council meetings are streamed on the city's [YouTube channel](#).
- **Phone:** Dial in using one of the phone numbers provided below. Be sure to enter the webinar ID and password found on the meeting's agenda:
 - +1 408 638 0968
 - 877 853 5257 (Toll-free)

Matt Mahan, Mayor - matt.mahan@sanjoseca.gov or mayor@sanjoseca.gov

Rosemarie Kamei, District 1 - district1@sanjoseca.gov or Rosemarie.Kamei@sanjoseca.gov

Sergio Jimenez, District 2 - district2@sanjoseca.gov or Sergio.Jimenez@sanjoseca.gov

Omar Torres, District 3 - district3@sanjoseca.gov or omar.torres@sanjoseca.gov

David Cohen, District 4 - district4@sanjoseca.gov or David.Cohen@sanjoseca.gov

Peter Ortiz, District 5 - district5@sanjoseca.gov or peter.ortiz@sanjoseca.gov

Devora "Dev" Davis, District 6 - district6@sanjoseca.gov or dev.davis@sanjoseca.gov

Bien Doan, District 7 - district7@sanjoseca.gov or bien.doan@sanjoseca.gov

Domingo Candelas, District 8 - district8@sanjoseca.gov or domingo.candelas@sanjoseca.gov

Pam Foley, District 9 - district9@sanjoseca.gov or pam.foley@sanjoseca.gov

Arjun Batra, District 10 - district10@sanjoseca.gov or arjun.batra@sanjoseca.gov

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: 4/25 City Council Agenda Item 8.3, 23-591, Recommendation

City Clerk <city.clerk@sanjoseca.gov>

Thu 4/20/2023 11:40 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: brendamcleandohmer [REDACTED]
Sent: Thursday, April 20, 2023 11:12 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: 4/25 City Council Agenda Item 8.3, 23-591, Recommendation

[External Email]

City Clerk,

Please see that the city council members receive my email and following comments as soon as possible on this council agenda item on 4/25/2023. Thank you!

8.3 [23-591](#) Recommendation:

Agenda April 25, 2023

City Initiatives Roadmap - Housing Stabilization: Community Opportunity to Purchase Act Program Proposal.

As recommended by the Community and Economic Development Committee on March 27, 2023, do not accept the status report on the draft Community Opportunity to Purchase (COPA) Program proposal that would provide Qualified Nonprofits a right to make a first and final purchase offer on properties up for sale, and would require notification to residents, Qualified Nonprofits, and the City of residential property sales covered by the program.

I respectfully urge the City Council to not accept the status report on the draft COPA program proposal as the Community and Economic Development Committee recommended for the following reasons:

1. Qualified Housing Nonprofits who are already funded by the city are biased and pushing in favor of it because it only benefits them, they are a special interest group.
2. QNPOs are using city funds (our taxes & city budget) to lobby and organize protestors for the housing policies that they want to have.

3. QNPOs have too much influence with city staff creating the policy and not enough input from other equally important stakeholders in the community, please look at and investigate the list of stakeholders who were engaged or ask for it. (QNPO's recruit City Housing Staff and City Housing Staff sit on QNPOs boards and vice versa, they also stack these commissions with stakeholders who favor their agenda)
4. It's a punitive program for low-income and affordable housing providers and property owners.
5. It stifles construction or creation of new affordable housing, it's only a preservation policy.
6. Evictions (for non-payment or badly behaving tenants) and rent increases will continue under Qualified Non-Profit landlords, tax free
7. It will reduce state property tax funding that goes into the annual city budget for basic city services through the country tax funding formula, including funding to public schools in San Jose.
8. It's basically the same as more Redevelopment Agency Debt, which is already high and impacts the city budget every year, yet never discussed in the budget process.
9. It slows down the sales process, especially during rising interest rates and tightening of loan qualifications handcuffing prospective sellers and buyers who are in a hurry to close transactions.
10. It will proliferate the expansion and numbers of qualified housing nonprofits who want in on the game and will enjoy the benefit of zero property taxes and Measure E transfer taxes with long, burdensome, unfair transaction advantages that are discriminatory in nature and government funded at our expense forever. (QMPOs get government funding and the \$0 tax advantages, win/win for them.)
11. Why not extend such tax non-payment benefits to every housing provider who can meet the rental requirement

thresholds, same as the non-profits, with less paperwork and city housing staff overhead? Just make it a property tax application and exemption managed by the county. But you will lose needed tax revenue either way.

12. The proposal includes single family homes with ADUs after a big push to build ADUs, now the QNPOs want to capture them.
13. How long before SFH owners are affected by the program proposal by just a small change or word smithing to include SFHs?
14. All recent and pending housing legislation and zoning changes in California is punitive to existing property owners, this is one more reason the middle class and the wealthy billionaires are fleeing the state and likely new buyers won't come to San Jose or California, on top of the expense to live here. Yikes, once they find out!
15. Its unattractive housing and tax policy its a punitive policy, no one wants to be spanked all the time for working full time, paying their mortgage, income taxes and property taxes and taking pride in home ownership for 30 years and have it all change when they are about to retire, just ask the French. (Not to mention that the BAAQMB has saddled us with a huge electrification cost burden and Social Security is running out of money!)
16. Why not consider a simpler, easier to track, budgeted rent voucher program for qualified low income renters to subsidize they're housing? Uses less staff and time.
17. Some government funded Housing QNPO's can be mismanaged and are known to go bankrupt too, then what?


With respect and warm regards to all,
Brenda Dohmen
San Jose Resident-SFH Owner

FW: Written comment re San José City Council Apr 25 2023 agenda item 8.3 file 23-591

City Clerk <city.clerk@sanjoseca.gov>

Fri 4/21/2023 10:37 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (131 KB)

Letter to San Jose City Council re COPA.pdf;

From: Bill James [REDACTED]

Sent: Friday, April 21, 2023 10:27 AM

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

Subject: Written comment re San José City Council Apr 25 2023 agenda item 8.3 file 23-591

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Dear Clerk,

Please see the attached letter to the Mayor and City Council regarding the Community Opportunity to Purchase Act, item 8.3 (file 23-591) on the Council Agenda for April 25, 2023.

Regards, Bill James

Santa Clara County Democratic Party Chair

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



Santa Clara County Democratic Party
2901 Moorpark Ave, Suite 110
San Jose CA 95128

April 21, 2023

Mayor Matt Mahan and Members of the
San José City Council

Via Email

Re: Support Community Opportunity to Purchase Act in San José

Dear Mayor Mahan and Members of the City Council,

On behalf of the Santa Clara County Democratic Party, which represents over 500,000 Democratic voters in Santa Clara County, I am writing to urge you to adopt a Community Opportunity to Purchase Act (COPA) for the City of San José.

COPA would provide opportunities for non-profit developers and/or tenants to preserve existing affordable housing stock without unduly affecting the rights of property owners, who would be under no obligation to sell to any party except on the terms of their own choosing. The extent to which local non-profits and tenants would be able to take advantage of COPA cannot really be known without adopting a COPA ordinance and encouraging landowners, non-profits, and tenants to take advantage of it. COPA would make an additional tool available to the city and its residents as we work together to protect tenants, preserve affordable housing stock, and produce additional housing to address homelessness and housing insecurity.

I am attaching a resolution adopted by the Santa Clara County Democratic Central Committee in support of adopting COPA for the City of San José, which provides further reasons to adopt COPA without delay.

Respectfully,

Bill James
Santa Clara County Democratic Party Chair

**RESOLUTION ENDORSING COPA
(COMMUNITY OPPORTUNITY TO PURCHASE ACT)**

WHEREAS displacement has severely impacted our entire region, and some 1.5 million residents moved out of the Bay Area between 2010 and 2016, including primarily low-income communities and a disproportionate number of Latino and Black residents who were forced to move; and

WHEREAS the COVID pandemic eviction moratoriums and rental assistance programs have expired, and thousands more families are now facing displacement or homelessness; and children in displaced households have more absences, a lower likelihood of finishing school, and a greater risk of educational delays or behavior problems, and people who have been evicted are more likely to experience job loss; and

WHEREAS displacement also increases commute times, costs, and environmental impacts, and displaced people are more likely to move into communities with higher rates of poverty and crime; and in 2020, the City of San Jose voted to adopt an anti-displacement plan and directed the Housing Department to work on a COPA policy to help keep people in their homes;

THEREFORE, BE IT RESOLVED that the Santa Clara County Democratic Central Committee supports the enactment of a Community Opportunity to Purchase Act (COPA) policy in San Jose, that would give some of the tens of thousands of residents at risk of displacement the opportunity to stay in their community and have a voice in their housing options; and

BE IT FURTHER RESOLVED that SCCDCC supports a COPA policy because it would give a qualified non-profit (QNP) engaged with and supported by the current tenants the right to make the first offer to buy a property when it goes up for sale; encourage tenant organizing, education, technical assistance, and pathways to become owners of the property or of their units; and begin building a preservation infrastructure to help save thousands of affordable housing units in San Jose and keep our people in their homes.

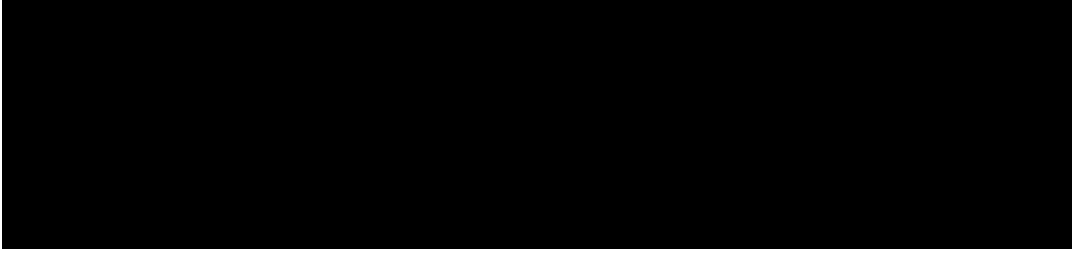
Adopted by the Santa Clara County Democratic Central Committee on April 13, 2023

FW: 4-25 Vote No COPA It's a "Wolf in Sheep's Clothing"

City Clerk <city.clerk@sanjoseca.gov>

Fri 4/21/2023 9:40 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>



From: Roberta Moore <[REDACTED]>

Sent: Thursday, April 20, 2023 5:18 PM

To: Matt Mahan <matt@mahanforsanjose.com>; City Clerk <city.clerk@sanjoseca.gov>

Cc: 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>; Asada, Julia <Julia.Asada@sanjoseca.gov>

Subject: 4-25 Vote No COPA It's a "Wolf in Sheep's Clothing"

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

People getting displaced is heart wrenching. This was my biggest fear as a child. And, why I worked 80 hours a week, didn't go on vacations or buy clothes, and spent 50% of net income on a mortgage payment. Homeownership is the only way to create stability and build equity.

As the D10 rep on the housing commission I have read the versions carefully since COPA was first introduced 4 years ago. **Note this is my personal opinion and does not reflect the opinion of this organization or the other city organizations on which I have served. (Ex: GP 2040 Task Force, ARO Stakeholder Advisory Group)**

If COPA really did what was promised, I would stand here for it. Sadly it will not.

Non profits don't need COPA to buy. The funding is there. They Need COPA to bypass the current ARO (rent control) laws so they can evict renters, raise rents, and avoid property taxes. Read the fine print.

COPA will not stop displacement. COPA is mostly for ARO properties and takes away renter protections. This is why I refer to COPA as a "Wolf in Sheep's Clothing."

Do you really want to do this for the non-profits at the expense of renters and tax dollars for needed city services?

At the March HCDC meeting on COPA, I made a motion to require 50% of the units were for renters to buy so they would have access to real equity. The Housing Department said it is NOT possible for COPA to help renters buy. This is surprising since Mayor Gonzalez used similar funds to build 10,000 units for renters to buy.

COPA does not add 1 unit of affordable housing or create equity for even 1 renter. Instead it goes after the mom and pops who provide the LAST naturally affordable housing for our renters for the benefit of the city-funded non-profits.

Preserve the last naturally affordable housing by voting NO on COPA.

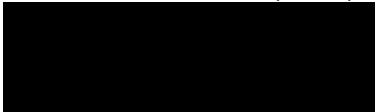
Ideologic driven rhetoric fueled by city-funded non-profits is determining San Jose's future. Who benefits? Homeless, environment, residents. NO! Look at the data. The primary beneficiaries seem to be increased staff jobs and the non-profits they fund. If we do not have a major course correction, we will have even more homeless and be even less affordable.

Regards,

Roberta Moore

Resident 30+ Years

ARO Rental Provider (4 Plex) 13+ Years



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: Consequences of COPA

City Clerk <city.clerk@sanjoseca.gov>

Fri 4/21/2023 12:15 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: David Eisbach <[REDACTED]>

Sent: Friday, April 21, 2023 11:32 AM

To: Webmaster Manager <webmaster.manager@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Consequences of COPA

[External Email]

I thank you for taking the time to read my comments on COPA, and ask you to kindly add them to the public comments before the council next Tuesday.

David Eisbach

Consequences of COPA, 4.20.23

The City will, after contracts and subsidies, find slow or non payment of its loans, renovation costs ,and subsidies, be strapped for funds.

The non-profits will continue to influence spending decisions by the city, only this time with units filled with needy persons. Their positions and power will be greatly enhanced.

Housing will continue to keep owners in the dark as to what is happening, by saying they meet the Federal Guidelines in outreach requirements.

The city will have to increase property taxes like the Measure E 7.5% transfer tax on \$2 million dollar properties.

As the Housing Department grows, now at 104.5, the burden on income property owners will increase.

COPA promises ownership and empowerment. Expecting low rents and growing equity, tenants will discover only an offer for them to buy.

COPA emphasizes small properties because of the less than the \$1 million per door curse. A \$1.400,000 duplex with renovation costs, and low monthly rents of \$800 per door, requiring subsidy, without property tax will never approach zero cash flow, making the result of way-above \$1 million.

The Housing Department will continue with its Theater Outreach. It will run its recommendations to the Housing and Community Development Commission, HCDC, pass anything from Housing. The 14-member Commission has one apartment and one Mobile Home Park owner/manager. That's accounts for the vote of 13 to 1 in favor of COPA on March 16, 2023.

The HCDC, an advisory commission, is influential while passing any Housing proposal before the Council. It is charged with oversight of four areas of city spending, Measure E monies for one.

COPA's time extension will eventually kill private bidding, which will eventually result in the lowering of value.

COPA's treatment of affluent persons in their property, will be to raise rents to market ignoring the 5% rent cap. COPA will decide fair market is!

COPA will drain the city of its funds for security, maintenance and livability.

Subsidizing low-income tenants rents directly is expensive; Subsidizing non-profits, while making them owners, is extravagant!

David Eisbach

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: Agenda Item# 23-591, Meeting Date: April 25, 2023

City Clerk <city.clerk@sanjoseca.gov>

Fri 4/21/2023 1:10 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Dana Juncker <[REDACTED]>
Sent: Friday, April 21, 2023 12:45 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Agenda Item# 23-591, Meeting Date: April 25, 2023

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

I wanted to address the City Counsel regarding item # 23-591, the COPA program. I am opposed to such a proposal. I am a homeowner and a real estate agent in Santa Clara county. The COPA program is a form of **eminent domain**. The city is retaining control of a property and the sale rights for a certain amount of time possibly causing a financial burden on a seller. I would hope that such a program would result in multiple lawsuits as the program isn't labeled as anything other than a "program" when in reality, the city is seizing property rights. Per California eminent domain law, it must satisfy at least two facts:

- The property is necessary for a public use, such as a road or sewer system; and
- The agency is willing to pay the landowner fair compensation for the property.

If eminent domain is invoked directly or indirectly, I say the city must pay for the appraisal of the building, compensate the seller for the amount of time eminent domain is invoked, maintain a 30 escrow period, provide evidence that the purchasing non-profit company be a valid non-profit so the seller can make an informed decision, and put restrictions on the non-profit that should include not tearing the building down to rebuild/develop, not selling within 10 years and all proceeds from the non-profit must be audited yearly and donated if any exist. The non-profit should have a cap on salaries of it's officers. This would hopefully tamp down fraud and abuse. Any corporate developer who calls themselves a non-profit-which is an easy thing to achieve, could come in and have first dibs on all multi-unit properties. Or is this the **actual** plan?

Secondly, the counsel needs to consider the loss of property taxes.

Lastly, my confidence in this counsel is low as this is the same counsel who practiced segregation and discrimination during the pandemic. Brains or morals isn't the counsel's forte. Hopefully you surprise me.

Thank you,

Dana Juncker
[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.