

ASSEMBLY BILL 291 (CHIU)

IMMIGRANT TENANT PROTECTION ACT OF 2017

SUMMARY

This bill protects tenants from deportation threats. California renters should not have to fear intimidation and retaliation in their homes.

BACKGROUND

Landlords learn a lot about tenants: their social security numbers, the languages they speak, the times they're at home, and the identities of their families. Tenants have virtually no protection against misuse of this information.

Advocates in Los Angeles, Orange County, the San Francisco Bay Area, the Central Coast, and the Central Valley share stories of landlords threatening to report tenants to immigration authorities unless they immediately move out. In many cases, these threats are made to retaliate against tenants for reporting habitability issues, such as exposed electrical wiring and vermin, which landlords are legally required to fix. In other cases, it's to avoid the statutory eviction process, which ensures due process for tenants at risk of losing their homes. Threats are even made in connection with gentrification, when, in order to raise rents, long-time tenants are suddenly targeted for eviction based on their suspected immigration status.

THE PROBLEM

While the majority of landlords are law-abiding, some unscrupulous landlords seek to avoid their legal obligations by threatening to report tenants to immigration authorities. In recent years, the Legislature has enacted strong protections against such threats in the workplace. It is time to provide tenants the same protections in their homes.

Advocates statewide have reported many such instances, including the following:

"It is very common that landlords threaten to call ICE if a tenant refuses to vacate (whether a valid eviction notice has been served or not), and also if tenants complain about habitability or other maintenance and repair issues. We are worried that these sorts of threats in a post-Trump era will make it even less likely that undocumented tenants will stand up for themselves against abusive and illegal landlord behavior."

"The main thing I see is intimidation - landlords threatening to call immigration on tenants in order to get them to leave."

"When a new landlord takes over a building and wants to gentrify, he or she will run a credit check on undocumented tenants and then seek to evict on the grounds that the tenants provided false or duplicate social security numbers in their rental applications—even if the rental commenced years earlier."

THE SOLUTION

AB 291 would do as follows:

- Prohibit landlords from threatening to report tenants to immigration authorities, whether in retaliation for engaging in legally-protected activities or to influence them to vacate.
- Bar landlords from disclosing information related to tenants' immigration status for the purpose of retaliation, intimidation, harassment, or in order to evict a tenant without using proper procedures.
- Provide tenants the right to sue landlords who disclose information about their citizenship status to law enforcement for the purpose of retaliation, intimidation, harassment, or in order to evict a tenant without using proper procedures.
- Codify an existing defense to unlawful evictions based on immigration status.
- Prohibit questions about tenants' immigration status in discovery or at trial.
- Prohibit attorneys from reporting, or threatening to report, the immigration status of persons involved in housing cases.

As versions of most of these protections already exist in employment law, it only makes sense to extend them to landlord-tenant law.

Undocumented tenants know their landlords have the power to destroy their lives with a single phone call. Should they have to live in fear simply because they rent their homes?

SUPPORT

California Rural Legal Assistance Foundation (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
ACLU

AIDS Legal Referral Panel
Alameda County Board of Supervisors
Alliance of Californians for Community Empowerment
Asian Americans Advancing Justice
Bay Area Legal Aid
Bet Tzedek
California Apartment Association
California Employment Lawyers Association
California Federation of Teachers, AFT, AFL-CIO
California Immigrant Policy Center
California Labor Federation
California School Employees Association (CSEA), AFL-CIO
California State Council, Service Employees
International Union (SEIU)
California WIC Association (CWA)
City of East Palo Alto
City and County of San Francisco
Coalition for Humane Immigrant Rights of Los Angeles
(CHIRLA)
Community Legal Services in East Palo Alto
Community Water Center
Council on America-Islamic Relations, California (CAIR-
CA)
Courage Campaign
Equal Justice Society
Fair Housing Advocates of Northern California
Fair Housing Council of Orange County
Fathers & Families of San Joaquin
Filipino Advocates For Justice
Filipino Migrant Center
Fresno Interdenominational Refugee Ministries (FIRM)
Golden State Manufactured-Home Owners League
(GSMOL)
Healthy Homes Collaborative
Housing and Economic Rights Advocates (HERA)
Inner City Law Center
Jewish Public Affairs Committee of California
Latino Coalition for a Healthy California
Law Foundation of Silicon Valley
Legal Aid Association of California
Legal Aid Foundation of Los Angeles (LAFLA)
Legal Aid Society of Orange County
Legal Aid Society of San Mateo County
Legal Services of Northern California
Mutual Housing California
National Association of Social Workers, California
Chapter
National Housing Law Project
Neighborhood Legal Services of Los Angeles County
Non-Profit Housing Association of Northern California
(NPHANC)
Pasadena Tenants Union
PolicyLink

Progressive Asian Network for Action (PANA)
Project Sentinel
Public Advocates
Public Counsel
Public Law Center
San Diego Volunteer Lawyer Program, Inc.
Southeast Asia Resource Action Center
Strategic Actions for a Just Economy (SAJE)
Tenants Together
The Public Interest Law Project
University of California, Berkeley City Planning + Public
Health Master's Students Committee
University of California, Berkeley College of
Environmental Design Student of Color
University of California, Berkeley Planning Students
Association
Urban Habitat
Vietnamese Youth Development Center
Individuals (7)

NEUTRAL

Apartment Association, California Southern Cities
Apartment Association of Orange County
California Association of Realtors
East Bay Rental Housing Association
North Valley Property Owners Association
San Diego County Apartment Association

FOR MORE INFORMATION

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AB-291 Housing: immigration. (2017-2018)

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Assembly Bill No. 291

CHAPTER 489

An act to amend Section 6103.7 of the Business and Professions Code, to amend Sections 1940.2, 1940.3, and 1942.5 of, and to add Sections 1940.05, 1940.35, and 3339.10 to, the Civil Code, and to add Section 1161.4 to the Code of Civil Procedure, relating to housing.

[Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 291, Chiu. Housing: immigration.

(1) Existing law, the State Bar Act, makes it a cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment.

This bill would expand that provision to make it a cause for suspension, disbarment, or other discipline for a member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to the hiring of residential real property.

(2) Existing law provides that a tenant of real property, property for a term less than life, or the executor of his or her estate, is guilty of unlawful detainer if, among other things, he or she continues in possession, in person or by subtenant, of the property or any part of the property, after the expiration of the term for which it is let to him or her, except as specified. Existing law authorizes a tenant of residential real property to assert as an affirmative defense in an unlawful detainer action based upon a default in the payment of rent that the lessor failed to comply with certain requirements relating to the safety and habitability of the dwelling.

This bill would prohibit a lessor from causing a tenant or occupant to quit involuntarily or bring an action to recover possession because of the immigration or citizenship status of a tenant, occupant, or other person known to the lessor to be associated with a tenant or occupant, unless the lessor is complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant. The bill would authorize a tenant or occupant to assert as an affirmative defense in an unlawful detainer action that a lessor violated this provision. The bill would also establish a rebuttable presumption that an affirmative defense is successful if the lessor approved the tenant or occupant to take possession of the unit before filing the unlawful detainer action and included in the unlawful detainer action specified claims.

(3) Existing law makes it unlawful for a lessor to engage in specified activities for the purpose of influencing a lessee to vacate a dwelling, including using, or threatening to use, force, willful threats, or menacing conduct that

interferes with the tenant's quiet enjoyment of the premises and that would create an apprehension of harm in a reasonable person.

This bill would also prohibit a lessor from threatening to disclose information regarding or relating to the immigration status or citizenship status of a tenant, occupant, or other person associated with a tenant or occupant for the purpose of influencing a tenant to vacate a dwelling.

(4) Existing law prohibits a lessor, or an agent of a lessor, from making any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential real property, or from requiring a tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status. Existing law provides that the prohibitions described above do not prohibit a lessor from complying with any legal obligation under federal law.

This bill would also prohibit a lessor, or an agent of a lessor, from disclosing to any person or entity information regarding or relating to the immigration or citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the rental property for the purpose of, or with the intent of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling. The bill would clarify that the term "federal law" in the provision described above includes any legal obligation of a lessor under a federal government program that provides for rent limitations or rental assistance to a qualified tenant, and would broaden that provision to include any legal obligation of a lessor under a subpoena, warrant, or other order issued by a court.

This bill would make it unlawful for a lessor to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the lessor to be associated with a tenant or occupant, as provided, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling, unless the lessor is complying with any legal obligation under federal law, or a subpoena, warrant, or order issued by a court. The bill would require a court to order a lessor to pay specified civil penalties in the event of a violation of these provisions to the tenant, and to issue injunctive relief to prevent the lessor from engaging in similar conduct in the future, and would require the court to notify the district attorney of the county in which the real property for hire at issue was located of a potential violation of specified laws relating to extortion. The bill would also require a court to award attorney fees and costs to the prevailing party in an action under these provisions. The bill would prohibit a tenant, occupant, or person known to the landlord to be associated with a tenant or occupant, from waiving his or her rights under these provisions. The bill would authorize a nonprofit organization exempt from federal income taxation to bring an action for injunctive relief under these provisions.

(5) Existing law provides that, if a lessor retaliates against a lessee of a dwelling for exercising his or her rights or because of a complaint to an appropriate agency as to tenantability and if the lessee is not in default as to the payment of rent, the lessor may not recover possession, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of the occurrence of specified events.

This bill would provide that a lessor would violate that prohibition if the lessor reported, or threatened to report, the lessee, or individuals known to the lessor to be associated with the lessee, to immigration authorities, but would provide that a lessor would not violate that prohibition if the lessor was complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(6) Existing law prohibits a lessor from retaliating against a lessee because he or she has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law by increasing rent, decreasing services, causing a lessee to quit involuntarily, bringing an action to recover possession, or from threatening to do any of those acts.

This bill would provide that a lessor would violate that prohibition if the lessor reported, or threatened to report, the lessee, or individuals known to the lessor to be associated with the lessee, to immigration authorities, but would provide that a lessor would not violate that prohibition if the lessor was complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(7) Existing law declares that all protections, rights, and remedies available under state law are available to all individuals in the state who have applied for employment or are employed, regardless of immigration status, as specified. Existing law also declares, for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, that a person's immigration status is irrelevant to the issue of liability and that discovery

into a person's immigration status is prohibited unless the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law. Existing law also provides that the immigration status of a minor child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy and would prohibit discovery or other inquiry in a civil action or proceeding into a minor child's immigration status, with specified exceptions.

This bill would declare that the immigration or citizenship status of any person is irrelevant to any issue of liability or remedy under specified provisions of law relating to the rights of tenants, and would prohibit inquiry being made in a civil action initiated to enforce those laws into a person's immigration or citizenship status unless 2 exceptions to that prohibition apply.

(8) This bill would incorporate additional changes to Section 1940.3 of the Civil Code proposed by AB 299 to be operative only if this bill and AB 299 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6103.7 of the Business and Professions Code is amended to read:

6103.7. It is cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment or hiring of residential real property, broadly interpreted. As used in this section, "family member" means a spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild related by blood, adoption, marriage, or domestic partnership.

SEC. 2. Section 1940.05 is added to the Civil Code, immediately following Section 1940, to read:

1940.05. For purposes of this chapter, "immigration or citizenship status" includes a perception that the person has a particular immigration status or citizenship status, or that the person is associated with a person who has, or is perceived to have, a particular immigration status or citizenship status.

SEC. 3. Section 1940.2 of the Civil Code is amended to read:

1940.2. (a) It is unlawful for a landlord to do any of the following for the purpose of influencing a tenant to vacate a dwelling:

(1) Engage in conduct that violates subdivision (a) of Section 484 of the Penal Code.

(2) Engage in conduct that violates Section 518 of the Penal Code.

(3) Use, or threaten to use, force, willful threats, or menacing conduct constituting a course of conduct that interferes with the tenant's quiet enjoyment of the premises in violation of Section 1927 that would create an apprehension of harm in a reasonable person. Nothing in this paragraph requires a tenant to be actually or constructively evicted in order to obtain relief.

(4) Commit a significant and intentional violation of Section 1954.

(5) Threaten to disclose information regarding or relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant. This paragraph does not require a tenant to be actually or constructively evicted in order to obtain relief.

(b) A tenant who prevails in a civil action, including an action in small claims court, to enforce his or her rights under this section is entitled to a civil penalty in an amount not to exceed two thousand dollars (\$2,000) for each violation.

(c) An oral or written warning notice, given in good faith, regarding conduct by a tenant, occupant, or guest that violates, may violate, or violated the applicable rental agreement, rules, regulations, lease, or laws, is not a violation of this section. An oral or written explanation of the rental agreement, rules, regulations, lease, or laws given in the normal course of business is not a violation of this section.

(d) This section does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing state or local law; nor does this section enlarge or diminish any ability of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant.

SEC. 4. Section 1940.3 of the Civil Code is amended to read:

1940.3. (a) A city, county, or city and county shall not, by statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance, or regulation, compel a landlord or any agent of the landlord to make any inquiry, compile, disclose, report, or provide any information, prohibit offering or continuing to offer, accommodations in the property for rent or lease, or otherwise take any action regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(b) A landlord, or any agent of the landlord, shall not do any of the following:

(1) Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(2) Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status.

(3) Disclose to any person or entity information regarding or relating to the immigration or citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the rental property for the purpose of, or with the intent of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling.

(c) This section does not prohibit a landlord from doing any of the following:

(1) Complying with any legal obligation under federal law, including, but not limited to, any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant, or other order issued by a court.

(2) Requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

SEC. 4.5. Section 1940.3 of the Civil Code is amended to read:

1940.3. (a) A public entity shall not, by ordinance, regulation, policy, or administrative action implementing any ordinance, regulation, policy, or administrative action, compel a landlord or any agent of the landlord to make any inquiry, compile, disclose, report, or provide any information, prohibit offering or continuing to offer, accommodations in the property for rent or lease, or otherwise take any action regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(b) A landlord, or any agent of the landlord, shall not do any of the following:

(1) Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(2) Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental property disclose or make any statement, representation, or certification concerning his or her immigration or citizenship status.

(3) Disclose to any person or entity information regarding or relating to the immigration or citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the rental property for the purpose of, or with the intent of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling.

(c) This section does not prohibit a landlord from doing any of the following:

(1) Complying with any legal obligation under federal law, including, but not limited to, any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant, or other order issued by a court.

(2) Requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

(d) For purposes of this section, both of the following shall apply:

(1) "Public entity" includes the state, a city, county, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state.

(2) "State" includes any state office, department, division, bureau, board, or commission and the Trustees of the California State University and the California State University.

SEC. 5. Section 1940.35 is added to the Civil Code, immediately following Section 1940.3, to read:

1940.35. (a) It is unlawful for a landlord to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling, irrespective of whether the tenant or occupant currently resides in the dwelling.

(b) If a court of applicable jurisdiction finds a violation of this section in a proceeding initiated by a party or upon a motion of the court, the court shall do all of the following:

(1) For each person whose status was so disclosed, order the landlord to pay statutory damages in an amount to be determined in the court's discretion that is between 6 and 12 times the monthly rent charged for the dwelling in which the tenant or occupant resides or resided.

(2) Issue injunctive relief to prevent the landlord from engaging in similar conduct with respect to other tenants, occupants, and persons known to the landlord to be associated with the tenants or occupants.

(3) Notify the district attorney of the county in which the real property for hire is located of a potential violation of Section 519 of the Penal Code.

(c) A landlord is not in violation of this section if he or she is complying with any legal obligation under federal law, or subpoena, warrant, or order issued by a court.

(d) In making findings in a proceeding under this section, a court may take judicial notice under subdivision (d) of Section 452 of the Evidence Code of the proceedings and records of any federal removal, inadmissibility, or deportation proceeding.

(e) A court shall award to the prevailing party in an action under this section attorney's fees and costs.

(f) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

(g) Any waiver of a right under this section by a tenant, occupant, or person known to the landlord to be associated with a tenant or occupant shall be void as a matter of public policy.

(h) An action for injunctive relief pursuant to this section may be brought by a nonprofit organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, as amended. That organization shall be considered a party for purposes of this section.

SEC. 6. Section 1942.5 of the Civil Code is amended to read:

1942.5. (a) If the lessor retaliates against the lessee because of the exercise by the lessee of his or her rights under this chapter or because of his complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of his or her rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, has provided notice of a suspected bed bug infestation, or has made an oral complaint to the lessor regarding tenantability.

(2) After the date upon which the lessee, in good faith, has filed a written complaint, or an oral complaint which is registered or otherwise recorded in writing, with an appropriate agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability.

(3) After the date of an inspection or issuance of a citation, resulting from a complaint described in paragraph (2) of which the lessor did not have notice.

(4) After the filing of appropriate documents commencing a judicial or arbitration proceeding involving the issue of tenantability.

(5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor.

In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), inclusive.

(b) A lessee may not invoke subdivision (a) more than once in any 12-month period.

(c) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (a). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(d) Notwithstanding subdivision (a), it is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of those acts, for the purpose of retaliating against the lessee because he or she has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law. In an action brought by or against the lessee pursuant to this subdivision, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory.

(e) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (d). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(f) This section does not limit in any way the exercise by the lessor of his or her rights under any lease or agreement or any law pertaining to the hiring of property or his or her right to do any of the acts described in subdivision (a) or (d) for any lawful cause. Any waiver by a lessee of his or her rights under this section is void as contrary to public policy.

(g) Notwithstanding subdivisions (a) to (f), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein, or within subdivision (d), if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in subdivision (a) or (d). If the statement is controverted, the lessor shall establish its truth at the trial or other hearing.

(h) Any lessor or agent of a lessor who violates this section shall be liable to the lessee in a civil action for all of the following:

(1) The actual damages sustained by the lessee.

(2) Punitive damages in an amount of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) for each retaliatory act where the lessor or agent has been guilty of fraud, oppression, or malice with respect to that act.

(i) In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action.

(j) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

(k) A lessor does not violate subdivision (c) or (e) by complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

SEC. 7. Section 3339.10 is added to the Civil Code, to read:

3339.10. (a) The immigration or citizenship status of any person is irrelevant to any issue of liability or remedy under Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3, Chapter 2 (commencing with Section 789) of Title 2 of Part 2 of Division 2 of this code, or under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, or in any civil action involving a tenant's housing rights.

(b) (1) In proceedings or discovery undertaken in a civil action to enforce Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3, Chapter 2 (commencing with Section 789) of Title 2 of Part 2 of Division 2 of this code, or under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil

Procedure, or in any civil action involving a tenant's housing rights, no inquiry shall be permitted into a person's immigration or citizenship status, except as follows:

(A) The tenant's claims or defenses raised place the person's immigration or citizenship status directly in contention.

(B) The person seeking to make this inquiry demonstrates by clear and convincing evidence that this inquiry is necessary in order to comply with federal immigration law.

(2) The assertion of an affirmative defense to an unlawful detainer action under Section 1161.4 of the Code of Civil Procedure does not constitute cause under this subdivision for discovery or other inquiry into that person's immigration or citizenship status.

SEC. 8. Section 1161.4 is added to the Code of Civil Procedure, to read:

1161.4. (a) A landlord shall not cause a tenant or occupant to quit involuntarily or bring an action to recover possession because of the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, unless the landlord is complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(b) In an unlawful detainer action, a tenant or occupant may raise, as an affirmative defense, that the landlord violated subdivision (a).

(c) It is a rebuttable presumption that a tenant or occupant has established an affirmative defense under this section in an unlawful detainer action if the landlord did both of the following:

(1) Approved the tenant or occupant to take possession of the unit before filing the unlawful detainer action.

(2) Included in the unlawful detainer action a claim based on one of the following:

(A) The failure at any time of a previously approved tenant or occupant to provide a valid social security number.

(B) The failure at any time of a previously approved tenant or occupant to provide information required to obtain a consumer credit report under Section 1785.11 of the Civil Code.

(C) The failure at any time of a previously approved tenant or occupant to provide a form of identification deemed acceptable by the landlord.

(d) This section does not create a rebuttable presumption that a tenant or occupant has established an affirmative defense under this section if a landlord has requested the information described in paragraph (2) of subdivision (c) for the purpose of complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant, or any other federal law, or a subpoena, warrant, or other order issued by a court.

(e) The rebuttable presumption in this section does not limit paragraph (2) of subdivision (c) of Section 1940.3 of the Civil Code.

(f) No affirmative defense is established under subdivision (b) if a landlord files an unlawful detainer action for the purpose of complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(g) For purposes of this section, "immigration or citizenship status" includes a perception that the person has a particular immigration status or citizenship status, or that the person is associated with a person who has, or is perceived to have, a particular immigration status or citizenship status.

SEC. 9. Section 4.5 of this bill incorporates amendments to Section 1940.3 of the Civil Code proposed by both this bill and Assembly Bill 299. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 1940.3 of the Civil Code, and (3) this bill is enacted after Assembly Bill 299, in which case Section 4 of this bill shall not become operative.

Summary of Jurisdictions with Provisions Related to Criminal Activity

Jurisdiction	Provision Related to Criminal Activity
Los Angeles	<p><i>Ordinance No. 180449 [Nuisance cause of action]</i></p> <ul style="list-style-type: none"> • The tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental unit or to the unit’s appurtenances, or to the common areas of the complex containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the rental complex or within a 1,000-foot radius extending from the boundary line of the rental complex. • The term “nuisance” as used in this subdivision includes, but is not limited to, any gang-related crime, violent crime, unlawful weapon or ammunition crime or threat of violent crime, illegal drug activity, any documented activity commonly associated with illegal drug dealing, such as complaints of noise, steady traffic day and night to a particular unit, barricaded units, possession of weapons, or drug loitering as defined in Health and Safety Code Section 11532, or other drug related circumstances brought to the attention of the landlord by other tenants, persons within the community, law enforcement agencies or prosecution agencies. • Violent crime is any crime which involves use of a gun, a deadly weapon or serious bodily injury and for which a police report has been completed. A violent crime under this subdivision shall not include a crime that is committed against a person residing in the same rental unit as the person committing the crime.
Santa Monica	<p><i>Article XVIII. Rent Control Section 1806 (A)(4) [Separate criminal conviction cause of action]</i></p> <p>Section 1806 (a)(4) The tenant is convicted of using or expressly permitting a controlled rental unit to be used for any illegal purpose</p>
Berkeley	<p><i>Rent Stabilization and Eviction for Good Cause Ordinance Berkeley Municipal Code (B.M.C.) Ix. Rent Stabilization Chapter 13.76 [Nuisance cause of action]</i></p> <p>The tenant has continued, following written notice to cease, to be so disorderly as to destroy the peace and quiet of other tenants or occupants of the premises or the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161</p>
San Francisco	<p><i>Chapter 37 of the San Francisco Administrative Code the Residential Rent Stabilization and Arbitration Ordinance [Separate illegal use cause of action]</i></p> <p>The tenant is using or permitting a rental unit to be used for any illegal purpose, provided however that a landlord shall not endeavor to recover possession of a rental unit solely:</p> <ul style="list-style-type: none"> (A) as a result of a first violation of Chapter 41A that has been cured within 30 days written notice to the tenant; or, (B) because the illegal use is the residential occupancy of a unit not authorized for residential occupancy by the City. Nothing in this Section 37.9(a)(4)(B) prohibits a landlord from endeavoring to recover possession of the unit under Section 37.9(a)(8) or (10) of this Chapter.
Oakland	<p><i>Just Cause for Eviction Ordinance (Measure EE)</i></p> <p>The tenant has used the rental unit or the common areas of the premises for an illegal purpose including the manufacture, sale, or use of illegal drugs.</p>

Tenant Protection Ordinance

City of San José – Department of Housing

Public Comments Received from
February 2, 2018 to April 4, 2018

Policy Development Meeting Series

February 7, 2018 to February 22, 2018

Dot Activity for Public Comments

TPO #1: Should a new just cause reason be added to the Tenant Protection Ordinance for criminal activity?

	Tenant	Landlord
Yes		6
No	22	

TPO #2: Do you think a criminal conviction would be necessary as a basis for an eviction?

	Tenant	Landlord
Yes	3	
No	9	
Other	It has nothing to do with housing. The judicial system can take care of itself. Don't need vigilantes.	

TPO #3: If yes, what documentation should be necessary for criminal activity? Please select all that apply.

	Tenant	Landlord
Property manager testimony		4
Police report		
Conviction of a crime		5
Photo or video evidence		7
Other		

TPO #4: If yes, what types of crime could result in an eviction? Please select all that apply.

	Tenant	Landlord
Embezzlement		
Shoplifting		1
Drug crime	3	5
Violent crime	2	6
Traffic Crime	1	
Other	14: This should not be added to ordinance	Any 1

TPO #5: If yes, a crime committed in which of the following areas could result in an eviction? Please select all that apply.

	Tenant	Landlord
In the apartment	3	
On the rental property		5
1,000-foot radius around the rental property		
Anywhere	1	5
Other	11: None of the above	

2-7-18 Public Meeting Comments Summary

Criminal Activity

- The Housing Dept. should take more active of a role to regarding neighborhood issues. Recent shooting in the Cadillac neighborhood. How can Housing assist landlords in these type of situations? TPO makes addressing crime more challenging.
- "Responsible Landlord Engagement Initiative (RLEI)" available for landlords that are fearful of retaliation.
- "Crime Free" is an approach used by many other cities. Why not try crime free in San Jose?
- When did the City Council discuss crime free housing?
- What proof is required by landlord for the 12 Just Cause?

2-12-18 Public Comments Summary

Tenant Protection Ordinance

- If there is 1 issue, having a gun, would landlord and other tenant want that person with the conviction still living in the unit? Would this be a material lease violation?
- Material violation - what is an example or designate an issue that is material? Example, starting a fire in a backyard. Does lease must specify "criminal activity" or "fire" in the lease?
- If someone is arrested for domestic violence, can a landlord serve a notice?
- What is the City of San Jose's position on criminal activity? Tolerant or zero? 3 day notice? not required and go directly to evict?
- The warning is significant, should a 3 day notice still be allowed or evict right after the 1 instance?
- Someone (for example, son or daughter) can be evicted for a conviction and automatically move in with his mom without approval from the landlord, they/tenant are protected. The roommate clause allows for harboring of criminals.
- Landlord should be able to do a review to be aware of a conviction and maximum number of tenants move in? Landlords need some type of help with this issue/check.

Nguyen, Viviane

From: Nguyen, Viviane
Sent: Tuesday, February 20, 2018 11:08 AM
To: Nguyen, Viviane
Subject: RE: Comments on the mtg held 2/12/18

From: [REDACTED]
Sent: Friday, February 16, 2018 4:08:17 PM
To: RSP
Subject: Fwd: Comments on the mtg held 2/12/18

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

From: seigitado <[REDACTED]>
To: rsp <rsp@sanjose.gov>
Cc: ireneken <[REDACTED]>; jeff <[REDACTED]>; yzhao1017 <[REDACTED]>; cherylxoo <[REDACTED]>
Sent: Wed, Feb 14, 2018 10:39 pm
Subject: Comments on the mtg held 2/12/18

Following are my comments on items discussed at the meeting held at the 7 trees community on 2.12.18 and a few more.

TPO:

1. Rachel said that "Material" violations are subject to termination based on 1 time occurrence. Definition of "Material" violation is not clear to me
2. Criminal activities should be a separately listed "cause" for eviction. One time occurrence should qualify for "cause" eviction. Consequence of criminal activities will deter thoughts of such activities from the tenants. Housing and the city should adopt a zero tolerance to any criminal activities, Is Housing interested in abating crime and slum conditions in San Jose rentals?
3. Only tenant who is guilty of criminal activity should be evicted; not the entire tenant(s) occupying the unit legally.
3. Tenants who are evicted due to criminal activities should not be automatically allowed to be an occupant to a related tenant renting another unit or apt.

RUBS:

1. All utilities should be included which are water, gas, electricity, and sewer.
2. Tenants pay utilities if the units are metered for the utilities If not metered, it is unfair and discriminatory to impose financial burden solely on the provider for the tenants entire usage of the utilities. Just because master metered utilities may be more difficult to administer, RUBS should not be eliminated to dodge the problem.

SOURCE of INCOME;

1. Speaking for myself but I feel others share the same thought. Housing providers are not reluctant to accept section 8 applicants. The reluctance is from the onerous policies associated with renting to them. I would like to see a policy that states that if the Section 8 renters do not adhere to the rental agreement then they can be evicted and any damages caused by the tenants will be paid by the city and that the tenant loses all future vouchers for rental assistance. Housing annual inspection of the unit should not be necessary.

RENT REGISTRY(RR)

1. RR is an egregious invasion of privacy of a private business which is not receiving any assistance or benefits from the City. Why does Housing want the entire rental financial data of

- a Housing provider visible to everyone? To what end is such information necessary? Housing providers do not need City assistance to advertise vacancy.
2. Why should only the rent controlled housing providers be burdened with the cost associated with RR?

HOUSING SERVICES;

1. Additional services, like storage for example, are allowed one time charge of \$50.00. Yet when services are reduced the monthly rent is subject to reduction. So if the Housing providers gets a one time charge of \$50 for storage and then they remove the storage the MONTHLY rent is reduced by the removal of that storage. I fail to see the fairness and logic of this.

Let's all direct our resources and effort toward solving rental shortage for low income family: not to add more and more control on those Housing providers that already serve the lower tiered income families. More controls will not solve shortage!

Respectfully submitted for your consideration.

Seigi Tadokoro, San Jose Rent controlled Housing provider.

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Monday, March 5, 2018 12:14 PM
To: Nguyen, Viviane
Subject: FW: Meeting to talk about criminal reason to JCE
Attachments: criminal_LA_just_cause.docx

Tenant Protection Ordinance public comment

Rachel VanderVeen

Program Manager
408.535.8231

From: Cheryl [REDACTED]
Sent: Monday, March 5, 2018 11:39 AM
To: Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Sean Rhinehart <[REDACTED]>
Subject: Re: Meeting to talk about criminal reason to JCE

Hi Rachel,

I liked what you've spelled out:

"Nuisance Behavior. The Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct **includes violations of state and federal criminal law** that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City Manager. "

But, our concern is that it does not specifically include the state law, CPP 1161(4).

We would like this added to your description. This would make it clear that City regulation is not preempted by State Law.

OR the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161.

For reference, Berkeley includes this in their Good Cause reason #5:

https://www.cityofberkeley.info/Rent_Stabilization_Board/Home/Ordinance_Rent_Stabilization_and_Eviction_for_Good_Cause.aspx

5. The tenant has continued, following written notice to cease, to be so disorderly as to destroy the peace and quiet of other tenants or occupants of the premises **OR** the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161.

Here is CCP 1161(4); it is specific to weapons, ammunitions, and controlled substances in Section 3485 subdivision(c) and Section 3486 subdivision(c).

4. Any tenant, subtenant, or executor or administrator of his or her estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his or her lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using the premises for an unlawful purpose, thereby terminates the lease, and the landlord, or his or her successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of the demised premises under this chapter. For purposes of this subdivision, a person who commits or maintains a public nuisance as described in Section 3482.8 of the Civil Code, or who commits an offense described in subdivision (c) of Section 3485 of the Civil Code, or subdivision (c) of Section 3486 of the Civil Code, or uses the premises to

As a side note:

I've attached the criminal reason from Los Angeles, which covers gang activity, drugs, and weapons.

I don't know the full scope of gang activity in San Jose, or if this would be helpful in keeping our tenants safe.

But, I do like that they have spelled out protections for victims of domestic abuse.

Thanks,
Cheryl

Los Angeles Ordinance:

[http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterxvrentstabilizationordinance?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lamc_ca\\$sanc=JD_151.09](http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterxvrentstabilizationordinance?f=templates$fn=default.htm$3.0$vid=amlegal:lamc_ca$sanc=JD_151.09).

3. **(Amended by Ord. No. 180,449, Eff. 2/5/09.)** The tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental unit or to the unit's appurtenances, or to the common areas of the complex containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the rental complex or within a 1,000 foot radius extending from the boundary line of the rental complex.

The term "nuisance" as used in this subdivision includes, but is not limited to, any gang-related crime, violent crime, unlawful weapon or ammunition crime or threat of violent crime, illegal drug activity, any documented activity commonly associated with illegal drug dealing, such as complaints of noise, steady traffic day and night to a particular unit, barricaded units, possession of weapons, or drug loitering as defined in Health and Safety Code Section 11532, or other drug related circumstances brought to the attention of the landlord by other tenants, persons within the community, law enforcement agencies or prosecution agencies. For purposes of this subdivision, gang-related crime is any crime motivated by gang membership in which the perpetrator, victim or intended victim is a known member of a gang. Violent crime is any crime which involves use of a gun, a deadly weapon or serious bodily injury and for which a police report has been completed. A violent crime under this subdivision shall not include a crime that is committed against a person residing in the same rental unit as the person committing the crime. Unlawful weapon or ammunition crime is the illegal use, manufacture, causing to be manufactured, importation, possession, possession for sale, sale, furnishing, or giving away of ammunition or any weapon listed in subdivision (c)(1)-(5) of Section 3485 of the Civil Code.

Threat of violent crime is any statement made by a tenant, or at his or her request, by his or her agent to any person who is on the premises or to the owner of the premises, or his or her agent, threatening the commission of a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, when on its face and under the circumstances in which it is made, it is so unequivocal, immediate and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety. Such a threat includes any statement made verbally, in writing, or by means of an electronic communication device and regarding which a police report has been completed. A threat of violent crime under this section shall not include a crime that is committed against a person who is residing in the same rental unit as the person making the threat. "Immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity of affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household. "Electronic communication device" includes but is not limited to, telephones, cellular telephones, video recorders, fax machines, or pagers. "Electronic communications" has the same meaning as the term is defined in subsection 12 of Section 2510 of Title 18 of the United States Code, except that "electronic communication"

for purposes of this definition shall not be limited to electronic communication that affects interstate or foreign commerce.

Illegal drug activity is a violation of any of the provisions of Chapter 6 (commencing with Section 11350) or Chapter 6.5 (commencing with Section 11400) of the Health and Safety Code.

4. The tenant is using, or permitting a rental unit, the common areas of the rental complex containing the rental unit, or an area within a 1,000 foot radius from the boundary line of the rental complex to be used for any illegal purpose. **(Amended by Ord. No. 171,442, Eff. 1/19/97.)**

The term "**illegal purpose**" as used in this subdivision includes, but is not limited to, violations of any of the provisions of Division 10, Chapter 6 (commencing with Section 11350) and Chapter 6.5 (commencing with Section 11400) of the California Health and Safety Code, and does not include the use of housing accommodations lacking a legal approved use or which have been cited for occupancy or other housing code violations. **(Amended by Ord. No. 184,822, Eff. 4/30/17.)**

3-13-18 Guadalupe Washington Neighborhood Association Meeting Public Comments

TPO

- My neighbor had families living in his garage, seemed to be illegal, I called Code Enforcement and they removed the family. Now he does not say hi or speak to me
- Please explain how a commissioner is placed on the HCDC?
- What is the next processes after HCDC and Council meeting for TPO Criminal activity?
- We have homeless encampments near the river and there seems to be times where the City or Police can't assist
- Police has a "coffee with a cop" evening event where the Chief of Police and 2 or 3 other officers will attend
- The night walk helps because it lets neighbors no there is an effort that the association is trying and keeping an eye out
- When will the new Criminal Activity updates for TPO be finalized and effective?
- There was a car jacking in the neighborhood, would that constitute an eviction?

3-15-18 Madres y Madres Washington Elementary Tenant Input Public Comments Meeting

TPO

- Regarding to violation #2, Material and habitual violation of lease, there are neighbors that smoke tobacco and marijuana on the premises in the common area or near tenant's windows and/or doorway causing smoke to filter through the apartments. We have do not smoke and have small children
- Neighbor's friend is frequently visiting and parks car in front of her window and smokes marijuana while waiting for his friends. There are either no rules or the rules are ignored
- If the act is violent, that should be grounds to terminate tenancy
- If a grandma lives in an apartment and the adult grandson commits a violent crime, only the grandson should be evicted

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Thursday, March 15, 2018 4:22 PM
To: Nguyen, Viviane
Subject: FW: follow-up to discussion about TPO criminal activity

TPO Public Comment

Rachel VanderVeen

Program Manager
408.535.8231

Hi Rachel,

This is follow-up to our meeting last week on 3/9 about the TPO.

Our request is that you add this statement to the Nuisance Behavior reason:

OR the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161.

This is the same that Berkeley has done in their Good Cause Ordinance.

https://www.cityofberkeley.info/Rent_Stabilization_Board/Home/Ordinance_Rent_Stabilization_and_Eviction_for_Good_Cause.aspx

It would make it clear that City regulations are not pre-empted by State Law wrt written notice.

5. Nuisance Behavior. The Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City Manager **OR** the tenant is otherwise subject to eviction pursuant to subdivision 4 of Code of Civil Procedure Section 1161.

Here is CCP 1161(4); it is specific to weapons, ammunitions, and controlled substances in Section 3485 subdivision(c) and Section 3486 subdivision(c).

4. Any tenant, subtenant, or executor or administrator of his or her estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his or her lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using the premises for an unlawful purpose, thereby terminates the lease, and the landlord, or his or her successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of the demised premises under this chapter. For purposes of this subdivision, a person who commits or maintains a public nuisance as described in Section 3482.8 of the Civil Code, or who commits an offense described in subdivision (c) of Section 3485 of the Civil Code, or subdivision

(c) of Section 3486 of the Civil Code, or uses the premises to further the purpose of that offense shall be deemed to have committed a nuisance upon the premises.

If you don't agree that this is a feasible for your recommendation, will you please include it as an option for Council?

Thanks,
Cheryl & Sean

??wu???



BAY AREA LEGAL AID

WORKING TOGETHER FOR JUSTICE

March 12, 2018

SENT VIA EMAIL

Rachel Vanderveen
City of San Jose Housing Department
200 E. Santa Clara St.
San José, CA 95113

RE: TENANT PROTECTION ORDINANCE – Criminal Activity Provision

Dear Ms. Vanderveen,

The Law Foundation of Silicon Valley and Bay Area Legal Aid write to express concern about the potential harmful consequences of adding a specific “criminal activity” cause to the Tenant Protection Ordinance (TPO), specifically to those who are survivors of domestic violence, communities of color, and individuals with disabilities. We also write to caution that any “criminal activity” provision adopted as an amendment to the TPO must be limited to convictions for crimes on the property that affect the health and safety of residents, and must allow families to remain in place if the “bad actor” is removed from the property.

I. The Current TPO Sufficiently Addresses Concerns about Evicting Tenants who Engage in Criminal Activity.

As currently drafted, the TPO allows landlords to evict tenants for criminal activity. The nuisance provision of the TPO specifically permits eviction for “violations of state and federal law that destroy the peace, quiet, comfort or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit.” Tenant Protection Ordinance, section 17.23.150. Additionally, the TPO allows for eviction based on material lease violations and many leases bar criminal activity. In our experience, we have seen both bases used to evict tenants when there are allegations that a tenant has engaged in criminal activity.

Any additional basis that would allow landlords to evict tenants for criminal activity must be considered with caution. On a daily basis, we see the struggles families in eviction proceedings face, and specifically impacts that evictions have on families with children. It is extremely difficult for tenants to find housing in this tight rental market, and the number of affordable units is dwindling. While the TPO limits evictions for good cause, we have seen tenants evicted for seemingly pretextual reasons. We have witnessed tenants evicted for minor lease violations, including for storing a toolshed outside. Despite zealously representing tenants in such cases, the reality is, oftentimes tenants lose.

From our experience, concerns raised by landlords about the difficulty that landlords would have proving underlying criminal activity is a nuisance is misplaced within the reality of Santa Clara County's eviction Court. For example, if a landlord could show that a tenant was selling drugs on the property, a Court would not also require the landlord to prove that such drug activity was also affecting the health and safety of other residents – it is assumed that drug activity is nuisance. Moreover, Courts routinely allow landlords to evict for criminal activity with little evidence aside from the landlord's testimony.

II. A Criminal Activity Provision Will Have Negative Effects on Protected Groups.

A criminal activity provision as an independent just cause in San José's Tenant Protection Ordinance may cause real harm to survivors of domestic violence, communities of color, and individuals with disabilities. It may also violate the First Amendment right to petition, the Fair Housing Act, and other anti-discrimination laws. As a result, such a provision has the potential to expose housing providers and the City to liability. If a criminal activity provision is enacted, it should be tailored to promote the health and safety of all individuals, families, and communities, and prevent discrimination and displacement.

A. *An Independent Criminal Activity Just Cause Will Produce a Chilling Effect on Domestic Violence Survivors Seeking Emergency Assistance.*

A criminal activity provision is likely to undercut the health and safety of domestic violence survivors by deterring survivors from contacting police and seeking emergency assistance. This chilling effect exposes localities and landlords to liability for violating a tenant's First Amendment right to petition their government, which includes the right to contact law enforcement, and undermines both the safety and housing stability of victims of domestic violence.¹ For example, in *Briggs v. Borough of Norristown et al.*, a tenant faced eviction from her home after requesting police protection from an abusive ex-boyfriend.² Ms. Brigg's fear of seeking police assistance prevented her from calling the police even as her ex-boyfriend was stabbing her.³ After a lawsuit was filed on the basis that the ordinance violated the tenant's First Amendment right to petition the government for assistance and her rights under the Violence Against Women Act, the ordinance was rescinded and the case was settled for half a million dollars in damages and fees. Implementing additional barriers by penalizing those who seek assistance is detrimental to the health and safety of domestic violence survivors. Although there are domestic violence protections in place pursuant to State and federal laws, we are concerned about the unnecessary chilling effect a criminal activity provision may cause.

¹ ACLU, *Briggs v. Borough of Norristown et al.*, (Sep. 18, 2014), <https://www.aclu.org/cases/briggs-v-borough-norristown-et-al>

² Complaint at 9–17, *Briggs v. Borough of Norristown et al.*, No. 2013 C 2191 (E.D. Pa. Apr. 24, 2013), http://www.aclu.org/files/assets/norristown_complaint.pdf; Lakisha Briggs, *I Was a Domestic Violence Victim. My Town Wanted Me Evicted for Calling 911*, GUARDIAN, (Sep. 11, 2015), <https://www.theguardian.com/commentisfree/2015/sep/11/domestic-violence-victim-town-wanted-me-evicted-calling-911>

³ *Id.*

B. A Criminal Activity Provision Will Have a Disparate Impact on Communities of Color and Individuals with Disabilities.

An independent criminal activity just cause provision may violate the Fair Housing Act if it has an unjustified discriminatory effect, and thus must be limited to convictions.⁴ Communities of color and individuals with disabilities are likely to be disparately impacted by a criminal activity provision due to law enforcement's interaction with these protected groups. Accordingly, a criminal activity provision should require more than an arrest, and be limited to crimes that affect the health and safety of others.

For instance, individuals of color are arrested at disproportionate rates relative to their share of the population and their actual level of participation in criminal conduct.⁵ Additionally, individuals of color are more likely to be detained pre-trial due to income inequality and as a result more likely to be convicted.⁶ Studies have also shown that individuals with mental illness are more likely to be seen by police as suspected offenders, although for relatively minor offenses.⁷ And individuals with mental illness are re-arrested more frequently.⁸ Yet, an arrest does not prove criminal activity.⁹ Therefore, any criminal activity provision should substantiate criminal activity with more than a mere arrest. It should also limit the criminal activity provision to crimes that endanger the safety and health of others.

III. A Criminal Activity Provision Will Have Disproportionately Harsh Penalties.

We caution the City of San José to not include a criminal activity provision in the TPO because of the disproportionately harsh penalties such a provision will likely have. Such a provision can add the penalty of homelessness to the penalties imposed by the criminal justice system. San José's TPO should not impose additional penalties, especially in instances where crimes do not affect the health and safety of other residents or family members, and where those crimes are committed off the premises. Moreover, given the tight rental market and the dearth of affordable housing in San Jose, evictions oftentimes lead to homelessness.

Additionally, forcing homelessness upon a household as a punishment to innocent family members is too drastic. Causing innocent family members to be homeless and displacing entire families due to any criminal activity will likely lead to further instability.¹⁰ A criminal activity

⁴ 24 C.F.R. § 100.500

⁵ Emily Werth, Sergeant Shriver National Center on Poverty Law, *The Cost of Being "Crime Free": Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinance* 13 (2013), <http://povertylaw.org/files/docs/cost-of-being-crime-free.pdf>.

⁶ Ashley Nellis, Ph.D., The Sentencing Project Research and Advocacy Reform, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* 10 (2016), <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

⁷ See, e.g., INT'L ASSOC. OF CHIEFS OF POLICE, BUILDING SAFER COMMUNITIES:IMPROVING POLICE RESPONSE TO PERSONS WITH MENTAL ILLNESS 6 (2010), available at <http://www.theiacp.org/portals/0/pdfs/ImprovingPoliceResponsetoPersonsWithMentalIllnessSummit.pdf>

⁸ *Id.*

⁹ *United States v. Zapete-Garcia*, 447 F.3d 57, 60 (1st Cir. 2006) (“[A] mere arrest, especially a lone arrest, is not evidence that the person arrested actually committed any criminal conduct.”).

¹⁰ Werth, *supra*, note 7, at 12.

provision should not threaten a family's housing stability, or be a basis for an entire family to lose their home. Providing an opportunity to cure by removing the criminally charged household member will allow a household the ability to retain their housing. Therefore, "criminal activity" should be limited to crimes that affect the health and safety of others and crimes that occur on the premises, and the provision should allow innocent household members the opportunity to cure.

A. If a Criminal Activity Provision is Enacted, a Criminal Activity Provision Should be Limited to Crimes Affecting the Health and Safety of Others on the Premises

It is important to distinguish a nexus between the crime and the punishment. A crime that does not affect the health and safety of others should not be punished by both the criminal justice system and the Tenant Protection Ordinance. For example, a tenant who knowingly writes a check with insufficient funds engages in criminal activity, however, this type of criminal activity likely does not result in threatening the health and safety of family members or neighboring residents. While such criminal activity is punishable by the criminal justice system, the Tenant Protection Ordinance should not further punish it with homelessness. Therefore, a criminal activity provision should be limited to crimes endangering the health and safety of others.

A criminal activity provision should be tailored to crimes committed on the premises because those are the crimes that affect the quiet enjoyment and safety of other residents. In tenancies with broad anti-crime provisions, we have seen actual scenarios where minor crimes committed off the premises were used as a basis for rendering a whole family homeless. For example, we represented a client who had lived in a subsidized unit for many years and was threatened with eviction because her grandson had shoplifted from a corner store down the street. Because the crime occurred within 500 feet of the property, the landlord was able to use it as a legal basis under the lease's "criminal activity" provision to evict the whole family. Not only was it clear that the grandson's alleged criminal activity did not threaten the health and safety of other residents, but it was also a clear indication of the disproportionate penalty renting families (which are more likely to be low-income) pay under such policies. If a 14-year-old from a well-to-do family of homeowners is caught shoplifting, the bank does not cancel the family's mortgage. But, because of the policy, the entire family renting the subsidized apartment lost their housing. Therefore, a criminal activity provision should not only be limited to crimes affecting the health and safety of others, but also to crimes that occurred on the premises.

B. If Member of the Household Commits a Crime that Forms a Valid Basis for a Notice to Quit Pursuant to the Criminal Activity Provision, the Remaining Household Members Should Be Given an Opportunity to Cure.

A criminal activity provision should not seek to punish innocent household member for actions outside their control. If a member of the household commits a crime that forms a valid basis for notice under the criminal activity provision, innocent members of the household should be given an opportunity to cure by removing the family member with a criminal conviction. In San Jose, multiple generations live with one household. Allowing a family to remove a bad actor would prevent the remaining family members from being displaced. This prevents an entire household from losing their housing for actions outside their control. Possible ways to cure include the following language:

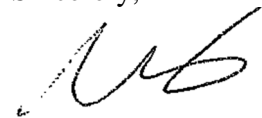
“A landlord may not proceed with an eviction on the basis of criminal activity if the tenant household does the following:

- a. Remove the Member of the household convicted of criminal activity and provide written notice to the landlord within the notice period (i.e. 10 days) that the household member has been removed; OR**
- b. Files a restraining order against the household member convicted of criminal activity or provides evidence of similar steps being taken to remove them from the household;”**

Allowing a household to voluntarily remove the bad actor gives the household the ability to help remove the person and aid the housing provider in ensuring the health and safety of others. Alternatively, if getting the offending household member to leave voluntarily is unsuccessful, a household is given an opportunity to cure through whatever legal recourse might be available to forcibly remove them. By allowing a household to initiate the process of involuntary removal, the family is given the ability to retain their housing and also ensure that the health and safety of others will be protected.

We welcome the opportunity to discuss these recommendations further with you. You can contact us by contacting Nadia Aziz at [REDACTED] or by phone at [REDACTED]

Sincerely,



Nadia Aziz
Supervising Attorney
Law Foundation of Silicon Valley

/s/
Lara Verwer
Staff Attorney
Bay Area Legal Aid

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Sunday, March 18, 2018 5:27 PM
To: Nguyen, Viviane
Subject: FW: Tenant Protection Ordinance - Criminal Activity

Tenant Protection Ordinance public comment

Rachel VanderVeen

Program Manager
408.535.8231

From: Sean Rhinehart [REDACTED]
Sent: Friday, March 16, 2018 2:00 PM
To: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>
Cc: Cheryl <[REDACTED]>
Subject: Re: Tenant Protection Ordinance - Criminal Activity

Here is a link to CCP 1161:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1161

1161(4) (excerpted here) includes specific definitions of nuisance behavior, but also covers criminal behavior generally, per the underlined phrase.

4. Any tenant, subtenant, or executor or administrator of his or her estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his or her lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises **or using the premises for an unlawful purpose**, thereby terminates the lease, and the landlord, or his or her successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of the demised premises under this chapter. For purposes of this subdivision, a person who commits or maintains a public nuisance as described in Section 3482.8 of the Civil Code, or who commits an offense described in subdivision (c) of Section 3485 of the Civil Code, or subdivision (c) of Section 3486 of the Civil Code, or uses the premises to further the purpose of that offense shall be deemed to have committed a nuisance upon the premises.

On Thu, Mar 15, 2018 at 10:32 PM, VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov> wrote:

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Sunday, March 18, 2018 4:30 PM
To: Nguyen, Viviane; RSP
Subject: FW: My feedback on the proposed criminal reason for JCE

Tenant Protection Ordinance public comment.

Rachel VanderVeen

Program Manager
408.535.8231

From: Cheryl [REDACTED]
Sent: Saturday, March 17, 2018 2:16 PM
To: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Cheryl Lubow <[REDACTED]>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>
Subject: My feedback on the proposed criminal reason for JCE

Dear Rachel,

After reviewing the recommended criminal activity reason for the TPO, these are my thoughts:

The recommendation is unfair to tenants, and perhaps unconstitutional, given that people are presumed innocent until proven guilty. The written notice to cure requires a curable violation. How does one cure an indictment? The various options in the "opportunity to cure" can be confusing, and can put undue pressure on tenants to remove an occupant from the unit.

My preference would be two things:

1. Add this criminal reason:

The tenant is convicted of using or expressly permitting the rental unit, or the common areas of the premises, to be used for any illegal purpose.

2. Update the nuisance clause to include:

Or within 100-foot (one hundred) radius extending from the boundary line of the rental complex. Or perhaps 50 feet, but far enough to include the sidewalk, street, and sidewalk across the street.

Thanks,
Cheryl

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Sunday, March 18, 2018 4:29 PM
To: Nguyen, Viviane; RSP
Subject: FW: My feedback on the proposed criminal reason for JCE

Tenant Protection Ordinance public comment

Rachel VanderVeen

Program Manager
408.535.8231

From: Cheryl [REDACTED]
Sent: Saturday, March 17, 2018 2:58 PM
To: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>
Subject: Re: My feedback on the proposed criminal reason for JCE

Hi Rachel,

Here are some additional thoughts:

Restraining orders:

Crime Protection Order is for those family members or close relations who have witnessed the crime or are the victims of them crime. But, family members may not have seen the crime or been victims of it.

Restraining orders can be "no contact" or "peaceful contact". This is a confusing topic.

For non-family members, a Civil Harassment order can be filed. This could be from neighboring units who witnessed the crime or other victims of the crime. As it's not someone from the tenant household getting the restraining order, has the "opportunity to cure" be resolved? This could be abused by neighboring units.

Providing written notice to the landlord that a tenant has been removed, does not help. The tenant would need to be removed from the lease agreement to have any legal standing. This means that the current lease would need to be broken, and a new lease written, which assumes a new qualifying status for the remaining tenants.

Another note:. The tenant household already has the option to get a restraining order or remove a household member if they are experiencing criminal activity. If they are having difficulty making such a decision for their own safety, they can contact social services or your office for advise.

Thanks,
Cheryl

On Mar 17, 2018 2:15 PM, "Cheryl" <[REDACTED]> wrote:

Dear Rachel,

After reviewing the recommended criminal activity reason for the TPO, these are my thoughts:

The recommendation is unfair to tenants, and perhaps unconstitutional, given that people are presumed innocent until proven guilty. The written notice to cure requires a curable violation. How does one cure an indictment? The various options in the "opportunity to cure" can be confusing, and can put undue pressure on tenants to remove an occupant from the unit.

My preference would be two things:

1. Add this criminal reason:

The tenant is convicted of using or expressly permitting the rental unit, or the common areas of the premises, to be used for any illegal purpose.

2. Update the nuisance clause to include:

Or within 100-foot (one hundred) radius extending from the boundary line of the rental complex. Or perhaps 50 feet, but far enough to include the sidewalk, street, and sidewalk across the street.

Thanks,
Cheryl

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Sunday, March 18, 2018 4:28 PM
To: Nguyen, Viviane; RSP
Subject: FW: My feedback on the proposed criminal reason for JCE

Tenant Protection Ordinance public comment

Rachel VanderVeen

Program Manager
408.535.8231

From: Cheryl [REDACTED]
Sent: Sunday, March 18, 2018 7:21 AM
To: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>
Subject: Re: My feedback on the proposed criminal reason for JCE

Hi Rachel,

Of the ~12 notices of termination that were filed under the nuisance reason, and cited criminal activity, how many of those were 3 days notices? And how many of them were unlawful detainers? How many of the unlawful detainers resulted in an eviction? What were the categories of criminal behavior that were cited?

For the alternative #2, why isn't conviction for using the unit or premises for illegal purposes, such as the sale or manufacture of illegal drugs included? All of the referenced cities have something to address this?

I don't see anything in the referenced Penal Code that addresses the sale of illegal drugs to adults or using the premises for the manufacture of illegal drugs. It does include the sale of illegal drugs to minors.

On recommendation a), what are the "similar steps being taken"?

Given written notice to the landlord that a tenant has been removed is not sufficient to cure the violation. What does it mean to "remove the tenant"? Is this saying that the tenant who is being held to answer is not living there any more, or is not allowed into the unit, or is not allowed on the premises?

If we are looking at remedies for a serious felony, then a specific legal action, such as removal from the lease, and possibly a restraining order would need to be in place.

You cited an example, which is a grandmother and grandson. Grandson is committing crime and you don't want grandma to be evicted because of it.

But, there are many scenarios.

What if tenant in unit #1 is held to answer for a lewd act on a child under 14 who is a tenant in unit #24?

Tenant in #24 gets a restraining order against #1.

Tenant in #1 is out on bail and living in unit #1 and stays away from unit #24.

Landlord serves notice to tenant household in unit #1 because tenant is being held to answer for a serious felony committed on the premises. According to the new criminal TPO reason, someone from the household

in unit #1 must file a restraining order or remove the tenant in question.

The intent of the recommendation is good, but I think it is open to legal complications and unintended infringement on tenant's rights.

It does not take much for an arrested person to be held over for trial. Then, the person could be out on bail and pending trial for 6 months, and they have been removed from the unit.

I don't see anything in the Penal Code sections or the conviction alternative that addresses conviction for illegal use of the premises, such as sales of illegal drugs to adults, using the unit to manufacture drugs or prostitution. In my opinion, those are the typical concerns.

Given the recommendation and the two alternatives, I would go with:

Alternative #2 - Use "Conviction" of a violent felony as the basis for eviction.

Thanks for reading my ramblings,
Cheryl

On Sat, Mar 17, 2018 at 2:57 PM, Cheryl [REDACTED] > wrote:

Hi Rachel,

Here are some additional thoughts:

Restraining orders:

Crime Protection Order is for those family members or close relations who have witnessed the crime or are the victims of them crime. But, family members may not have seen the crime or been victims of it.

Restraining orders can be "no contact" or "peaceful contact". This is a confusing topic.

For non-family members, a Civil Harassment order can be filed. This could be from neighboring units who witnessed the crime or other victims of the crime. As it's not someone from the tenant household getting the restraining order, has the "opportunity to cure" be resolved? This could be abused by neighboring units.

Providing written notice to the landlord that a tenant has been removed, does not help. The tenant would need to be removed from the lease agreement to have any legal standing. This means that the current lease would need to be broken, and a new lease written, which assumes a new qualifying status for the remaining tenants.

Another note:. The tenant household already has the option to get a restraining order or remove a household member if they are experiencing criminal activity. If they are having difficulty making such a decision for their own safety, they can contact social services or your office for advise.

Thanks,
Cheryl

On Mar 17, 2018 2:15 PM, "Cheryl" <[REDACTED]> wrote:

Dear Rachel,

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The recommendation is unfair to tenants, and perhaps unconstitutional, given that people are presumed innocent until proven guilty. The written notice to cure requires a curable violation. How does one cure an indictment? The various options in the "opportunity to cure" can be confusing, and can put undue pressure on tenants to remove an occupant from the unit.

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1. Add this criminal reason:

The tenant is convicted of using or expressly permitting the rental unit, or the common areas of the premises, to be used for any illegal purpose.

2. Update the nuisance clause to include:

Or within 100-foot (one hundred) radius extending from the boundary line of the rental complex. Or perhaps 50 feet, but far enough to include the sidewalk, street, and sidewalk across the street.

Thanks,
Cheryl

Nguyen, Viviane

From: VanderVeen, Rachel
Sent: Thursday, March 15, 2018 10:26 PM
To: Nguyen, Viviane
Subject: FW: Tenant Protection Ordinance - Criminal Activity

Follow Up Flag: Follow up
Flag Status: Flagged

TPO public comments.

Rachel VanderVeen

Program Manager
408.535.8231

From: Anil Babbar [REDACTED]
Sent: Thursday, March 15, 2018 10:12 PM
To: VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>
Subject: RE: Tenant Protection Ordinance - Criminal Activity

Rachel

I have concerns with that requirement for eviction is based on the conviction of the tenant.

You can be charged with a crime (including violent ones) but not convicted. Without the conviction, the tenant who committed the crime is free to return to the apartment which puts the other tenants at risk.

Rather than base the eviction on a conviction, an arrest record should be the basis for the eviction. Convictions can take months if not year to process.

Our recommendation would be to base the eviction on a police report or some form of proof that the crime was committed (witnesses/video or pictures).

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

[REDACTED]

Nguyen, Viviane

From: Nguyen, Viviane
Sent: Wednesday, April 4, 2018 9:44 AM
To: Nguyen, Viviane
Subject: FW: Recommendations on Rent Control To Be Voted On April 24
Attachments: SVRRC Protect Final 4-24-18.docx; ATT00001.htm

From: [REDACTED]
Date: April 3, 2018 at 4:02:54 PM PDT
To: mayoremail@sanjoseca.gov, District1@sanjoseca.gov, District2@sanjoseca.gov, district3@sanjoseca.gov, District4@sanjoseca.gov, District5@sanjoseca.gov, District6@sanjoseca.gov, district7@sanjoseca.gov, district8@sanjoseca.gov, district9@sanjoseca.gov, District10@sanjoseca.gov
Cc: <city.clerk@sanjoseca.gov>, <rachel.vanderveen@sanjoseca.gov>, <jacky.morales-ferrand@sanjoseca.gov>
Subject: Recommendations on Rent Control To Be Voted On April 24

Dear Mayor and Councilmembers,

Attached please note the recommendations of the Silicon Valley Renters Rights Coalition on the various rent control-related items coming to City Council on April 24. We have already been in contact with many of your offices about these questions. Please contact us if you have any further questions. Thank you!

Sandy Perry
Silicon Valley Renters Rights Coalition



SILICON VALLEY RENTERS RIGHTS COALITION PROTECT OUR PEOPLE PLAN APRIL 2018

RECOMMENDATIONS

- A) **Stop Unfair Utility Charges.** Continue the RUBS exclusion (Section 17.23.315): No charges may be passed through to tenants through RUBS or any similar unmetered allocations. Existing rental agreements for pass throughs of RUBS payments are void.

- B) **Protect Immigrant Tenants.** The Tenant Protection Ordinance will reference Civil Code Section 1940.35(a) (AB 291). Landlords will be required to post a notice in English, Spanish, and Vietnamese in all TPO properties, informing tenants that it is illegal for landlords to threaten to call immigration authorities because of their immigration status or share information regarding their immigration status. The City will assist enforcement of AB 291 by taking landlords who violate it to court.

- C) **Stop Unfair Evictions.** A new criminal activity clause is unnecessary because the existing TPO already allows landlords to evict tenants for criminal activity. The nuisance provision of the TPO specifically permits eviction for “violations of state and federal law that destroy the peace, quiet, comfort or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit.”

- D) **Stop Displacement.** The Ellis Act Ordinance will include one of the two following provisions in cases of demolition, depending on which can be shown to provide the lowest rents for the largest number of tenants: 1) All new replacement units will be re-controlled, or 2) In addition to the affordable units required by the inclusionary ordinance, a substantial additional number of deed restricted units affordable to the displaced tenants will be required. The Ellis Act Ordinance should be extended to triplexes, and should require apartments with three or more units built after 1979 to provide 120 day notice and offer relocation consulting services to tenants.

- E) **Stop Discrimination.** The proposed ordinance disallowing source of income discrimination will ban discrimination at every stage of the rental process and include appropriate enforcement measures to assure compliance.



State of California

PENAL CODE

Section 1192.7

1192.7. (a) (1) It is the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under a “one strike,” “three strikes” or habitual sex offender statute instead of engaging in plea bargaining over those offenses.

(2) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people’s case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(3) If the indictment or information charges the defendant with a violent sex crime, as listed in subdivision (c) of Section 667.61, that could be prosecuted under Sections 269, 288.7, subdivisions (b) through (i) of Section 667, Section 667.61, or 667.71, plea bargaining is prohibited unless there is insufficient evidence to prove the people’s case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought.

(b) As used in this section “plea bargaining” means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, “serious felony” means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a

peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and (42) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

(Amended by Stats. 2010, Ch. 178, Sec. 73. (SB 1115) Effective January 1, 2011. Operative January 1, 2012, by Sec. 107 of Ch. 178. Note: This section was added on June 8, 1982, by initiative Prop. 8, and amended on March 7, 2000, by initiative Prop. 21.)

State of California

PENAL CODE

Section 1192.8

1192.8. (a) For purposes of subdivision (c) of Section 1192.7, “serious felony” also means any violation of Section 191.5, paragraph (1) of subdivision (c) of Section 192, subdivision (a), (b), or (c) of Section 192.5 of this code, or Section 2800.3, subdivision (b) of Section 23104, or Section 23153 of the Vehicle Code, when any of these offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon, within the meaning of paragraph (8) or (23) of subdivision (c) of Section 1192.7.

(b) It is the intent of the Legislature, in enacting subdivision (a), to codify the court decisions of *People v. Gonzales*, 29 Cal. App. 4th 1684, and *People v. Bow*, 13 Cal. App. 4th 1551, and to clarify that the crimes specified in subdivision (a) have always been, and continue to be, serious felonies within the meaning of subdivision (c) of Section 1192.7.

(Amended by Stats. 2007, Ch. 747, Sec. 9. Effective January 1, 2008.)



State of California

PENAL CODE

Section 667.5

667.5. Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail under subdivision (h) of Section 1170 is imposed or is not suspended, in addition and consecutive to any other sentence therefor, the court shall impose a one-year term for each prior separate prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended for any felony; provided that no additional term shall be imposed under this subdivision for any prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended prior to a period of five years in which the defendant remained free of both the commission of an offense which results in a felony conviction, and prison custody or the imposition of a term of jail custody imposed under subdivision (h) of Section 1170 or any felony sentence that is not suspended. A term imposed under the provisions of paragraph (5) of subdivision (h) of Section 1170, wherein a portion of the term is suspended by the court to allow mandatory supervision, shall qualify as a prior county jail term for the purposes of the one-year enhancement.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in

Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.

- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.
 - (d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody, including any period of mandatory supervision, or until release on parole or postrelease community supervision, whichever first occurs, including any time during which the defendant remains subject to reimprisonment or custody in county jail for escape from custody or is reimprisoned on revocation of parole or postrelease community supervision. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.
 - (e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison or in county jail under subdivision (h) of Section 1170.
 - (f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison or in county jail under subdivision (h) of Section 1170 if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for

an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health, or its successor the State Department of State Hospitals, as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Secretary of the Department of Corrections and Rehabilitation is incarcerated at a facility operated by the Division of Juvenile Justice, that incarceration shall be deemed to be a term served in state prison.

(k) (1) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

(2) This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

(Amended by Stats. 2014, Ch. 442, Sec. 10. (SB 1465) Effective September 18, 2014. Note: This section was amended on March 7, 2000, by initiative Prop. 21, and on Nov. 7, 2006, by initiative Prop. 83.)

Anatomy of a Criminal Case

A criminal case begins when a crime is committed and reported. Police respond by investigating the crime, which may include interviewing victims, witnesses, and suspects; collecting physical evidence; viewing crime scenes and photographing; and identifying suspects through line-ups.

Police Make an Arrest/Request a Warrant:

When a crime is committed in a police officer's presence an officer may arrest a suspect on the spot without an arrest warrant. The officer may also arrest without a warrant if he/she has probable cause to believe that certain misdemeanors or any felony was committed even though not in the officer's presence. In other situations an arrest warrant is required. Even when an officer has the right to arrest a suspect without a warrant, the officer may decide to wait and obtain a warrant. The officer will later submit a request to the District Attorney's Office requesting a formal complaint and warrant and suggesting potential charges to be authorized.

Warrant/Charging Request Reviewed by Prosecutor:

Most cases begin with a complaint and warrant request. This is generally the first time that a prosecutor is involved in a case. At this stage, the prosecutor determines whether a person should be charged with a crime and, if so, what the crime should be. The prosecutor thoroughly reviews all reports and records concerning the case, including witness statements. The prosecutor also reviews the suspect's prior criminal or traffic record. Occasionally, the reviewing prosecutor sends the case back to the police to conduct additional investigation.

Warrant Issued:

The prosecutor can authorize filing a charge(s) if he/she reasonably believes probable cause exists that the suspect committed the offense, and he/she reasonably believes the charge can be proven beyond a reasonable doubt at trial with the information known at that time.

Suspect Arrested (If Not Already in Custody):

The delay between the crime date and the defendant's arrest on an authorized charge can take any length of time (e.g. if the defendant's whereabouts are unknown, or if he/she has left the State of California).

Arraignment:

This is the first court appearance for any misdemeanor or felony. Once arrested and charged with a felony, the suspect appears in court for arraignment. At arraignment, the defendant is told what crime he/she is charged with, and is advised of his/her constitutional rights to a jury or court trial, appointed attorney, presumption of innocence, etc. The charging document is called a complaint. The conditions and amount of bail are determined. In some cases, generally based on the nature of the charge, the judge imposes conditions on bail, such as "no contact" with the victim. Bail is set in almost every case, but it is up to the defendant's own resources to post

the bail money, which allows him/her to be released. All further pre-trial procedures are determined by whether the defendant is charged with a felony or misdemeanor:

Misdemeanor:

At a misdemeanor arraignment, the defendant will be given a chance to enter a plea to the charge: plead guilty, plead not guilty, or stand mute (i.e. remain silent, which is treated by the court at the defendant pleaded not guilty). If he/she pleads guilty or no contest, the Judge may sentence him/her on the spot or may reschedule the case for a sentencing date, which will give the probation department time to prepare a pre-sentence report including background information about the defendant and the crime, make a sentencing recommendation, etc. If the defendant stands mute or pleads not guilty, the case will be scheduled for a pretrial conference.

Pretrial Proceedings:

Many events can occur prior to trial. There are case discussions involving the Judge, prosecutor and defense attorney. The focus is on possibly resolving the case short of trial. Depending on the nature of the case, there may be pretrial hearings on Constitutional issues (confessions, searches, identification, etc.). The issues are presented to the court through written "motions" (e.g. Motion to Suppress Evidence). The judge must determine whether evidence will be admitted or suppressed at the defendant's trial, whether there is some legal reason why the defendant should not be tried, or decide other ground rules for trial.

Felony:

At a felony arraignment, the defendant enters a plea to the charge (guilty, not guilty, stand mute). He/she is advised of his/her right to a preliminary examination within 10 court days of the arraignment. If the defendant requests a court-appointed attorney, the court will review that request at the time of the arraignment.

Preliminary Hearing:

This is a contested hearing before a judge, sometimes called a "probable cause hearing". The prosecutor presents witnesses to convince the Judge that there is probable cause to believe that a crime was committed and that the defendant committed the crime. Because the burden of proof is much less than at a trial, the prosecutor generally does not call all potential witnesses to testify at the "prelim"; generally, the victim and some eye witnesses plus some of the police witnesses may testify. The defendant has an attorney, can cross examine the witnesses, and can present his/her own evidence (including witnesses). If probable cause is established, the defendant is "bound over" for trial. If the Judge decides that there is not probable cause that the defendant committed the crime, the charge can be dismissed or reduced to a misdemeanor for trial in court. A defendant can decide not to have a Preliminary Examination.

Arraignment:

After the case is "bound over" for a felony trial, the defendant is again arraigned (given formal notice of the charges against him/her). The charging document is called an Information. He/she is again advised of his/her constitutional rights, and enters a plea to the charge (guilty, not guilty or stand mute).

Pretrial Proceedings:

As with misdemeanors, the judge is called upon to resolve various pretrial issues, some of which determine whether the case will continue to a trial, be resolved with a plea, or be dismissed.

Trial (Judge or Jury):

A trial is an adversary proceeding in which the prosecutor must present evidence to prove the defendant's guilt beyond a reasonable doubt. The prosecutor calls all the witnesses necessary to prove the crime. The defendant is not required to prove his/her innocence or to present any evidence, but may challenge the accuracy of the prosecutor's evidence. Both the defendant and the prosecutor (representing the People of the State of California) have the right to a trial by a jury. Sometimes both sides agree to let a judge listen to the evidence and decide the case without a jury; this is called a "court trial". In a jury trial, the jury is the "trier of fact"; in a court trial, it is the judge. After the evidence is presented, the judge or a jury will determine whether the evidence proved that the defendant committed the crime. If the defendant is found not guilty, the case ends. If the defendant is found guilty, a sentencing date will be set.

Pre-Sentence Investigation and Report:

The probation department prepares a report for the judge summarizing the crime, and the defendant's personal and criminal backgrounds. Generally, the victim is contacted for a recommendation of sentence. The probation officer concludes the report with a recommended sentence.

Sentencing:

Sentencing in California varies with the crime and can be the most confusing part of the criminal process. Most often, sentences are at the judge's discretion. At the time of sentencing, the judge will consider the information in the pre-sentence report before determining the sentence. The parties may correct factual errors in the pre-sentence report and offer additional evidence relevant to the judge's sentencing decision. The judge will consult the "sentencing guidelines" in the California Rules of Court, which aids the court in deciding upon an appropriate sentence. The judge may consider different alternatives, such as a fine, probation, community service, a sentence to jail or prison, or a combination. The judge must also order the defendant to make restitution to any victims who have suffered financial harm.

Attachments

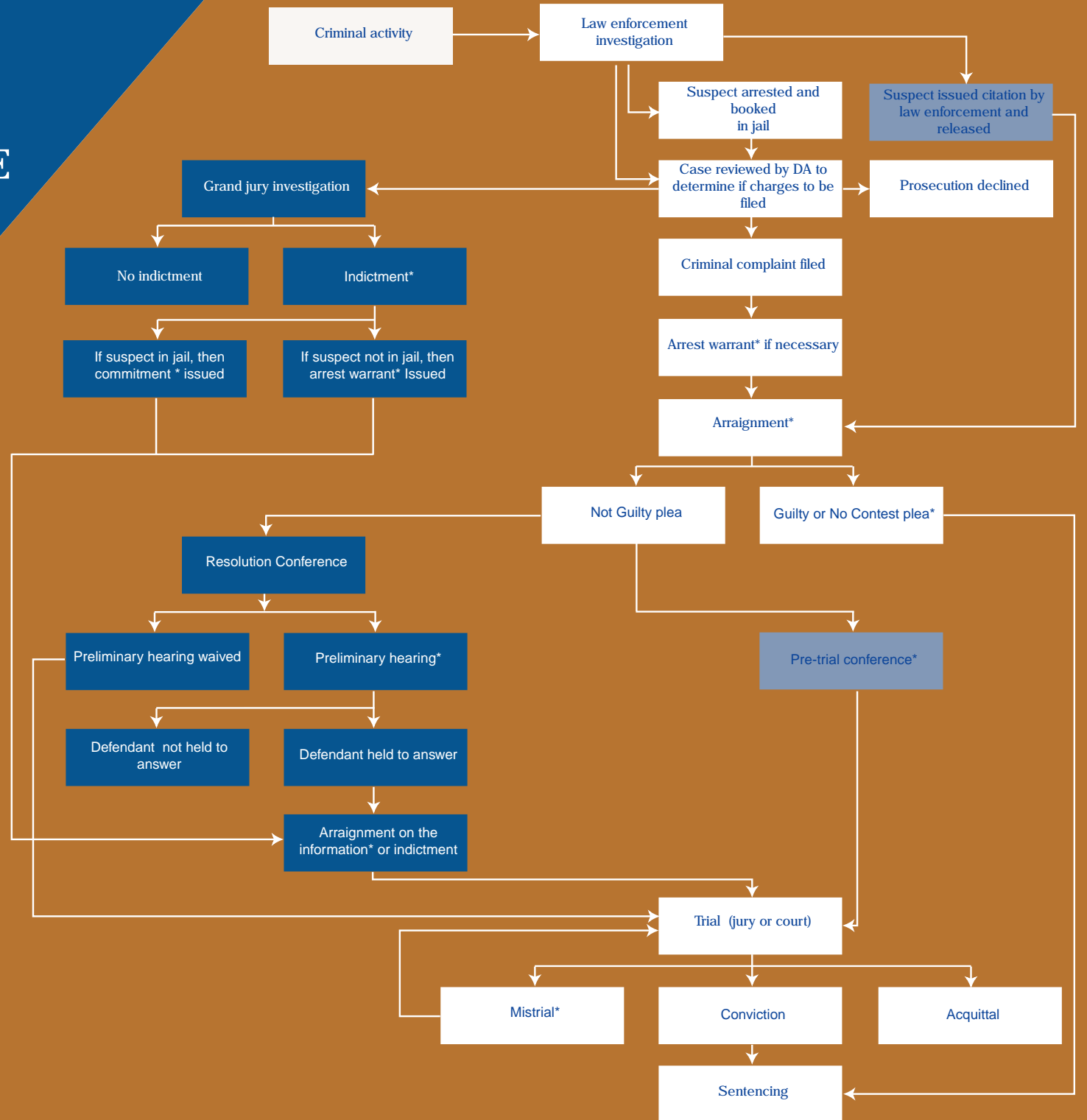
ADULT CRIMINAL PROCEDURE

* See definition on front of pamphlet

White boxes
Apply to all crimes

Blue boxes
Apply to felonies only

Light blue boxes
Apply to misdemeanors only



DEFINITIONS

Arraignment: The preliminary step taken by the court in a criminal prosecution, when a criminal defendant is brought before the court to hear the charges, be advised of his rights, and enter a plea.

Arrest Warrant: Criminal court order directing a law-enforcement officer to arrest and bring a criminal defendant to court.

Commitment: Criminal court order directing an officer to bring an incarcerated criminal defendant to court.

Mistrial: A trial that the judge brings to an end without a determination on the merits because of a procedural error or serious misconduct during the proceedings. In a criminal trial, when the jury cannot agree on a verdict unanimously, the judge usually rules that there is a mistrial.

Indictment: Formal written statement of a crime and presentation of the charges made by a grand jury, indicating that the case should be tried, also called a "true bill."

Information: Formal written criminal charge made by the prosecution without a grand-jury indictment, pursuant to a holding order by a criminal court. See preliminary hearing.

Plea: Response of a criminal defendant to the charges. Possible pleas include "Not Guilty," "Guilty," "No Contest," "Jeopardy," or "Not guilty by reason of insanity." A defendant may enter a "No Contest" plea without admitting guilt if he does not wish to contest the charges. For criminal court purposes, a "No Contest" plea has the same effect as a "Guilty" plea.

Preliminary Hearing: Criminal court hearing to determine whether there is sufficient evidence to prosecute a felony. The prosecution presents evidence to show that there is probable cause that a public offense occurred and that the defendant probably committed the offense. At the conclusion of the preliminary hearing, the defendant may be "held to answer," i.e., required to answer the charges.

Pretrial Conference: Meeting in criminal court before trial at which opposing attorneys confer, usually with the judge, to work toward the disposition of the case.

Portions of these definitions were adapted in part from Black's Law Dictionary (7th ed. 1999).

Santa Clara County District Attorney's Office

Main Office, San Jose
(408) 299-7400

Palo Alto
(650) 324-6400

San Martin
(408) 686-3600

Sunnyvale
(408) 737-7422

Victim Witness Assistance
(408) 295-2656

Victim Notification System
1-800-464-3568

Office of Pretrial Services (SORP)
(408) 299-4091

Adult Probation
(408) 435-2000

Jail Booking
(408) 299-2306

County of Santa Clara
Office of the District Attorney

70 West Hedding Street, West Wing, San Jose, CA 95110
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COUNTY OF SANTA CLARA
THE OFFICE OF THE DISTRICT ATTORNEY

A D U L T C R I M I N A L P R O C E D U R E



www.santaclara-da.org

**Community and Stakeholder Meetings for
Tenant Protection Ordinance Immigration and Criminal Activity**

Policy Development Community Meetings

Meeting	Date & Time	Location
Policy Development Community Meeting	February 12, 2018 6:30 – 8:30 pm	Seven Trees Community Center
Housing & Community Development Commission	February 8, 2018 5:45 pm	San José City Hall - Wing Rooms
Policy Development Community Meeting	February 7, 2018 9:00 – 11:00 am	San José City Hall - Wing Rooms
Community Meeting	July 18, 2017 6:30 – 8:30 pm	Seven Trees Community Center
Community Meeting	July 12, 2017 9:00 – 11:00 am	San José City Hall - Wing Rooms
Community Meeting	July 11, 2017 6:30 – 8:30 pm	Cypress Community Center
Community Meeting	June 26, 2017 6:30 – 8:30 pm	San José City Hall - Wing Rooms

Stakeholder Meetings

Stakeholder Meeting	Date & Time	Location
Stakeholder – Community	March 23, 2018	Valley Palms Unidos Neighborhood Meeting
Stakeholder – Community	March 15, 2018	Los Madres (Washington Elementary School)
Stakeholder – Community	March 13, 2018	Guadalupe Washington Neighborhood Association Meeting
Stakeholder - Landlords	March 9, 2018	Landlord
Stakeholder - Landlords	March 8, 2018	Bay Area Homeowners Network (BAHN)
Stakeholder – Tenants	February 28, 2018	Law Foundation & Bay Area Legal Aid
Stakeholder – Government	February 26, 2018	Santa Clara County District Attorney's Office
Stakeholder - Tenants	February 20, 2018	Renters' Coalition
Stakeholder - Landlords	February 15, 2018	California Apartment Association
Stakeholder - Landlords	February 12, 2018	California Apartment Association
Stakeholder - Government	February 12, 2018	Environmental Services Department
Stakeholder - Tenants	February 6, 2018	Renters' Coalition
Stakeholder - Landlords	January 29, 2018	California Apartment Association
Stakeholder - Landlords	January 16, 2018	California Apartment Association
Stakeholder - Tenants	January 10, 2018	Renters' Coalition
Stakeholder - Landlords	December 15, 2017	California Apartment Association
Stakeholder - Tenants	December 13, 2017	Renters' Coalition