

From: Anil Babbar

Sent: Monday, May 21, 2018 1:45 PM

To: Liccardo, Sam; Jones, Chappie; Jimenez, Sergio; Peralez, Raul; Diep, Lan; Carrasco, Magdalena; Davis, Dev; Nguyen, Tam; Arenas, Sylvia; Rocha, Donald; Khamis, Johnny

Cc: City Clerk; kyra.kazantis@sanjoseca.gov; Fong, Mason; Ferguson, Jerad; Chapman, Helen; Herbert, Frances; Groen, Mary Anne; Moua, Louansee; Fedor, Denelle; Hamilton, Peter; McGarrity, Patrick; Dang, Thulien; Ramos, Christina M; Morales-Ferrand, Jacky; VanderVeen, Rachel

Subject: CAA Comments on Item 4.3 - May 22 City Council Agenda

Please refer to attachment for CAA's response to City Council agenda item 4.3

Thank you

[Anil Babbar](#) - Vice President of Public Affairs

California Apartment Association

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O: | C:



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May 21st, 2018

Mayor Liccardo and City Council
City of San Jose
200 E. Santa Clara St.,
San Jose, CA 95113

Dear Mayor Liccardo and City Council,

The California Apartment Association would like to express its appreciation to the Housing Department for the memo on the modifications to the utility pass throughs ordinance. In general, we are supportive of the transition recommendations and the inclusion of new lease agreements with RUBS.

However, in reviewing the memo dated May 11th, 2018, we have two issues that we believe, if corrected, would have a positive impact on the implementation of this change in policy.

In the accompanying memo to the ordinance, on page 4, the Housing Department is calculating the average utility costs based on what the tenants paid for water, sewer and garbage between the date of agreement and May 1st, 2018. Using this basis for the calculation will result in inconsistent calculations because the timeframe can be as little as a month or two and as long as a year. A more accurate calculation can be obtained if the ordinance would use the most recent 12-month period, or any portion thereof if the tenant has not resided in the unit for 12 months.

The second issue is the continued use of RUBS until the petition has been approved. While the Housing Department has mentioned to us, verbally, that property owners will be allowed to continue charging RUBS as they have been until the petition has been approved, we do not see it mentioned in either the ordinance or the accompanying memo.

Thank you for considering these changes.

Sincerely,

Anil Babbar