

## SUMMARY OF PUBLIC COMMENTS FROM COMMUNITY MEETINGS

Date	Time	Topic	Location
November 8, 2018	5:45 PM	Proposed changes to TPO	Housing and Community Development Commission (HCDC)
November 5, 2018	6:30 PM	Proposed changes to TPO	Bascom Community Center
November 1, 2018	9:00 AM	Proposed changes to TPO	Bascom Community Center
August 30, 2018	6:30 PM	Expansion to duplexes	Bascom Community Center
August 23, 2018	1:00 PM	Expansion to duplexes	San José City Hall Wing Rooms 119-120
August 15, 2018	6:30 PM	Expansion to duplexes	Educational Park Library

## **PROPOSED CHANGES TO TENANT PROTECTION ORDINANCE**

November 8, 2018 at Housing & Community Development Commission  
Public Comments

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1. Owners are small and don't understand the complexity of the TPO.
2. Duplex owners live in their homes, they can't just move. They don't want to fight.
3. Concerned about the right to return. Illegal tenants should not have any right to stay.
4. Do not include duplexes. Part time owners do not know about the new regulations in the TPO.
5. Small owners who are not charging unreasonable rents. Owners should have control. Regarding the right to return, it may create a grudge between a tenant and a landlord.
6. If someone is not convicted, they should be able to return home.
7. Receive hundreds of calls from tenants – the TPO is making a difference in San Jose.
8. Unauthorized Holdover Subtenant - 19.40-19.60 State law. Couldn't get rid of the tenant and his tenant because he could not afford the attorney.

## **PROPOSED CHANGES TO TENANT PROTECTION ORDINANCE**

November 5, 2018 at Bascom Community Center  
Public Comments

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1. What is the difference between a Victim of Violence vs. Victim of Domestic Violence and how does each impact an unapproved holdover subtenant?
2. How can a landlord lawfully evict an unapproved holdover subtenant when the landlord doesn't recognize the subtenant and there is no written agreement?
3. If a person is evicted due to criminal activity, why does the tenant household allowed to remain in the unit? The landlord should have discretion to evict.
4. What does it mean "held to answer" for a serious felony or a violent felony? If a tenant is held to answer, how long does a landlord have to wait to evict the tenant? What about the safety of the other tenants?
5. If a tenant is held to answer, wrongly accused, and is acquitted, does the landlord have to allow the tenant to return to the apartment?
6. What is the tenant on the lease goes to jail for criminal activity, is the landlord obligated to keep the family in the unit even if the family is not listed in the lease?
7. Duplexes should not be included in the Ellis Act or the Just Cause
8. Duplexes do not have a common area so landlords cannot comply with posting of notice
9. Impact of duplex being removed from the market for a demolish and rebuild is likely to occur as most landlords do not own multiple properties or multiple properties in one location to demolish and rebuild
10. Many duplexes are located in residential areas, there are zoning codes that may not allow to rebuild a large complex. And to change the zoning codes, would be timely and costly.
11. When a landlord issues a tenant with a perform a covenant or quit, is the landlord required to notify the city?
12. When a landlord submits 3 day notices to the city, there are no response

## **PROPOSED CHANGES TO TENANT PROTECTION ORDINANCE**

November 1, 2018 at Bascom Community Center

### **Public Comments**

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1. Tenant does not like the posted notes (ARO required note) that the landlord is required to post in the laundry room she said it does not feel welcoming. Having notices posted make her feel like she's not at home.
2. Tenant asked if we provide resources to help with tenant, landlord issues.
3. Owners feel harassed by being forced to comply with the Ordinance.
4. Is the City going to make the changes fair to the owners, we need more balanced changes.
5. Owner would like a copy of the notes for this meeting.
6. Does the City know the consequences for the owners to comply with all the regulations.
7. Owner asked when the Rent Registry is it due.
8. Owner is concerned that he will become a victim himself by enforcing the Victims of Violence Cause. He would like the City to consider the unintended consequences.
9. By forcing the landlords to comply with the regulations is it the City's intent to drive the owners out of business? If so, this is not working. The Housing Department is becoming the enemy of property owners, before the Ordinances we had no problems now we have all kinds of issues. We are disappointed with the Housing Department; we are very discouraged. Jacky should resign for allowing these changes
10. Owner is opposed to Duplex's being covered by the TPO, owners want a breakdown of how our department did the research on Duplexes.
11. Have more inspectors been hired to do more inspections? Why are we paying a fee to do our own inspections, it is not fair.
12. Has the Housing Department hired all the employees they said they were going to hire.
13. All these regulations are doing more harm than good.
14. Two duplex owners feel that amendments to the Tenant Protection Ordinance and the Ellis Act Ordinance will burden small property owners with more regulation and compliance.
15. What are the penalties associated with TPO non-compliance, such as not submitting an eviction notice to the Rent Stabilization Program?
16. Tenant names on rent registry, what standardized process is in place for tenants who refuse to have their names disclosed on the registry? Do tenants have a right to refuse?
17. Small property owners feel that amendments to the Ordinances will spike up their management costs, because they will need to hire specialist that understand the laws.
18. Just causes are biased towards the tenants
19. What type of research has the Housing Department conducted on Duplexes? Do we have a comprehensive understanding of who lives there? Have we looked at titling reports?
20. How are amendments to the Ordinances, such as adding duplexes, legal under Costa-Hawkins?
21. What does AMI stand for and how many new developments are actually underway?

## EXPANSION TO DUPLEXES UNDER TENANT PROTECTION ORDINANCE

August 30, 2018 at Bascom Community Center  
Public Comments

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- 1) Does Housing have hard data about evictions to back its claims for the necessity of TPO coverage?
- 2) The rent registry is currently being challenged by a lawsuit. It is an administrative burden, especially for individuals without computers.
- 3) TPO will make evictions more confrontational. Landlords will fear for their personal safety if TPO is enacted on duplexes. Legal process takes too long and is expensive. It will also affect cash flow.
- 4) Relocation assistance is too expensive.
- 5) City Council will vote to support Costa Hawkins repeal. Costa Hawkins repeal will get rid of vacancy decontrol.
- 6) Landlords feel like rent-control is a way to force them to subsidize rent. They feel it contributes to the loss of housing stock.
- 7) Business licenses and permits are imposing costs on landlords unfairly.
- 8) San Jose PD doesn't respond fast enough. This exacerbates the landlord's lack of power to get rid of violent and nuisance causing tenants. (An attendee called SJPd's line to make his point).
- 9) Landlords have evicted and raised rents in response to Ordinances.
- 10) The TPO is a solution in search of a problem.
- 11) Tenants started tenancy as minors and are now 18. Do have to track their ages to follow occupancy limitation rules?
- 12) There are fears that there will be discrepancy amongst Ordinances for duplexes in the same way that occurred for Ellis.
- 13) In the past, unpermitted units were not covered by the TPO. What is the process now?
- 14) What is a guesthouse?
- 15) How many staff members will be hired to expand the program [RSP]? Staffing plan is costing tax payers \$4 million for 22 staff. The permit fees should be used differently.
- 16) Business license and fees keeps on increasing.
- 17) TPO and Ellis are unfair to landlords and only protect tenants.
- 18) There should be a survey mailed out to landlords to gain their feedback. Staff needs to compile questions for survey. Their data collection efforts come off as disingenuous.
- 19) Tenants receive free legal advice. There isn't a resource available for landlords.
- 20) Landlords feel unfairly attacked and that they are politically outnumbered. City Council's agenda does not seem friendly to their interests.
- 21) Please send mailers to owner address and not the rental property address.
- 22) Feedback sessions are not being objectively reported and are affected by cherry-picking. Landlords want to know that their feedback is being considered (and want a response). What will staff report back to Council?
- 23) TP is not in the interest of tenants.

- 24) The attendees held and impromptu vote and voted against TPO and Ellis expansion to duplexes 21-0.
  - 25) The mailer for the meeting was received after the 1<sup>st</sup> meeting.
  - 26) What does held to answer mean? How can landlords access charges and case information?
  - 27) How can I evict for drug usage or sale if it's only a misdemeanor.
  - 28) If a crime is committed outside the 1000ft from premises limit, I can't evict the tenant?
  - 29) Do we have to terminate current leases and draw up new ones to protect ourselves now?
  - 30) Affordability is an issue because neighboring cities aren't building enough housing. Concerns about property values are driving down property values. If the issue is regional, why do the landlords of San Jose have to be the ones to take on the burden or rent control and TPO?
  - 31) Lender is not giving accommodating interest rate on home loans.
  - 32) TPO for duplexes will lead to administrative burdens and legal costs, and force landlords to raise rents. Owners will have to invest or buy outside of San Jose.
  - 33) No cause evictions won't be served regularly unless there is a change in ownership.
  - 34) TPO will reward bad behavior of tenants.
  - 35) What transpired at 4/24/2018 City Council meeting?
  - 36) If Council is already leaning towards TPO and Ellis for duplexes, why are they still gathering information?
  - 37) I served a no cause notice to tenants for growing marijuana and received positive feedback from my tenants.
  - 38) Can we have this type of meeting again with a City Council Member present.
  - 39) What is the time frame for reporting this information back to Council?
  - 40) When would relocation assistance have to be paid?
  - 41) Can you give some examples of quick evictions?
  - 42) Under TPO, tenants can stall and vandalize the property.
  - 43) How can we get the number for legal services?
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## **EXPANSION TO DUPLEXES UNDER TENANT PROTECTION ORDINANCE**

**August 23, 2018 at San Jose City Hall Wing Rooms 119-120**

Public Comments

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- 1) What is the duplex fee?
- 2) Duplex landlords are already charging low rents.
- 3) Further regulation will penalize good landlords.
- 4) How many duplexes exist in San Jose?
- 5) Why are duplexes being considered for TPO and Ellis?
- 6) What kind of data about duplexes did Housing receive from the County?
- 7) Adding duplexes to TPO and Ellis is the beginning of a slippery slope. Soon single family homes will be subject to rent control and other ordinances.
- 8) Has the department received complaints about duplex owners evicting without cause? What are the statistics for these complaints? What percentage of complaints are from duplexes?
- 9) Most duplex owners are mom and pop and have a personal relationship with their tenants. Rent control will force them to raise rents. Many use duplexes as retirement income and live paycheck to paycheck.

## **EXPANSION TO DUPLEXES UNDER TENANT PROTECTION ORDINANCE**

**August 15, 2018 at Educational Park Library**

Public Comments

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1. What are these Ordinances?
  2. Why were duplex selected and not other properties?
  3. Who should we contact at council and/or at the City to not have this approved?
  4. We never wanted to remove our property from the rental market but will if these laws pass.
  5. We purchased our duplex to rent so we can live in one unit and rent out the other because it is what we can afford. We prefer to have a good long-term renter and these laws won't help.
  6. These laws will cause the exact opposite objective and may decrease units rented in the market.
  7. How were the relocation benefits determined.
  8. Noticing 120 days is a lot of advance requirement.
  9. Will re-control really help?
  10. We are following the State renter laws, will this additional layer of laws really help?
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**Nguyen, Viviane**

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**From:** Alex H <[REDACTED]>  
**Sent:** Friday, August 24, 2018 11:35 AM  
**To:** RSP  
**Subject:** San Jose Duplexes

To Whom It May Concern,

Having been a tenant longer than I have been a homeowner, I am writing today to urge the city to exclude duplexes from the Apartment Rent Ordinance since these types of homes provide one of the rare market entry points for renters to transition to home ownership.

The market entry point for renters to transition to home ownership is already extremely challenging and for those that want to own their own home someday, duplexes are one of the few viable solutions. Duplexes help renters transition to home ownership because potential rent collected from the extra unit are calculated as income in their loans, allowing those with less cash to receive a better loan. By restricting the rent on duplexes, it will diminish the already slim opportunities for people to transition to home ownership.

Rent control laws should consider how it can indirectly restrict the financial mobility of renters it seeks to protect. In the case of duplexes, I strongly urge the city to continue to exclude them.

Best Regards,

Alexandra Harris

**Nguyen, Viviane**

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**From:** FRANK HARRIS <f[REDACTED]>  
**Sent:** Monday, August 27, 2018 12:07 PM  
**To:** RSP  
**Subject:** San Jose Duplexes

We resent that after 40 years of successfully managing our duplexes, the City now thinks it has to step in with all kinds of management stipulations, fees, taxes, etc. Our properties are our main source of income. Obviously, if our tenants are not happy, it is not in our best interest. Asking landlords to submit notices to vacate to the Rent Stabilization Program is ridiculous! Should the City really be taking over the rental business? This seems like an expansion of government that taxpayers should not have to support.

Frank and Marcia Harris

[REDACTED]



# Extending Ordinances to DUPLEXES

James Walsh 

Sat 8/18/2018 12:52 AM

To: RSP <RSP@sanjoseca.gov>;

 1 attachments (301 KB)

Addresses.jpg;

Hi, Staff  
SJ Housing Department  
Rent Stabilization Program

I'm the "Pop" half of a Mom-and-Pop DUPLEX ownership, our only rental property. I am in my 80s with limited driving. Thus, I will miss the meeting you invited me to.

Instead, I'll be brief in writing the information you asked me to share with you. Here it comes.

Please recommend NOT adding duplexes to those SJ rentals already required to file forms/comply with SJ ordinances --Ellis Act and TPO. Your ordinance-supporting "simple" forms, currently online, demonstrate that they already are beyond mom's and my tech skills. We would need to start hiring and paying for professional help, a burden to us at this stage of life --perhaps an upcoming expense to the tenants as well.

**Background:** We purchased our one duplex in our middle age, intended for retirement security. The mortgage interest rate was 13% then (1983), later refinanced to 9%. We subsidized the mortgage (and the rents) from my solo family (teaching) income. We held on to the building by curtailing new clothing, nutrition, and outings for us and our children.

Over these decades, we have fulfilled all ongoing obligations to the DUPLEX tenants and to the City of San Jose.

The DUPLEX tenants are secure in long-term occupancy as they choose. One family is in 6th year. Other in 14th. They benefit from below market rents, immediate repairs, and stable, proactive management --mom and pop! As well, no police, fire, or social service professionals have ever been needed at the DUPLEX during my personal management. I've prompted tenants to vote for the SJ parcel taxes (most of which advance education) which elevate the DUPLEX property tax.

Let me broaden the context so it might better assist your recommendation to the City Council. There are 7 duplex buildings on the block where mom and I own one. Over my 35 years of personally managing ours, I've made myself acquainted with most of the other DUPLEX owners, past and present. To my knowledge, all but one have been the mom-and-pop types. Several of these one-building owners have lived in their duplex. Doing so, they have served their tenants even better and more promptly than have I.

**Conclusion:** Duplexes (largely mom and pop) should not be added to extended bureaucratic requirements. Not required. Counter productive. An unnecessary, additional burden to your current load of staff functions.

In my case, please allow me to play out my final quarter under the established rules of the game. I'm doing my very best.

The DUPLEX tenants are doing their very best. Your "NO" Duplex recommendation to the City Council would help preserve what's been real good, real long.

Respectfully,  
James Walsh

P.S. Do let me know who up the food chain sees this. How is input such as mine included within the Staff mix going forward? jw

Attached: address info.

# Duplex

John Higaki < >

Tue 8/21/2018 4:52 PM

To: RSP <RSP@sanjoseca.gov>;

We are against the new ordinance. This ordinance makes it tough to be an individual owner of a duplex, we should sell out to an large company that will have the resources to fight city hall.

This ordinance does nothing to increase the number of rental units, nor does it address the imbalance in the pay that is the driving force in creating city council and mayor to pick on individual landlords.

I see that Google is planning a huge complex that the city council and mayor welcomes with open arms, yet this means that up to 20,000 more people will live in the greater San Jose area, which means that the cost of rentals should go up, so we (the individual landlords) can benefit from this increase in the population. The City wants the increase in tax money from the new buildings but does not want the individual landlord to benefit from the same increase in the population. What happened to fairness?

BTY we happen to be seniors (ages 79 and 73), I don't think that the City should be picking on Seniors.

John and Keiko Higaki

# Rent Stabilization Program

IDC 

Tue 8/21/2018 8:43 PM

To: RSP &lt;RSP@sanjoseca.gov&gt;;

## Property Owner or Social Service Surrogates

All Landlords are now being used as social service surrogates to satisfy the City of San Jose's socialist agenda!

1. Everyone knows that the expense ratio of Duplexes at 25% is much higher than those of apartment complexes at 8% and cannot be treated the same.
2. Utility increases, in addition to demanding that Landlords pay for tenant's garbage and collect those fees with the tax bill is an over-reach of authority.
3. Wage, maintenance and construction cost increases will force landlords of all sizes to become slumlords.
4. Socialist ideas at the expense of others may give a false sense of accomplishment; however, it is like a virus that left unchecked, eventually kills the host.

Landlords are not the bad guys, they did not cause the housing crisis. Eliminating unnecessary costly regulations and fees can substantially increase the number of units to be developed in the city.

Best,

**Rod Farsai, Esq.**



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# San Jose Duplex Rent Control Letter

Scott Grasmoen [REDACTED]

Thu 8/23/2018 11:32 PM

To: RSP <RSP@sanjoseca.gov>;

Dear San Jose City Council

Historically speaking, we have benefited greatly as a country from the free market economic system of the last 100 years. We consume more and have cheaper prices while also reaping the benefits of mass technological advances. While those countries that have followed a centrally controlled system with the doctrine of Marx such as China, Russia, Cuba and recently Venezuela have experienced economic shortages....food, consumer products and housing.

Enacting rent control does not create rent stability, it creates shortages. The solutions is to get out of the free market's way and allow them to create more housing. It is your job to amend the archaic zoning ordinances to meet the demand for housing in 2018 and beyond. Secondly, the building codes should also pass a litmus test of diminishing returns, thus keeping the benefits to cost ratios in line.

Yes, government has a role in a free market system but that role is not to shackle progress. Nothing has solved the worlds problems better than free markets. Over 400 million Chinese have been lifted from poverty in the last 20 years, they learned their lesson. History is a great teacher, we have been blessed as a country, please learn from other's failures in what not to do.....we all lose with emotionally driven economic decisions.

Regards

Scott Grasmoen  
Pepperdine University (88')  
Economics  
Santa Clara Realty  
[REDACTED]

# Duplex Owners

Antonina Ettare [REDACTED]

Mon 10/8/2018 11:44 PM

To: RSP <RSP@sanjoseca.gov>;

I am an owner of a duplex that I built around 2004. It was very difficult to have my plans put through the Building Department at that time. The Building Department DID NOT RECOMMEND the construction of my unit. This is probably one of the reasons these types of units weren't built. The difficulties in getting building plans through the Building Department is also probably the reason we are in short supply.

I live in one unit and rent the unit I had built. This is my plan to supplement my income. Currently the income is used to stay in the valley now that I am retired. Another purpose of this unit may be to house a care giver if needed in my future.

Please don't put Ellis Act burden due to a tight rental market on the owners of these duplexes. Please don't put the burden on the ADUs either as we are the ones to add the infill of housing the City should have been doing.

I support high-density housing for mid and low income residents. I do not support applying the Ellis Act Ordinance on duplexes and ADUs.

Respectfully,  
Antonina

# Duplexes (proposed Tenant Protection Act and Ellis Act Ordinances)

Wed 10/3/2018 10:07 AM

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

Cc: Wright, Sara <sara.wright@sanjoseca.gov>;

Dear Mayor and Council Members,

On August 23<sup>rd</sup> I attended a workshop regarding San Jose Duplexes where it was shared that "the City Council wants your input on extending city ordinances to Duplexes". It's my understanding that the City is considering including Duplexes under the Tenant Protection Ordinance and the Ellis Act Ordinance. No one attending the workshop expressed support for these changes. Here's my input.

**This change would have unintended negative consequences for renters.** If the objective is to drive all the long-term duplex owners out of the market, this is a good approach. However, if the objective is to keep rents low do not approve these ordinances for duplexes. As a duplex owner in San Jose for the last 32 years, I am able to keep rent costs substantially lower than corporations or newer owners (due to lower taxes and no mortgage). My current tenants have both lived in my duplex for over 7 years on a month-to-month rental agreement. San Jose is trying to outlaw month-to-month rental agreements! No competent landlord would ask a good tenant to move. No reason should be necessary to ask a tenant to vacate. The balance of power is equal. If the City of San Jose wants to get into the duplex rental business, buy some properties and contract with them as you see fit, but don't get in the middle of a private property owner and their tenants!

My current tenants are each paying \$8400/yr. below market rent. Yet, the City of San Jose thinks it's a good idea for the landlords to pay the tenant to relocate over \$10,000!? If that were the case, why would I keep rents low? I've already provided my tenants with a subsidy of over \$40,000 each over the last 5 years! It appears that my best move if the Council approves this measure is to either 1) Increase the rent to the market rates or 2) Sell the duplex and move the funds to a city that appreciates my investment. Therefore, the purchaser of my duplex (paying top dollar) will need to charge the highest rent possible to afford their new mortgage. Also, the new owner will want to move into one side of the duplex displacing one of the renters. So again, what is the objective of these ordinances?

Asking good renters to move is not a strategy of current duplex owners and is not a problem in the City of San Jose. These new ordinances are not needed for duplexes. The only way to solve the housing problem is through the supply, so approve more residential building permits faster! Thanks.

Dave Baldwin  
Duplex Owner since 1985

cc: Sara Wright, Housing Department

# Oppose New Rent Stabilization restrictions on Duplexes

Dave Klensk

Fri 8/31/2018 5:04 PM

To: RSP <RSP@sanjoseca.gov>;

I'm writing to oppose your proposed rent stabilization restrictions on duplexes, including the TPO and Ellis Act ordinance.

I own one residential rental property, which is a duplex in San Jose. This was purchased for long term goals of generating income to pay for it, and someday housing my father-in-law when he can no longer live alone and my son with severe learning disabilities, who would not be able to live in the area without financial assistance. I saved as much money as I could to purchase in San Jose specifically because there were not governmental restrictions and we were free to charge market rents to pay for much needed upkeep, maintenance and mortgage payments.

Since that time, the City of San Jose has blamed the housing crisis on landlords such as myself. You have vilified the 'greedy corporations' who are raising rents and displacing residents. What you have and continue to fail to realize is what all students learn in Econ 101- supply, demand and pricing curves. If the City of San Jose were truly interested in solving the housing crisis, you would do everything possible to increase supply. The current high prices come from the incredible demand of individuals and families wanting to take advantage of the South Bay jobs, environment and diversity. If supply increases, prices naturally drop. By trying to create burdens on landlords, you increase the cost of doing business, create disincentive to invest and pay taxes to your city, and hurt the very residents you are apparently trying to help.

I have always found that a happy tenant is a good tenant. I treat my tenants with fairness and respect, with the expectation they will treat my investment with respect. They will notify me of problems, I will fix and update things as I am able. My tenants typically stay for years, and it is always to my benefit to create incentives for them to do so. Vacancies do not help my bottom line. However, if a situation arises where I need to take action, your proposed governmental restrictions will add significant cost and zero value.

I do not have a magic bucket of money that gets used to pay for things getting pushed onto landlords. Last year, you made me become a business in San Jose, paying a fee for my duplex (as an aside, you immediately sold my contact information and I have been barraged by telemarketing calls trying to sell me things and wasting my time- thank you for that). I had to pass on those costs to my tenants' leases. And I made clear to them, that this was not 'Mr. Greedy Landlord' raising their rents, that this was passing through new taxes imposed on me by the City of San Jose. All rents I receive from my tenants fund all costs, expenses, upgrades and repairs of the duplex. None of them flow back to me personally. And the more costs and complexity you impose on me the worse it will get for tenants. And that's a shame, as the people who rent my duplex are hard working, taxpaying individuals (a family with high school kids, and a single mom with two daughters struggling to make ends meet) and they deserve better!

While your flier claims that "duplexes will continue to not be rent stabilized," I have heard that before.. And the City of San Jose continues to push to increase control and bureaucracy. What it may be an accurate statement today, I would be a fool to believe that you will not subject my property to future rent control restrictions rather than solve the supply problem which plagues all types of housing in the Bay Area. And going back to my Econ 101 example, students learn that any type of rent control is bad for tenants, the very people that are apparently trying to be helped.

In summary, I **OPPOSE** any further restrictions on Duplexes and ask that you let me operate my duplex as a responsible landlord. I strongly urge you to FIX THE HOUSING SUPPLY problem. If you do that, you will not need to worry about the rest as the market will function in a stable, predictable way.

Respectfully,  
Dave Klenske  
Owner, San Jose Duplex

# Response to Survey Assessment for Duplex Owners in San Jose

Senter Property [REDACTED]

Thu 9/6/2018 3:09 PM

To: RSP <RSP@sanjoseca.gov>;

Cc: Senter Property <[REDACTED]>;

📎 1 attachments (173 KB)

RE Survey Assessment for Duplex Owners in San Jose Sept 6 2018.pdf;

Date September 6, 2018

Dear RSP,

I wish that the city council will not take action to include duplexes under the Rent Stabilization Program ordinances, including Ellis Act Ordinance, Tenant Protection ordinance. Putting duplexes in the rent control hurts tenants, landlords and neighborhoods more than it helps them.

Below is my input on the effects if duplexes being subject to the Tenant Protection Ordinance and Ellis Act Ordinance.

Here's how rent control for duplexes is risky for tenants and neighborhoods:

1. Since landlords can't charge the market rate and 13 just causes for rent-controlled properties, they stand to lose money. In most cases, landlords will remove their properties from the rental market. The housing supply dwindles as a result.
2. My tenants pay below market rent. Since the San Jose city will consider duplexes under the tenant protection ordinance and the Ellis Act Ordinance, I will raise the substantial rent tomorrow to bring the rent to market rate.
3. Tenants can end up paying rent higher than the market rate. Since rent control decreases the supply of open apartments, the demand becomes higher—driving prices up for everyone else.
4. With a limited budget for repairs and upgrades, landlords are less motivated to keep buildings in good condition.
5. If tenant's life circumstances change and consider moving, tenant will find it hard to get a similar deal on an apartment elsewhere.
6. Property values tend to drop in rent-controlled areas, and so do property taxes. This decrease will hurt communities in San Jose that rely on property tax revenue.
7. The conclusion seems to be that rent stabilization doesn't do a good job of protecting its intended beneficiaries—poor or vulnerable renters—because the targeting of the benefits is very haphazard. A study of rent stabilization in Cambridge, for example, concluded that “the poor, the elderly, and families—the three major groups targeted for benefits of rent control—were no more likely to be found in controlled than uncontrolled units.” And, those in uncontrolled units tend to pay higher rents, so they hurt by rent control.
8. Given the current research, there seems to be little one can say in favor of rent control. What, then, should be done to help renters obtain affordable, decent housing? A better approach is to adopt policies that encourage the production of more diverse types of housing (different densities, tenure types, unit sizes, etc.), implementing strong regulations and practices to ensure housing quality and to protect tenants from abuses; and providing targeted, direct subsidies to people who need help paying their rents.

Attached is the completed Survey Assessment for Duplex Owners in San Jose.

Thank you,



Jenny Suwan

# Rent Stabilization Program

John

Fri 8/31/2018 8:00 PM

To: District9 <district9@sanjoseca.gov>;

Cc: RSP <RSP@sanjoseca.gov>;

Councilman Rocha,

I attended the informational meeting held last night at the Bascom Community Center regarding the extension of city ordinances to duplexes. Unfortunately, my notification of these three scheduled meetings arrived too late to attend the first two. I did enjoy meeting people from my community that do what I do, that is provide housing for our fellow citizens. My foray into home ownership was made possible because of my duplex. I was able to qualify for the loan because I could include the rental income, and I could reduce my taxable income with the use of the depreciation deduction. I also had a lot more responsibility added to my 60 hour a week small business owner schedule. I found out quickly that being a landlord means you are on call 24/7. I am not complaining - just explaining.

Being an owner occupied duplex owner means that you are very intimate with your tenant, in fact I refer to my tenant as my neighbor in all discussion. You share the same driveway, the same walkway, the same floor and roof. You become friends. Our neighbor (tenant) has lived next door to us since 2002. We are both comfortable. That means we respect each other and the voluntary relationship we have nurtured through the years. Of course, we have kept rent increases to a minimum for them. For our neighborhood, they are \$800/mo. below market at minimum. At this time I would also like to mention my mother has a four-plex in Campbell whose occupants have all lived there between 10 - 20 years. Her tenants are also close to \$900/mo. below market. I add this because the narrative is that landlords are bad/greedy people. Not true! We use our efforts and savings to provide a place for our fellow citizens to call home.

Your efforts to include duplexes in the city ordinances will damage the relationships many landlords have with their tenants, especially the owner occupied duplexes. There was a raising of hands at the meeting last night of how many in the room had the same tenant for more than 10 years. More than half raised their hands. This is real world rent stabilization! There were many owner occupied in attendance. I urge the council to reconsider this policy change. You will drive a wedge between many successful voluntary relationships which exist in our rental market place. Thank you for your time and consideration.

Sincerely,  
John Fiebich

## Duplex feedback - Ellis Act

Murgesh Navar



Wed 10/10/2018 4:38 AM

To: RSP <RSP@sanjoseca.gov>;

Hello,

I own a duplex in the 95126 zip code. Extending the Ellis act to smaller landlord's will introduced friction in tenant:landlord relationships. Small landlords will become unreasonably risk averse and many residents deserving of a chance to prove their reliability as good tenants will now not be given that opportunity. In the current market, there is a good supply of highly paid professionals looking to rent on 1-2 year terms. These are unlikely to need the proposed Ellis act protections. Landlords will seek them out at the expense of more vulnerable populations.

-murgesh

**Nguyen, Viviane**

---

**From:** Scott Grasmoen [REDACTED]  
**Sent:** Monday, October 29, 2018 4:41 PM  
**To:** RSP  
**Subject:** Survey Assessment for Duplex Owner in San Jose

Dear Housing Department

I received your second mailing asking me to participate in your survey concerning the Ellis Act and rent control. The questions that you're asking are simply none of the business of a government agency. We all enjoy a certain amount of privacy and less government intrusion is the foundation of private property rights. Rent control in the last 40 years has been destructive to the housing supply and created a **"failure to launch"** by those who live under it.

Scott Grasmoen

**Nguyen, Viviane**

---

**From:** Alex H [REDACTED]  
**Sent:** Friday, August 24, 2018 11:35 AM  
**To:** RSP  
**Subject:** San Jose Duplexes

To Whom It May Concern,

Having been a tenant longer than I have been a homeowner, I am writing today to urge the city to exclude duplexes from the Apartment Rent Ordinance since these types of homes provide one of the rare market entry points for renters to transition to home ownership.

The market entry point for renters to transition to home ownership is already extremely challenging and for those that want to own their own home someday, duplexes are one of the few viable solutions. Duplexes help renters transition to home ownership because potential rent collected from the extra unit are calculated as income in their loans, allowing those with less cash to receive a better loan. By restricting the rent on duplexes, it will diminish the already slim opportunities for people to transition to home ownership.

Rent control laws should consider how it can indirectly restrict the financial mobility of renters it seeks to protect. In the case of duplexes, I strongly urge the city to continue to exclude them.

Best Regards,

Alexandra Harris

# Duplex Owners

Antonina Ettare [REDACTED]

Mon 10/8/2018 11:44 PM

To: RSP <RSP@sanjoseca.gov>;

I am an owner of a duplex that I built around 2004. It was very difficult to have my plans put through the Building Department at that time. The Building Department DID NOT RECOMMEND the construction of my unit. This is probably one of the reasons these types of units weren't built. The difficulties in getting building plans through the Building Department is also probably the reason we are in short supply.

I live in one unit and rent the unit I had built. This is my plan to supplement my income. Currently the income is used to stay in the valley now that I am retired. Another purpose of this unit may be to house a care giver if needed in my future.

Please don't put Ellis Act burden due to a tight rental market on the owners of these duplexes. Please don't put the burden on the ADUs either as we are the ones to add the infill of housing the City should have been doing.

I support high-density housing for mid and low income residents. I do not support applying the Ellis Act Ordinance on duplexes and ADUs.

Respectfully,  
Antonina

# Duplexes (proposed Tenant Protection Act and Ellis Act Ordinances)

Wed 10/3/2018 10:07 AM

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

Cc: Wright, Sara <sara.wright@sanjoseca.gov>;

Dear Mayor and Council Members,

On August 23<sup>rd</sup> I attended a workshop regarding San Jose Duplexes where it was shared that "the City Council wants your input on extending city ordinances to Duplexes". It's my understanding that the City is considering including Duplexes under the Tenant Protection Ordinance and the Ellis Act Ordinance. No one attending the workshop expressed support for these changes. Here's my input.

**This change would have unintended negative consequences for renters.** If the objective is to drive all the long-term duplex owners out of the market, this is a good approach. However, if the objective is to keep rents low do not approve these ordinances for duplexes. As a duplex owner in San Jose for the last 32 years, I am able to keep rent costs substantially lower than corporations or newer owners (due to lower taxes and no mortgage). My current tenants have both lived in my duplex for over 7 years on a month-to-month rental agreement. San Jose is trying to outlaw month-to-month rental agreements! No competent landlord would ask a good tenant to move. No reason should be necessary to ask a tenant to vacate. The balance of power is equal. If the City of San Jose wants to get into the duplex rental business, buy some properties and contract with them as you see fit, but don't get in the middle of a private property owner and their tenants!

My current tenants are each paying \$8400/yr. below market rent. Yet, the City of San Jose thinks it's a good idea for the landlords to pay the tenant to relocate over \$10,000!? If that were the case, why would I keep rents low? I've already provided my tenants with a subsidy of over \$40,000 each over the last 5 years! It appears that my best move if the Council approves this measure is to either 1) Increase the rent to the market rates or 2) Sell the duplex and move the funds to a city that appreciates my investment. Therefore, the purchaser of my duplex (paying top dollar) will need to charge the highest rent possible to afford their new mortgage. Also, the new owner will want to move into one side of the duplex displacing one of the renters. So again, what is the objective of these ordinances?

Asking good renters to move is not a strategy of current duplex owners and is not a problem in the City of San Jose. These new ordinances are not needed for duplexes. The only way to solve the housing problem is through the supply, so approve more residential building permits faster! Thanks.

Dave Baldwin  
Duplex Owner since 1985

cc: Sara Wright, Housing Department

# Oppose New Rent Stabilization restrictions on Duplexes

Dave Klenske [REDACTED]

Fri 8/31/2018 5:04 PM

To: RSP <RSP@sanjoseca.gov>;

I'm writing to oppose your proposed rent stabilization restrictions on duplexes, including the TPO and Ellis Act ordinance.

I own one residential rental property, which is a duplex in San Jose. This was purchased for long term goals of generating income to pay for it, and someday housing my father-in-law when he can no longer live alone and my son with severe learning disabilities, who would not be able to live in the area without financial assistance. I saved as much money as I could to purchase in San Jose specifically because there were not governmental restrictions and we were free to charge market rents to pay for much needed upkeep, maintenance and mortgage payments.

Since that time, the City of San Jose has blamed the housing crisis on landlords such as myself. You have vilified the 'greedy corporations' who are raising rents and displacing residents. What you have and continue to fail to realize is what all students learn in Econ 101- supply, demand and pricing curves. If the City of San Jose were truly interested in solving the housing crisis, you would do everything possible to increase supply. The current high prices come from the incredible demand of individuals and families wanting to take advantage of the South Bay jobs, environment and diversity. If supply increases, prices naturally drop. By trying to create burdens on landlords, you increase the cost of doing business, create disincentive to invest and pay taxes to your city, and hurt the very residents you are apparently trying to help.

I have always found that a happy tenant is a good tenant. I treat my tenants with fairness and respect, with the expectation they will treat my investment with respect. They will notify me of problems, I will fix and update things as I am able. My tenants typically stay for years, and it is always to my benefit to create incentives for them to do so. Vacancies do not help my bottom line. However, if a situation arises where I need to take action, your proposed governmental restrictions will add significant cost and zero value.

I do not have a magic bucket of money that gets used to pay for things getting pushed onto landlords. Last year, you made me become a business in San Jose, paying a fee for my duplex (as an aside, you immediately sold my contact information and I have been barraged by telemarketing calls trying to sell me things and wasting my time- thank you for that). I had to pass on those costs to my tenants' leases. And I made clear to them, that this was not 'Mr. Greedy Landlord' raising their rents, that this was passing through new taxes imposed on me by the City of San Jose. All rents I receive from my tenants fund all costs, expenses, upgrades and repairs of the duplex. None of them flow back to me personally. And the more costs and complexity you impose on me the worse it will get for tenants. And that's a shame, as the people who rent my duplex are hard working, taxpaying individuals (a family with high school kids, and a single mom with two daughters struggling to make ends meet) and they deserve better!

While your flier claims that "duplexes will continue to not be rent stabilized," I have heard that before.. And the City of San Jose continues to push to increase control and bureaucracy. What it may be an accurate statement today, I would be a fool to believe that you will not subject my property to future rent control restrictions rather than solve the supply problem which plagues all types of housing in the Bay Area. And going back to my Econ 101 example, students learn that any type of rent control is bad for tenants, the very people that are apparently trying to be helped.

In summary, I **OPPOSE** any further restrictions on Duplexes and ask that you let me operate my duplex as a responsible landlord. I strongly urge you to FIX THE HOUSING SUPPLY problem. If you do that, you will not need to worry about the rest as the market will function in a stable, predictable way.

Respectfully,  
Dave Klenske  
Owner, San Jose Duplex



**Nguyen, Viviane**

---

**From:** FRANK HARRIS [REDACTED]  
**Sent:** Monday, August 27, 2018 12:07 PM  
**To:** RSP  
**Subject:** San Jose Duplexes

We resent that after 40 years of successfully managing our duplexes, the City now thinks it has to step in with all kinds of management stipulations, fees, taxes, etc. Our properties are our main source of income. Obviously, if our tenants are not happy, it is not in our best interest. Asking landlords to submit notices to vacate to the Rent Stabilization Program is ridiculous! Should the City really be taking over the rental business? This seems like an expansion of government that taxpayers should not have to support.

Frank and Marcia Harris

[REDACTED]

# Extending Ordinances to DUPLEXES

James Walsh

Sat 8/18/2018 12:52 AM

To: RSP <RSP@sanjoseca.gov>;

 1 attachments (301 KB)

Addresses.jpg;

Hi, Staff  
SJ Housing Department  
Rent Stabilization Program

I'm the "Pop" half of a Mom-and-Pop DUPLEX ownership, our only rental property. I am in my 80s with limited driving. Thus, I will miss the meeting you invited me to.

Instead, I'll be brief in writing the information you asked me to share with you. Here it comes.

Please recommend NOT adding duplexes to those SJ rentals already required to file forms/comply with SJ ordinances --Ellis Act and TPO. Your ordinance-supporting "simple" forms, currently online, demonstrate that they already are beyond mom's and my tech skills. We would need to start hiring and paying for professional help, a burden to us at this stage of life --perhaps an upcoming expense to the tenants as well.

**Background:** We purchased our one duplex in our middle age, intended for retirement security. The mortgage interest rate was 13% then (1983), later refinanced to 9%. We subsidized the mortgage (and the rents) from my solo family (teaching) income. We held on to the building by curtailing new clothing, nutrition, and outings for us and our children.

Over these decades, we have fulfilled all ongoing obligations to the DUPLEX tenants and to the City of San Jose. The DUPLEX tenants are secure in long-term occupancy as they choose. One family is in 6th year. Other in 14th. They benefit from below market rents, immediate repairs, and stable, proactive management --mom and pop! As well, no police, fire, or social service professionals have ever been needed at the DUPLEX during my personal management. I've prompted tenants to vote for the SJ parcel taxes (most of which advance education) which elevate the DUPLEX property tax.

Let me broaden the context so it might better assist your recommendation to the City Council. There are 7 duplex buildings on the block where mom and I own one. Over my 35 years of personally managing ours, I've made myself acquainted with most of the other DUPLEX owners, past and present. To my knowledge, all but one have been the mom-and-pop types. Several of these one-building owners have lived in their duplex. Doing so, they have served their tenants even better and more promptly than have I.

**Conclusion:** Duplexes (largely mom and pop) should not be added to extended bureaucratic requirements. Not required. Counter productive. An unnecessary, additional burden to your current load of staff functions.

In my case, please allow me to play out my final quarter under the established rules of the game. I'm doing my very best. The DUPLEX tenants are doing their very best. Your "NO" Duplex recommendation to the City Council would help preserve what's been real good, real long.

Respectfully,  
James Walsh

P.S. Do let me know who up the food chain sees this. How is input such as mine included within the Staff mix going forward? jw

Attached: address info.

# Response to Survey Assessment for Duplex Owners in San Jose

Senter Property <goodpricetorent@gmail.com>

Thu 9/6/2018 3:09 PM

To: RSP <RSP@sanjoseca.gov>;

Cc: Senter Property [REDACTED]

 1 attachments (173 KB)

RE Survey Assessment for Duplex Owners in San Jose Sept 6 2018.pdf;

Date September 6, 2018

Dear RSP,

I wish that the city council will not take action to include duplexes under the Rent Stabilization Program ordinances, including Ellis Act Ordinance, Tenant Protection ordinance. Putting duplexes in the rent control hurts tenants, landlords and neighborhoods more than it helps them.

Below is my input on the effects if duplexes being subject to the Tenant Protection Ordinance and Ellis Act Ordinance.

Here's how rent control for duplexes is risky for tenants and neighborhoods:

1. Since landlords can't charge the market rate and 13 just causes for rent-controlled properties, they stand to lose money. In most cases, landlords will remove their properties from the rental market. The housing supply dwindles as a result.
2. My tenants pay below market rent. Since the San Jose city will consider duplexes under the tenant protection ordinance and the Ellis Act Ordinance, I will raise the substantial rent tomorrow to bring the rent to market rate.
3. Tenants can end up paying rent higher than the market rate. Since rent control decreases the supply of open apartments, the demand becomes higher—driving prices up for everyone else.
4. With a limited budget for repairs and upgrades, landlords are less motivated to keep buildings in good condition.
5. If tenant's life circumstances change and consider moving, tenant will find it hard to get a similar deal on an apartment elsewhere.
6. Property values tend to drop in rent-controlled areas, and so do property taxes. This decrease will hurt communities in San Jose that rely on property tax revenue.
7. The conclusion seems to be that rent stabilization doesn't do a good job of protecting its intended beneficiaries—poor or vulnerable renters—because the targeting of the benefits is very haphazard. A study of rent stabilization in Cambridge, for example, concluded that “the poor, the elderly, and families—the three major groups targeted for benefits of rent control—were no more likely to be found in controlled than uncontrolled units.” And, those in uncontrolled units tend to pay higher rents, so they hurt by rent control.
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Attached is the completed Survey Assessment for Duplex Owners in San Jose.

Thank you,

Jenny Suwan

# Duplex

John Higaki [REDACTED]

Tue 8/21/2018 4:52 PM

To: RSP <RSP@sanjoseca.gov>;

We are against the new ordinance. This ordinance makes it tough to be an individual owner of a duplex, we should sell out to an large company that will have the resources to fight city hall.

This ordinance does nothing to increase the number of rental units, nor does it address the imbalance in the pay that is the driving force in creating city council and mayor to pick on individual landlords.

I see that Google is planning a huge complex that the city council and mayor welcomes with open arms, yet this means that up to 20,000 more people will live in the greater San Jose area, which means that the cost of rentals should go up, so we (the individual landlords) can benefit from this increase in the population. The City wants the increase in tax money from the new buildings but does not want the individual landlord to benefit from the same increase in the population. What happened to fairness?

BTY we happen to be seniors (ages 79 and 73), I don't think that the City should be picking on Seniors.

John and Keiko Higaki

# Rent Stabilization Program

John [REDACTED]

Fri 8/31/2018 8:00 PM

To: District9 <district9@sanjoseca.gov>;

Cc: RSP <RSP@sanjoseca.gov>;

Councilman Rocha,

I attended the informational meeting held last night at the Bascom Community Center regarding the extension of city ordinances to duplexes. Unfortunately, my notification of these three scheduled meetings arrived too late to attend the first two. I did enjoy meeting people from my community that do what I do, that is provide housing for our fellow citizens. My foray into home ownership was made possible because of my duplex. I was able to qualify for the loan because I could include the rental income, and I could reduce my taxable income with the use of the depreciation deduction. I also had a lot more responsibility added to my 60 hour a week small business owner schedule. I found out quickly that being a landlord means you are on call 24/7. I am not complaining - just explaining.

Being an owner occupied duplex owner means that you are very intimate with your tenant, in fact I refer to my tenant as my neighbor in all discussion. You share the same driveway, the same walkway, the same floor and roof. You become friends. Our neighbor (tenant) has lived next door to us since 2002. We are both comfortable. That means we respect each other and the voluntary relationship we have nurtured through the years. Of course, we have kept rent increases to a minimum for them. For our neighborhood, they are \$800/mo. below market at minimum. At this time I would also like to mention my mother has a four-plex in Campbell whose occupants have all lived there between 10 - 20 years. Her tenants are also close to \$900/mo. below market. I add this because the narrative is that landlords are bad/greedy people. Not true! We use our efforts and savings to provide a place for our fellow citizens to call home.

Your efforts to include duplexes in the city ordinances will damage the relationships many landlords have with their tenants, especially the owner occupied duplexes. There was a raising of hands at the meeting last night of how many in the room had the same tenant for more than 10 years. More than half raised their hands. This is real world rent stabilization! There were many owner occupied in attendance. I urge the council to reconsider this policy change. You will drive a wedge between many successful voluntary relationships which exist in our rental market place. Thank you for your time and consideration.

Sincerely,  
John Fiebich

## Duplex feedback - Ellis Act

Murgesh Navar [REDACTED]

Wed 10/10/2018 4:38 AM

To: RSP <RSP@sanjoseca.gov>;

Hello,

I own a duplex in the 95126 zip code. Extending the Ellis act to smaller landlord's will introduced friction in tenant:landlord relationships. Small landlords will become unreasonably risk averse and many residents deserving of a chance to prove their reliability as good tenants will now not be given that opportunity. In the current market, there is a good supply of highly paid professionals looking to rent on 1-2 year terms. These are unlikely to need the proposed Ellis act protections. Landlords will seek them out at the expense of more vulnerable populations.

-murgesh

# Rent Stabilization Program

IDC [REDACTED]

Tue 8/21/2018 8:43 PM

To: RSP &lt;RSP@sanjoseca.gov&gt;;

## Property Owner or Social Service Surrogates

All Landlords are now being used as social service surrogates to satisfy the City of San Jose's socialist agenda!

1. Everyone knows that the expense ratio of Duplexes at 25% is much higher than those of apartment complexes at 8% and cannot be treated the same.
2. Utility increases, in addition to demanding that Landlords pay for tenant's garbage and collect those fees with the tax bill is an over-reach of authority.
3. Wage, maintenance and construction cost increases will force landlords of all sizes to become slumlords.
4. Socialist ideas at the expense of others may give a false sense of accomplishment; however, it is like a virus that left unchecked, eventually kills the host.

Landlords are not the bad guys, they did not cause the housing crisis. Eliminating unnecessary costly regulations and fees can substantially increase the number of units to be developed in the city.

Best,

**Rod Farsai, Esq.**

[REDACTED]

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# San Jose Duplex Rent Control Letter

Scott Grasmoen [REDACTED]

Thu 8/23/2018 11:32 PM

To: RSP <RSP@sanjoseca.gov>;

Dear San Jose City Council

Historically speaking, we have benefited greatly as a country from the free market economic system of the last 100 years. We consume more and have cheaper prices while also reaping the benefits of mass technological advances. While those countries that have followed a centrally controlled system with the doctrine of Marx such as China, Russia, Cuba and recently Venezuela have experienced economic shortages....food, consumer products and housing.

Enacting rent control does not create rent stability, it creates shortages. The solutions is to get out of the free market's way and allow them to create more housing. It is your job to amend the archaic zoning ordinances to meet the demand for housing in 2018 and beyond. Secondly, the building codes should also pass a litmus test of diminishing returns, thus keeping the benefits to cost ratios in line.

Yes, government has a role in a free market system but that role is not to shackle progress. Nothing has solved the worlds problems better than free markets. Over 400 million Chinese have been lifted from poverty in the last 20 years, they learned their lesson. History is a great teacher, we have been blessed as a country, please learn from other's failures in what not to do.....we all lose with emotionally driven economic decisions.

Regards

Scott Grasmoen  
Pepperdine University (88')  
Economics  
Santa Clara Realty  
[REDACTED]

# Fwd: Assessment for Duplex owners

Tom Duff [REDACTED]

Tue 10/16/2018 3:32 PM

To: RSP <RSP@sanjoseca.gov>;

**Subject: Assessment for Duplex owners**

I am very opposed to adding duplexes to the Tennant Protection Ordinance .Particularly where the owner has only one duplex. My wife and I lived in this duplex for 10 years my mother in law lived on one side for. some of that time .

On retirement we left the area for more economical living and this duplex was our retirement pension . As a self employed person I do not have a big pension fund , this duplex is it .

We have always said that we may have to move back closer to the family as we get older and this would be the place we would go .

Having to pay 10 thousand dollars would be a big burden to us .

WE have been good landlords and always considerate to our tenants .

Tenants rights should not out weigh the needs of the owner .

Thank you.

Thomas and Kay Duff

[REDACTED]

[REDACTED]

Tenants average 3-5 years tenancy

Rent for each is \$3,000.00 month

## **ARO, Duplex Inclusion 11.7.18**

I am against the inclusion of duplexes under ARO for the following reasons.

- The owners of duplexes are people, who purchase a duplex as an investment and are relying on it to augment their retirement. They generally only have that rental.
- They are not corporations. A recent California Apartment Association survey noted that 50% of ARO properties are owned by San Jose residents and 80% of the owners are from Santa Clara County and 97% are from California.
- The age of their property requires more maintenance. No new duplexes are being built. A National Association of Realtors developed a survey of over 950,000 properties. The result using a 5 year old and a 20 year old property found a 4.5% differential.
- Many manage the property by themselves.
- Many perform their own maintenance (sweat equity) because they don't have sufficient funds.
- According to city statements some 1,500 out of a total 5,500 live in their duplex.
- These owners tend to be the least able financially to take the expenses of housing.
- Owners of duplexes tend to be closer to their tenants and tend to keep rents reasonable to keep their units full.
- If you destroy their ability to stay solvent, you destroy their ability to trade up into four unit rentals. The slow destruction of the property will erode the value and tax base as well.

David Eisbach [REDACTED]

**ARO, Duplex, Ellis Act 11.7.18**

**Ellis Act**

I oppose this inclusion for the following Reasons:

- A. Duplexes are built on standard size lots 60 X 100, 6,000 sq ft or less. Too small for any major reconstruction of more units.
- B. Even modest remodeling requiring residents to vacate for a week becomes prohibitively expensively.
- C. Forcing an owner to pay to remove residents for an expensive remodeling is bad enough, but to have them resettle those same tenants at the same rents deters any thoughts of remodeling or construction.
- D. The original intent of the Ellis Act was to protect tenants from being evicted by owners for the purpose of remodeling an apartment. It was also devised to allow an owner to remove a unit from the rental market. Duplexes are small enough to be treated as a single family residence or converted into a condominium, in either case it will be the only recourse left to a hard-pressed owner.
- E. It is clear to me, when the rent cap is lowered, capital improvement sharing is restricted, occupancy standards are substantially raised, utilities are the owners responsibility, and legal contracts (in the State of California) are overpowered by the San Jose ARO, there is no doubt that existing rental housing stock will erode.

David Eisbach [REDACTED]

## Nguyen, Viviane

---

**From:** Julie Engelbrecht [REDACTED]  
**Sent:** Monday, November 5, 2018 10:08 AM  
**To:** Nguyen, Viviane  
**Subject:** Re: TPO/Ellis for Duplexes

Dear Viviane Nguyen:

I was given your name to send my thoughts on the city's desire to regulate duplexes under the TPO and Ellis Act.

First off it is very difficult to participate in things that matter to us at the city level when these meetings are announced so late or close to the actual time. The notice came out on October 29th with meetings scheduled on Nov 1, Nov 5 and Nov 8 — meaning a 3 to 10 day notice for those concerned wishing to come and speak little opportunity to plan or adjust work schedules so that their voices may be heard.

I have not been able to adjust my schedule to attend Thursday's meeting, so I will share my thoughts here.

We own a duplex that we live in with our daughter. I believe that OWNER OCCUPIED duplexes should be exempt from these regulations as there is a unique situation that occurs when the owner lives in the duplex. It's much more like sharing your home/yard/driveway with someone and as such compatibility and respect is important. Compatibility is not something you can evaluate from a rental application and meeting someone for a walk through of a rental unit. There needs to be a no cause termination of a lease available in owner occupied duplexes, particularly in the cases of incompatibility or if tenants are suddenly and for whatever difficult circumstances can't pay their rent. If we were an investor renting for the purposes of profit generation or a large rental organization we could endure several months without rent as complex issues were worked through or resolved. But we are not an investor earning profit, we rent one unit that is really almost part our home with shared spaces like the laundry room, yard and driveway, and we depend upon the monthly rent to keep up with our expenses of offering the unit ( mortgage, garbage, water, landscaping, repairs and maintenance).


We have been lucky enough for the last 12 years to have the same tenant who enjoys a well below market rate rent on a 2 bedroom duplex. Our rent increases have always been modest and less than inflation, and we have always paid the garbage bill ( long before it was added to our property tax) since our first tenant who moved refused to remove their name from the bill, but would also not pay the bill. A challenge to fix, so we put both units in our name. We have also been unlucky enough to have tenants who were less than courteous about quiet hours and the types of guests and parties they brought home. Despite repeated conversations and written formal letters reminding them of specifications in the lease, behavior that was completely unacceptable ( and in some cases illegal behaviors) continued to the point that we simply did not renew the lease and gave proper and more than ample notice of that. Our rent was and has not been significantly raised after any renter has left. We have been thoughtful and responsible with our rental and feel that we will be penalized if these new rules are put in place and cover *owner occupied* duplexes.

The challenge is that we cannot just move to a new location if the situation with the tenant is bad. If we were renting out both units then either party could move to a new place, but we own and live in this duplex as our home and as such need to be afforded reasonable ways to deal with tenant issues given that we live in the same shared space. We cannot afford to move and rent out our unit so any problem tenant would need to move or our home would no longer be a comfortable safe place to live.

If all duplexes are subject to these new provisions we will likely take our unit off the market and turn to other forms of transient rentals.

Thank you for your consideration of the unique situation of owner occupied duplexes and we hope that they will be exempt from these regulations.

Sincerely,  
Julie Engelbrecht, Richard Smoker and family.

Julie Engelbrecht  


Imagination is more important than knowledge. -Albert Einstein

**From:**

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**Sent:** Monday, November 26, 2018 8:50 PM

**To:** Nguyen, Tam; Rocha, Donald; The Office of Mayor Sam Liccardo; Jones, Chappie; Peralez, Raul; Carrasco, Magdalena; Jimenez, Sergio; Diep, Lan; Arenas, Sylvia; Khamis, Johnny; Davis, Dev; City Clerk

**Subject:** Please do not add San Jose Duplex under Rental Control.

Dear All:

Thank you for your serve to San Jose for its people and for its businesses.

I just heard that San Jose City Council will discuss the possibilities to add duplexes under rent control on 12/11/18.

Most duplex owners are mom and pop small house providers.

It has been proven in many rental control cities and by economists that strict rental control does not work. It may hurt the good local residences that we really want to protect due to less house supply, poorer maintained property, and less safe community..

The result of Prop-10 clearly tells that most of California voters do not support stricter rent control, and people understand how it will negatively impact for the people in need, for business, and for everybody in a long term.

On 12/11/18 city council meeting, please do not vote to add duplex pop and mom landlords under rental control, please do not wipe them out of business and reduce rent unit supply in San Jose.

Thank you for your attention and your consideration!

Sincerely,  
Mary  
A homeowner

Sent from my iPhone